PLANNING COMMISSION REGULAR MEETING AGENDA

Wednesday, September 28, 2022, 7:00 P.M.

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

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

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

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

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

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

***Remote Public Comment**:*

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

- *Comments via:*
  - **Online by visiting** https://cityoftracyevents.webex.com and using the following
  - **Event Number:** 2557 421 6475 and **Event Password**: Planning
  - ***If you would like to participate in the public comment anonymously***, you may submit your comment in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting Anonymous@example.com when prompted to provide an email address.
  - Join by phone by dialing +1-408-418-9388,,25574216475#75266464# Press *3 to raise the hand icon to speak on an item.

- *Protocols for commenting via WebEx:*
  - *If you wish to comment on the "New Business" or "Items from the Audience" portions of the agenda:*
    - *Listen for the Chair to open that portion of the agenda for discussion, then raise your hand to speak by clicking on the Hand icon on the Participants panel to the right of your screen.*
    - *If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.*
  - *Comments for the "New Business" or "Items from the Audience" portions of the agenda will be accepted until the public comment for that item is closed.*

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

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

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

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

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

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

MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES

DIRECTOR'S REPORT REGARDING THIS AGENDA

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

1. NEW BUSINESS

   A. STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION 1) GRANTING A CONDITIONAL USE PERMIT (CUP22-0012) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 2706 PAVILION PARKWAY SUITE 110, APN 212-290-47, 2) EXTENDING THE TIME PERIOD TO ESTABLISH THE DISPENSARY SITE UNDER THE CONDITIONAL USE PERMIT FROM SIX MONTHS TO TWELVE MONTHS AND 3) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT THE APPLICANT IS RESPONSIBLE AND COMPLIANT RETAIL TRACY, LLC AND THE PROPERTY OWNER IS HTT INVESTMENT, LLC.

   B. STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION 1) APPROVING A CONDITIONAL USE PERMIT (CUP22-0011) FOR A MEAT PROCESSING FACILITY INCLUDING WHOLESALE AND LIMITED RETAIL SALES OF PACKAGED MEATS AT 4220 COMMERCIAL DRIVE, SUITE 16 (APN 212-210-05) AND 2) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE APPLICANT IS HANFORD QUALITY MEATS, LLC AND THE PROPERTY OWNER IS KT INVESTMENTS, LLC.

C. STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT:

(1) A RESOLUTION (A) APPROVING A CEQA NEGATIVE DECLARATION FOR THE EXPANSION OF THE VALPICO GLENBRIAR APARTMENT PARKING LOT A TO INCLUDE A PORTION OF THE REAR YARD AT 2625 S. MACARTHUR DRIVE (PARKING SITE) AND (B) DETERMINE THE ADDITION OF A PERIMETTER FENCE/GATE TO THE VALPICO GLENBRIAR APARTMENTS PROJECT LOCATED AT 351 E. VALPICO ROAD (APARTMENTS SITE) IS EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTION 15303(E);

(2) AN ORDINANCE APPROVING A GENERAL PLAN AMENDMENT REDESIGNATING THE PARKING SITE FROM COMMERCIAL TO RESIDENTIAL HIGH (GPA22-0003);

(3) AN ORDINANCE AMENDING THE ZONE DISTRICT OF THE PARKING SITE FROM COMMUNITY SHOPPING CENTER TO HIGH DENSITY RESIDENTIAL (R22-0002);

(4) A RESOLUTION APPROVING A DEVELOPMENT REVIEW PERMIT FOR THE ADDITION OF A PERMITER FENCE AND GATES TO THE APARTMENTS SITE (D22-0005); AND

(5) A RESOLUTION APPROVING A DEVELOPMENT REVIEW PERMIT EXPANDING THE VALPICO GLENBRIAR APARTMENT PARKING LOT TO INCLUDE A PORTION OF THE REAR YARD AT 2625 S. MACARTHUR DRIVE (D22-0013)

2. ITEMS FROM THE AUDIENCE

3. DIRECTOR'S REPORT

4. ITEMS FROM THE COMMISSION

5. ADJOURNMENT

Posted: September 22, 2022

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

MINUTES
TRACY CITY PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 14, 2022, 7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA

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

CALL TO ORDER

Chair Hudson called the meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

Chair Hudson led the pledge of allegiance.

ROLL CALL

Roll Call found Commissioner Atwal, Commissioner Augustus, Commissioner Boakye-Boateng, Vice Chair Orcutt and Chair Hudson present. Also present were: Bill Dean, Assistant Director of Development Services; Kimberly Matlock, Associate Planner; Genevieve Federighi, Associate Planner; Bijal Patel, City Attorney; Miguel Contreras, Police Lieutenant; and Kellie Jones, Planning Technician.

MINUTES

None.

DIRECTOR'S REPORT REGARDING THIS AGENDA

None.

ITEMS FROM THE AUDIENCE

Randy Sasser, Tracy resident, addressed the Commission regarding a storm drainage structure. Chair Hudson requested staff to look into issue.
Alice English, Tracy resident, addressed the Commission regarding Coral Hollow/Valpico traffic issues. Also mentioned upcoming Celebration of Culture event.

1. CONTINUED BUSINESS

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

QUALITY ACT PURSUANT GUIDELINES SECTION 15301. THE APPLICANT IS MOM TR, INC. AND THE PROPERTY OWNER IS PETER MAGLARAS.

Kimberly Matlock, Associate Planner, presented the staff report and addressed questions from the Commission.

Megan Souza, Applicant, addressed the Commission and presented a PowerPoint presentation.
Nick Andre, partner of Applicant, addressed the Commission and answered questions from the Commission.

Chair Hudson opened the Public Hearing at 7:37 p.m.

Debra Skinner addressed the Commission.
No Name addressed the Commission.
Robert Tanner addressed the Commission.
No Name addressed the Commission.
No Name addressed the Commission.
Karen Moore addressed the Commission.
Carlos addressed the Commission.
Cherise Bradley addressed the Commission.
Megan Rowe addressed the Commission.
Lindsey Rowe addressed the Commission.
Tony addressed the Commission.
Cheryl Hays addressed the Commission.
Linda Ramirez addressed the Commission.
Elizabeth Valerio addressed the Commission.
Alice English addressed the Commission.
Dale Cose addressed the Commission.
Cecelie Hymes addressed the Commission.
Arveth addressed the Commission.
Dan Evans addressed the Commission.
Susan addressed the Commission.
Dottie Nygard addressed the Commission.

Chair Hudson closed the Public Hearing at 8:20 p.m.

The Commission asked staff for clarifications and discussed the item amongst themselves.

ACTION: It was moved by Vice Chair Orcutt and seconded by Commissioner Boakye-Boateng the Planning Commission 1) Adopt a resolution approving conditional use permit CUP22-0001 for a cannabis storefront retailer (dispensary) at 104 W. Tenth Street, APN 235-054-06, 2) allow one (1) year for the conditional use permit to be established, as described in the Conditions of Approval, and 3) determine that this project is categorically exempt from the California Environmental Quality Act pursuant to Guidelines Section 15301.

A roll call vote found Commissioner Boakye-Boateng in favor; Commissioner Atwal, Commissioner Augustus, Chair Hudson, and Vice Chair Orcutt opposed. Motion failed; 1-4-0-0

2. NEW BUSINESS

A. STAFF RECOMMENDS THAT THE PLANNING COMMISSION (1) ADOPT A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP22-0006) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) LOCATED AT 85 E. TENTH STREET (ASSESSOR'S PARCEL NUMBER 235-171-10), (2) ALLOW THE CONDITIONAL USE PERMIT ONE YEAR TO BE ESTABLISHED, AS DESCRIBED IN CONDITION OF APPROVAL A.9, AND (3) DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO GUIDELINES SECTION 15301 PERTAINING TO EXISTING FACILITIES. THE APPLICANT IS C.H.C.C. INC. AND THE PROPERTY OWNER IS J.T. STORAGE.

Genevieve Federighi, Associate Planner, presented the staff report and addressed questions from the Commission.

Kimberly Cargile, Applicant, addressed the Commission and presented a PowerPoint presentation answered questions from the Commission.

Chair Hudson opened the Public Hearing at 9:06 p.m..

Karen Moore addressed the Commission.
Robert Tanner addressed the Commission.
Alice English addressed the Commission.
Haley Andrew addressed the Commission.
Dan Evans addressed the Commission.
Greg Cose addressed the Commission.
Michelle True addressed the Commission.
Cecelie Hymes addressed the Commission.

Chair Hudson closed the Public Hearing at 9:19 p.m.

The Commission asked staff for clarifications and discussed the item amongst themselves.

ACTION: It was moved by Commissioner Boakye-Boateng and seconded by Commissioner Augustus the Planning Commission 1) Adopt a resolution approving a Conditional Use Permit (CUP22-0006) for a cannabis storefront retailer (dispensary) located at 85 E. Tenth Street (Assessor's Parcel Number 235-171-10), 2) Allow the Conditional Use Permit one year to be established, as described in Condition of Approval A.9, and 3) Determine that this project is categorically exempt from the

California Environmental Quality Act pursuant to Guideline Section 15301 pertaining to existing facilities

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

B. STAFF RECOMMENDS THAT THE PLANNING COMMISSION 1) ADOPT A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP22-0003) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) LOCATED AT 951 N. CENTRAL AVENUE (ASSESSOR'S PARCEL NUMBER 235-056-07), 2) ALLOW THE CONDITIONAL USE PERMIT ONE YEAR TO BE ESTABLISHED, AS DESCRIBED IN CONDITION OF APPROVAL A.9, AND 3) DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO GUIDELINE SECTION 15301 PERTAINING TO EXISTING FACILITIES. THE APPLICANT IS JIVA TCY LLC AND THE PROPERTY OWNER IS STOCKTON GATEWAY, LLC

Genevieve Federighi, Associate Planner, presented the staff report and addressed questions from the Commission.

Raj Pottabathni, Applicant, addressed the Commission and presented a PowerPoint presentation answered questions from the Commission.

Kevin Dougherty, Property Owner, addressed the Commission.

Chair Hudson opened the Public Hearing at 9:58 p.m.

Karen Moore addressed the Commission.
Aziz addressed the Commission.
Dan Evans addressed the Commission.
Cecelie Hymes addressed the Commission.
Alice English addressed the Commission.

Chair Hudson closed the Public Hearing at 10:05 p.m.

ACTION: It was moved by Commissioner Augustus and seconded by Vice Chair Orcutt the Planning Commission 1) Adopt a resolution approving a Conditional Use Permit (CUP22-0003) for a cannabis storefront retailer (dispensary) located at 951 N. Central Avenue (Assessor's Parcel Number 235-056-07), 2) Allow the Conditional Use Permit one year to be established, as described in Condition of Approval A.9, and 3) Determine that this project is categorically exempt from the California Environmental Quality Act pursuant to Guideline Section 15301 pertaining to existing facilities

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

3. ITEMS FROM THE AUDIENCE

None.

4. DIRECTOR'S REPORT

None.

5. ITEMS FROM THE COMMISSION

Chair Hudson questioned staff regarding what actions can be taken regarding density & sensitive use downtown. Staff responded with options.

It was moved by Chair Hudson and seconded by Commissioner Augustus to ask city staff for an ordinance to evaluate downtown area regarding cannabis density and sensitive use.

A roll call vote found all in favor. Passed and so ordered; 5-0-0-0.

6. ADJOURNMENT

ACTION: It was moved by Vice Chair Orcutt and seconded by Commissioner Augustus to adjourn.

A voice vote found all in favor. Passed and so ordered; 5-0-0-0.

Time: 10:25 p.m.

_____
CHAIR

_____
STAFF LIAISON

September 28, 2022

Agenda Item 1.A

RECOMMENDATION

STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION 1) GRANTING A CONDITIONAL USE PERMIT (CUP22-0012) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 2706 PAVILION PARKWAY SUITE 110, APN 212-290-47, 2) EXTENDING THE TIME PERIOD TO ESTABLISH THE DISPENSARY SITE UNDER THE CONDITIONAL USE PERMIT FROM SIX MONTHS TO TWELVE MONTHS AND 3) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT THE APPLICANT IS RESPONSIBLE AND COMPLIANT RETAIL TRACY, LLC AND THE PROPERTY OWNER IS HTT INVESTMENT, LLC.

EXECUTIVE SUMMARY

Through this item staff recommends that the Planning Commission grant a conditional use permit to Responsible and Compliant Retail Tracy, LLC doing business as Embarc Tracy to operate a cannabis dispensary in the existing building at 2706 Pavilion Parkway Suite 110.

BACKGROUND AND LEGISLATIVE HISTORY

California state law allows local governments to regulate commercial cannabis activities in their respective jurisdictions. On December 3, 2019, the City Council adopted Ordinance 1277 (codified as Tracy Municipal Code (TMC) Chapter 6.36) establishing permitting regulations for commercial cannabis activity in the City of Tracy (City), which regulations require applicants to obtain a Cannabis Business Permit. In addition, the City Council adopted Ordinance 1278 (codified as TMC Section 10.08.3196) establishing zoning and locational requirements for commercial cannabis activity in Tracy and requiring applicants to obtain a Cannabis Conditional Use Permit (CUP).

Applicants must obtain both a Cannabis Business Permit under Chapter 6.36 and a Cannabis CUP under Chapter 10.08.3196, in order to establish a retail site (dispensary) in the City. The consideration and approval of Cannabis Business Permits are outside of the purview of the Planning Commission, while Cannabis CUPs can solely be granted by the Planning Commission. Planning Commission decisions on Cannabis CUPs are appealable to the City Council.

On September 30, 2020, Embarc Tracy submitted an application for a Cannabis Business Permit, pursuant to Chapter 6.36 of the TMC. The application was comprehensively reviewed by an internal cannabis business permit Review Committee comprised of the Finance Department, Development Services Department, and the South San Joaquin County Fire Authority. Following review and determination that the application was eligible, the Committee forwarded this application to the Police Department for final review and determination. On March 3, 2022, the Tracy Police Chief awarded a provisional Cannabis Business Permit (CBPA20-0024) to Embarc Tracy. The Cannabis Business Permit approves the permittee's business operations and odor control plan, community relations plan, safety and security plan, social equity plan, and community benefits proposal. As noted above, in addition to procuring a Cannabis Business Permit, the proposed use must also meet the zoning requirements applicable to cannabis dispensaries, including

obtaining a Cannabis CUP to operate their business at a specific location.

On June 29, 2022, Embarc Tracy submitted a Cannabis CUP to establish the Embarc Tracy cannabis dispensary at 2706 Pavilion Parkway Suite 110 (Attachment A). The subject property is designated Commercial in the Tracy General Plan, zoned Planned Unit Development, and designated General Commercial in the I-205 Corridor Specific Plan (approved by the City Council on July 6, 1999 by Resolution No. 99-240), in which cannabis dispensaries are conditionally permitted.

ANALYSIS

Project Proposal

The applicant proposes to operate a cannabis dispensary consisting of storefront retail and delivery of packaged cannabis products in accordance with local and State cannabis law. Local regulations include locational requirements, site requirements, and operating hours to be established by the conditional use permit. The proposed dispensary is an approximately 1,732 sf tenant space within one of two existing multi-tenant buildings on the site at 2706 Pavilion Parkway. Existing uses at this site include retail, personal service, instructional martial arts, dental office, and professional office uses.

The TMC allows dispensaries to locate in all commercial and industrial zones of the City, subject to the additional condition that such uses are "located at least 600 feet from any parcel containing any of the following sensitive uses as of the date the conditional use permit is issued: school, day care center, or youth center". Section 10.08.3196(b) of the TMC provides specific definitions of schools, day care centers and youth centers. According to City records, as of the date of publication of this staff report, the subject building is over 600 feet away from a school, day care center, or youth center, as required by TMC Section 10.08.3196.

The cannabis dispensary will operate in a similar manner as a retail store, which is complementary of the commercial area encompassing project vicinity. The applicant proposes to operate daily from 6:00 am to 10:00 pm, as permitted by State law. The storefront retail use will be wholly indoors, and no portion of the retail use, aside from deliveries, will take place outdoors. The applicant proposes some interior tenant improvements as shown in the floor plan (Attachment B), but no changes are proposed on the building's exterior. The proposed dispensary will have a lobby wherein age verification will be conducted prior to permitting the customer into the retail area and a vault where cannabis products are stored, as required by TMC Chapter 6.36. Deliveries of cannabis-related products will be done via business vehicles during normal operating hours. Cannabis products will be packaged and loaded into delivery vehicles through the rear of the building where it is not visible from the customer parking area or public right-of-way. The applicant will have four delivery vehicles, which will be parked in the parking area behind the building when not in use. There is enough parking on site for the existing uses and proposed dispensary, as 122 spaces are provided and 121 are required for the existing uses and proposed dispensary and delivery vehicles.

According to the applicant, because all cannabis products are entirely packaged, no noticeable odors or smells are expected to emanate from the dispensary; regardless, the applicant will be installing an exhaust air filtration system with odor control that prevents internal odors from being emitted externally and air system that creates negative air pressure between the premises' interior and exterior, so that odors generated inside the premises are not detectable outside the premises. The use will implement the safety and security plan approved as a part of Embarc Tracy's cannabis business permit, and project

Conditions of Approval (Attachment D) D.1 through D.4 recommended by the Police Department identify additional means to ensure the business will operate safely and securely.

Findings

Importantly, Cannabis CUPs must meet the requirements set forth in TMC Section 10.08.4250, which requirements apply to conditional uses in all zoning districts in the City. Under these requirements, the Planning Commission can grant a CUP, on the basis of the application and evidence submitted, subject to making all of the following findings:

> (a) That there are circumstances or conditions applicable to the land, structure, or use which make the granting of a use permit necessary for the preservation and enjoyment of substantial property right;
>
> (b) That the proposed location of the conditional use is in accordance with the objectives of this [Chapter 10.08 – Zoning Regulations] and the purposes of the zone in which the site is located;
>
> (c) That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity; and
>
> (d) That the proposed use will comply with each of the applicable provisions of this [Chapter 10.08 – Zoning Regulations].

As noted in the proposed Planning Commission Resolution, Attachment C, the recommended findings for this project are as follow:

(a) There are circumstances applicable to the use which make the granting of a use permit necessary for the preservation and enjoyment of substantial property right, because a conditional use permit is necessary for the operation of a cannabis dispensary in the General Commercial land use designation of the I-205 Corridor Specific Plan as required by the Tracy Municipal Code. The proposed location complies with City design guidelines and development regulations.

(b) The proposed location of the use and the conditions under which it would be operated or maintained is in accordance with the objectives of the Tracy Municipal Code Chapter 6.36 and Chapter 10.08. Additionally, the project site is located at least 600 feet away from a parcel containing a school, day care center, or youth center as defined in Chapter 10.08, and the use will be operated wholly indoors. The use is a retail store, which is complementary to the surrounding commercial area.

(c) The project will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use, or to the general welfare of the City. The proposed use of a cannabis dispensary will function the same as the surrounding retail uses in the vicinity and will comply with City standards.

(d) The project is consistent with the zoning, commercial cannabis activity regulations, and other elements of the Tracy Municipal Code the City of Tracy General Plan, the Design Goals and Standards, City Standards, California Building Codes, California Fire Codes, and California cannabis regulations. There will be no odors or similar objectionable impacts to other businesses in the vicinity as all cannabis products will be entirely packaged and stored in accordance with the requirements of Chapter 6.36.

CUP Expiration

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

PUBLIC OUTREACH/ INTEREST

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

COORDINATION

This development application was reviewed by multiple City Departments and the South San Joaquin County Fire Authority as part of the City's normal application review process. This staff report was prepared by the Development Services Planning Division.

CEQA DETERMINATION

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

ACTION REQUESTED OF THE PLANNING COMMISSION

STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION:

1) GRANTING A CONDITIONAL USE PERMIT (CUP22-0012) FOR A CANNABIS

STOREFRONT RETAILER (DISPENSARY) AT 2706 PAVILION PARKWAY SUITE 110, APN 212-290-47;

2) EXTENDING THE TIME PERIOD TO ESTABLISH THE DISPENSARY SITE UNDER THE CONDITIONAL USE PERMIT FROM SIX MONTHS TO TWELVE MONTHS; AND

3) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

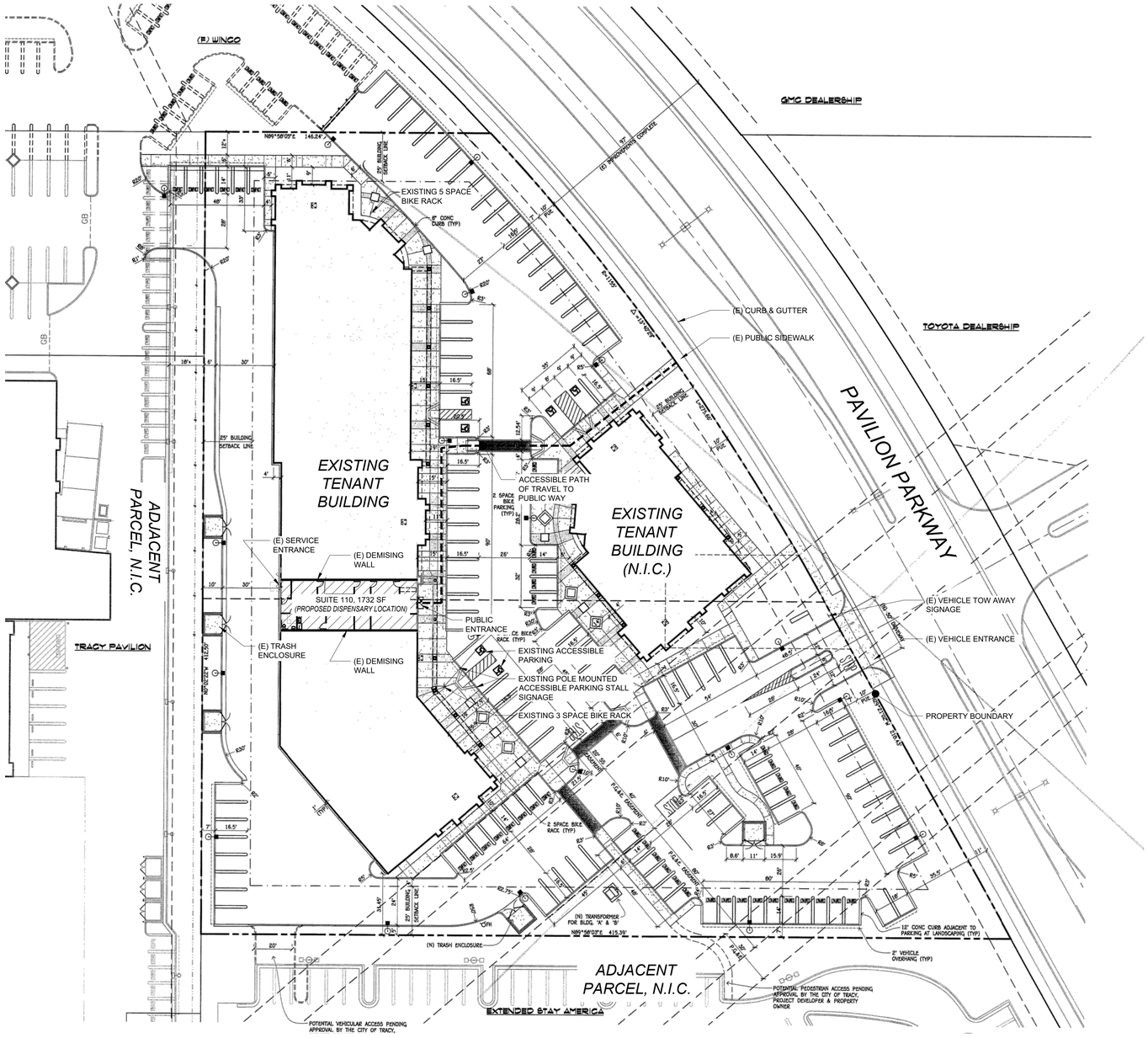
Prepared by: Kimberly Matlock, Associate Planner
Approved by: Bill Dean, Assistant Development Services Director

Attachments:

Attachment A – Vicinity Map
Attachment B – Site and Floor Plans received on June 29, 2022
Attachment C – Planning Commission Resolution
Attachment D -- Conditions of Approval

ATTACHMENT A

Vicinity Map



1 ARCHITECTURAL SITE PLAN
SCALE: 1" = 30'-0"

0 30' 60'

NORTH

OWNER

HTT Investment, LLC
]2909 Rock River Drive
San Jose, CA 95111

PROJECT DATA SUMMARY

BUILDING DATA

APN	21229047
JURISDICTION	CITY OF TRACY
LAND USE DESIGNATION	COMMERCIAL
ZONING	PUD
CLIMATE ZONE	12
SITE AREA	2.78 ACRE
PREVIOUS OCCUPANCY CLASSIFICATION	M (NO CHANGE IN OCCUPANCY)
OCCUPANCY CLASSIFICATION	M (1485 FT^2), S-1 (247 FT^2)
TYPE OF CONSTRUCTION	VB
SPRINKLERED	YES
OCCUPANT LOAD	65
OCCUPANCY SEPARATIONS	NO, NON-SEPARATED OCCUPANCIES
TOTAL EXISTING BUILDING AREA	23,844 FT^2
EXISTING TENANT AREA	1,732 FT^2
PROPOSED NEW AREA	NO ADDED AREA - TENANT IMPROVEMENTS ONLY
TENANT IMPROVEMENT AREA OF WORK	1,732 FT^2
REQUIRED PARKING FOR BUILDING @ 1/250	96 *(23,844 TOTAL SF)*
REQUIRED PARKING FOR TENANT @ 1/250	3 *(1,732 TOTAL SF)*
EXISTING AVAILABLE PARKING	122
REQUIRED ACCESSIBLE PARKING	6
EXISTING AVAILABLE ACCESSIBLE PARKING	6 VAN ACCESSIBLE
REQUIRED BICYCLE SPACE(S)	(5) CLASS II *(SHORT-TERM)*
EXISTING AVAILABLE BICYCLE SPACE(S)	(8) CLASS II *(SHORT-TERM*

SITE ACCESSIBILITY NOTES

1. ACCESSIBLE PATH OF TRAVEL (POT), AS INDICATED SHALL COMPLY WITH 11B-402 OF THE CALIFORNIA BUILDING CODE. POT SHALL BE AN IDENTIFIABLE ACCESSIBLE ROUTE WITHIN AN EXISTING SITE, BUILDING OR FACILITY BY MEANS OF WHICH A PARTICULAR AREA MAY BE APPROACHED, ENTERED AND EXITED, AND WHICH CONNECTS A PARTICULAR AREA WITH AN EXTERIOR APPROACH (INCLUDING SIDEWALKS, STREETS AND PARKING AREAS), AN ENTRANCE TO THE FACILITY, AND OTHER PARTS OF THE FACILITY. ACCESSIBLE PATH SHALL BE:
   - 1.1. THE RUNNING SLOPE OF WALKING SURFACES SHALL NOT EXCEED 1:20 EXCEPT FOR SIDEWALKS, WHICH SHALL NOT EXCEED THE GENERAL GRADE ESTABLISHED FOR THE ADJACENT STREET OR HIGHWAY)
   - 1.2. CROSS SLOPE SHALL NOT EXCEED 1:48 (PER 11B-403.3).
   - 1.3. CLEAR WIDTH OF SIDEWALKS AND WALKS SHALL BE 48" WIDE MINIMUM (PER 11B-403.5.1).
   - 1.4. VERTICAL CHANGES IN LEVEL SHALL COMPLY WITH 11B-303.2 AND SHALL NOT EXCEED $\frac{1}{4}$" MAXIMUM.
   - 1.5. BEVELED CHANGES IN LEVEL SHALL COMPLY WITH 11B-303.3 AND SHALL NOT EXCEED $\frac{1}{4}$" MAXIMUM, TO INCLUDE A $\frac{1}{4}$" VERTICAL AND $\frac{1}{2}$" BEVELED WITH A SLOPE NOT EXCEEDING 1:2.
2. DOORS, DOORWAYS, AND GATES THAT ARE PART OF AN ACCESSIBLE ROUTE SHALL COMPLY WITH SECTION 11B-404, INCLUDING ALL GROUND LEVEL ENTRANCES AND EXITS.
3. PER 11B-203.5 MACHINERY SPACES, SPACES FREQUENTED ONLY BY SERVICE PERSONNEL FOR MAINTENANCE, REPAIR OR OCCASIONAL MONITORING OF EQUIPMENT SHALL NOT BE REQUIRED TO COMPLY WITH CHAPTER 11B OF THE CALIFORNIA BUILDING CODE.

CANNABIS BUSINESS ACTIVITY NOTE:

1. NO CANNABIS CULTIVATION WILL BE CONDUCTED
2. ALL CANNABIS ACTIVITY LIMITED TO COMMERCIAL BUSINESS
3. ALL CANNABIS ACTIVITY WILL BE CONDUCTED WITHIN BUILDING INTERIOR

SITE PLAN DISCLAIMER:

ALL SITE INFORMATION NOTED ON THIS PAGE WAS COLLECTED THROUGH COUNTY IMAGERY, GIS DATA, AND PARCEL RECORDS. NO SURVEY OF THE PROPERTY HAS BEEN CONDUCTED.

DEVELOPMENT NOTES:

1. THE PROPOSED CANNABIS RETAIL BUSINESS CONFORMS WITH THE GENERAL PLAN.
2. THE PROPOSED CANNABIS RETAIL BUSINESS COMPLIES WITH COMMERCIAL ZONE DISTRICT DEVELOPMENT STANDARDS AND ALL OTHER RELATED DEVELOPMENT STANDARDS.
3. THE PROPOSED CANNABIS RETAIL BUSINESS IS ADEQUATE IN SIZE AND SHAPE TO ACCOMMODATE THE YARDS, WALLS, FENCES, PARKING AND LOADING FACILITIES, LANDSCAPING, AND ALL ITEMS REQUIRED FOR THE DEVELOPMENT.
4. THE PROPOSED CANNABIS RETAIL BUSINESS IS SERVED BY HIGHWAYS ADEQUATE IN WIDTH AND IMPROVED AS NECESSARY TO CARRY THE KIND AND QUANTITY OF TRAFFIC SUCH USE WILL GENERATE.
5. THE PROPOSED CANNABIS RETAIL BUSINESS IS PROVIDED WITH ADEQUATE ELECTRICITY, SEWERAGE, DISPOSAL, WATER, FIRE PROTECTION, AND STORM DRAINAGE FACILITIES FOR THE INTENDED PURPOSE.
6. THE PROPOSED CANNABIS RETAIL BUSINESS DEMONSTRATES COMPATIBILITY WITH THE SURROUNDING CHARACTER OF THE NEIGHBORHOOD AND BLEND IN WITH EXISTING BUILDINGS. THE ESTABLISHMENT LOOKS SIMILAR TO OTHER NEARBY BUILDINGS.

KM architecture

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(530) 344-4073

RECEIVED
June 29, 2022
City of Tracy
Development Services

EMBARC, TRACY
TENANT IMPROVEMENTS

2706 PAVILION PKWY.,
SUITE 110
TRACY, CA 95304

PLANNING SUBMISSION

APN:
21229047

Project Manager	KIRK MILLER
Project Architect	KIRK MILLER
Scale	AS NOTED
Date	05/20/2022
Project Number	20112.09

LICENSED ARCHITECT
KIRK W. J. MILLER
NO. C35685
REN. 05/31/23
STATE OF CALIFORNIA

This drawing is not final, or to be used for construction until the Architect's or Engineer's seal and signature appear above.

SHEET TITLE

ARCHITECTURAL SITE PLAN

MARK	DESCRIPTION	DATE

SHEET NO.

A00

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GENERAL NOTES

1. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS PRIOR TO THE START OF WORK. NOTIFY THE ARCHITECT OF ANY SIGNIFICANT CHANGES IN DIMENSIONS OR CONDITIONS.
2. THE CONTRACTOR SHALL PROVIDE ALL MATERIALS, TOOLS, EQUIPMENT AND NECESSARY FACILITIES, AND PERFORM ALL LABOR AND SERVICES OF EVERY DESCRIPTION AS MAY BE NECESSARY TO COMPLETE THE SCOPE OF WORK DEFINED ON THE DRAWINGS.
3. THE CONTRACTOR SHALL ARRANGE FOR, OBTAIN AND PAY FOR ALL PERMITS, CERTIFICATES, INSPECTIONS, AGENCY APPROVALS, ETC. AND PAY ALL FEES LEVIED BY STATE, LOCAL AND MUNICIPAL AUTHORITIES HAVING JURISDICTION OVER WORK PERFORMED UNDER THIS CONTRACT. PROVIDE COPIES OF ALL REQUIRED PERMITS, CERTIFICATES, INSPECTIONS AND AGENCY APPROVALS TO THE OWNER.
4. FABRICATE AND INSTALL ALL WORK IN STRICT ACCORDANCE WITH THE CBC, ALL APPLICABLE STATE AND LOCAL CODES.
5. ALL CONTRACTORS AND SUBCONTRACTORS SHALL BE RESPONSIBLE FOR THE PROPER PERFORMANCE OF THEIR WORK, COORDINATING WITH OTHER TRADES, MEANS AND METHODS OF CONSTRUCTION, SAFETY AND SECURITY ON SITE.
6. CUTTING AND PATCHING SHALL BE PERFORMED BY EACH TRADE AS NECESSARY FOR THE PERFORMANCE AND INSTALLATION OF THEIR WORK. CUTTING AND PATCHING SHALL BE PERFORMED IN A WORKMANLIKE MANNER CONSISTENT WITH INDUSTRY STANDARDS FOR FINISHES AND SUBSTRATES AFFECTED. PATCHING OF EXISTING-TO-REMAIN WORK SHALL BE FINISHED TO MATCH ADJACENT CONSTRUCTION.
7. CONTRACTOR SHALL PROTECT THE FACILITY FROM WEATHER AND MAINTAIN SECURITY DURING ALL CONSTRUCTION WORK.
8. PROTECT EXISTING PROPERTY DURING CONSTRUCTION. REPAIR OR REPLACE, WITHOUT ADDITIONAL CHARGE TO THE OWNER, ANY EXISTING WORK DAMAGED DURING THE COURSE OF CONSTRUCTION.
9. THE WORK SHALL BE COORDINATED WITH THE PROJECT OWNER'S STAFF.
10. UNLESS ITEMS OF MATERIAL, EQUIPMENT OR WORK ARE SPECIFICALLY NOTED TO BE PROVIDED OR FURNISHED BY OTHERS, THEY SHALL BE PROVIDED UNDER THIS CONTRACT.
11. MATERIALS AND COMPONENTS AS SPECIFIED CONSTITUTE A STANDARD OF QUALITY, UNLESS OTHERWISE NOTED, EQUAL SUBSTITUTES WILL BE ACCEPTABLE ONLY WITH WRITTEN PRIOR APPROVAL BY THE ARCHITECT.
12. ALL WORK SHALL BE PERFORMED BY SKILLED WORKERS IN A WORKMANLIKE AND PROFESSIONAL MANNER CONSISTENT WITH INDUSTRY STANDARDS.
13. REQUIRED EXITS, EXISTING STRUCTURAL ELEMENTS, FIRE PROTECTION DEVICES, AND SANITARY SAFEGUARDS SHALL BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION.

FINISH NOTES

OFFICE, IT, RECEPTION, & AREAS NOT INDICATED BELOW:
1. EXISTING GWB WALLS TO BE PRIMED AND PAINTED SHERWIN-WILLIAMS PROMAR ZERO VOC EG-SHEL LATEX (OR EQUAL), FINISH COLOR AS SELECTED BY OWNER
2. EXISTING CEILING GRID TO REMAIN, REPLACE MISSING OR DAMAGED CEILING TILES
3. EPOXY FINISH EXISTING CONCRETE SLAB, COLOR AS SELECTED BY OWNER
4. 4" BLACK RUBBER BASE
5. OPTION 1: PROVIDE OPTION AT VENDOR ENTRANCE, PROCESSING, & CORRIDORS TO POLISH (E) CONCRETE FLOORING
6. OPTION 2: PROVIDE OPTION AT OFFICE FOR LOW MAINTENANCE COMMERCIAL CARPET TILE BY ARMSTRONG FLOORING, OR EQUAL

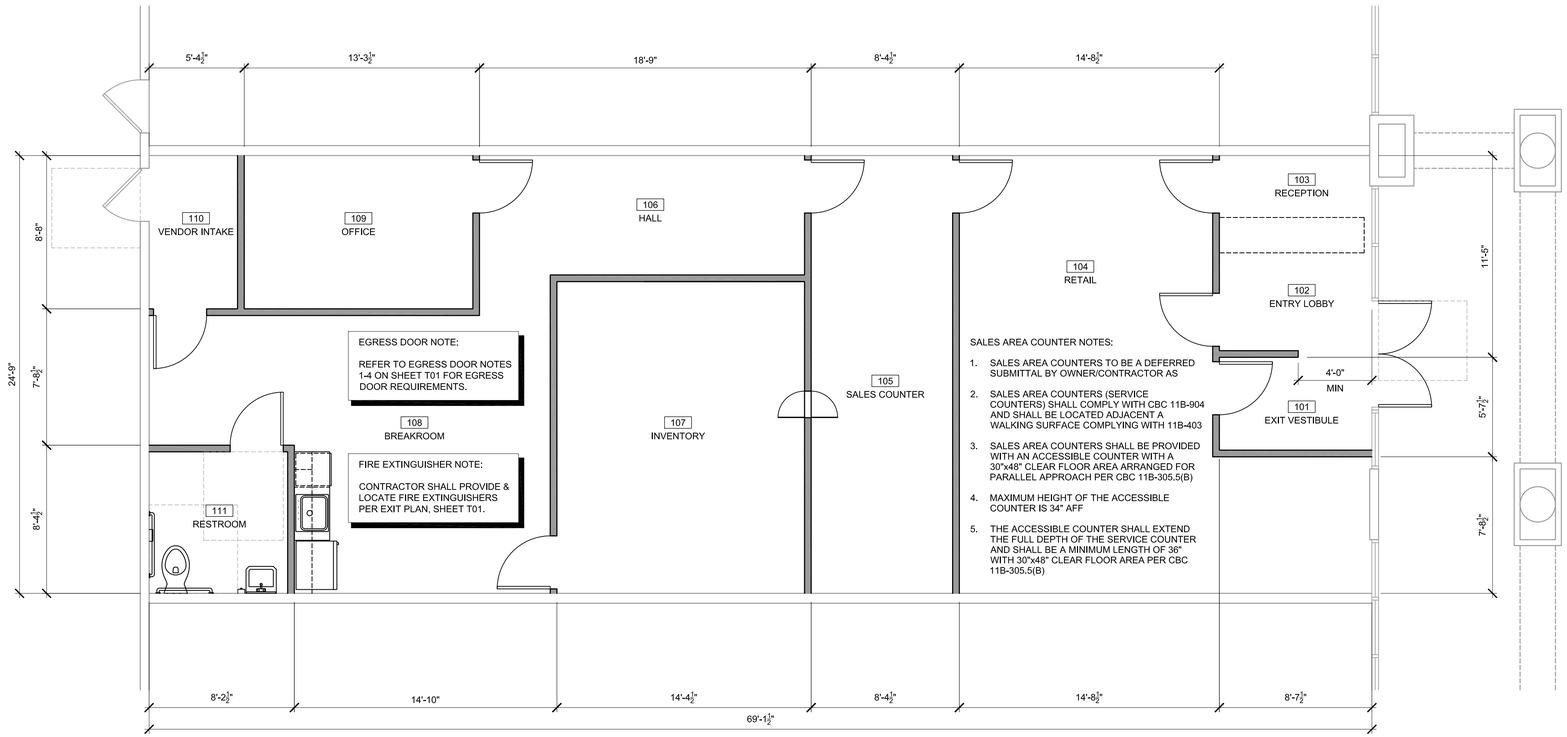
SECURE STORAGE/INVENTORY AREA:
1. GWB WALLS TO BE PRIMED AND PAINTED SHERWIN-WILLIAMS PROMAR ZERO VOC EG-SHEL LATEX (OR EQUAL), FINISH COLOR AS SELECTED BY OWNER
2. EXISTING CEILING GRID TO REMAIN, REPLACE MISSING OR DAMAGED CEILING TILES
3. EPOXY FINISH EXISTING CONCRETE SLAB, COLOR AS SELECTED BY OWNER
4. 4" BLACK RUBBER BASE

BREAK ROOM:
1. GWB WALLS TO BE PRIMED AND PAINTED SHERWIN-WILLIAMS PROMAR ZERO VOC EG-SHEL LATEX (OR EQUAL), FINISH COLOR AS SELECTED BY OWNER
2. FLOOR FINISH TO BE LVT PLANK AS SELECTED BY OWNER
3. EXISTING CEILING GRID TO REMAIN, REPLACE MISSING OR DAMAGED CEILING TILES
3. EPOXY FINISH EXISTING CONCRETE SLAB, COLOR AS SELECTED BY OWNER
4. 4" BLACK RUBBER BASE
7. OPTION 1: PROVIDE OPTION TO POLISH (E) CONCRETE FLOORING

SALES ROOM, LOBBY, AND EXIT VESTIBULE, AND VENDOR ENTRANCE.
1. PROVIDE LEVEL 5 FINISH AT ALL SALES FLOOR WALLS, PATCH AND PAINT (E) WALLS WHERE REQUIRED
2. GWB WALLS TO BE PRIMED AND PAINTED SHERWIN-WILLIAMS PROMAR ZERO VOC EG-SHEL LATEX (OR EQUAL), FINISH COLOR AS SELECTED BY OWNER
3. COORDINATE WITH OWNER ON THE USE OF WALL DECALS/ MURALS/ WALLPAPER - WHERE REQUIRED, PROVIDE SUITABLE SUBSTRATE FOR MOUNTING
4. FLOOR FINISH TO BE LVT PLANK AS SELECTED BY OWNER
5. EXISTING CEILING GRID TO REMAIN, REPLACE MISSING OR DAMAGED CEILING TILES, PRIME & PAINT FULL CEILING (GRID AND TILES) SHERWIN-WILLIAMS PROMAR ZERO VOC FLAT LATEX (OR EQUAL), CEILING WHITE
6. 4" BLACK VINYL COVE BASE
7. OPTION 1: PROVIDE OPTION TO POLISH (E) CONCRETE FLOORING

TOILET ROOM:
1. WALLS TO BE PRIMED AND PAINTED SHERWIN-WILLIAMS PROMAR ZERO VOC SATIN LATEX (OR EQUAL), FINISH COLOR AS SELECTED BY OWNER. PROVIDE SMOOTH FINISH FRP TO 48" AFF ON WALLS, COLOR AS SELECTED BY OWNER
2. EPOXY FINISH EXISTING CONCRETE SLAB, COLOR AS SELECTED BY OWNER, PROVIDE 6" SLIM FOOT CERAMIC TILE COVE BASE, COLOR AS SELECTED BY OWNER
3. OPTION 1: PROVIDE OPTION TO POLISH (E) CONCRETE FLOORING IN LIEU OF EPOXY FINISH, PROVIDE 6" SLIM FOOT CERAMIC TILE COVE BASE, COLOR AS SELECTED BY OWNER
4. OPTION 2: PROVIDE OPTION FOR CERAMIC TILE WAINSCOT TO 4'-0" AFF IN LIEU OF FRP (DEMO (E) GWB AND INSTALL CEMENT BOARD OR BLUE BOARD AT TILE AREAS)

GENERAL:
1. PRIME & PAINT ALL SIDES OF EXPOSED WOOD FINISHES
2. UNLESS OTHERWISE NOTED, PROVIDE 4" BLACK VINYL COVE BASE AT ALL WALLS TO RECEIVE GWB FINISH
3. ALL HM DOOR TRIM TO BE PAINTED BLACK SEMI-GLOSS
4. PROVIDE SCHLUTER SCHIENE TRANSITION STRIPS, 304 STAINLESS STEEL FINISH, AT ALL SAME-HEIGHT MATERIAL TRANSITIONS AND TERMINATIONS, PROVIDE SLOPED TRANSITIONS, 304 STAINLESS STEEL FINISH, WHERE CHANGE IN LEVEL IS REQUIRED (REFER TO SHEET T02 FOR THRESHOLD & CHANGE IN LEVEL REQUIREMENTS).



1 FLOOR PLAN
1/4" = 1'-0"

NORTH

NOTES:

1. THE MEANS OF EGRESS SERVING A ROOM OR SPACE, SHALL BE ILLUMINATED AT ALL TIMES THAT THE ROOM OR SPACE SERVED BY THE MEANS OF EGRESS IS OCCUPIED. THIS APPLIES TO LIGHTING OTHER THAN THE EXIT SIGNS. 2019 CFC, SECTION 1008.2.
2. PROVIDE EMERGENCY LIGHTING ON EXTERIOR LANDINGS AS REQUIRED BY 2019 CFC, SECTION 1010.1.6 FOR EXIT DOORWAYS THAT LEAD DIRECTLY TO THE EXIT DISCHARGE. 2019 CFC, SECTION 1008.3.2
3. PROVIDE ILLUMINATED EMERGENCY POWER PER CFC, SECTION 1008.3.2
4. A SMOKE DETECTOR SHALL BE PROVIDED IN THE MAIN SUPPLY AIR DUCT OF EACH HVAC UNIT TO SHUT OFF THE POWER SOURCE OF THE UNIT UPON THE DETECTION OF SMOKE WHEN THE TOTAL CFM IN EXCESS OF 2000. 2019 CMC 608, 608.1.

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SUITE 110
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PLANNING SUBMISSION

APN:
21229047

Project Manager	KIRK MILLER
Project Architect	KIRK MILLER
Scale	AS NOTED
Date	05/20/2022
Project Number	20112.09

LICENSED ARCHITECT
KIRK W. J. MILLER
NO. C35685
REN. 05/31/23
STATE OF CALIFORNIA

This drawing is not final, or to be used for construction until the Architect's or Engineer's seal and signature appear above.

SHEET TITLE
FLOOR PLAN,
FINISH NOTES

MARK	DESCRIPTION	DATE

SHEET NO.
A01

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ATTACHMENT C

APPROVED AS TO FORM AND LEGALITY

_____
CITY ATTORNEY'S OFFICE

TRACY PLANNING COMMISSION

RESOLUTION NO. _____

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1. **GRANTING A CONDITIONAL USE PERMIT (CUP22-0012) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 2706 PAVILION PARKWAY SUITE 110, APN 212-290-47;**

2. **EXTENDING THE TIME PERIOD TO ESTABLISH THE DISPENSARY SITE UNDER THE CONDITIONAL USE PERMIT FROM SIX MONTHS TO TWELVE MONTHS; AND**

3. **DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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

WHEREAS, Both a Cannabis Business Permit under Chapter 6.36 of the Tracy Municipal Code (TMC) and a Cannabis Conditional Use Permit (CUP) under Chapter 10.08.3196 under the TMC, in order to establish a retail site (dispensary) in the City; and

WHEREAS, Responsible and Compliant Retail Tracy, LLC doing business as Embarc Tracy (Embarc Tracy) was awarded a Cannabis Business Permit (application number CBPA20-0024) by the Tracy Police Chief on March 3, 2022, pursuant to the requirements set forth in Chapter 6.36; and

WHEREAS, The applicant submitted a Cannabis Conditional Use Permit application to operate as a cannabis storefront retailer (dispensary) in an existing building at 2706 Pavilion Parkway Suite 110, on June 29, 2022; and

WHEREAS, The subject site is designated Commercial in the Tracy General Plan and zoned Planned Unit Development, and designated General Commercial in the I-205 Corridor Specific Plan, wherein cannabis dispensaries are a conditionally permitted use; and

WHEREAS, Cannabis Conditional Use Permits must meet the requirements set forth in TMC Section 10.08.4250, which requirements apply to conditional uses in all zoning districts in the City; and

WHEREAS, The Planning Commission can grant a Conditional Use Permit, on the basis of the application and evidence submitted, subject to making all of the requisite findings set forth in TMC Section 10.08.4250; and

WHEREAS, Conditional Use Permits applicants a period of six (6) months to establish the permitted use pursuant TMC Section 10.08.4350; and

WHEREAS, Under TMC 10.08.4360, the Planning Commission may grant extend the period of time for applicants to establish their conditionally permitted uses; and

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

WHEREAS, The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, which pertains to minor alterations and additions to existing facilities in an area where all public services and facilities are available and which is not environmentally sensitive; and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the application on September 28, 2022; now, therefore, be it

RESOLVED: That the Planning Commission hereby grants a conditional use permit (CUP22-0012) for a cannabis storefront retailer (dispensary) at 2706 Pavilion Parkway Suite 110, APN 212-290-47, subject to the Conditions of Approval contained in Attachment D to the staff report and based on the findings below.

1. There are circumstances applicable to the use which make the granting of a use permit necessary for the preservation and enjoyment of substantial property right, because a conditional use permit is necessary for the operation of a cannabis dispensary in the General Commercial land use designation of the I-205 Corridor Specific Plan as required by the Tracy Municipal Code. The proposed location complies with City design guidelines and development regulations.

2. The proposed location of the use and the conditions under which it would be operated or maintained is in accordance with the objectives of the Tracy Municipal Code Chapter 6.36 and Chapter 10.08. Additionally, the project site is located at least 600 feet away from a parcel containing a school, day care center, or youth center as defined in Chapter 10.08, and the use will be operated wholly indoors. The use is a retail store, which is complementary to the surrounding commercial area.

3. The project will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use, or to the general welfare of the City. The proposed use of a cannabis dispensary will function the same as the surrounding retail uses in the vicinity and will comply with City standards.

4. The project is consistent with the zoning, commercial cannabis activity regulations, and other elements of the Tracy Municipal Code the City of Tracy General Plan, the Design Goals and Standards, City Standards, California Building Codes, California Fire Codes, and California cannabis regulations. There will be no odors or similar objectionable impacts to other businesses in the vicinity as all cannabis products will be entirely packaged and stored in accordance with the requirements of Chapter 6.36.; and be it

FURTHER RESOLVED: That the Planning Commission hereby extends the time period to establish the dispensary site under the conditional use permit from six months to twelve months pursuant to TMC 10.08.4360 and as further described in the Conditions of Approval; and be it

FURTHER RESOLVED: That the Planning Commission determines, based on the evidence in the record and its own independent judgment, that this project is categorically exempt from the California Environmental Quality Act pursuant to Guidelines Section 15301 (Minor Alterations).

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

The foregoing Resolution 2022-_____ was adopted by the Planning Commission on September 28, 2022, by the following vote:

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

_____
CHAIR

ATTEST:

_____
STAFF LIAISON

City of Tracy
Conditions of Approval
Embarc Tracy Cannabis Dispensary
Application Number CUP22-0012

A. General Provisions and Definitions.

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

The Project: Embarc Tracy Cannabis Dispensary, conditional use permit number CUP22-0012

The Property: 2706 Pavilion Parkway Suite 110 (Assessor's Parcel Number 212-290-47)

A.2. Definitions.

a. "Applicant" means any person, or other legal entity, applying for a conditional use permit.

b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.

c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, the I-205 Corridor Specific Plan, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).

d. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.

e. "Conditions of Approval" shall mean the conditions of approval applicable to the Project located at the Property. The Conditions of Approval shall specifically include all conditions set forth herein.

f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.

g. "Police Chief" means the Chief of Police of the City of Tracy, or any other person designated by the City Manager or the Police Chief to perform duties set forth herein.

A.3. Compliance with submitted plans. Prior to the establishment of the use, the project shall be established in substantial compliance with the plans received by the

Development Services Department on June 29, 2022 to the satisfaction of the Development Services Director.

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

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

- the Planning and Zoning Law (Government Code sections 65000, et seq.)
- the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
- the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
- The Medicinal and Adult-Use Cannabis Regulation and Safety Act;
- Regulations of the Bureau of Cannabis Control;
- Tracy Municipal Code (TMC) Chapter 6.36 (Commercial Cannabis Activity); and
- City of Tracy Procedures and Guidelines for a cannabis business permit adopted by City Council Resolution 2020-137

A.6. Compliance with applicable regulations. Unless specifically modified by these Conditions of Approval, the use shall comply with all City and State Regulations and the approved cannabis business permit No. CBPA20-0024, which includes business operations requirements, the safety and security plan, and the odor control plan.

A.7. Prior to construction, the applicant shall submit construction documents which meet the requirements of the California Building and Fire Codes and the Tracy Municipal Code to the City of Tracy and the South San Joaquin County Fire Authority for review, approval and inspections.

A.8. At all times, applicant (or its successor) shall maintain all necessary permits to operate a cannabis business pursuant to Municipal Code Chapter 6.36. Neither the applicant, nor any other entity, shall have an entitlement or other property right to operate a cannabis business at the property without holding such a cannabis business permit, which may be approved, denied, renewed, or revoked in accordance with the requirements of Chapter 6.36.

A.9. This the conditional use permit shall expire one year following the date on which the use permit became effective unless, prior to the expiration of one year, the use is established in accordance with this use permit, or a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application.

B. Development Services Department, Planning Division Conditions

Contact: Kimberly Matlock (209) 831-6430 kimberly.matlock@cityoftracy.org

B.1. Prior to approval of a building permit, the applicant shall provide detailed plans that demonstrate that no cannabis will be visible from outside the building, which may consist of applying a reflective tint to the retail area windows, replacing retail area windows with spandrel glass, or other method that achieves this objective without compromising the architectural integrity of the building façade to the satisfaction of the Development Services Director.

B.2. Prior to approval of a building permit, the applicant shall provide detailed plans that demonstrate compliance with TMC Section 6.36.380(k).

B.3. Prior to final inspection, the applicant shall demonstrate compliance with TMC Section 6.36.380(l).

B.4. Community Benefit Agreement. Prior to commencing any cannabis operation, the applicant shall execute a Community Benefit Agreement with the City in accordance with the requirements of their cannabis business permit.

B.5. Wholly indoors. The use shall be conducted wholly indoors. The use may not be conducted outside the building, with the exception of loading deliveries into up to four delivery vehicles, which shall take place on the rear of the building.

B.6. Hours of operation. The hours of operation shall be limited to 6:00 am to 10:00 pm in accordance with State law. Should the hours of operation established in the State law become more restrictive, the use shall comply with the more restrictive regulations.

C. Development Services Department, Building Division Conditions

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

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

C.2. At time of building permit application submittal, the applicant shall provide plans that demonstrate the building will have restrooms for both customers and employees, per CPC Chapter 4.

D. Tracy Police Department Conditions

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

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

D.1.1. Overnight (nonbusiness hours) security shall be a minimum of 1 certified guard solely responsible as a security guard focused on safety and security. The security guard will be readily identifiable.

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

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

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

E. South San Joaquin County Fire Authority Conditions

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

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

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

E.1.2. Deferred submittals shall be listed on the coversheet of each page for fire sprinkler and fire alarm tenant improvements. Each deferred submittal shall be submitted, reviewed and approved by SSJCFA prior to installation.

September 28, 2022

Agenda Item 1.B

RECOMMENDATION

STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION 1) APPROVING A CONDITIONAL USE PERMIT (CUP22-0011) FOR A MEAT PROCESSING FACILITY INCLUDING WHOLESALE AND LIMITED RETAIL SALES OF PACKAGED MEATS AT 4220 COMMERCIAL DRIVE, SUITE 16 (APN 212-210-05) AND 2) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE APPLICANT IS HANFORD QUALITY MEATS, LLC AND THE PROPERTY OWNER IS KT INVESTMENTS, LLC.

EXECUTIVE SUMMARY

Through this item staff recommends that the Planning Commission grant a conditional use permit to operate a meat processing facility including wholesale and limited retail sales of packaged meats at 4220 Commercial Drive, Suite 16.

BACKGROUND AND LEGISLATIVE HISTORY

The primary regulatory framework governing land uses in the City of Tracy (City) are the General Plan and the City's zoning ordinance codified as Title 10 of the Tracy Municipal Code (TMC). TMC Title 10 Article 34, which was adopted by Ordinance 449 on January 17, 1978, and amended by Ordinance 1177 on January 15, 2013, describes the purpose, process, and requirements for the granting of conditional use permits. Subject to making requisite findings the Planning Commission has the authority for granting such permits.

On May 18, 2022, a conditional use permit application was submitted to establish the Hanford Quality Meats butcher shop (Attachment A). The subject property is designated Industrial in the Tracy General Plan and zoned Light Industrial (M-1), in which food processing, wholesale trade, and delis are conditionally permitted.

ANALYSIS

The applicant proposes to operate a meat processing facility consisting of wholesale and limited retail sales. According to the applicant, beef, goat, and sheep meat will be slaughtered, cleaned, and inspected at an offsite slaughterhouse before it is delivered to the premises, where it will be cut and vacuum-sealed onsite for wholesale and limited retail sales during daily operating hours of 9am to 6pm. Most of their products will be sold in bulk to restaurants and other meat stores in the region and other online orders via mail. The applicant also proposes to serve walk-in customers Wednesday through Saturday from 11am to 7pm. The proposed floor plan is shown in Attachment A, which is comprised of an approximately 350 sf retail area and approximately 1,650 sf area for meat processing, cold storage, and office area. All activities will take place indoors.

The project site is a multi-tenant building containing of a mixture of land uses, including equipment storage; materials fabrication, assembly, and distribution; appliance and machinery repair; auto broker offices; a music recording studio; an instructional fitness studio (CUP09-0004); and a sausage processing facility and deli (3-87-CUP). The amount of parking required under the TMC for the existing and proposed uses totals 62 parking space. The site contains 77 parking spaces, which is more than the minimum parking

required to serve the uses on site.

The retail component of the proposed business is ancillary to the primary use of meat processing and wholesale trade, and the operational characteristics of the retail are similar to that of a deli, which is conditionally permitted in the M-1. The proposed butcher shop will operate similarly to the existing sausage facility and deli, which has operated harmoniously with the other uses in this building for many years.

Findings

Importantly, Conditional Use Permits must meet the requirements set forth in TMC Section 10.08.4250, which requirements apply to conditional uses in all zoning districts in the City. Under these requirements, the Planning Commission can grant a CUP, on the basis of the application and evidence submitted, subject to making all of the following findings:

> (a) That there are circumstances or conditions applicable to the land, structure, or use which make the granting of a use permit necessary for the preservation and enjoyment of substantial property right;
>
> (b) That the proposed location of the conditional use is in accordance with the objectives of this [Chapter 10.08 – Zoning Regulations] and the purposes of the zone in which the site is located;
>
> (c) That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity; and
>
> (d) That the proposed use will comply with each of the applicable provisions of this [Chapter 10.08 – Zoning Regulations].

As noted in the proposed Planning Commission Resolution, Attachment C, the recommended findings for this project are as follow:

> (a) There are circumstances applicable to the use which make the granting of a use permit necessary for the preservation and enjoyment of substantial property right, because a conditional use permit is necessary for the operation of a meat processing facility including wholesale and deli-like retail sales in the Light Industrial Zone as required by the Tracy Municipal Code.
>
> (b) The proposed location of the use and the conditions under which it would be operated or maintained is in accordance with the objectives of the Tracy Municipal Code and the M-1 Zone in which the site is located site given the existing improvements and the industrial nature of the Larch Road area. The site has an existing multi-tenant building with a variety of light industrial and commercial uses, including a sausage processing facility and deli that operates similarly to the proposed use. The business is primarily wholesale trade of cut and packaged meats with ancillary retail sales to walk-in customers four days a week. The use will not generate any traffic or other impacts to the site that is

not consistent and characteristic of existing uses in the vicinity.

(c) The project will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use, or to the general welfare of the City because the project is consistent with other uses located in the vicinity and the existing improvements are such that the use will not have any additional impact than was anticipated at time of original site improvements.

(d) The project is consistent with the zoning and other elements of the Tracy Municipal Code, the City of Tracy General Plan, the Design Goals and Standards, City Standards, California Building Codes, and California Fire Codes.

PUBLIC OUTREACH/ INTEREST

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

COORDINATION

This development application was reviewed by multiple City Departments and the South San Joaquin County Fire Authority as part of the City's normal application review process. The Development Services Planning Division led the coordination effort.

CEQA DETERMINATION

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

ACTION REQUESTED OF THE PLANNING COMMISSION

Adopt a resolution 1) approving conditional use permit CUP22-0011 for a meat processing facility including wholesale and limited retail sales of packaged meats at 4220 Commercial Drive, Suite 16, APN 212-210-05, and 2) determining that this project is categorically exempt from the California Environmental Quality Act.

Prepared by: Kimberly Matlock, Associate Planner
Approved by: Bill Dean, Assistant Development Services Director

Attachments:

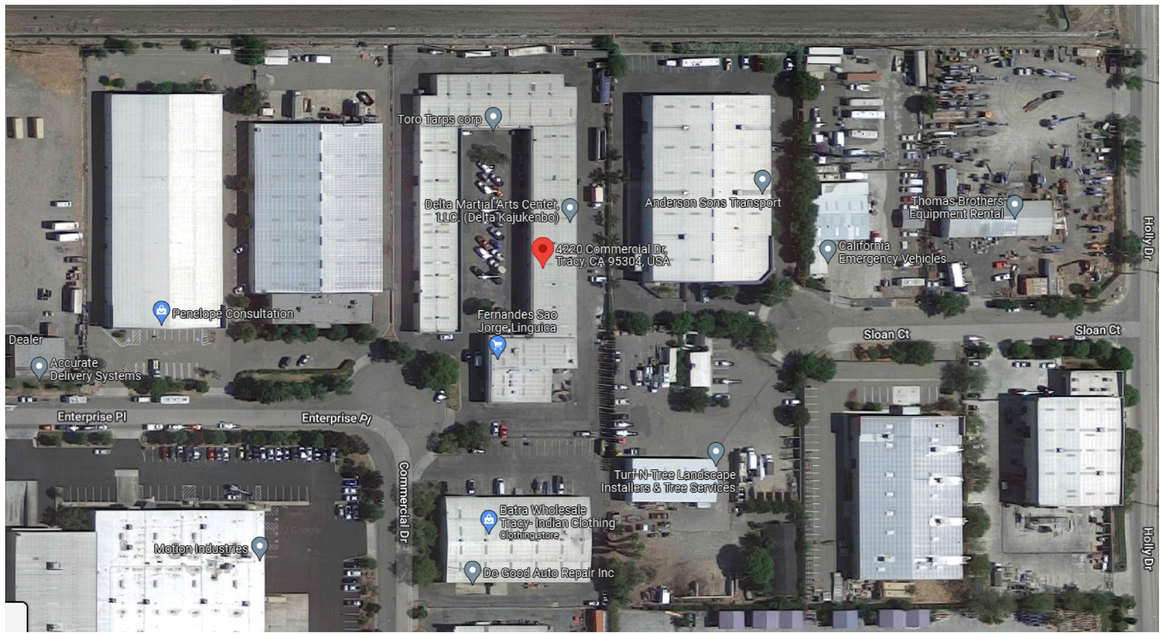
Attachment A – Location Map Site and Floor Plans received on May 18, 2022
Attachment B – Planning Commission Resolution
Attachment C – Conditions of Approval

PROJECT

4220 COMMERCIAL

4220 COMMERCIAL DR. STE TRACY CA 95304

LOCATION



NOTES

1. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR THE CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURE WITH THE PROJECT. NEITHER THE OWNER NOR THE ARCHITECT IS RESPONSIBLE FOR THE CONTRACTOR'S FAILURE TO FOLLOW PROPER SAFETY PROCEDURES.
2. ALL CODES HAVING JURISDICTION ARE HEREBY MADE A PART OF THIS DOCUMENT AND ARE TO BE STRICTLY OBSERVED BY THE CONTRACTOR IN THE CONSTRUCTION OF THE PROJECT. IN THE EVENT OF CONFLICT BETWEEN THESE DOCUMENT AND THE CODE, THE CODE SHALL PREVAIL. ANY CONFLICT OR DISCREPANCY SHALL IMMEDIATELY BE BROUGHT TO THE ATTENTION OF THE ARCHITECT.
3. ALL WORK TO BE ACCEPTABLE, MUST BE IN COMPLIANCE WITH THESE DRAWINGS AND SPECIFICATIONS, AND MUST BE OF A QUALITY EQUAL OR BETTER THAN THE STANDARD OF THE TRADE. FINISHED WORKS SHALL BE FIRM, LEVEL-ANCHORED, IN TRUE ALIGNMENT, PLUMB, LEVEL, WITH SMOOTH, CLEAN, UNIFORM APPEARANCE.
4. CONTRACTOR SHALL AT ALL TIMES PROVIDE PROTECTION AGAINST WEATHER, RAIN, WINDSTORMS, OR HEAT SO AS TO MAINTAIN ALL WORK, MATERIALS, EQUIPMENT AND APPARATUS FREE FORM INJURY OR DAMAGE.
5. CONTRACTOR SHALL VISIT THE SITE OF THE PROJECT, EXAMINE FOR HIMSELF/HERSELF THE NATURE OF THE EXISTING CONDITIONS AND ALL OTHER CONDITIONS RELEVANT TO THE SATISFACTORY COMPLETION OF THE PROJECT. SUBMISSION OF A BID FOR CONSTRUCTION SHALL BE CONSIDERED EVIDENCE OF SUCH EXAMINATION BY THE CONTRACTOR.
6. BEFORE ORDERING MATERIAL OR COMMENCING WORK WHICH IS DEPENDENT FOR THE PROPER SIZE AND INSTALLATION UPON COORDINATION WITH CONDITIONS IN THE BUILDING. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SHALL BE RESPONSIBLE FOR THE CORRECTNESS. ANY DISCREPANCIES BETWEEN THE DOCUMENTS AND THE EXISTING CONDITIONS SHALL BE REFERRED TO THE ARCHITECT FOR ADJUSTMENTS BEFORE ANY WORK BEGINS OR MATERIALS ARE PURCHASED.
7. MATERIALS, PRODUCT AND EQUIPMENT SHALL ALL BE NEW, EXCEPT AS SPECIFICALLY NOTED OTHERWISE.
8. CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION ALL DEBRIS IN A LOCATION OF THE PROPERTY APPROVE BY THE OWNER AND SHALL REMOVE SAME IN A TIMELY MANNER DURING THE COURSE OF WORK.
9. CONTRACTOR SHALL REMOVE FROM SITE ALL EXISTING CONSTRUCTION AND IMPROVEMENTS NECESSARY FOR COMPLETION OF THE PROJECT, PROTECTION FROM DAMAGE OR INJURY ALL EXISTING TREES, LANDSCAPING AND IMPROVEMENT INDICATED BY THE DRAWINGS.
10. EXCAVATE ALL FOOTING AS NECESSARY, INDICATED ON THE DRAWING TO REACH SOLID, UNDISTURBED SOIL. BOTTOMS FOR EXCAVATIONS SHALL BE LEVEL, CLEAN AND DRY AND AT THE ELEVATIONS INDICATED ON THE STRUCTURAL DRAWINGS.
11. PROVIDE FINISH GRADES TO DRAIN AWAY FROM THE FOUNDATIONS ON ALL SIDE OF THE BUILDING. IF THERE ARE EXTERIORS IMPROVEMENTS.
12. CONTRACTOR TO PRECISELY LOCATE ALL UTILITIES PRIOR TO ANY CONSTRUCTION AND/OR EXCAVATION.
13. ON-SITE/EROSION CONTROL MEASURES MAY BE REQUIRED TO BE PROVIDED PER THE CITY OF PLEASANTON FIELD INSPECTOR.

CODES AND STANDARDS

THE CITY COUNCIL OF THE CITY OF PLEASANTON ADOPTED BY REFERENCE AND AMENDING (ORDINANCE NO. 2197):

- • 2018 INTERNATIONAL BUILDING CODE
- • 2018 INTERNATIONAL EXISTING BUILDING CODE
- • 2018 INTERNATIONAL RESIDENTIAL CODE
- • 2018 INTERNATIONAL FIRE CODE
- • 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE,
- • 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE
- • 2018 UNIFORM PLUMBING CODE
- • 2018 UNIFORM MECHANICAL CODE
- • 2017 NATIONAL ELECTRICAL CODE
- • 2019 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE

CONTACTS

JEFF WEISS

1151 HARBOR BAY PARKWAY STE. 142
ALAMEDA CA 94502
TEL: (510) 999-1221
FAX: (650) 581-9493
EMAIL: JRWEISS2027@GMAIL.COM

SHEET INDEX

1. COVER
2. ELEVATIONS.
3. FLOOR PLAN.
4. FLOOR PLAN.
5. FLOOR PLAN.
6. SECTIONS.

PROJECT DATA

CONVERT EXISTING VACANT AREA TO A MEAT SHOP

www.mainstreamdrafting.com

RECEIVED
May 18, 2022
City of Tracy
Development Services

NOTES

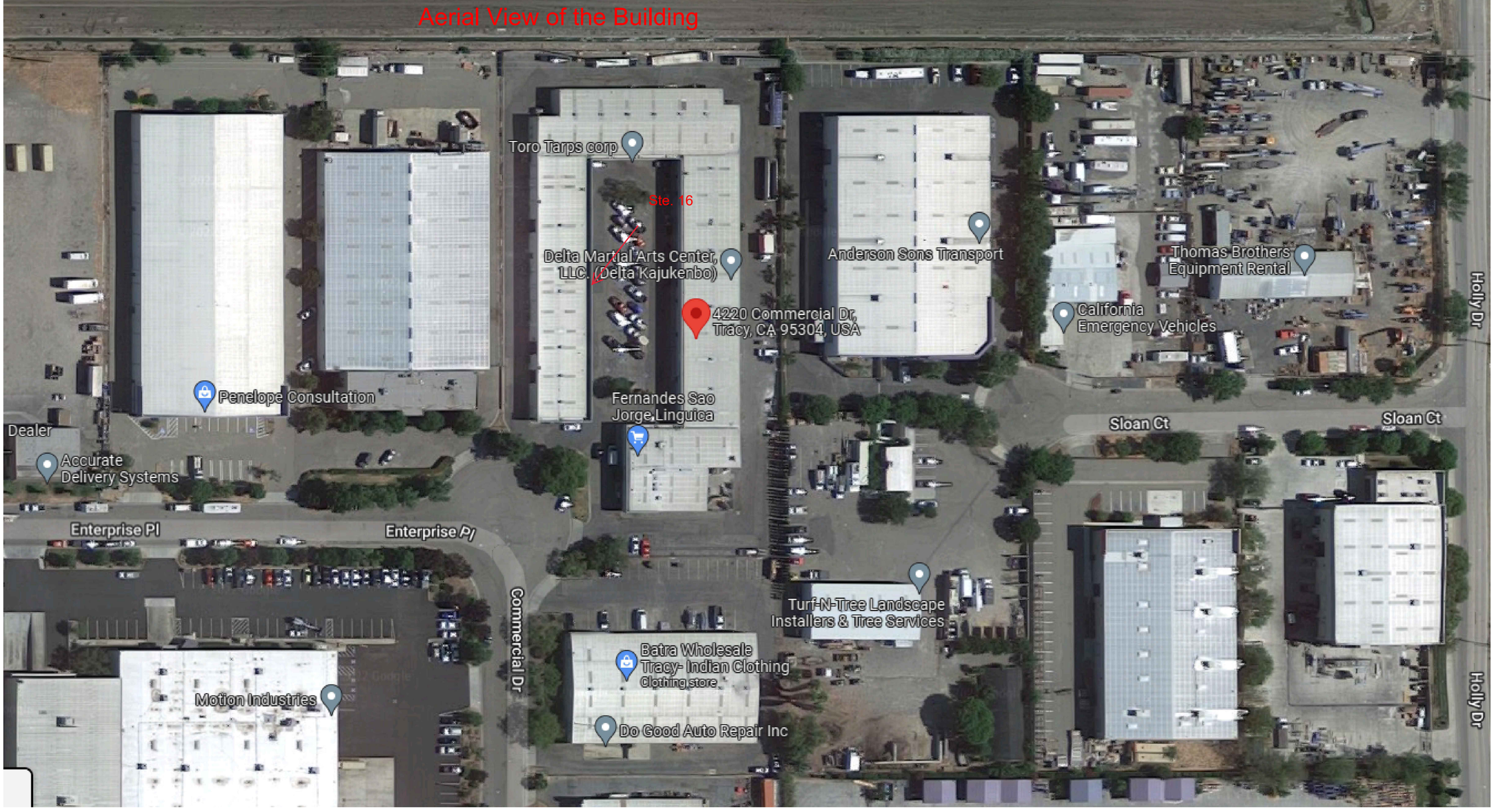
N	REVISION	DATE

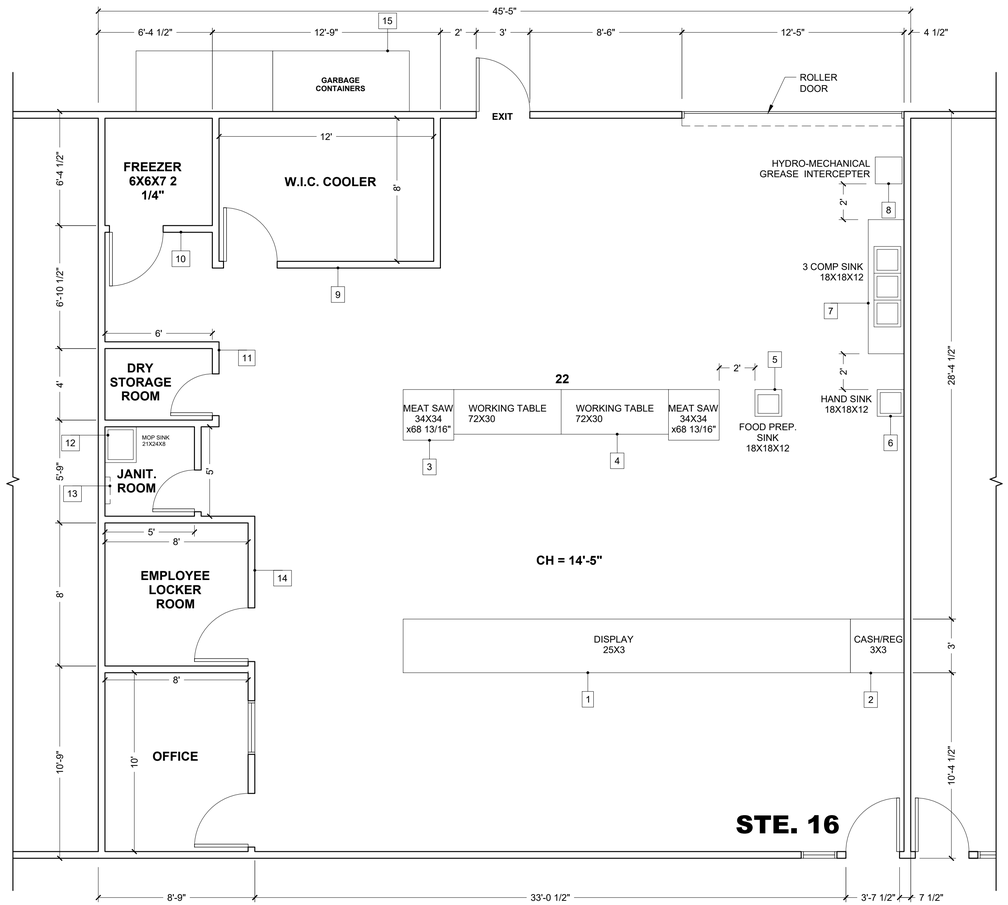
PROJECT	HANFORD QLTY MEATS, LLC.
CLIENT	___
ADDRESS	4220 COMMERCIAL DR. STE TRACY CA 95304
CONTENT	COVER
SCALE	AS SHOWN
DRAWN BY	MD
DATE	4/12/22
PROJECT #	_

01

PRINT SIZE: ARCH D 24"X36"

Aerial View of the Building





FLOOR PLAN

1/4" = 1'-0"

NOTES:

1. WRITE FLOOR TO BE EPOXIED.
2. ALL WALL AREA TO BE FRP.

LIST

ITEM	DESCRIPTION	QTY
01	DISPLAY	01
02	CASH/REG	01
03	MEAT SAW	02
04	WORKING TABLE	02
05	FOOD PREP. SINK	01
06	HAND SINK	01
07	3 COMP SINK	01
08	H-M GREASE INTERCEPTER	01
09	W.I.C. COOLER	01
10	FREEZER	01
11	DRY STORAGE ROOM	01
12	MOP SINK	01
13	TANKLESS WATER HEATER	01
14	EMPLOYEE LOCKER ROOM	01
15	GARBAGE CONTAINERS	01

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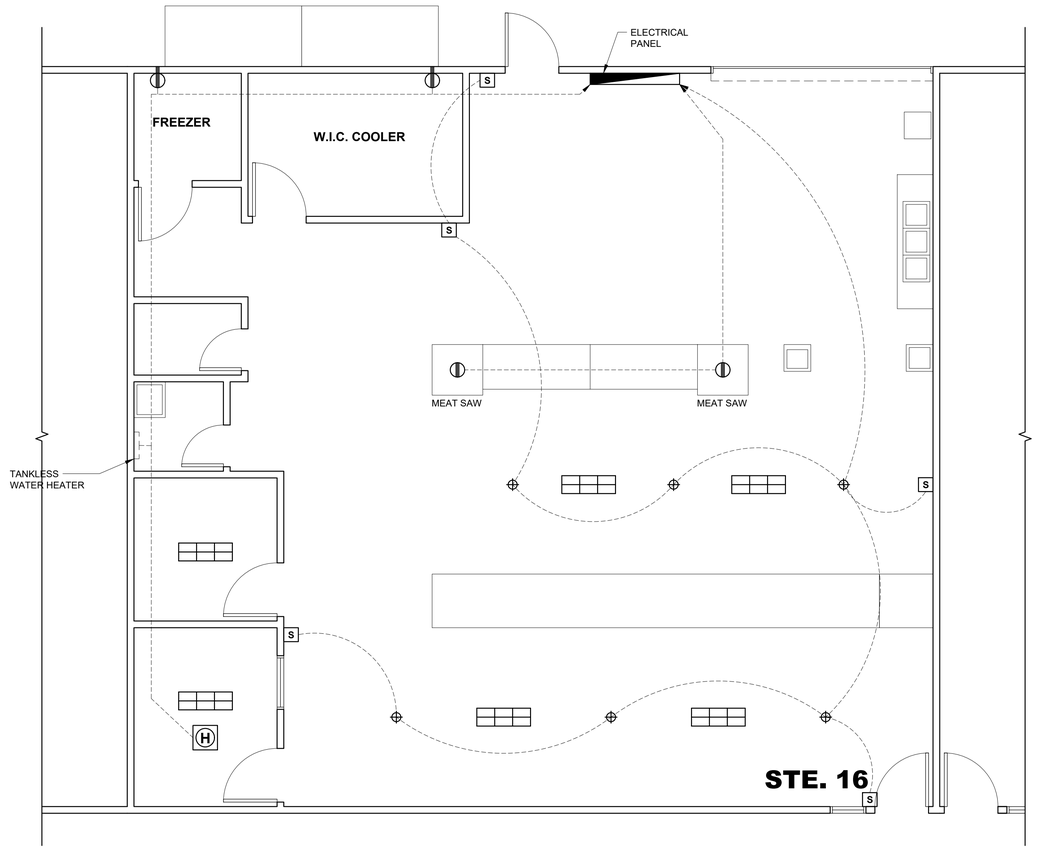
NOTES

N	REVISION	DATE

PROJECT	HANFORD QLTY MEATS, LLC.
CLIENT	___
ADDRESS	4220 COMMERCIAL DR. STE TRACY CA 95304
CONTENT	FLOOR PLAN
SCALE	AS SHOWN
DRAWN BY	MD
DATE	4/12/22
PROJECT #	_

02



LEGEND	
	HEAT REGISTER
	E. PANEL
	LIGHT
S	SWITCH
H	HEATING UNIT ON ROOF
	OUTLETS

FLOOR PLAN - ELECTRICAL

1/4" = 1'-0"

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NOTES

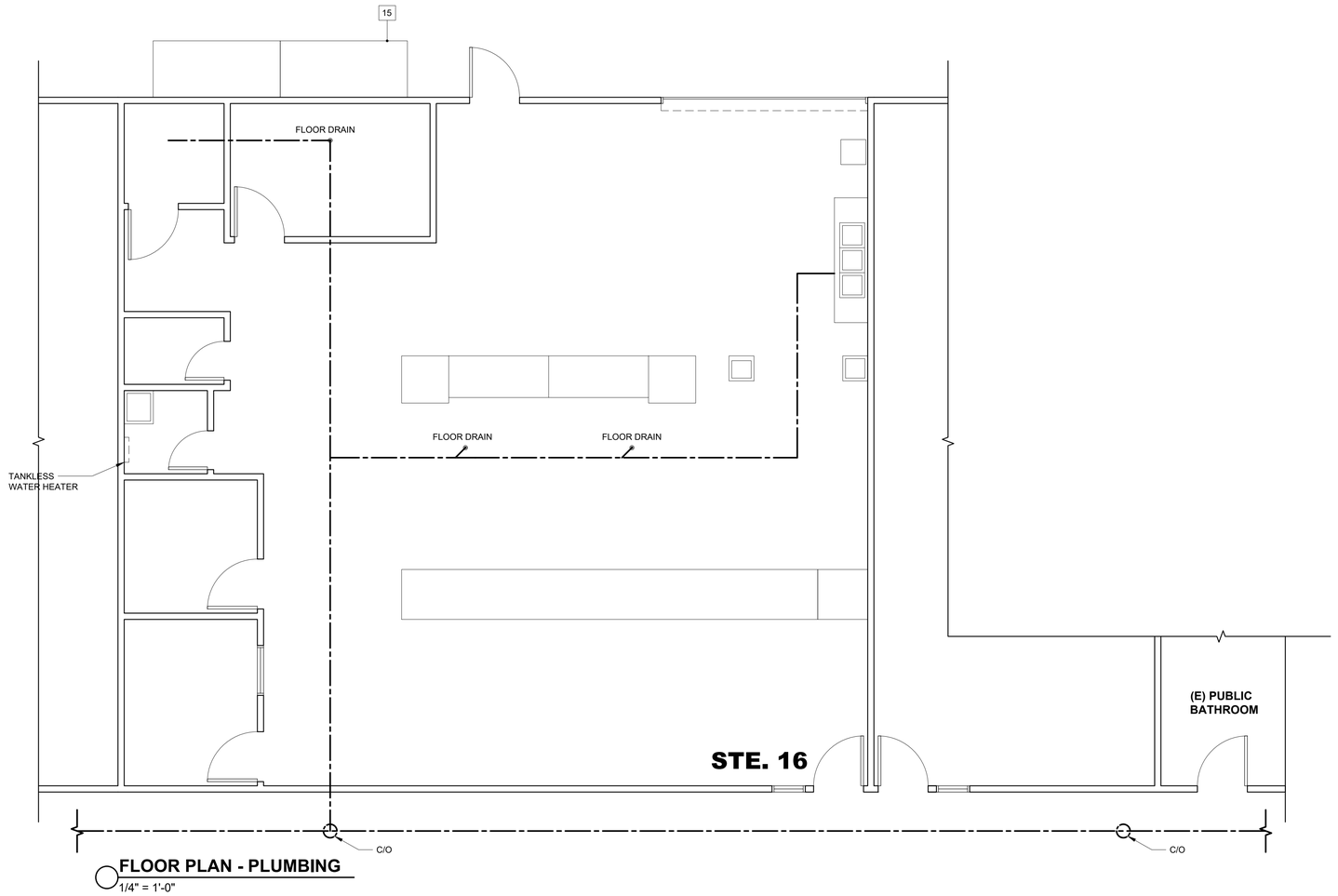
N	REVISION	DATE

PROJECT	HANFORD QLTY MEATS, LLC.
CLIENT	___
ADDRESS	4220 COMMERCIAL DR. STE TRACY CA 95304
CONTENT	FLOOR PLAN - ELECTRICAL
SCALE	AS SHOWN
DRAWN BY	MD
DATE	4/12/22
PROJECT #	_

03

PRINT SIZE: ARCH D 24"X36"

www.mainstreamdrafting.com



FLOOR PLAN - PLUMBING
1/4" = 1'-0"

	LEGEND
◎	FLOOR DRAIN
○	CLEAN OUTS

NOTES

N	REVISION	DATE

PROJECT	HANFORD QLTY MEATS, LLC.
CLIENT	___
ADDRESS	4220 COMMERCIAL DR. STE TRACY CA 95304
CONTENT	FLOOR PLAN - PLUMBING
SCALE	AS SHOWN
DRAWN BY	MD
DATE	4/12/22
PROJECT #	_

04

PRINT SIZE: ARCH D 24"X36"

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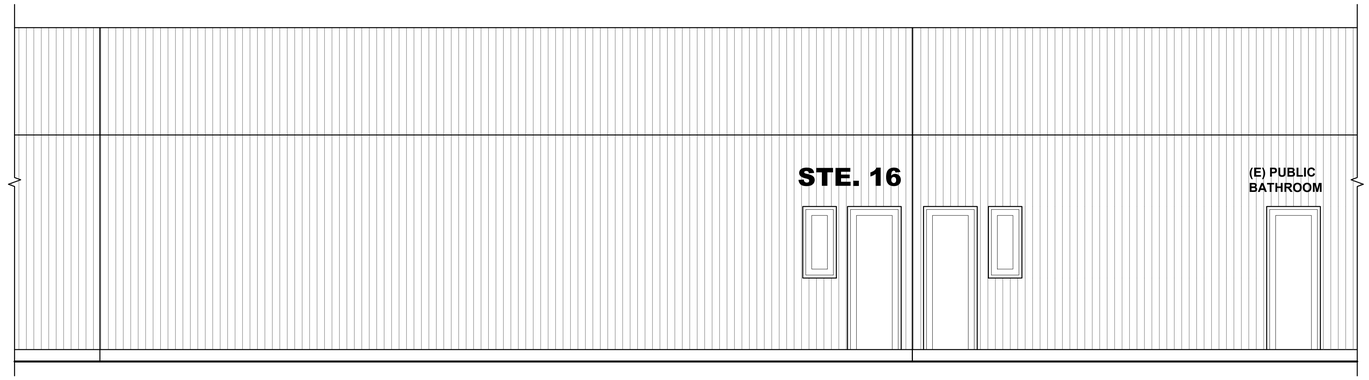
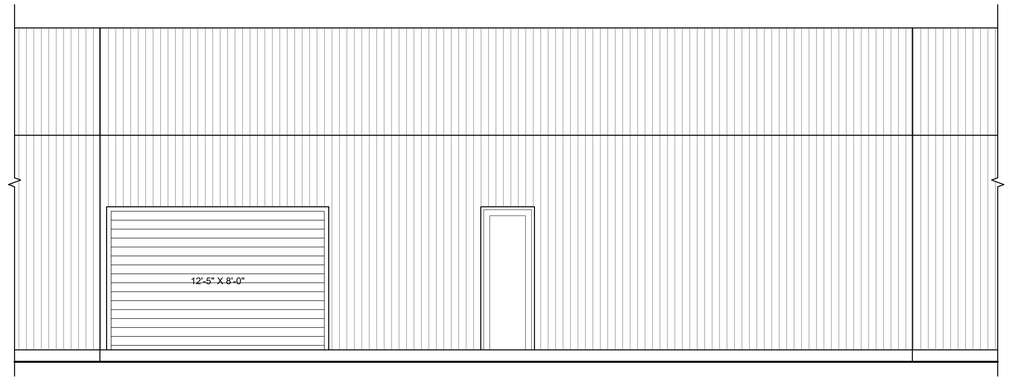


FRONT ELEVATION
1/4" = 1'-0"



BACK ELEVATION
1/4" = 1'-0"

NOTES

N	REVISION	DATE

PROJECT	HANFORD QLTY MEATS, LLC.
CLIENT	___
ADDRESS	4220 COMMERCIAL DR. STE TRACY CA 95304
CONTENT	ELEVATIONS
SCALE	AS SHOWN
DRAWN BY	MD
DATE	4/12/22
PROJECT #	_

05

PRINT SIZE: ARCH D 24"X36"

ATTACHMENT B

APPROVED AS TO FORM AND LEGALITY

_____
CITY ATTORNEY'S OFFICE

TRACY PLANNING COMMISSION

RESOLUTION NO. _____

---

1. **APPROVING A CONDITIONAL USE PERMIT (CUP22-0011) FOR A MEAT PROCESSING FACILITY INCLUDING WHOLESALE AND LIMITED RETAIL SALES OF PACKAGED MEATS AT 4220 COMMERCIAL DRIVE, SUITE 16 (APN 212-210-05;**
2. **DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

WHEREAS, The primary regulatory framework governing land uses in the City of Tracy (City) are the General Plan and the City's zoning ordinance, which is codified in Title 10 of the Tracy Municipal Code (TMC); and

WHEREAS, On May 18, 2022, a conditional use permit application was submitted to establish a meat processing facility including wholesale and limited retail sales of packaged meats at 4220 Commercial Drive, Suite 16; and

WHEREAS, The subject site is designated Industrial in the Tracy General Plan and zoned Light Industrial (M-1), in which food processing, wholesale trade, and delis are conditionally permitted; and

WHEREAS, the Planning Commission can grant a Conditional Use Permit, on the basis of the application and evidence submitted, subject to making all of the requisite findings set forth in TMC Section 10.08.4250; and

WHEREAS, The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, which pertains to minor alterations and additions to existing facilities in an area where all public services and facilities are available and which is not environmentally sensitive; and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the application on September 28, 2022; now, therefore, be it

RESOLVED: That the Planning Commission adopts a resolution approving a conditional use permit (CUP22-0011) for a meat processing facility including wholesale and limited retail sales of packaged meats at 4220 Commercial Drive, Suite 16, APN 212-210-05, subject to the Conditions of Approval contained in Attachment C to the staff report and based on the findings below.

1. There are circumstances applicable to the use which make the granting of a use permit necessary for the preservation and enjoyment of substantial property right, because a conditional use permit is necessary for the operation of a meat processing facility including wholesale and deli-like retail sales in the Light

Industrial Zone as required by the Tracy Municipal Code.

2. The proposed location of the use and the conditions under which it would be operated or maintained is in accordance with the objectives of the Tracy Municipal Code and the M-1 Zone in which the site is located site given the existing improvements and the industrial nature of the Larch Road area. The site has an existing multi-tenant building with a variety of light industrial and commercial uses, including a sausage processing facility and deli that operates similarly to the proposed use. The business is primarily wholesale trade of cut and packaged meats with ancillary retail sales to walk-in customers four days a week. The use will not generate any traffic or other impacts to the site that is not consistent and characteristic of existing uses in the vicinity.

3. The project will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use, or to the general welfare of the City because the project is consistent with other uses located in the vicinity and the existing improvements are such that the use will not have any additional impact than was anticipated at time of original site improvements.

4. The project is consistent with the zoning and other elements of the Tracy Municipal Code, the City of Tracy General Plan, the Design Goals and Standards, City Standards, California Building Codes, and California Fire Codes.

FURTHER RESOLVED: That the Planning Commission determines, based on the evidence in the record and its own independent investigation and judgment, that this project is categorically exempt from the California Environmental Quality Act pursuant to Guidelines Section 15301.

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

The foregoing Resolution 2022-_____ was adopted by the Planning Commission on September 28, 2022, by the following vote:

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

_____
CHAIR

ATTEST:

_____
STAFF LIAISON

City of Tracy
Conditions of Approval
Hanford Quality Meats Butcher Shop
Application Number CUP22-0012

A. General Provisions and Definitions.

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

The Project: A meat processing facility including wholesale and limited retail sales of packaged meats (Hanford Quality Meats), conditional use permit number CUP22-0011

The Property: 4220 Commercial Drive, Suite 16, APN 212-210-05

A.2. Definitions.

a. "Applicant" means any person, or other legal entity, applying for a conditional use permit.

b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.

c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).

d. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.

e. "Conditions of Approval" shall mean the conditions of approval applicable to the Project located at the Property. The Conditions of Approval shall specifically include all conditions set forth herein.

f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.

A.3. Compliance with submitted plans. Prior to the establishment of the use, the project shall be established in substantial compliance with the plans received by the Development Services Department on May 18, 2022 to the satisfaction of the Development Services Director.

A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check

fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.

A.5. Compliance with laws. The Developer shall comply with all federal, state and local laws, as amended from time to time, related to the development of real property within the Project, including, but not limited to:
- the Planning and Zoning Law (Government Code sections 65000, et seq.)
- the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
- the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").

B. Development Services Department, Planning Division Conditions

Contact: Kimberly Matlock (209) 831-6430 kimberly.matlock@cityoftracy.org

B.1. Wholly indoors. Aside from wholesale distribution, the use shall be conducted wholly indoors within suite 16. The use may not be conducted outside the building nor shall materials be stored outside of the building.

C. Development Services Department, Building Division Conditions

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

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

C.2. At time of building permit application submittal, the applicant shall provide plans that are prepared by a registered design professional per CBC 107.1.

C.3. At the time of building permit application submittal, the applicant shall provide a restroom facility calculation per CPC Chapter 4 to ensure that the existing public restroom is large enough to accommodate the new tenant.

C.4. At the time of building permit application, the applicant shall change all code years to 2019, and change reference to the City of Tracy, not Pleasanton.

D. South San Joaquin County Fire Authority Conditions

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

E.1. A construction permit is required to alter the existing tenant space. Prior to construction, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval.
E.1.1. Construction documents shall be designed to the current edition of the California Code of Regulations, Title 24, as amended by the City of Tracy Municipal Code.

E.1.2. Deferred submittals shall be listed on the coversheet of each page for fire sprinkler and fire alarm tenant improvements. Each deferred submittal shall be submitted, reviewed and approved by SSJCFA prior to installation.

E.2. Engineering and building permit applications received by our offices are subject to the current fee schedule for South San Joaquin County Fire Authority. Contact our offices for additional information.
- E.2.1. Application processing fees and minimum plan review fees are due at time of submittal of construction documents.
- E.2.2. Additional plan review fees, minimum inspection fees and administrative fees are calculated on approval of project and shall be paid prior to issuance of permit.
- E.2.3. Permit holder is responsible for any additional inspection fees incurred, and shall be paid prior to final inspection.

E.3. Construction documents shall be submitted to South San Joaquin County Fire Authority for review and approval prior to the start of construction or demolition.
- E.3.1 Prior to occupancy of each new business, the tenant shall contact South San Joaquin County Fire Authority for a new business inspection. Additional fees may be required for New Business, Annual and Operational Fire Permits. All fees shall be paid prior to approval of inspections.

E.4. Knox boxes shall be required. Each tenant shall have keys placed in the key box. The operator of the building shall immediately notify the Fire Authority and provide the new key where a lock is changed or rekeyed. The key to such shall be secured in the key box.

E.5. Building and each tenant space shall be provided with approved address identification in accordance with CFC §505.

September 28, 2022

Agenda Item 1.C

RECOMMENDATION

STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT:

(1) A RESOLUTION (A) APPROVING A CEQA NEGATIVE DECLARATION FOR THE EXPANSION OF THE VALPICO GLENBRIAR APARTMENT PARKING LOT A TO INCLUDE A PORTION OF THE REAR YARD AT 2625 S. MACARTHUR DRIVE (PARKING SITE) AND (B) DETERMINE THE ADDITION OF A PERIMETTER FENCE/GATE TO THE VALPICO GLENBRIAR APARTMENTS PROJECT LOCATED AT 351 E. VALPICO ROAD (APARTMENTS SITE) IS EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTION 15303(E);

(2) AN ORDINANCE APPROVING A GENERAL PLAN AMENDMENT REDESIGNATING THE PARKING SITE FROM COMMERCIAL TO RESIDENTIAL HIGH (GPA22-0003);

(3) AN ORDINANCE AMENDING THE ZONE DISTRICT OF THE PARKING SITE FROM COMMUNITY SHOPPING CENTER TO HIGH DENSITY RESIDENTIAL (R22-0002);

(4) A RESOLUTION APPROVING A DEVELOPMENT REVIEW PERMIT FOR THE ADDITION OF A PERMITER FENCE AND GATES TO THE APARTMENTS SITE (D22-0005); AND

(5) A RESOLUTION APPROVING A DEVELOPMENT REVIEW PERMIT EXPANDING THE VALPICO GLENBRIAR APARTMENT PARKING LOT TO INCLUDE A PORTION OF THE REAR YARD AT 2625 S. MACARTHUR DRIVE (D22-0013)

EXECUTIVE SUMMARY

The City Council approved a Development Review Permit for the 264-unit Valpico Glenbriar Apartment project on October 1, 2019 (Apartments Project). The Apartment Project is currently under construction. The developer is requesting City approval to construct a perimeter fence (with pedestrian and vehicle gates) around the apartment complex and expand the apartment complexes' parking area by approximately 13,440 square feet, to construct 25 additional off-street parking spaces.

BACKGROUND

The City Council approved the 264-unit Valpico Glenbriar Apartments Project (now called The Vela Apartments) through Development Review Permit (D19-0018), on October 1, 2019 (Resolution Number 2019-195). The approximately 11 and one-half-acre site is located on the north side of Valpico Road at Glenbriar Drive, just west of and sharing a driveway with, the former Rite Aid store at the northwest corner of Valpico Road and MacArthur Drive (Apartments

Site).

Shortly after construction of the apartments began, the original developer, Katerra, sold the Apartments Project to Guardian Capital. Guardian Capital continued construction and is now nearing completion of this project. Guardian Capital represents they intend to maintain ownership and operation of the Apartments Project for the foreseeable future.

Attachment A identifies the location of the Valpico Glenbriar Apartment Project Site.

ANALYSIS

This new Project includes two components, each with its own Development Review Permit application: (1) expansion of the apartment's parking area and (2) construction of a fence with gates around the perimeter of the Apartments Project. Each of the two Development Review Permit applications was submitted separately, but they are combined in this report because they each effectively become amendments to the City Council's October 1, 2019 approval of the Valpico Glenbriar Apartment Project. After acquiring the Apartments Project, Guardian Capital presented these two proposed changes from Katerra's original proposal.

Parking Lot Expansion

The Valpico Glenbriar Apartments Project was approved with 417 off-street parking spaces, approximately 1.58 parking spaces per unit. The number of spaces meets City parking requirements. However, Guardian Capital secured an interest in approximately 13,440 square feet (just under one-third of an acre) of vacant property adjacent to the east side of the Site in order to develop additional off-street parking spaces. Guardian Capital indicates they wish to increase the number of off-street parking spaces as part of the amenities for tenants. A higher number of off-street parking spaces will help ensure sufficient on-site spaces are available during peak parking demand times. It could also result in some tenants being able to park closer to their own apartment units if demand for parking spaces is higher in some portions of the complex than other areas.

The adjacent property proposed for the parking area expansion is identified in Attachment A. It includes a portion of the rear yard of the adjacent house at 2625 S. MacArthur Drive. The shaded area in Attachment B identifies the area proposed to be acquired and depicts the proposed design of the expanded parking area (Parking Site). The inset of Attachment B illustrates the proximity of the proposed expanded parking area to the existing residence on the lot into which the parking area will be expanded. After the parking lot is expanded, the house will be approximately 70 feet from the parking area's perimeter fence; and the remaining size of the lot with the existing house will be just over 1.3 acres.

A lot line adjustment application (MS22-0003) has been submitted to relocate the property line between the Apartment Site and the adjacent single-family home lot, resulting in the Parking Site becoming a part of the Apartment Site. If the parking lot expansion proposal receives City approval, the lot line adjustment will undergo its normal review process through the Development Services Department with final review and approval by the City Engineer and the Development Services Director pursuant to Section 10.04.070 of the Tracy Municipal Code (TMC).

The first component of the Project requesting the parking lot expansion on an approximately 13,440 square foot area requires three actions to be considered and approved by the Planning Commission and, ultimately, the City Council:

1) an amendment to the General Plan designation;
2) a zoning amendment; and
3) a Development Review Permit

Attachments C and D identify the existing General Plan designation and zoning, respectively, of the Parking Site; and Attachments E and F show the proposed General Plan designation and zoning.

The expanded parking is part of an approximately 4.07-acre site designated Commercial by the General Plan Map and zoned Community Shopping Center (CS) at the northwest corner of Valpico Road and MacArthur Drive. This site was designated Commercial when it was annexed to the City in 1994. This CS site currently includes the former Rite Aid store and three single-family homes (constructed prior to annexation to the City) adjacent to the north of the former Rite Aid site.

In order to make the General Plan designation and zoning of the Parking Site consistent with the General Plan designation and zoning of the Apartments Site, and consistent with the proposed use of the Parking Site for residential purposes, General Plan amendment and rezoning applications for the Parking Site are part of this Project. As indicated in Attachments E and F, the proposed General Plan and zoning designations for the Parking Site are Residential High and High Density Residential, respectively.

The purpose of the CS Zone is to provide limited business, service and office facilities for the convenience of local neighborhoods. Historically, CS-zoned sites have been the grocery store/drug store shopping centers in Tracy. In accordance with TMC Section 10.08.2090, when a CS Zone is established over a site with nonconforming buildings and uses, the site should have a development plan including the potential traffic circulation, parking, and arrangement of buildings when the nonconforming uses and buildings are replaced. The three existing single-family homes on this CS site are nonconforming and are expected eventually to be replaced by conforming uses and buildings – commercial buildings that meet the CS Zone requirements. Attachment G is a proposed development plan for this CS site. It indicates how the site can be developed without inclusion of the Parking Site. Although the size of this CS site will be reduced from just over four acres to approximately 3.75 acres, Attachment G indicates the remaining site has sufficient size to accommodate retail, office, or other commercial uses consistent with the CS Zone.

Perimeter Fence and Gates

This Project's second component is a proposal to enclose the entire Valpico Glenbriar Apartments Site with a perimeter fence with gates for vehicles and pedestrians. The apartments' plan approved by the City Council in 2019 identifies the fences adjacent to the single-family homes to the north and along a portion of the east property line adjacent to the existing residential uses. But the approved project does include a perimeter fence or gates to exclude access by visitors, passersby, or other non-residents. In general, the City discourages gated communities, citing General Plan Policy P6 of Goal CC-2 in the Community Character

Element:

> New development projects shall not be gated communities or constructed with walls surrounding individual projects (i.e., single developer or builder). Gated communities and walls should only be allowed on a case-by-case basis and will generally be considered only for projects such as "estate" developments where the minimum lot size is at least one acre or in housing with specialized clientele such as senior citizens.

Nevertheless, Guardian Capital wishes to construct a perimeter fence, with gates for vehicles and pedestrians. Guardian Capital represents the fence and gates will add a sense of security for the tenants and property owner and have a positive effect on the marketability of the apartments. Attachment H is a four-page set identifying the locations of the fences and gates on the first sheet, details and images of the proposed fences and gates on the second sheet, and enlargements of the proposed vehicle entrance gate locations on the last two sheets.

Some potential concerns related to fences and gates around residential developments relate to appearance of the fence(s), height, materials, emergency vehicle access, and stacking distances at vehicle entrances. Each of these concerns is addressed by the proposed location and design of the fences and gates, as follows:

(1) the height of the fence along the east, west, and north (west of Glenbriar Drive) property lines is six feet (instead of a taller height that could attract more attention);
(2) the fence height along the Valpico Road frontage is a more discreet, five-foot height;
(3) the fence is reasonably setback from the Valpico Road property line to deemphasize its appearance;
(4) the clubhouse building is 'used as a fence', in that the proposed perimeter fence will extend across the front of the site and connect to two corners of the clubhouse building, without being constructed across the front of the building, allowing the view of the building's architecture to be unobstructed by a new fence;
(5) the fences and gates will be constructed of decorative tubular steel, allowing free-through passage of vision and light;
(6) gate openings will be sufficiently wide to provide for emergency vehicle access at driveways and accessibility at pedestrian gates; and
(7) vehicle gates will be constructed sufficiently deep into the site to provide for generous vehicle stacking (six vehicles or more) at site entrances.

Based on the above modifications proposed by the Project applicant, staff believes there is sufficient evidence to support approval of the gates for this Apartment Site in this case.

FINDINGS

Before approving a development review permit, the reviewing body (under section 10.08.3950) must make written findings that:

(1) the proposal increases the quality of the project site, and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy

(2) the proposal conforms to this chapter, the general plan, any applicable specific plan, the Design Goals and Standards, any applicable Infrastructure Master Plans, and other City regulations.

As noted in the proposed Planning Commission Resolution, Attachment J, the recommended findings for the two Development Review Permits are as follow:

1. The proposal increases the quality of the project site and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy because the number of additional parking spaces will be above and beyond minimum requirements of City regulations to help reduce potential effects of peak parking demand times and potentially allow tenants and guests to park closer to their tenant spaces or building destinations. Fences and gates will help provide a sense of security for tenants and the property owner.

2. The proposal conforms to Chapter 10.08, Zoning Regulations, of the Tracy Municipal Code, the City of Tracy General Plan, the Citywide Design Goals and Standards, City Standard Plans, and other City regulations in that it consistent with the Storm Drainage Technical Memorandum prepared for the project by Wood Rodgers, it is consistent with City Off-Street parking area landscape requirements (Tracy Municipal Code Section 10.08.3560), and is consistent with City of Tracy Standard Plan 141 regarding parking space and drive aisle dimension requirements.

FISCAL IMPACT

This agenda item does not request any expenditure of funds. The applicant paid the application processing fees established by the City Council and entered into a cost recovery agreement to pay for the City's storm drain and CEQA consultants. The applicant will pay applicable grading, building and other construction permit fees upon commencement of project improvements.

PUBLIC OUTREACH/ INTEREST

The California Environmental Quality Act (CEQA) Notice of Intent to Adopt a Negative Declaration and notice for the Planning Commission September 28, 2022 public hearing were published in the local newspaper, mailed to owners of property within over 300 feet of the project site, posted with the County Clerk, posted to the City web site, and at the Tracy Branch Library in accordance with CEQA and public hearing notice requirements.

COORDINATION

Upon development application submittal to the City, the application was routed to the normal reviewers of development applications: City departments, South San Joaquin County Fire Authority, PG&E, Tracy Delta Solid Waste Management, Air Pollution Control District, AT&T, Comcast, Tracy Unified School District, and San Joaquin Council of Governments. The primary interaction and coordination for this Project occurred after review and comments from the South San Joaquin County Fire Authority, the City Building Division, the City Engineering Division, and the City Police Department. The developer's plans were revised from the original submittal and

conditions of approval were developed in response to coordination with City departments and outside agencies. Project coordination was organized by the Development Services Department Planning Division.

CEQA DETERMINATION

The City's environmental consultant, De Novo Planning Group, prepared an Initial Study (Attachment I) in accordance with the California Environmental Quality Act (CEQA). Substantial supporting evidence contained in the Initial Study demonstrates the Project will not have a significant effect on the environment. Therefore, in accordance with CEQA Guidelines Section 15074, a Negative Declaration is proposed for adoption. The perimeter fence/gate proposal is exempt from CEQA pursuant to CEQA Guidelines Section 15303(e) which pertains to new construction of small or accessory structures such as fences.

STRATEGIC PLAN

This is a routine development application that does not directly relate to the City Council's Strategic Plans.

ACTION REQUESTED OF THE PLANNING COMMISSION

STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT:

(1) A RESOLUTION (A) APPROVING A CEQA NEGATIVE DECLARATION FOR THE EXPANSION OF THE VALPICO GLENBRIAR APARTMENT PARKING LOT A TO INCLUDE A PORTION OF THE REAR YARD AT 2625 S. MACARTHUR DRIVE (PARKING SITE) AND (B) DETERMINE THE ADDITION OF A PERIMETER FENCE/GATE TO THE VALPICO GLENBRIAR APARTMENTS PROJECT LOCATED AT 351 E. VALPICO ROAD (APARTMENTS SITE) IS EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTION 15303(E);

(2) AN ORDINANCE APPROVING A GENERAL PLAN AMENDMENT REDESIGNATING THE PARKING SITE FROM COMMERCIAL TO RESIDENTIAL HIGH (GPA22-0003);

(3) AN ORDINANCE AMENDING THE ZONE DISTRICT OF THE PARKING SITE FROM COMMUNITY SHOPPING CENTER TO HIGH DENSITY RESIDENTIAL (R22-0002);

(4) A RESOLUTION APPROVING A DEVELOPMENT REVIEW PERMIT FOR THE ADDITION OF A PERMITER FENCE AND GATES TO THE APARTMENTS SITE (D22-0005); AND

(5) A RESOLUTION APPROVING A DEVELOPMENT REVIEW PERMIT EXPANDING THE VALPICO GLENBRIAR APARTMENT PARKING LOT TO INCLUDE A PORTION OF THE REAR YARD AT 2625 S. MACARTHUR DRIVE (D22-0013)

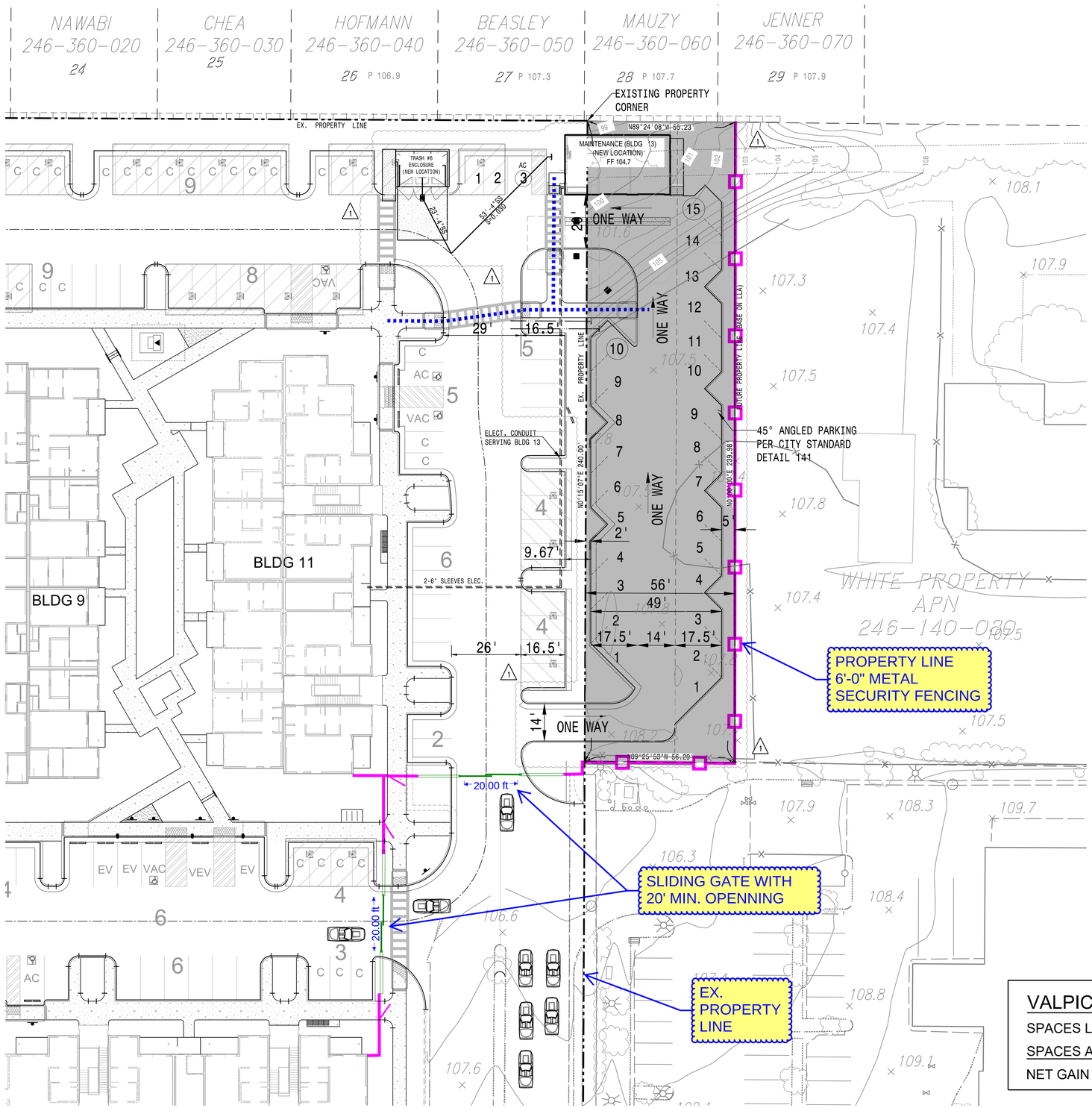
Prepared by Alan Bell, Senior Planner
Approved by Bill Dean, Assistant Director of the Development Services Department

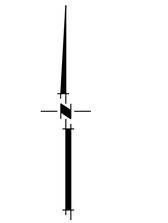
Attachments:

Attachment A – Project Vicinity
Attachment B – Proposed Expanded Parking Area Design
Attachment C – Existing General Plan Designations
Attachment D – Existing Zoning
Attachment E – Proposed General Plan Designations
Attachment F – Proposed Zoning
Attachment G – CS Zone Potential Development Plan
Attachment H - Proposed Fence and Gate Locations and Fence and Gate Details (Four Pages)
Attachment I – California Environmental Quality Act Initial Study and Proposed Negative Declaration
Attachment J – Planning Commission Resolution, with Project Conditions of Approval

Attachment A

VALPICO-GLENBRIAR APARTMENTS EXPANDED PARKING AREA





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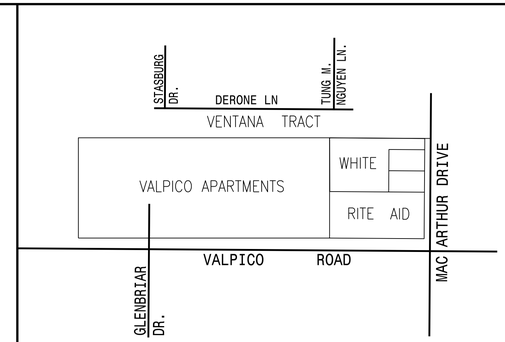
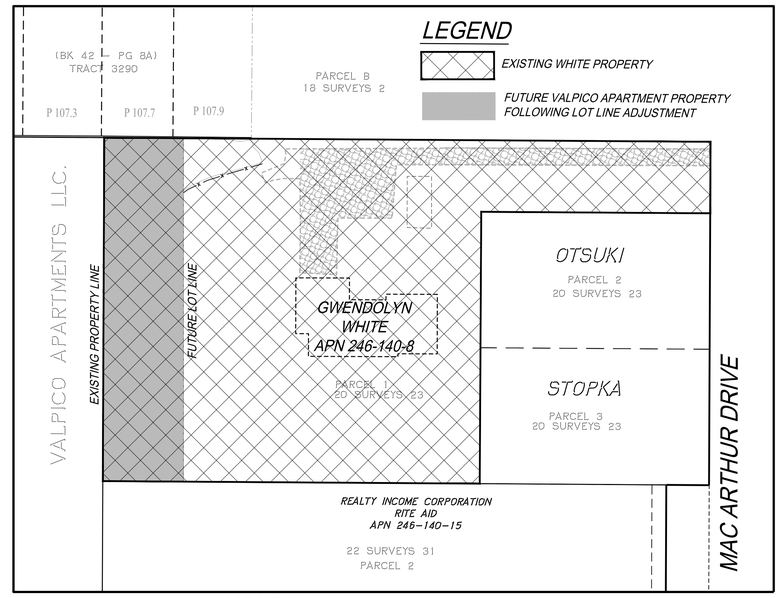


VICINITY MAP
NTS



WHITE PROPERTY SITE PLAN
1"=50'

AREA SUMMARY

9,666 SF PARKING AND DRIVE ISLE
3,021 SF LANDSCAPE AREA (31% OF PARKING)
695 SF BUILDING WITHIN LLA
13,382 SF LOT LINE ADJUSTMENT (LLA)

VALPICO APARTMENTS PARKING SUMMARY

SPACES LOST (-2 GATE -3 TE)	-5
SPACES ADDED (5+10+15)	25
NET GAIN	+20

⚠1 CHANGES AND ADDITIONS TO THE ORIGINAL IMPROVEMENT PLANS HAVE BEEN MADE TO THE AREA WITHIN THE CLOUDED REGION.

THE MAINTENANCE BUILDING (#13) WAS INITIALLY APPROVED WITH THE VALPICO GLENBRIAR PROJECT AND IS BEING MOVED TO THE LOCATION SHOWN ON THIS SITE PLAN. IT IS STRICTLY BEING MOVED WITH NO CHANGES TO THE EXTERIOR COLORS OR MATERIALS.

SHEET 1 OF 2

VALPICO APARTMENTS
EXPANDED PARKING AREA
WHITE PROPERTY - SITE PLAN

CITY OF TRACY — CALIFORNIA

MacKAY & SOMPS
ENGINEERS PLANNERS SURVEYORS
5142B FRANKLIN DR, PLEASANTON, CA 94588 (925)225-0690

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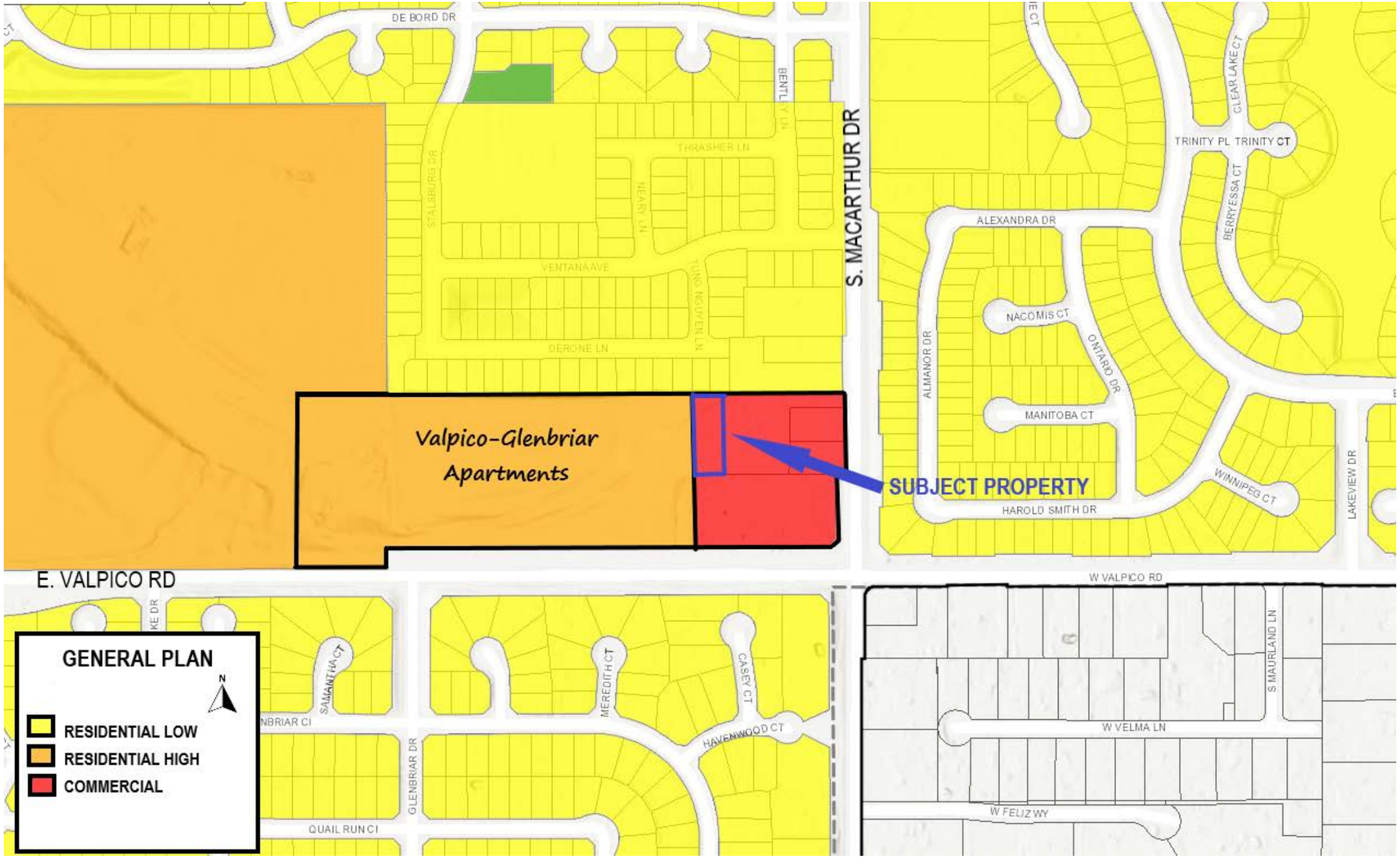
OFFICE	SCALE	DATE	JOB NO.

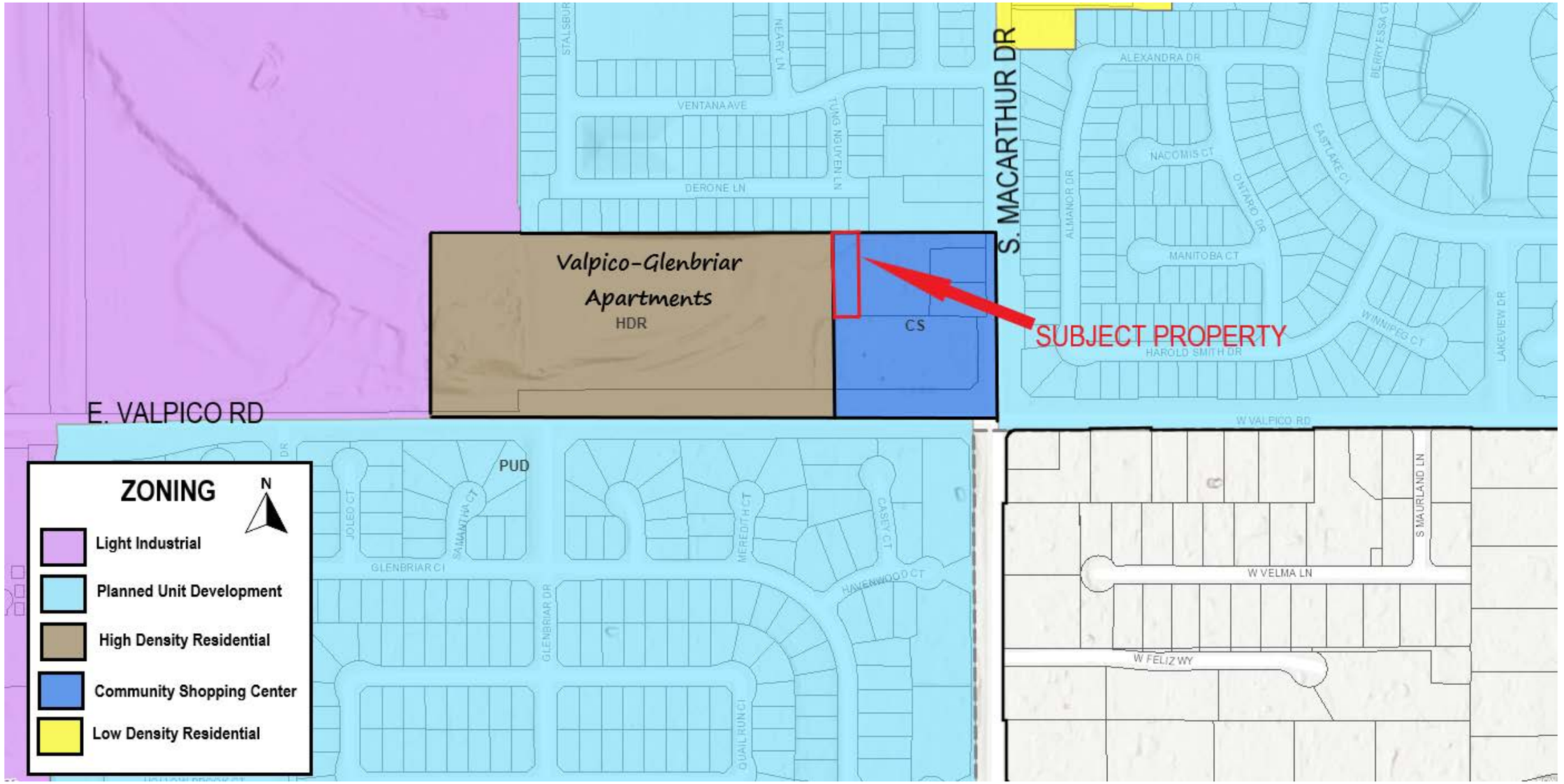
05-05-2022 11:35am Jon Ferrel P:\19988\DES\GP\P-GP\WHITE-PRKG\D-IP_WHITE PRKG_2022-05-04_REV PRKG-FENCING.DWG

EXISTING GENERAL PLAN

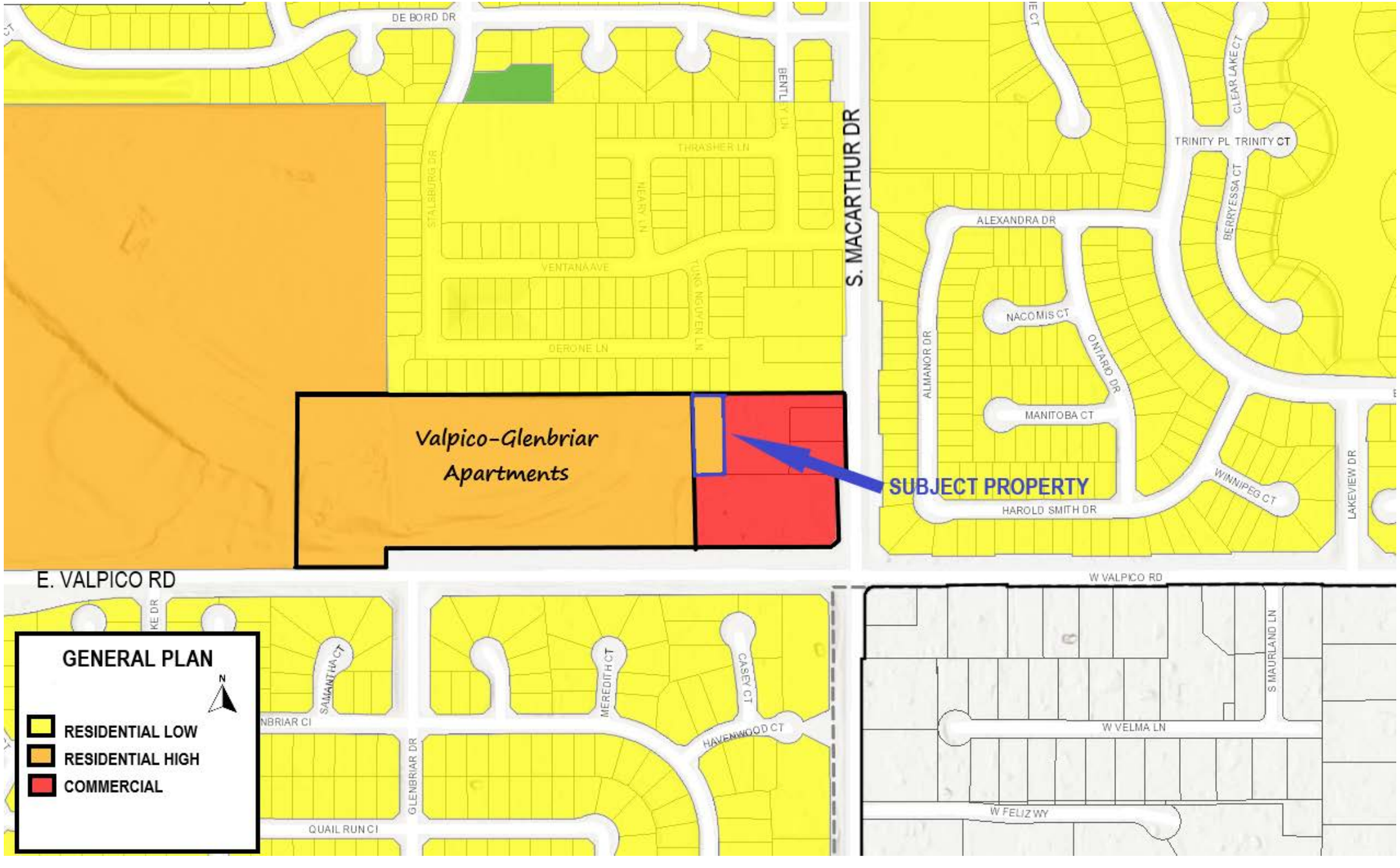


EXISTING ZONING

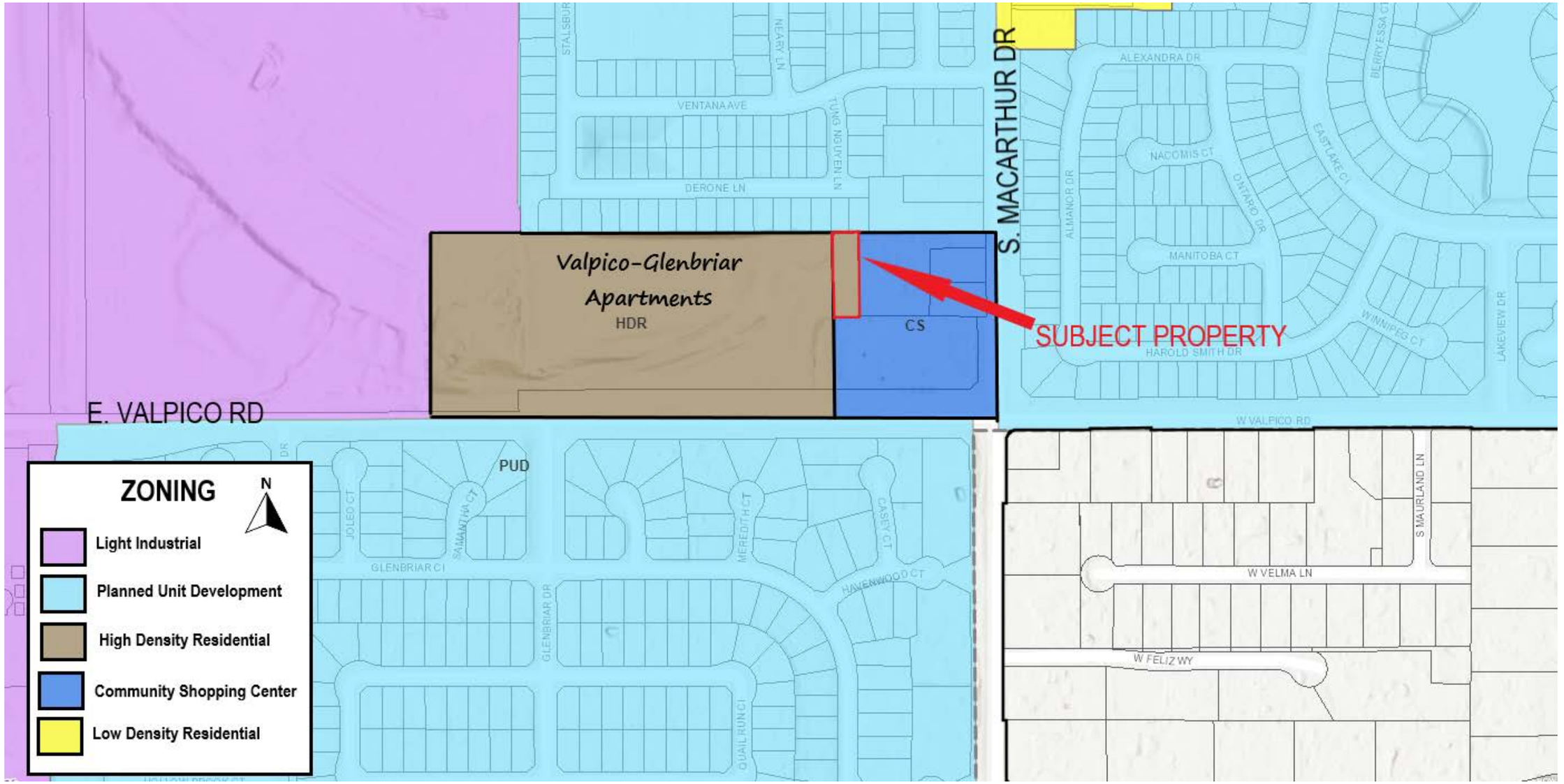
Attachment D

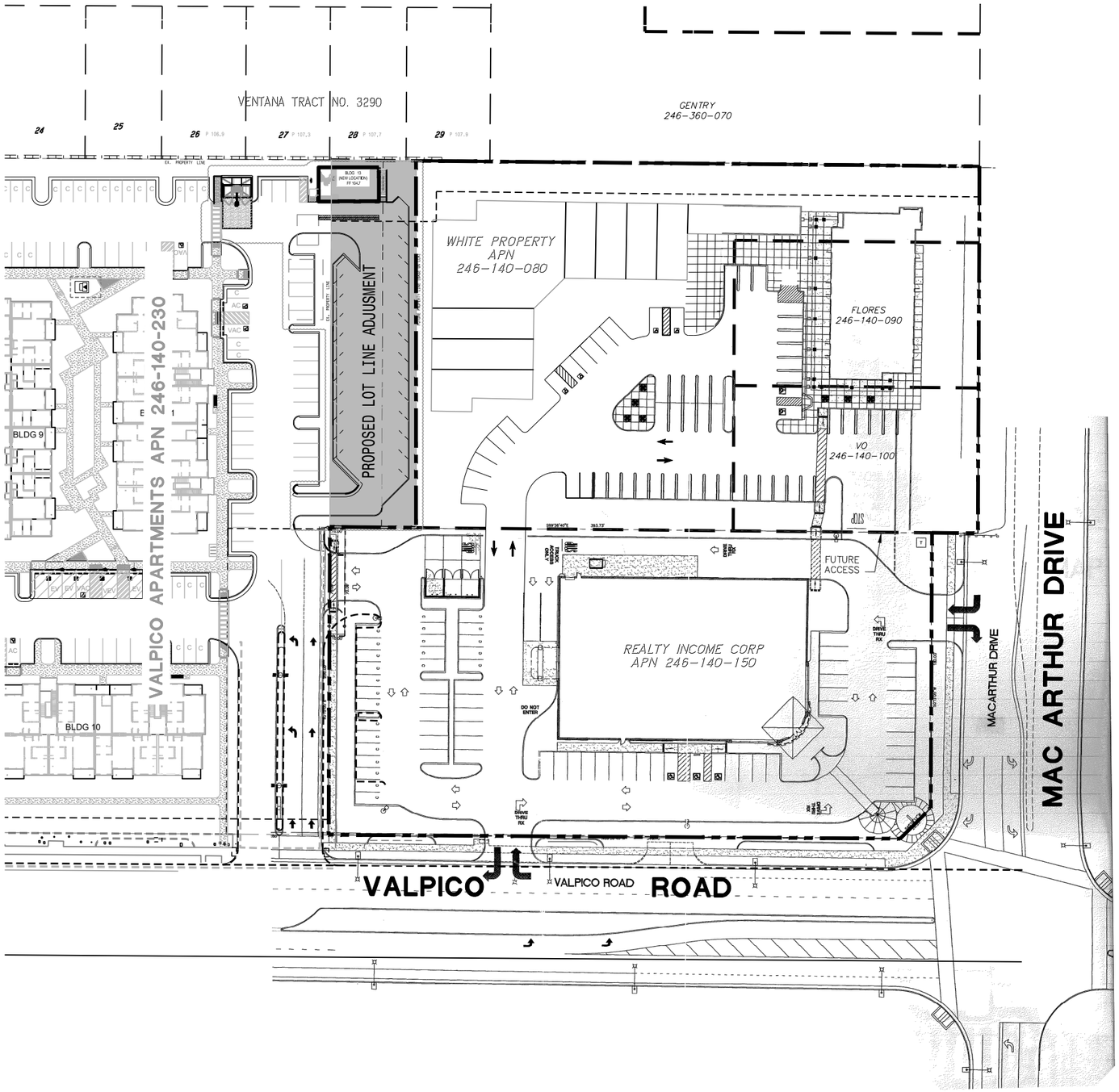


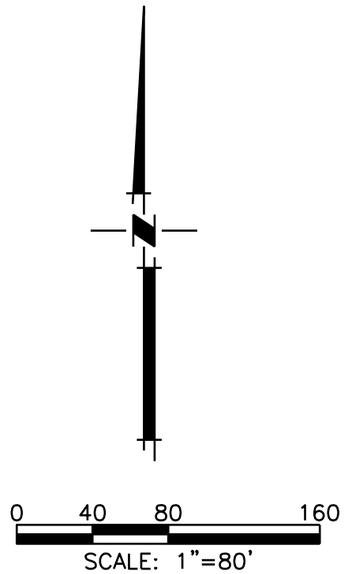
PROPOSED GENERAL PLAN



PROPOSED ZONING







SHEET 1 OF 1

MODIFIED SITE DEVELOPMENT PLAN
CS ZONING
WHITE LOT LINE ADJUSTMENT

CS ZONING — CALIFORNIA

MACKAY & SOMPS
ENGINEERS PLANNERS SURVEYORS
5142B FRANKLIN DR, PLEASANTON, CA 94588 (925)225-0690

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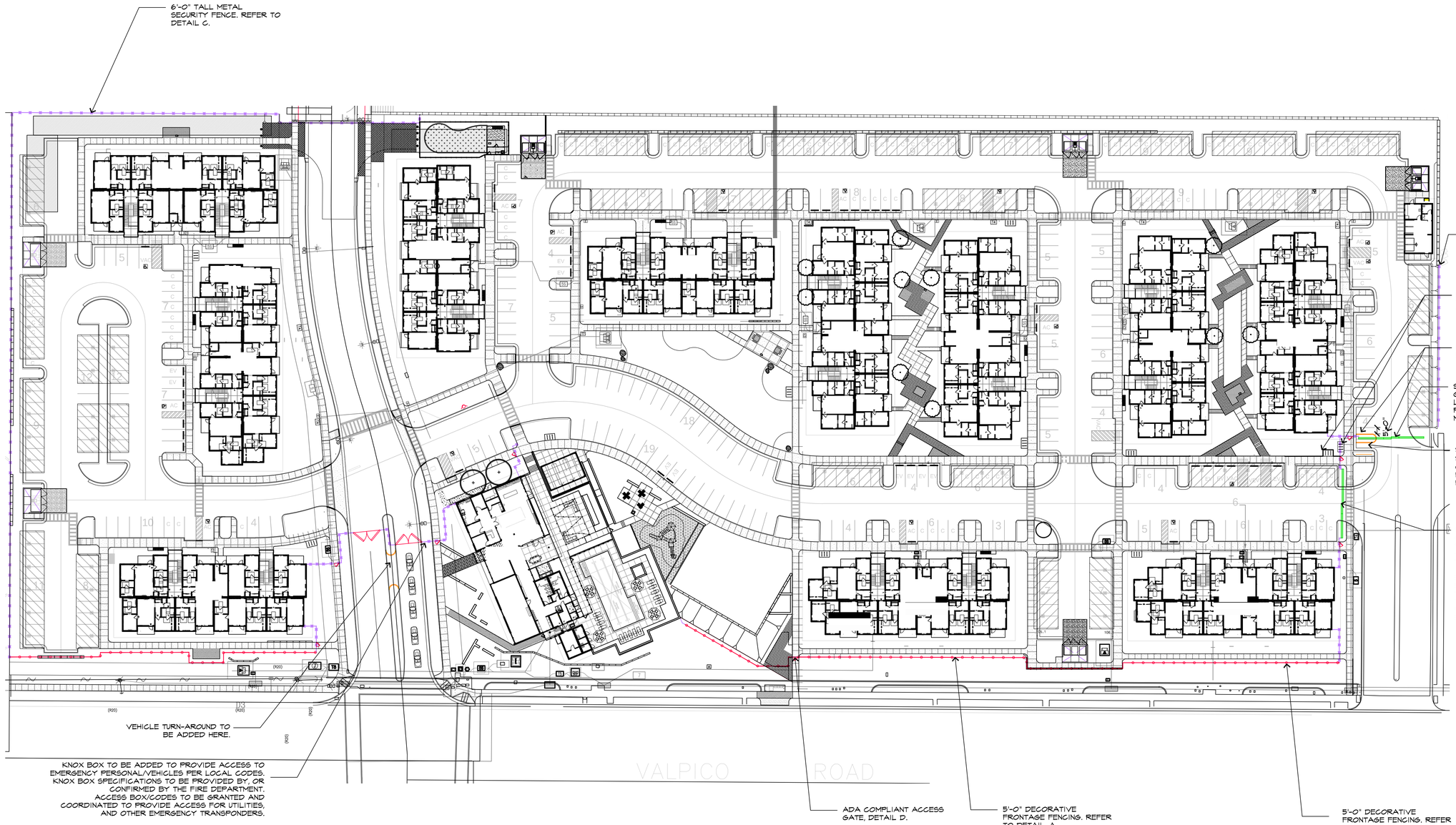
OFFICE	SCALE	DATE	JOB NO.

Attachment H



FIRE DEPARTMENT NOTES:

1.ALL DRIVEWAYS AND VEHICLE GATE OPENINGS WILL BE A MINIMUM OF 20'-0" WIDE, IN ACCORDANCE WITH THE 2019 CALIFORNIA FIRE CODE 503.2.1.

2. ALL ELECTRONIC SECURITY GATES SHALL MEET TRACY MUNICIPAL CODE SECTION 503.6: SECTION 503.6 SECURITY GATES.

THE INSTALLATION OF SECURITY GATES ACROSS A FIRE APPARATUS ACCESS ROAD SHALL REQIRE PRIOR TO INSTALLATION APPROVAL BY THE FIRE CODE OFFICIAL. WHERE SECURITY GATES ARE INSTALLED THEY SHALL HAVE AN APPROVED MEANS OF EMERGENCY OPERATION. THE SECURITY GATES AND THE EMERGENCY OPERATION SHALL BE MAINTAINED OPERATIONAL AT ALL TIMES. ALL ELECTRICALLY OPERATED AUTOMATIC GATES ACROSS FIRE APPARATUS ACCESS ROADS SHALL BE EQUIPPED WITH TRAFFIC PREEMPTION OPTICAL SIGNAL RECEIVERS COMPATIBLE WITH THE EMITTERS UTILIZED BY THE FIRE DEPARTMENT, WHICH WILL ACTIVATE THE GATE AND OVERRIDE ALL COMMAND FUNCTIONS OF THE GATE CONTROLLER. KNOX SWITCHES SHALL BE PROVIDED AT AUTOMATIC GATES. THE TRAFFIC PREEMPTIVE OPTICAL SIGNAL RECEIVER AND KEY SWITCH SHALL BE PROVIDED ON BOTH SIDES OF AN AUTOMATIC ACCESS GATE WHERE AN EXIST LOOP IS NOT PROVIDED. THE AUTOMATIC GATE SHALL HAVE A BATTERY BACKUP OR MANUAL MECHANICAL DISCONNECT READILY ACCESSIBLE TO EMERGENCY PERSONNEL IN CASE OF POWER FAILURE. ALL GATES MUST MEET FIRE DEPARTMENT STANDARDS DEEMED NECESSARY BY THE FIRE CODE OFFICIAL FOR RAPID, RELIABLE ACCESS. ELECTRIC GATE OPERATORS, WHERE PROVIDED, SHALL BE LISTED IN ACCORDANCE WITH UL 325. GATES INTENDED FOR AUTOMATIC OPERATION SHALL BE DESIGNED, CONSTRUCTED AND INSTALLED TO COMPLY WITH THE REQUIREMENTS OF ASTM F 2200. ALL MANUAL GATES SHALL BE EQUIPPED WITH A KNOX-BOX CONTAINING A KEY TO THE GATE, OR AN APPROVED KNOX-PADLOCK.

BUILDING DIVISION NOTES:

1. PRIOR TO ISSUANCE OF BUILDING PERMITS OR INSTALLATION OF VEHICLE OR PEDESTRIAN GATES, PLANS, SPECIFICATIONS, AND RELATED DOCUMENTATION WILL BE PROVIDED TO DEMONSTRATE COMPLIANCE WITH THE CURRENT TITLE 24 CALIFORNIA CODE OF REGULATIONS.

2. PRIOR TO ISSUANCE OF A BUILDING PERMIT OR INITIATION OF IMPROVEMENTS, AN EGRESS ANALYSIS OF ALL OF THE DOORS IN CASE OF AN EMERGENCY TO ENSURE THAT THE PROPER AMOUNT OF EXIT WIDTH IS PROVIDED, IN ACCORDANCE WITH THE CBC CHAPTER 10. ADDITIONAL DOORS AND GATES MAY BE PROVIDED.

PG&E REQUIREMENTS:

1. FENCING SHALL MAINTAIN AN 8' RADIUS OF CLEARANCE FROM ANY PG&E TRANSFORMERS, J BOXES, SPLICE BOXES OR ANY OTHER ABOVE GROUND/SUBSURFACE EQUIPMENT SO IT DOES NOT INTERFERE WITH PG&E'S OPERATIONS AND MAINTENANCE.

2. NO FENCE POSTS MAY BE INSTALLED DIRECTLY OVER ANY PG&E UNDERGROUND CONDUITS OR DUCTS. FENCE POSTS MUST MAINTAIN A MINIMUM OF 1' HORISZONTAL CLEARANCE FROM UNDERGROUND CONDUITS OR DUCTS.

GENERAL NOTES:

1. IRRIGATION TO BE ADJUSTED ACCORDING TO NEW FENCE PLAN.

2. PLANTING WILL BE ADJUSTED TO THE NEW FENCE LOCATION, AND NUMBER OF PLANTS WILL NOT BE REDUCED.

3. NUMBER OF TREES, IN PARTICULAR SHADE TREES, SHALL NOT CHANGE, TO THE REASONABLE EXTENT POSSIBLE.

4. ALL FENCING AND GATES SHALL BE 6'-0" MAX IN HEIGHT.

5. VEHICLE ACCESS GATES TO OPEN SHALL NOT IMPEDE THE REQUIRED EMERGENCY VEHICLE TURNING RADIUS/DRIVE ISLE WIDTH.

6. VEHICLE ACCESS SHALL BE COORDINATED AND PROVIDED TO EMERGENCY, UTILITY, SHIPPING, AND GARBAGE VEHICLES EITHER THROUGH ACCESS CODES, AND/OR KNOX BOX.

FENCE AND GATE LEGEND:

- 5'-0" DECORATIVE FRONTAGE FENCING. REFER TO DETAIL A, SHEET L2.
- 6'-0" METAL PERIMETER SECURITY FENCE REFER TO DETAIL B, SHEET L2.
- 6'-0" TALL STACKING/TANDEM VEHICLE ACCESS GATE, REFER TO DETAIL C, SHEET L2.
- PEDESTRIAN GATE WITH ELECTRONIC ACCESS. ADA COMPLIANT. 6'-0" MAX HEIGHT. REFER TO DETAIL D, SHEET L2.
- DOUBLE VEHICLE SWING GATE ON GLENBRIAR. 6'-0" MAX HEIGHT. REFER TO EXAMPLE E, SHEET L2.
- HARDSCAPE CHANGES

N

GRAPHIC SCALE

0 40 80 120

(IN FEET)

1 inch = 40 ft.

RIPLEY DESIGN GROUP

RIPLEY DESIGN GROUP, INC.
Landscape Architecture
Land Planning

1615 Bonanza St., Suite 314
Walnut Creek
California 94596
Tel 925.938.7377

CLIENT:

GUARDIAN CAPITAL

1601 RESPONSE ROAD
SUITE 390
SACRAMENTO, CA
95815

TEL. (925) 929-2687

PROJECT:

VALPICO APARTMENTS

TRACY,
CALIFORNIA

OVERALL FENCING PLAN

LICENSED LANDSCAPE ARCHITECT
ANNIKA M. CARPENTER
3684
SIGNATURE
RENEWAL DATE 02-28-2023
DATE
State of California

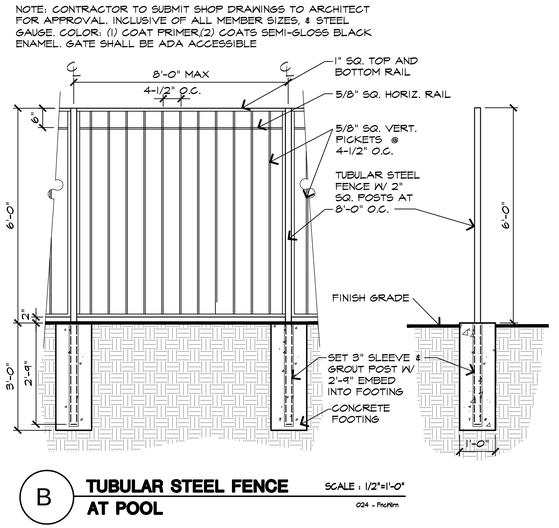
PROJECT #:
DATE: APR. 12, 2022
SCALE: 1"=10'
DRAWN BY: WPG
CHECKED BY: AMC

REVISIONS:

SHEET

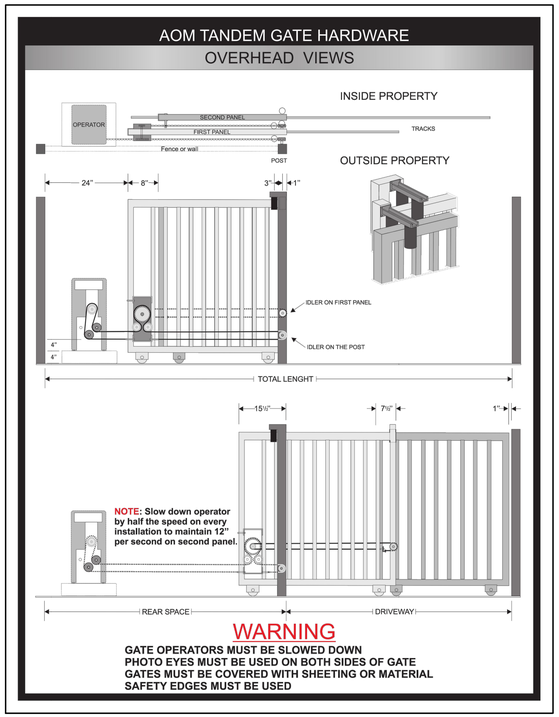
LI

A 5'-0" DECORATIVE FENCING EXAMPLE



B **TUBULAR STEEL FENCE AT POOL** SCALE : 1/2"=1'-0"

024 - PreMnbdc

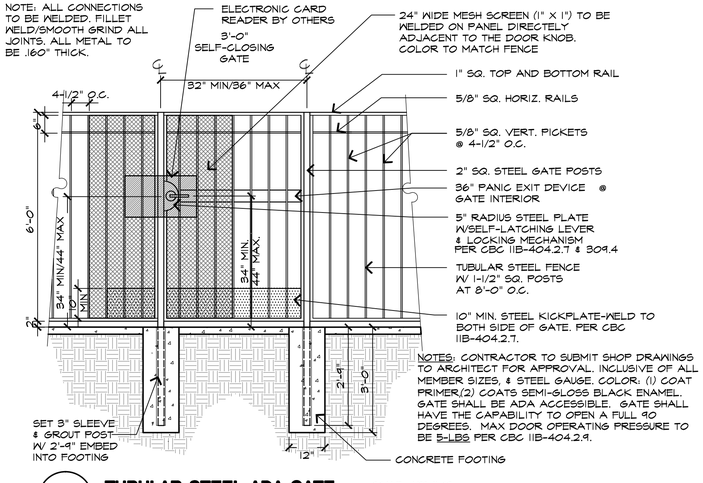


C STACKING/TANDEM GATE EXAMPLE

NOTE: VEHICLE GATES TO BE 6'-0" MAX HEIGHT.

E DOUBLE SWING GATE EXAMPLE

NOTE: VEHICLE GATES TO BE 6'-0" MAX HEIGHT.



D **TUBULAR STEEL ADA GATE AT POOL** SCALE : 1/2"=1'-0"

024 - PreMnbdc

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PROJECT:

VALPICO APARTMENTS

TRACY,
CALIFORNIA

FENCE EXHIBIT DETAILS

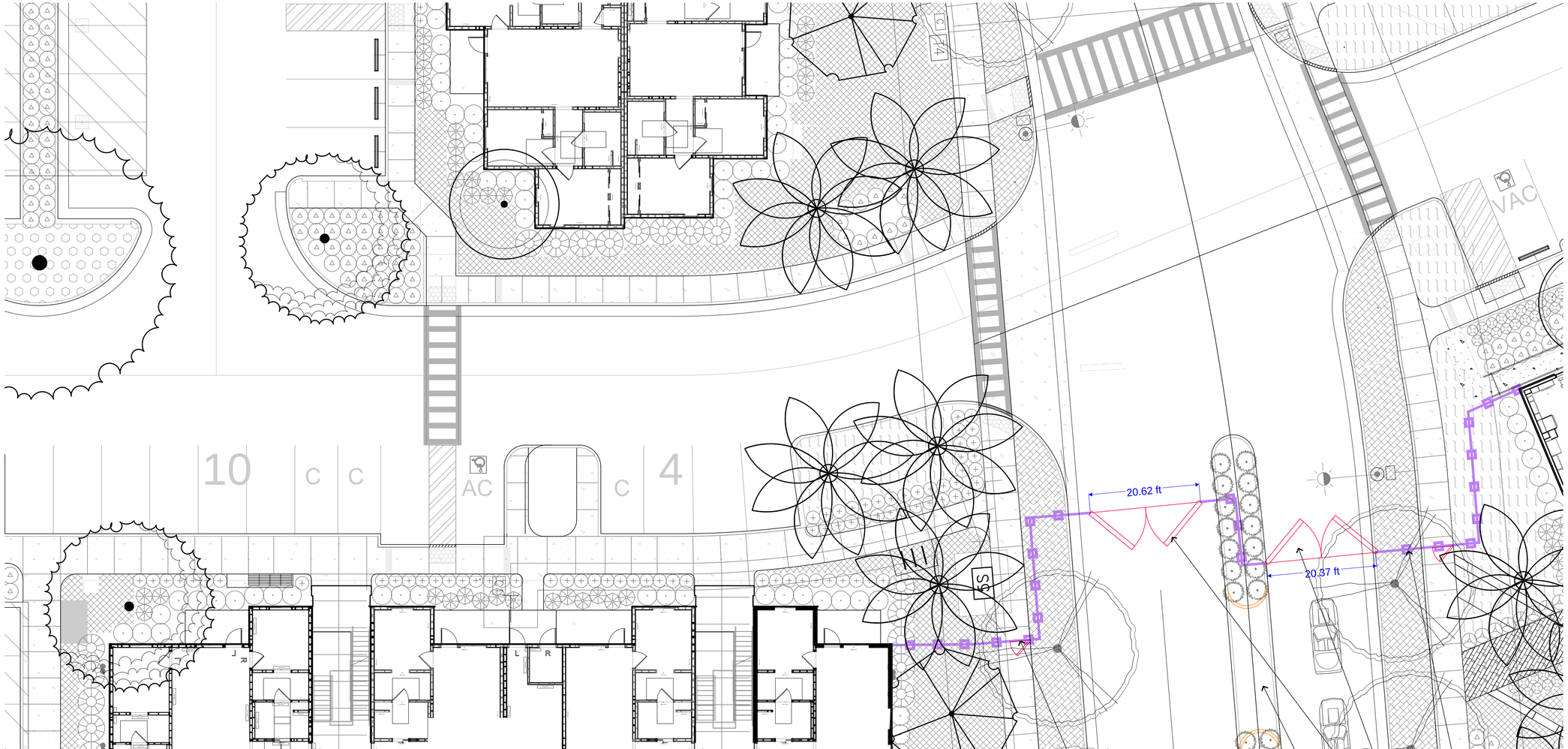
LICENSED LANDSCAPE ARCHITECT
ANNIKA M. CARPENTER
3684
SIGNATURE
RENEWAL DATE 02-28-2023
DATE
State of California

PROJECT #:
DATE: APR. 12, 2022
SCALE: 1"=10'
DRAWN BY: WPG
CHECKED BY: AMC

REVISIONS:

SHEET

L2



NOTE:
KNOX BOX WILL BE PROVIDED PER LOCAL CODES TO PROVIDE ACCESS FOR EMERGENCY VEHICLES.

N

GRAPHIC SCALE

0 10 20 30

(IN FEET)
1 inch = 10 ft.

RIPLEY DESIGN GROUP, INC.
Landscape Architecture
Land Planning

1615 Bonanza St., Suite 314
Walnut Creek
California 94596
Tel 925.938.7377

CLIENT:

GUARDIAN CAPITAL

1601 RESPONSE ROAD
SUITE 390
SACRAMENTO, CA
95815

TEL. (925) 929-2687

PROJECT:

VALPICO APARTMENTS

TRACY,
CALIFORNIA

FENCING EXHIBIT ENLARGEMENT

LICENSED LANDSCAPE ARCHITECT
ANNIKA M. CARPENTER
3684
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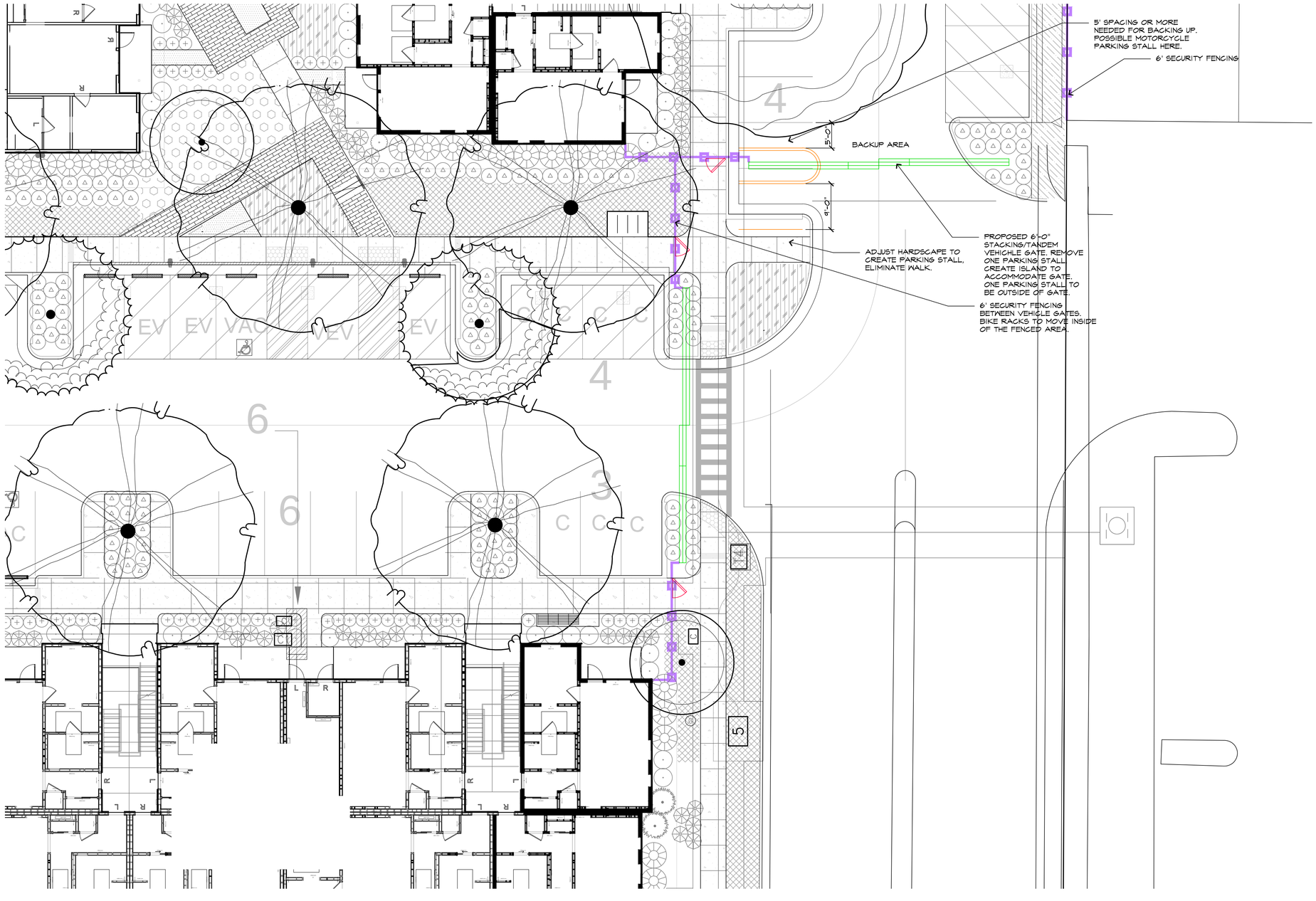
L3



N

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REVISIONS:

SHEET

L4

INITIAL STUDY

FOR THE

VALPICO GLENBRIAR APARTMENTS PARKING LOT EXPANSION PROJECT

SEPTEMBER 2022

Prepared for:

City of Tracy
Development Services Department
Planning Division
333 Civic Center Plaza
Tracy, CA 95376

Prepared by:

De Novo Planning Group
1020 Suncast Lane, Suite 106
El Dorado Hills, CA 95762

De Novo Planning Group

A Land Use Planning, Design, and Environmental Firm

INITIAL STUDY

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INITIAL STUDY CHECKLIST

PROJECT TITLE

Valpico Glenbriar Apartments Parking Lot Expansion Project

LEAD AGENCY NAME AND ADDRESS

City of Tracy
Planning Division
333 Civic Center Plaza
Tracy, CA 95376

CONTACT PERSON AND PHONE NUMBER

Alan Bell, Senior Planner
City of Tracy
Planning Division
333 Civic Center Plaza
Tracy, CA 95376
Alan.Bell@cityoftracy.org
(209) 831-6426

PROJECT SPONSOR'S NAME AND ADDRESS

Valpico Tracy Apartments LLC.
5780 Fleet Street
Carlsbad, Ca 92008

PURPOSE OF THE INITIAL STUDY

An Initial Study (IS) is a preliminary analysis which is prepared to determine the relative environmental impacts associated with a proposed project. It is designed as a measuring mechanism to determine if a project will have a significant adverse effect on the environment, thereby triggering the need to prepare an Environmental Impact Report (EIR). It also functions as an evidentiary document containing information which supports conclusions that the project will not have a significant environmental impact or that the impacts can be mitigated to a "Less Than Significant" or "No Impact" level. If there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, the lead agency shall prepare a Negative Declaration (ND). If the IS identifies potentially significant effects, but: (1) revisions in the project plans or proposals would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and (2) there is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment, then a Mitigated Negative Declaration (MND) shall be prepared.

This IS has been prepared consistent with California Environmental Quality Act (CEQA) Guidelines Section 15063, to determine if the proposed Tracy Valpico Apartments Parking Lot Expansion (Project) may have a significant effect upon the environment. Based upon the findings and mitigation measures contained within this report, a Negative Declaration will be prepared.

PROJECT LOCATION AND SETTING

The Project site consists of approximately 13,440 square feet located at 2625 South Macarthur Drive in the City of Tracy, and the Valpico Glenbriar Apartments site at 351 E. Valpico Road. The Project site encompasses Assessor Parcel Numbers (APNs) 246-140-080 and 246-140-230. The Project's regional location is shown in Figure 1, and the Project vicinity is shown in Figure 2.

The project site is currently developed with a single-family residence on the parcel. Landscaping trees are located along the southern and northern edges of the project site. Lands to the north, east and south of the project site consist of single-family residential uses. There is a Rite Aid store located immediately southeast of the project site, along the project site's southern boundary. The Rite Aid store closed in 2021 and the building is unoccupied. The parcel immediately west of the project site is currently under construction to develop the 264-unit Valpico-Glenbriar Apartment Complex. Commercial, industrial, and vacant land uses are located further to the west of the project site. Single-family residential land uses are located further north and south of the project site.

BACKGROUND AND RELATIONSHIP TO OTHER PROJECTS

In 2012, the City of Tracy received development applications for two adjacent apartment projects: the Valpico Apartments and the MacDonald Apartments.

An IS/MND was prepared to address construction-level and operational impacts of the Valpico Apartment project, which was approved concurrently with the adjacent MacDonald Apartments project by the Tracy City Council at the same public hearing on December 18, 2022.

While the Valpico project relied on the above-referenced IS/MND for CEQA clearance, the MacDonald Apartments project relied on a CEQA Guidelines Section 15183 exemption.

The previously approved Valpico project included plans to construct 184 apartments, while the previously approved MacDonald project proposed 60 apartment units. Together, these projects would consist of 244 multi-family housing units with associated parking and onsite residential amenities. The two project sites are adjacent to each other on approximately 11.62 total acres. The two projects were planned and designed to serve as a single development project with consistent design and shared amenities and utilities.

Subsequent revisions to the combined projects were approved by the City of Tracy in 2016, that slightly increased the total number of housing units from 244 to 252 multi-family housing units. However, no additional CEQA review was necessary because of the projects' similarity to the original approvals.

The 2012 IS/MND (Valpico) and the 15183 exemption (MacDonald) evaluated potential environmental effects associated with full development of each residential multi-family apartment project. The environmental analysis in the 2012 Valpico IS/MND addressed the following topics: aesthetics, agriculture and forestry resources, air quality, biological resources, cultural and tribal resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation/traffic, utilities and service systems, and mandatory findings of significance. All impacts in the IS/MND were mitigated to below a level of significance through the implementation of mitigation measures.

Following adoption of the 2012 IS/MND and the subsequent 2016 revisions, the Project Applicants for both the Valpico and MacDonald projects decided to combine their projects into a single cohesive multifamily residential development.

This combined project, which includes 264 residential units, a 6,500 square foot clubhouse amenity and onsite parking, a was analyzed under an Addendum to the 2012 IS/MND. The IS/MND Addendum was approved by the Tracy City Council on October 1, 2019.

The above-referenced residential project is currently under construction, and has been the subject of extensive review under CEQA.

The proposed project, which is the subject of the analysis in this Initial Study, is limited to a lot line adjustment, a General Plan Land Use Designation Amendment, and the construction of 25 parking spaces to serve the above-referenced residential project, as described in greater detail below. The project also includes the construction of a perimeter fence to enclose the apartment complex and new parking area, with vehicle and pedestrian gates at project entries. The fence construction is exempt from CEQA review in accordance with CEQA Guidelines Section 15303(e), new construction of small structures/accessory structures.

There are no "operational impacts" associated with the proposed parking lot project that have not already been analyzed under previous CEQA documents. The proposed parking lot would not increase the number of approved residential units in the adjacent Valpico-Glenbriar Apartments project, nor would it increase vehicle trips or other operational aspects of the previously-approved residential project. The proposed project would simply provide for additional parking spaces to serve the approved, and now under construction, residential project. As such, the analysis in this Initial Study focuses primarily on the potential construction-related impacts of the proposed parking lot.

PROJECT DESCRIPTION

The project would include a lot line adjustment in order to acquire the westerly portion (56' x 240') of the property east of the Valpico Apartments complex in order to expand the parking lot for the apartments that are currently under construction.

This will result in approximately 25 additional standard parking spaces, in addition to relocating the maintenance building #13 (40'x22') over a portion of adjusted parcel. Existing utilities will be extended to the new building location. The fence and gates, mentioned in the section above, will also enclose the expanded parking area. The project site plan is shown on Figure 3.

REQUESTED ENTITLEMENTS AND OTHER APPROVALS

The City of Tracy is the Lead Agency for the proposed Project, pursuant to the State Guidelines for Implementation of CEQA, Section 15050.

This document will be used by the City of Tracy to take the following actions:

- Adoption of the ND;
- Approval of a lot line adjustment;
- Approval of a rezone to amend the zoning district from Community Shopping Center to High Density Residential; and
- Approval of a General Plan Amendment to amend the land use designation of the eastern portion of the site from Commercial to Residential High.

- Approve Development Review Permit and related construction permits for the construction of the approximately 13,440 square foot parking lot expansion.

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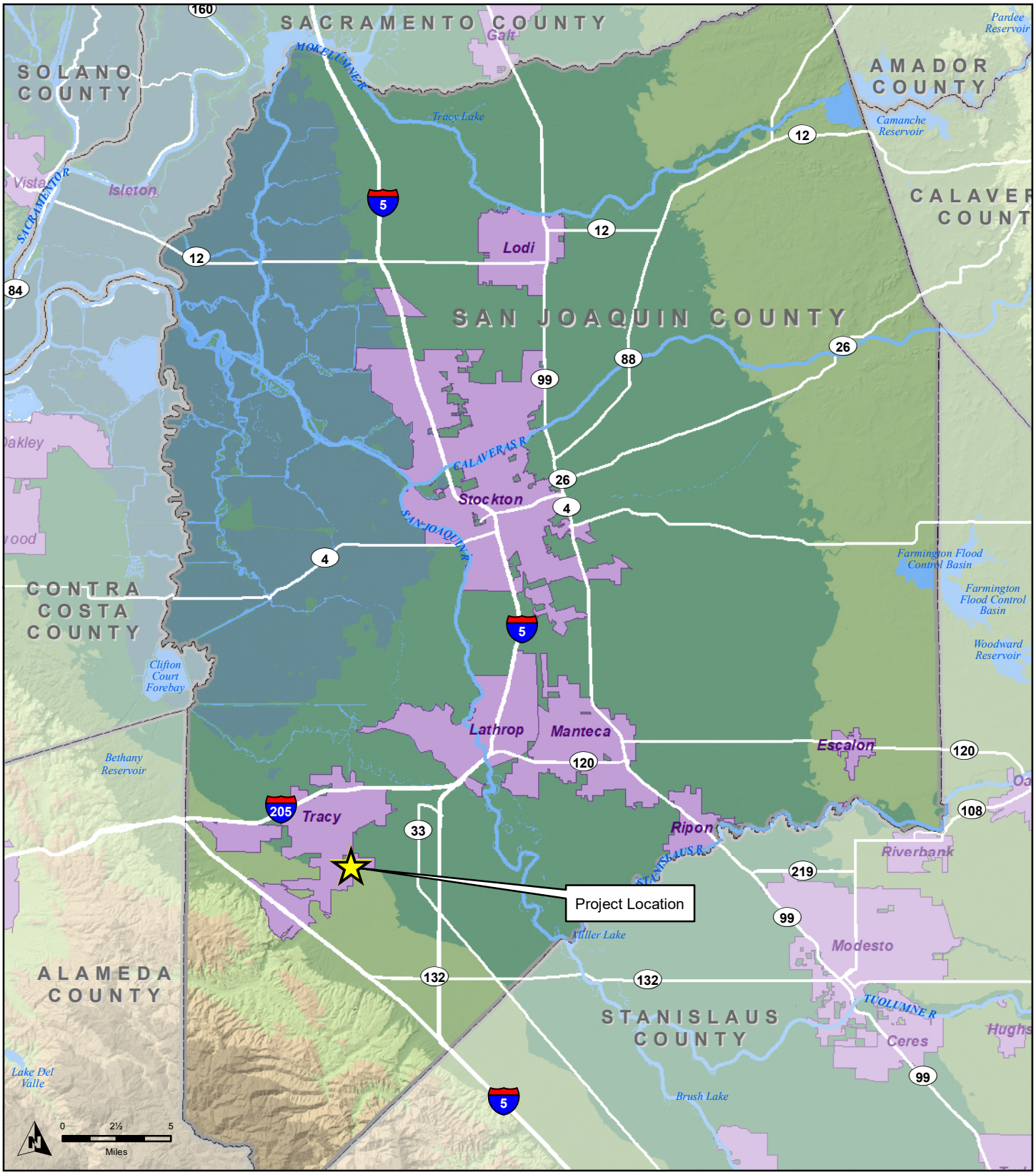

LEGEND

- Project Location
- Incorporated Area
- County Boundary

CITY OF TRACY
VALPICO PARK LOT EXPANSION
LOT LINE ADJUSTMENT

Figure 1. Regional Location Map

Sources: California State Geoportal. Map date: July 14, 2022.

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LEGEND

- Project Location
- Tracy City Limits
- School
- Park

CITY OF TRACY
VALPICO PARK LOT EXPANSION
LOT LINE ADJUSTMENT

Figure 2. Project Vicinity

Sources: San Joaquin County GIS; ArcGIS Online World Imagery Map Service, 3/30/2021. Map date: July 14, 2022.

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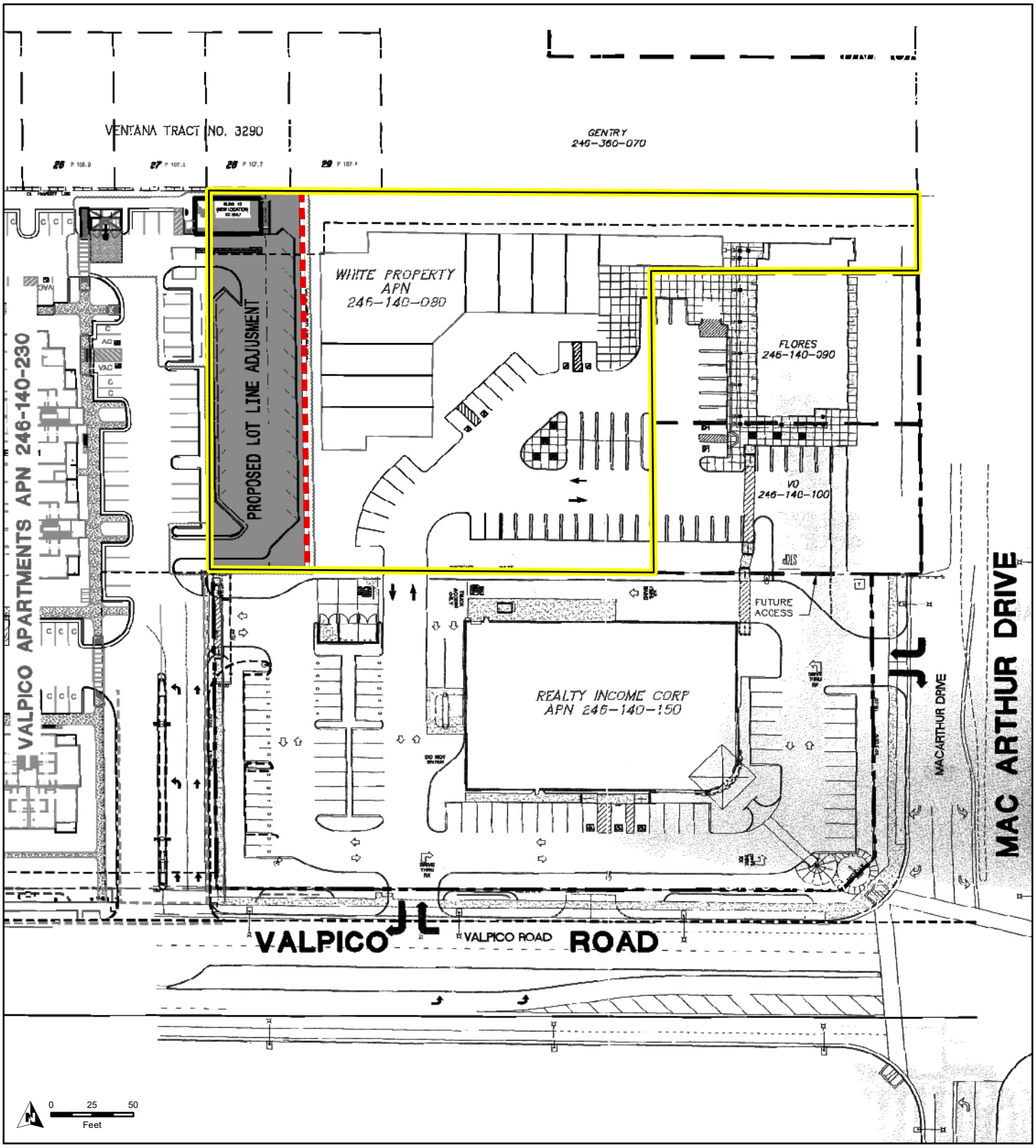

LEGEND

Existing Parcel Boundary

Proposed Lot Line Adjustment

CITY OF TRACY
VALPICO PARK LOT EXPANSION
LOT LINE ADJUSTMENT

Figure 3. Site Plan

Sources: San Joaquin County GIS; MacKay & Somps, 2/11/2021. Map date: July 14, 2022.

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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Agriculture and Forestry Resources		Air Quality
	Biological Resources		Cultural Resources		Energy
	Geology/Soils		Greenhouse Gases		Hazards and Hazardous Materials
	Hydrology/Water Quality		Land Use/Planning		Mineral Resources
	Noise		Population/Housing		Public Services
	Recreation		Transportation		Tribal Cultural Resources
	Utilities/Service Systems		Wildfire		Mandatory Findings of Significance

DETERMINATION

On the basis of this initial evaluation:

X	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature Date

EVALUATION INSTRUCTIONS

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
    a) Earlier Analysis Used. Identify and state where they are available for review.
    b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
    c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9) The explanation of each issue should identify:
    a) The significance criteria or threshold, if any, used to evaluate each question; and
    b) The mitigation measure identified, if any, to reduce the impact to less than significant.

EVALUATION OF ENVIRONMENTAL IMPACTS

In each area of potential impact listed in this section, there are one or more questions which assess the degree of potential environmental effect. A response is provided to each question using one of the four impact evaluation criteria described below. A discussion of the response is also included.

- Potentially Significant Impact. This response is appropriate when there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries, upon completion of the Initial Study, an EIR is required.

- Less than Significant With Mitigation Incorporated. This response applies when the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact". The Lead Agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level.

- Less than Significant Impact. A less than significant impact is one which is deemed to have little or no adverse effect on the environment. Mitigation measures are, therefore, not necessary, although they may be recommended to further reduce a minor impact.

- No Impact. These issues were either identified as having no impact on the environment, or they are not relevant to the project.

ENVIRONMENTAL CHECKLIST

This section of the Initial Study incorporates the most current Appendix "G" Environmental Checklist Form contained in the CEQA Guidelines. Impact questions and responses are included in both tabular and narrative formats for each of the 21 environmental topic areas.

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:	***Potentially Significant Impact***	***Less Than Significant with Mitigation Incorporation***	***Less Than Significant Impact***	***No Impact***
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with the applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Responses to Checklist Questions

Responses a) Less than Significant. The City of Tracy is an urbanized area located within the southern section of San Joaquin County. There are no scenic vistas located on or adjacent to the project site. The proposed project is considered an infill project, and the proposed uses on the site are consistent and compatible with the surrounding land uses. Lands to the north and south of the project site consist of single-family residential uses. There is a Rite Aid store located immediately southeast of the project site, along the project site's eastern boundary. The parcel to the west is currently under construction in order to develop the Valpico Glenbriar Apartment complex.

Implementation of the proposed project would provide for additional parking in an area of the City that is largely developed. The project site is not topographically elevated from the surrounding lands, and is not highly visible from areas beyond the immediate vicinity of the site. There are no prominent features on the site, such as trees, rock outcroppings, or other visually distinctive features that contribute to the scenic quality of the site. The project site is not designated as a scenic vista by the City of Tracy General Plan. Implementation of the proposed project would not significantly change the existing visual character of the project area, as much of the areas immediately adjacent to the site are used for residential and commercial purposes.

Implementation of the proposed project would introduce paved parking development to the project area, and would be generally consistent with the surrounding residential and commercial development. Therefore, this impact is considered **less than significant**.

Response b) No Impact. As described in the Tracy General Plan EIR, there are two Officially Dedicated California Scenic Highway segments in the Tracy Planning Area, which extend a total length of 16 miles. The first designated scenic highway is the portion of I-580 between I-205 and I-5, which offers views of the Coast Range to the west and the Central Valley's urban and agricultural lands to the east. The second scenic highway is the portion of I-5 that starts at I-205 and continues south to Stanislaus County, which allows for views of the surrounding agricultural lands and the Delta-Mendota Canal and California Aqueduct. The project site is not visible from any of the above-referenced scenic highways. Development of the proposed project would not result in the removal of any trees, rock outcroppings, or buildings of historical significance, and would not result in changes to any of the viewsheds from the designated scenic highways in the vicinity of the City of Tracy. There is **no impact.**

Response c) Less than Significant. As described under Response a), above, the proposed project would add additional paved parking development to an area that currently contains numerous residential and commercial uses. The proposed project would be visually compatible with the surrounding land uses and would not significantly degrade the existing visual quality of the site or the surrounding area. Additionally, the project is subject to the City of Tracy's development and design review criteria, which would ensure that the parking area landscaping, streetscape improvements and exterior lighting improvements are compatible with the surrounding land uses. This is a **less than significant impact.**

Response d) Less than Significant. Daytime glare can occur when the sunlight strikes reflective surfaces such as windows, vehicle windshields and shiny reflective building materials. The proposed project would not introduce new residential structures. Reflective building materials are not proposed for use in the project, and as such, the project would not result in increases in daytime glare.

The project site contains no existing lighting. There is a potential for the proposed project to create new sources of light, but not glare. Examples of lighting would include construction lighting, landscape, and parking lighting. However, nighttime construction activities are not anticipated to be required as part of on-site construction. Operational light sources from street lighting may be required to provide for safe travel.

The City of Tracy Standard Plan #154 establishes minimum requirements for light illumination. Exterior lighting on new projects is also regulated by the Tracy Municipal Code, Off-Street Parking Requirements, Section 10.08.3530(h). The City addresses light and glare issues on a case-by-case basis during project approval and typically adds requirements as a condition of project approval to shield and protect against light spillover from one property to the next. The proposed project is subject to these regulations, which would ensure that this is a **less than significant impact.**

II. AGRICULTURE AND FORESTRY RESOURCES

Would the project:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 1222(g)) or timberland (as defined in Public Resources Code section 4526)?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

Responses to Checklist Questions

Responses a) No Impact. The project site consists of a small portion of the backyard of an existing single-family residential property. The project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. The project site is surrounded by urban land uses, and there are no agricultural land uses or agricultural operations on or adjacent to the site. The project site is not irrigated for agricultural use, and the site is not viable for agricultural uses or activities. There is **no impact** related to this environmental topic, and no mitigation is required.

Response b) No Impact. The project site is not under a Williamson Act Contract, nor are any of the parcels immediately adjacent to the project site under a Williamson Act Contract. Therefore, implementation of the proposed project would not conflict with a Williamson Act Contract. The project site is currently zoned Community Shopping by the City's Zoning Map. As such, the proposed project would not conflict with any agricultural zoning or Williamson Act Contract. There is no impact.

Responses c) and d) No Impact. The project site is located in an area predominantly consisting of commercial and residential development. There are no forest resources on the project site or in the vicinity of the project site. Therefore, there is **no impact**.

Response e) No Impact. As described under Responses (a) and (b) above, the proposed project is not currently used for agricultural purposes, nor is it designated or zoned for agricultural uses. There are no agricultural lands or operations adjacent to the project site. There is **no impact** related to this environmental topic.

III. AIR QUALITY

Would the project:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

Existing Setting

The project site is located within the SJVAPCD. This agency is responsible for monitoring air pollution levels and ensuring compliance with federal and state air quality regulations within the San Joaquin Valley Air Basin (SJVAB) and has jurisdiction over most air quality matters within its borders.

The SJVAPCD has primary responsibility for compliance with both the federal and state standards and for ensuring that air quality conditions are maintained. They do this through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues.

Activities of the SJVAPCD include the preparation of plans for the attainment of ambient air quality standards, adoption and enforcement of rules and regulations concerning sources of air pollution, issuance of permits for stationary sources of air pollution (i.e., Authority to Construct and Permit to Operate), inspection of stationary sources of air pollution and response to citizen complaints, monitoring of ambient air quality and meteorological conditions, and implementation of programs and regulations required by the Federal Clean Air Act and California Clean Air Act.

The SJVAPCD has prepared the *2007 Ozone Plan* to achieve Federal and State standards for improved air quality in the SJVAB regarding ozone. The *2007 Ozone Plan* provides a comprehensive list of regulatory and incentive-based measures to reduce emissions of ozone and particulate matter precursors throughout the SJVAB. The 2007 Ozone Plan calls for major advancements in pollution control technologies for mobile and stationary sources of air pollution. The *2007 Ozone Plan* calls for a 75-percent reduction in ozone-forming oxides of nitrogen emissions.

The SJVAPCD has also prepared the *2007 PM_{10} Maintenance Plan and Request for Redesignation* (2007 PM_{10} Plan). On April 24, 2006, the SJVAPCD submitted a Request for Determination of PM_{10} Attainment for the Basin to the California Air Resources Board (CARB). CARB concurred with the request and submitted the request to the U.S. EPA on May 8, 2006. On October 30, 2006, the EPA issued a Final Rule determining that the Basin had attained the National Ambient Air Quality Standards (NAAQS) for PM_{10}. However, the EPA noted that the Final Rule did not constitute a

redesignation to attainment until all of the Federal Clean Air Act requirements under Section 107(d)(3) were met.

The SJVAPCD has prepared the *2008 PM.2.5 Plan* to achieve Federal and State standards for improved air quality in the San Joaquin Valley Air Basin. The *2008 PM.2.5 Plan* provides a comprehensive list of regulatory and incentive-based measures to reduce PM2.5.

In addition to the *2007 Ozone Plan, the 2008 $PM_{2.5}$ Plan,* and the *2007 PM_{10} Plan*, the SJVAPCD prepared the *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI). The GAMAQI is an advisory document that provides Lead Agencies, consultants, and project applicants with analysis guidance and uniform procedures for addressing air quality impacts in environmental documents. Local jurisdictions are not required to utilize the methodology outlined therein. This document describes the criteria that SJVAPCD uses when reviewing and commenting on the adequacy of environmental documents. It recommends thresholds for determining whether or not projects would have significant adverse environmental impacts, identifies methodologies for predicting project emissions and impacts, and identifies measures that can be used to avoid or reduce air quality impacts. An update of the GAMAQI was approved on March 19, 2015, and is used as a guidance document for this analysis.

The GAMAQI notes that, for CEQA purposes, a sensitive receptor is generically defined as a location where human populations, especially children, seniors, and sick persons are found, and there is reasonable expectation of continuous human exposure according to the averaging period for the Ambient Air Quality Standards (e.g., 24-hour, 8- hour, 1-hour). These typically include residences, hospitals, and schools. Locations of sensitive receptors may or may not correspond with the location of the maximum off-site concentration. The sensitive receptors in the vicinity of the project site include single-family residences located north, east, south, and west of the site.

Responses to Checklist Questions

Responses a)-b) Less than Significant. Air quality emissions would be generated during construction of the proposed project. However, unlike a typical development project, this proposed parking lot project does not have a traditional daily trip generation associated with project operations. Vehicle trips to and from the proposed parking lot would be limited exclusively to residents, and possibly visitors, to the Valpico Apartments project, located immediately adjacent to the project site. Operational air quality emissions associated with the Valpico Apartments projects have already been analyzed under CEQA. The proposed project would not generate any new or modified vehicle trips. The proposed project would simply provide for additional parking spaces for an already-approved project. As such, there are no air quality impacts associated with project operations. Further discussion of construction-related air quality impacts is provided below.

The SJVAPCD's approach to analysis of construction impacts is to require implementation of effective and comprehensive control measures, rather than to require detailed quantification of emission concentrations for modeling of direct impacts. PM_{10} emitted during construction can vary greatly depending on the level of activity, the specific operations taking place, the equipment being operated, local soils, weather conditions, and other factors, making quantification difficult. Despite this variability in emissions, experience has shown that there are a number of feasible control measures that can be reasonably implemented to significantly reduce PM_{10} emissions from construction activities. The SJVAPCD has determined that, on its own, compliance with Regulation VIII for all sites and implementation of all other control measures indicated in Tables 6-2 and 6-3 of the SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts (as

appropriate) would constitute sufficient mitigation to reduce construction PM_{10} impacts to a level considered less than significant.

Construction would result in numerous activities that would generate dust. The fine, silty soils in the project area and often strong afternoon winds exacerbate the potential for dust, particularly in the summer months. Impacts would be localized and variable. Construction impacts would last for a period of a few weeks to a few months. The initial phase of project construction would involve grading and site preparation activities, followed by paving. Construction activities that could generate dust and vehicle emissions are primarily related to grading, soil excavation, and other ground-preparation activities.

Control measures are required and enforced by the SJVAPCD under Regulation VIII. The SJVAPCD considers construction-related emissions from all projects in this region to be mitigated to a less than significant level if SJVAPCD-recommended PM_{10} fugitive dust rules and equipment exhaust emissions controls are implemented. The proposed project would be required to comply with all applicable measures from SJVAPCD Rule VIII. Therefore, the proposed project would have a ***less than significant*** impact related to the potential to conflict with or obstruct implementation of the applicable air quality plan, or to result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

Response c): Sensitive receptors are those parts of the population that can be severely impacted by air pollution. Sensitive receptors include children, the elderly, and the infirm. The closest sensitive receptor is the Tom Hawkins Elementary School located approximately 0.5 miles south of the project site. As noted above, the only new emissions that would be generated by the proposed project would be short-term, temporary emissions associated with site grading and paving during the construction phase. The project would not increase vehicle travel, vehicle trips, or vehicle miles travelled.

The construction phase of the project would be temporary and short-term, and the implementation of all State, Federal, and SJVAPCD requirements would greatly reduce pollution concentrations generated during construction activities. The SJVAPCD considers construction-related emissions from all projects in this region to be mitigated to a less than significant level if SJVAPCD-recommended PM_{10} fugitive dust rules and equipment exhaust emissions controls are implemented. The proposed project would be required to comply with all applicable measures from SJVAPCD Rule VIII. Therefore, dust from construction of the proposed project would be reduced and would be consistent with SJVAPCD guidance on this topic.

Therefore, implementation of the proposed project would not expose these sensitive receptors to substantial pollutant concentrations. The proposed project would not generate significant concentrations of air emissions. Therefore, impacts to sensitive receptors would be negligible and this is a ***less than significant*** impact.

Response d) The proposed project would not generate objectionable odors that would adversely affect substantial numbers of people. People in the immediate vicinity of construction activities may be subject to temporary odors typically associated with construction activities (diesel exhaust, hot asphalt, etc.). However, any odors generated by construction activities would be minor and would be short and temporary in duration. Additionally, as previously described under Response c), the proposed project is not anticipated to increase operational air emissions on this community, since average daily traffic (ADT) is not anticipated to increase along the nearest roadways due to implementation of the proposed project.

Examples of facilities that are known producers of operational odors include: Wastewater Treatment Facilities, Chemical Manufacturing, Sanitary Landfill, Fiberglass Manufacturing, Transfer Station, Painting/Coating Operations (e.g. auto body shops), Composting Facility, Food Processing Facility, Petroleum Refinery, Feed Lot/Dairy, Asphalt Batch Plant, and Rendering Plant. If a project would locate receptors and known odor sources in proximity to each other further analysis may be warranted; however, if a project would not locate receptors and known odor sources in proximity to each other, then further analysis is not warranted.

The project does not include any of the aforementioned uses. Additionally, construction activities would be temporary and minor, and average daily traffic along the roadways nearest to the neighboring residential communities not increase compared to the existing condition. As such, implementation of the proposed project would have a ***less than significant*** impact relative to this topic.

IV. BIOLOGICAL RESOURCES

Would the project:	***Potentially Significant Impact***	***Less Than Significant with Mitigation Incorporation***	***Less Than Significant Impact***	***No Impact***
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

Responses to Checklist Questions

Responses a) Less than Significant. No special-status species are expected to be affected by the proposed project. The project involves the expansion of the parking area of the Valpico Glenbriar Apartments currently under construction, immediately adjacent to the west of the project site, within a highly urbanized area of the City of Tracy.

The site consists of a small portion of the fenced-in area of a residential backyard. The site has been highly disturbed and is void of native vegetation and natural habitat. The site is not suitable to support any protected or special-status species. Therefore, this is a ***less than significant*** impact.

Responses b) No Impact. There is no riparian habitat or other sensitive natural communities located on the project site. As such, the proposed project would have ***no impact*** on these resources, and no mitigation is required.

Responses c) No Impact. A wetland is an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal

circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands are defined by regulatory agencies as having special vegetation, soil, and hydrology characteristics. Hydrology, or water inundation, is a catalyst for the formation of wetlands. Frequent inundation and low oxygen causes chemical changes to the soil properties resulting in what is known as hydric soils. The prevalent vegetation in wetland communities consists of hydrophytic plants, which are adapted to areas that are frequently inundated with water. Hydrophytic plant species have the ability to grow, effectively compete, reproduce, and persist in low oxygen soil conditions.

Below is a list of wetlands that are found in the Tracy planning area:

- Farmed Wetlands: This category of wetlands includes areas that are currently in agricultural uses. This type of area occurs in the northern portion of the Tracy Planning Area.
- Lakes, Ponds and Open Water: This category of wetlands includes both natural and human-made water bodies such as that associated with working landscapes, municipal water facilities and canals, creeks and rivers.
- Seasonal Wetlands: This category of wetlands includes areas that typically fill with water during the wet winter months and then drain enough to become ideal plant habitats throughout the spring and summer. There are numerous seasonal wetlands throughout the Tracy Planning Area.
- Tidal Salt Ponds and Brackish Marsh: This category of wetlands includes areas affected by irregular tidal flooding with generally poor drainage and standing water. There are minimal occurrences along some of the larger river channels in the northern portion of the Tracy Planning Area.

There are no wetlands located on the project site. Therefore, there is ***no impact*** and no mitigation is required.

Responses d) Less than Significant. The California Natural Diversity Data Base (CNDDB) record search did not reveal any documented wildlife corridors or wildlife nursery sites on or adjacent to the project site. Furthermore, the field survey did not reveal any wildlife corridors or wildlife nursery sites on or adjacent to the project site. Implementation of the proposed project would have a ***less than significant***. No mitigation is necessary.

Responses e), f) Less than Significant. The proposed project is classified as Urban Habitat under the SJMSCP. The City of Tracy and the project applicant have consulted with SJCOG and agreed to allow coverage of the project pursuant to the SJMSCP. SJCOG staff has determined that the proposed project is consistent with the SJMSCP and coverage under the plan has been obtained. Therefore, this is a ***less than significant*** impact and no additional mitigation is required.

V. CULTURAL RESOURCES

Would the project:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Cause a substantial adverse change in the significance of a historical resource pursuant to '15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?			X	
c) Disturb any human remains, including those interred outside of formal cemeteries?			X	

Responses to Checklist Questions

Response a) - c): Less than Significant. A review of literature maintained by the Central California Information Center of the California Historical Resources Information System at California State University, Stanislaus identified that no previously identified prehistoric period cultural resources are known within, or within a 0.25-mile radius of the project site. Additionally, there are no known unique paleontological or archeological resources known to occur on, or within the immediate vicinity of the project site. Therefore, it is not anticipated that site grading and preparation activities would result in impacts to cultural, historical, archaeological or paleontological resources. There are no known human remains located on the project site, nor is there evidence to suggest that human remains may be present on the project site. Additionally, there are no known unique paleontological or archeological resources known to occur on, or within the immediate vicinity of the project site.

Furthermore, the location of the project site indicates that it and the surrounding area have been previously excavated. The project site is currently developed with a single-family residence and surrounded by existing or future urban development. No cultural, historical, or archaeological resources are anticipated to be encountered during the project's construction phase due to the disturbed nature of the site and the limited amount of excavation that would be required to implement the project. Therefore, project implementation would have a ***less than significant*** impact relative to this topic

VI. ENERGY

Would the project:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

Responses to Checklist Questions

Responses a)-b) Less than Significant. Appendix F of the State CEQA Guidelines requires consideration of the potentially significant energy implications of a project. CEQA requires mitigation measures to reduce "wasteful, inefficient and unnecessary" energy usage (Public Resources Code Section 21100, subdivision [b][3]). According to Appendix F of the CEQA Guidelines, the means to achieve the goal of conserving energy include decreasing overall energy consumption, decreasing reliance on natural gas and oil, and increasing reliance on renewable energy sources. In particular, the proposed project would be considered "wasteful, inefficient, and unnecessary" if it were to violate state and federal energy standards and/or result in significant adverse impacts related to project energy requirements, energy inefficiencies, energy intensiveness of materials, cause significant impacts on local and regional energy supplies or generate requirements for additional capacity, fail to comply with existing energy standards, otherwise result in significant adverse impacts on energy resources, or conflict or create an inconsistency with applicable plan, policy, or regulation.

The proposed project consists of a lot line adjustment in order to expand the parking area for the Valpico apartment site that is currently under construction. The proposed project will result in approximately 25 additional standard parking spaces, in addition to the development of a maintenance building. Existing utilities will be extended to the new building location. The amount of operational energy used at the project site would directly correlate to the amount of outdoor lighting and landscape equipment. Operational energy would be negligible as the project does not propose uses that would increase energy use, trip generation, or VMT's. Overall, proposed project energy consumption would be temporary and minor, given the nature of the proposed project (a parking lot extension with installation of a maintenance building), and given the size and scope of proposed project activities.

The proposed project would comply with all existing energy standards, including those established by the City of Tracy and San Joaquin County, and would not result in significant adverse impacts on energy resources. Therefore, the proposed project would not be expected cause an inefficient, wasteful, or unnecessary use of energy resources nor cause a significant impact on any of the threshold as described by Appendix G of the CEQA Guidelines. This is a **less than significant** impact.

VII. GEOLOGY AND SOILS

Would the project:	***Potentially Significant Impact***	***Less Than Significant with Mitigation***	***Less Than Significant Impact***	***No Impact***
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X

Responses to Checklist Questions

Responses a.i)-a.ii) Less than Significant. The project site is located in an area of low to moderate seismicity. No known active faults cross the project site, and the site is not located within an Alquist-Priolo Earthquake Fault Zone; however, relatively large earthquakes have historically occurred in the Bay Area and along the margins of the Central Valley. Many earthquakes of low magnitude occur every year in California. The nearest earthquake fault zoned as active by the State of California Geological Survey is the Black Butte fault, located approximately 2.7 miles southwest of the site.

The Tracy area has a low-to-moderate seismic history. The largest recorded measurable magnitude earthquake in Tracy measured 3.9 on the Richter scale. The greatest potential for significant ground shaking in Tracy is believed to be from maximum credible earthquakes occurring on the Calaveras, Hayward, San Andreas, or Greenville faults. Further seismic activity can be expected to continue along the western margin of the Central Valley, and as with all projects in the area, the Project will be designed to accommodate strong earthquake ground shaking, in compliance with the applicable California building code standards.

Other faults capable of producing ground shaking at the site include the San Joaquin fault, 6.7 miles southwest; the Midway fault, 6.9 miles southwest; and the Corral Hollow-Carnegie fault, 10.7 miles southwest of the site. Any one of these faults could generate an earthquake capable of causing strong ground shaking at the subject site. Earthquakes of Moment Magnitude (Mw) 7 and larger have historically occurred in the region and numerous small magnitude earthquakes occur every year.

Since there are no known active faults crossing the project site and the site is not located within an Earthquake Fault Special Study Zone, the potential for ground rupture at the site is considered low.

An earthquake of moderate to high magnitude generated within the San Francisco Bay Region and along the margins of the central valley could cause considerable ground shaking at the site, similar to that which has occurred in the past. In order to minimize potential damage to the proposed project caused by groundshaking, all construction would comply with the latest California Building Code standards, as required by the City of Tracy Municipal Code 9.04.030.

Seismic design provisions of current building codes generally prescribe minimum lateral forces, applied statically to the structure, combined with the gravity forces of dead-and-live loads. The code-prescribed lateral forces are generally considered to be substantially smaller than the comparable forces that would be associated with a major earthquake. Therefore, structures should be able to: (1) resist minor earthquakes without damage, (2) resist moderate earthquakes without structural damage but with some nonstructural damage, and (3) resist major earthquakes without collapse but with some structural as well as nonstructural damage.

Implementation of the California Building Code standards, which include provisions for seismic building designs, would ensure that impacts associated with groundshaking would be less than significant. Building new structures for human use would increase the number of people exposed to local and regional seismic hazards. Seismic hazards are a significant risk for most property in California.

The Safety Element of the Tracy General Plan includes several goals, objectives and policies to reduce the risks to the community from earthquakes and other geologic hazards. In particular, the following policies would apply to the project site:

> **SA-1.1, Policy P2:** Geotechnical reports shall be required for development in areas where potentially serious geologic risks exist. These reports should address the degree of hazard, design parameters for the project based on the hazard, and appropriate mitigation measures.
>
> **SA-1.2, Policy P1:** All construction in Tracy shall conform to the California Building Code and the Tracy Municipal Code including provisions addressing unreinforced masonry buildings.

The City reviews all proposed projects for consistency with the General Plan policies and California Building Code provisions identified above, as applicable. This review occurs throughout the project application review and processing stage, and throughout plan check and building inspection phases prior to the issuance of a certificate of occupancy. Since the majority of work under the scope of this project involves roadway and bridges, the relevant Caltrans, state, and FHWA codes and requirements will be enforced.

Consistency with the requirements of the California Building Code and the Tracy General Plan policies identified above would ensure that impacts on humans associated with seismic hazards would be ***less than significant***.

Responses a.iii), c), d): Liquefaction normally occurs when sites underlain by saturated, loose to medium dense, granular soils are subjected to relatively high ground shaking. During an earthquake, ground shaking may cause certain types of soil deposits to lose shear strength, resulting in ground settlement, oscillation, loss of bearing capacity, landsliding, and the buoyant rise of buried structures. The majority of liquefaction hazards are associated with sandy soils, silty soils of low plasticity, and some gravelly soils. Cohesive soils are generally not considered to be susceptible to liquefaction. In general, liquefaction hazards are most severe within the upper 50 feet of the surface, except where slope faces or deep foundations are present.

Expansive soils are those that undergo volume changes as moisture content fluctuates; swelling substantially when wet or shrinking when dry. Soil expansion can damage structures by cracking foundations, causing settlement and distorting structural elements. Expansion is a typical characteristic of clay-type soils. Expansive soils shrink and swell in volume during changes in moisture content, such as a result of seasonal rain events, and can cause damage to foundations, concrete slabs, roadway improvements, and pavement sections.

Soil expansion is dependent on many factors. The more clayey, critically expansive surface soil and fill materials will be subjected to volume changes during seasonal fluctuations in moisture content. According to the City of Tracy General Plan Draft EIR, portions of the Tracy Planning Area have a moderate to high risk for expansive soils. The General Plan EIR indicates that with the implementation of objectives, policies, and actions from the General Plan Safety Element, this potentially significant impact would be reduced to a ***less than significant*** level. It is further noted that the project would not introduce new people or habitable structures to the site. There would be no risk related to this topic associated with the construction of a parking lot and maintenance shed.

Responses a.iv): The project site is relatively flat. According to the City's General Plan EIR, the landslide risk in Tracy is low in most areas. In the wider Tracy Planning Area, some limited potential for risk exists for grading and construction activities in the foothills and mountain terrain of the upland areas in the southwest. The potential for small scale slope failures along river banks also exists. The project site is not located in the foothills, mountain terrain, or along a river bank. As such, the project site is exposed to little or no risk associated with landslides. This is a ***less than significant*** impact and no mitigation is required.

Responses b): According to the project site plans prepared for the proposed project, development of the proposed project would result in the creation of new impervious surface areas in portions of the project site. The development of the project site would also cause ground disturbance of top soil. The ground disturbance would be limited to the areas proposed for grading and excavation. During any construction and land preparation processes within the Project site, exposed surfaces could be susceptible to erosion from wind and water. Effects from

erosion include impacts on water quality and air quality. Exposed soils that are not properly contained or capped increase the potential for increased airborne dust and increased discharge of sediment and other pollutants into nearby stormwater drainage facilities. Risks associated with erosive surface soils can be reduced by using appropriate controls during construction and properly re-vegetating exposed areas. The implementation of various dust control measures during site preparation and construction activities would reduce the potential for soil erosion and the loss of topsoil. Additionally, once the grading activities are completed, the site would immediately be paved, which would cap any exposed soil and eliminate the potential for erosion. Therefore, the impact is ***less than significant***.

Response e): The proposed project would not require the use of septic tanks or alternative waste water disposal systems for the disposal of waste water. Implementation of the proposed project would result in ***no impact*** relative to this topic.

Response f): Known paleontological resources or sites are not located on the project site. Additionally, unique geologic features are not located on the site. The site is currently developed with a single-family residence and surrounded by existing or future urban development. No paleontological resources or geologic features are anticipated to be encountered during the project's construction phase due to the disturbed nature of the site and the limited amount of excavation that would be required to implement the project. Therefore, ***no impact*** would occur.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?			X	

Responses to Checklist Questions

Various gases in the Earth's atmosphere, classified as atmospheric greenhouse gases (GHGs), play a critical role in determining the Earth's surface temperature. Solar radiation enters Earth's atmosphere from space, and a portion of the radiation is absorbed by the Earth's surface. The Earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation.

Naturally occurring greenhouse gases include water vapor (H_2O), carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and ozone (O_3). Several classes of halogenated substances that contain fluorine, chlorine, or bromine are also greenhouse gases, but they are, for the most part, solely a product of industrial activities. Although the direct greenhouse gases CO_2, CH_4, and N_2O occur naturally in the atmosphere, human activities have changed their atmospheric concentrations. From the pre-industrial era (i.e., ending about 1750) to 2011, concentrations of these three greenhouse gases have increased globally by 40, 150, and 20 percent, respectively (Intergovernmental Panel on Climate Change [IPCC], 2013).

Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is now retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect are carbon dioxide (CO_2), methane (CH_4), ozone (O_3), water vapor, nitrous oxide (N_2O), and chlorofluorocarbons (CFCs).

The emissions from a single project will not cause global climate change, however, GHG emissions from multiple projects throughout the world could result in a cumulative impact with respect to global climate change. Therefore, the analysis of GHGs and climate change presented in this section is presented in terms of the proposed project's contribution to cumulative impacts and potential to result in cumulatively considerable impacts related to GHGs and climate change.

Cumulative impacts are the collective impacts of one or more past, present, and future projects that, when combined, result in adverse changes to the environment. In determining the significance of a proposed project's contribution to anticipated adverse future conditions, a lead agency should generally undertake a two-step analysis. The first question is whether the *combined* effects from *both* the proposed project *and* other projects would be cumulatively significant. If the agency answers this inquiry in the affirmative, the second question is whether "the proposed project's *incremental* effects are cumulatively considerable" and thus significant in and of themselves. The cumulative project list for this issue (climate change) comprises anthropogenic (i.e., human-made) GHG emissions sources across the globe and no project alone would reasonably be expected to contribute to a noticeable incremental change to the global

climate. However, legislation and executive orders on the subject of climate change in California have established a statewide context and process for developing an enforceable statewide cap on GHG emissions. Given the nature of environmental consequences from GHGs and global climate change, CEQA requires that lead agencies consider evaluating the cumulative impacts of GHGs. Small contributions to this cumulative impact (from which significant effects are occurring and are expected to worsen over time) may be potentially considerable and, therefore, significant.

Significance Thresholds

Governor's Office of Planning and Research's (OPR's) Guidance does not include a quantitative threshold of significance to use for assessing a project's GHG emissions under CEQA. Moreover, the California Air Resources Board (CARB) has not established such a threshold or recommended a method for setting a threshold for project-level analysis. In the absence of a consistent statewide threshold, a threshold of significance for analyzing the project's GHG emissions was developed. The issue of setting a GHG threshold is complex and dynamic, especially in light of the California Supreme Court decision in *Center for Biological Diversity v. California Department of Fish and Wildlife* (referred to as the Newhall Ranch decision hereafter). The California Supreme Court ruling also highlighted the need for the threshold to be tailored to the specific project type, its location, and the surrounding setting. Therefore, the threshold used to analyze the project is specific to the analysis herein and the City retains the ability to develop and/or use different thresholds of significance for other projects in its capacity as lead agency and recognizing the need for the individual threshold to be tailored and specific to individual projects.

The SJVAPCD provides guidance for addressing GHG emissions under CEQA. The SJVAPCD requires quantification of GHG emissions for all projects which the lead agency has determined that an EIR is required. Although an EIR is not required for the proposed project, the GHG emissions are quantified below, followed by a consistency analysis with the SJCOG RTP/SCS.

Responses to Checklist Questions

Responses a) and b):

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. A project's GHG emissions are at a micro-scale relative to global emissions, but could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. Implementation of the proposed project would contribute to increases of GHG emissions that are associated with global climate change. Estimated GHG emissions attributable to future development would be primarily associated with increases of CO2 and other GHG pollutants, such as CH4 and N2O, from construction. These construction GHG emissions are a one-time release and are comparatively much lower than emissions associated with operational phases of a project. Cumulatively, these construction emissions would not generate a significant contribution to global climate change.

As noted previously, the proposed parking lot expansion would not result in operational emissions, given that the project would not increase vehicle trips or vehicle miles travelled. The only GHG emissions that would be emitted by the proposed project would occur during the relatively short construction phase. These emissions would be negligible, and would not contribute to global climate change. This is a less than significant impact.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

Responses to Checklist Questions

Responses a)-c) No Impact. The proposed project would not involve the use of any hazardous materials. There would be no hazardous materials used, stored or transported as a result of project implementation. The project is a residential parking lot. There is **no impact**.

Response d) No Impact. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, project implementation would have **no impact** relative to this topic.

Response e) No Impact. The Federal Aviation Administration (FAA) establishes distances of ground clearance for take-off and landing safety based on such items as the type of aircraft using the airport.

The Tracy Municipal Airport is the closest airport to the project site, located approximately 1.5 miles southwest of the site. The Airport is a general aviation airport owned by the City and managed by the Mobility and Housing Division of the City Manager's Office. The City of Tracy

adopted an Airport Master Plan in 1998, analyzing the impacts to safety on surrounding development from the Tracy Municipal Airport.

The probability of an aircraft accident is highest along the extended runway centerline, and within one mile of the runway end. The Airport Master Plan designates four safety zones in which land use restrictions apply due to proximity to the airport:

1. Runway Protection Zone (RPZ)
2. Inner Approach Zone (PAZ0
3. Outer Approach Zone (OAZ)
4. Overflight Zone (OZ)

Land use constraints in these four zones become progressively less restrictive from the RPZ to the OZ. The proposed project is not located in any of these four safety zones. The proposed project is not within the Tracy Airport zone, nor is it within any area identified as impacted by the Tracy Municipal Airport in the San Joaquin County Airport Land Use Compatibility Plan (i.e. it is not within the Airport Influence Area). Therefore, ***no impact*** associated with private airstrips and airport land use plans would occur.

Response f) No Impact. The project site currently connects to an existing network of City streets. The proposed parking area expansion would allow for greater emergency access relative to existing conditions. The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, there is **no impact** relative to this topic.

Response g) Less than Significant. The risk of wildfire is related to a variety of parameters, including fuel loading (vegetation), fire weather (winds, temperatures, humidity levels and fuel moisture contents) and topography (degree of slope). Steep slopes contribute to fire hazard by intensifying the effects of wind and making fire suppression difficult. Fuels such as grass are highly flammable because they have a high surface area to mass ratio and require less heat to reach the ignition point. The project would not result in development of structures or housing which would subject residents, visitors, or workers to long-term wildfire danger. Therefore, impacts from project implementation would be considered ***less than significant*** relative to this topic.

X. HYDROLOGY AND WATER QUALITY

Would the project:	***Potentially Significant Impact***	***Less Than Significant with Mitigation Incorporation***	***Less Than Significant Impact***	***No Impact***
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			X	
(i) result in substantial erosion or siltation on- or off-site;			X	
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			X	
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems to provide substantial additional sources of polluted runoff; or			X	
(iv) impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				X
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

Responses to Checklist Questions

Responses a), c(i) – c(iv)) Less thang Significant. The proposed project does not contain any drainage connectivity to Waters of the US, nor is it located within a flood plain or flood hazard zone. The proposed project would not generate wastewater which would require treatment. The proposed project will not result in intensification of land uses, or the addition of structures or uses that would differ from the current General Plan and the previously-approved Valpico Glenbriar Apartments project.

In order to ensure that stormwater runoff from the project site does not adversely increase pollutant levels in adjacent surface waters, or exceed the capacity of the City's nearby stormwater conveyance infrastructure, the project is required to adhere to the standards and requirements contained in Chapter 11.34 of the Tracy Municipal Code – Stormwater Management and Discharge Control. A technical memo addressing the proposed project's stormwater design requirements was prepared (MacKay & Somps Civil Engineers, Inc., March 16, 2022). As noted in the technical memo, the stormwater infiltration trench facilities for the adjacent Valpico

Glenbriar Apartments project were sized for the 100-year, 24-hour storm event based on the City of Tracy's criteria for volume-based stormwater quality treatment. Relative to overall development of the adjacent apartment project, this additional proposed parking area adds less than 3% new impervious surface area of the previously-approved project. The addition of the proposed parking area increases the design surface water elevation in the infiltration trench by only 0.2', which is a negligible increase. This minor increase in water surface elevation meets the water quality requirements for the City of Tracy with no additional infrastructure, and is already included in Operation and Maintenance agreements between the developer and the City. On July 20, Wood Rogers, hired by the City, published a Technical Memorandum to evaluate the apartments' storm drainage system's capacity to accommodate the expanded parking area. Wood Rogers evaluated the storm drainage system's design and concluded that the expanded parking area would increase the risk of overland release, as designed, onto the adjacent parcel; and the potential hazard associated with this overland release is negligible.

Implementation of the proposed project would result in a ***less than significant*** impact relative to this topic.

Responses b) and e) Less thang Significant. The proposed project would not require ground water supplies, and would not interfere with groundwater recharge. The project area is not located within a key groundwater recharge area, and would introduce a negligible increase in impervious surfaces. As such, impacts from project implementation would be ***less than significant*** relative to this topic.

Response d) No Impact. The project site is not within a 100-year or 200-year flood zone as delineated by FEMA. The project site is not within a tsunami or seiche zine. Development of the proposed project would not place housing or structures in a flood hazard area. Therefore, ***no impact*** from project implementation relative to flood hazard, tsunami, or seiche zones would occur.

XI. LAND USE AND PLANNING

Would the project:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Physically divide an established community?				X
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

Responses to Checklist Questions

Response a) No Impact. The project site would result in the expansion of the parking area for the Valpico Glenbriar Apartments, located immediately west of the project site. Development of the project would not result in any physical barriers, such as a wall, or other division, that would divide an existing community, but would serve as an orderly extension of a planned parking area. The project would have ***no impact*** in regards to the physical division of an established community.

Response b) Less than Significant. The key planning documents that are directly related to, or that establish a framework within which the proposed project must be consistent, include:

- City of Tracy General Plan; and
- City of Tracy Zoning Ordinance.

The project site is currently designated Commercial by the City of Tracy General Plan Land Use Map and is zoned Community Shopping Center (CS). The project applicant is requesting a Rezone to amend the existing zoning designation for a portion of APN 246-140-080 from CS to High Density Residential (HDR). In addition, the project applicant is requesting a General Plan Amendment to change the current designation from "Commercial" to "Residential High" for a portion of APN 246-140-080. The proposed parking area is consistent with the “Residential High” designation.

The proposed Project would not conflict with any goals, policies, or implementing actions contained within the General Plan or other regulations adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, impacts to land use compatibility would be ***less than significant***

XII. MINERAL RESOURCES

Would the project:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Responses to Checklist Questions

Response a)-b) No Impact. As described in the Tracy General Plan EIR, the main mineral resources found in San Joaquin County, and the Tracy Planning Area, are sand and gravel (aggregate), which are primarily used for construction materials such as asphalt and concrete. According to the California Geological Survey (CGS) evaluation of the quality and quantity of these resources, the most marketable aggregate materials in San Joaquin County are found in three main areas:

- In the Corral Hollow alluvial fan deposits south of Tracy;
- Along the channel and floodplain deposits of the Mokelumne River; and
- Along the San Joaquin River near Lathrop.

Figure 4.8-1 of the General Plan EIR identifies Mineral Resource Zones (MRZs) throughout the Tracy Planning Area. The project site is located within an area designated as MRZ-3. The MRZ-3 designation applies to areas containing mineral deposits the significance of which cannot be evaluated from available data. There are no substantial aggregate materials located within the project site. Therefore, the project would not result in the loss of availability of a known mineral resource or locally-important mineral resources recovery site. Therefore, there is ***no impact*** related to mineral resources.

XIII. NOISE

Would the project result in:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Generation of a temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	

Responses to Checklist Questions

Responses a) Less than Significant. The proposed project is located in an area consisting predominately of residential land uses, with some limited commercial uses nearby as well. The primary sources of noise currently present in the project area are from vehicle traffic along MacArthur Drive and Valpico Road.

Operation of the proposed parking lot would not result in an increase in traffic on area roadways. Traffic noise associated with the adjacent Valpico Apartments project would not increase as a result of approval and operation of the proposed project. Additionally, the proposed project not not introduce new sensitive receptors to the area.

Construction activities have the potential to create temporary, or periodic increases in ambient noise levels in the project vicinity above levels existing without the project. During the construction stage of the project, noise from construction activities would add to the noise environment in the project vicinity. Construction activities would include the use of heavy equipment including grading and compacting that can generate noise. Noise would also be generated during the construction phase by increased truck traffic on area roadways. This noise increase would be of short duration and would occur primarily during daytime hours.

Table 1 provides a list of the types of equipment which may be associated with construction activities and the associated noise levels. The nearest residential receptors would be located roughly 27 feet or further from construction activities.

Table 1: Construction Equipment Noise

Type of Equipment	Predicted Noise Level (L_{max} Db)				Distances To Noise Contours (Feet)	
	Noise Level At 50'	Noise Level At 100'	Noise Level At 50'	Noise Level At 100'	Noise Level At 50'	Noise Level At 100'
Backhoe	78	72	66	60	126	223
Compactor	83	77	71	65	223	397
Compressor (air)	78	72	66	60	126	223
Dozer	82	76	70	64	199	354
Dump Truck	76	70	64	58	100	177
Excavator	81	75	69	63	177	315
Generator	81	75	69	63	177	315

SOURCE: ROADWAY CONSTRUCTION NOISE MODEL USER'S GUIDE. FEDERAL HIGHWAY ADMINISTRATION. FHWA-HEP-05-054. JANUARY 2006.

Noise sensitive receptors near the construction site would, at times, experience elevated noise levels from construction activities; however, construction-related noise generally would occur during daytime hours only. General Plan Noise Element Policy 4 (Goal N-1.2) establishes the following construction requirements:

> *All construction in the vicinity of noise sensitive land uses, such as residences, hospitals, or convalescent homes, shall be limited to daylight hours or 7:00 a.m. to 7:00 p.m. In addition, the following construction noise control measures shall be included as requirements at construction sites to minimize construction noise impacts:*
>
> - *Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.*
> - *Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction area.*
> - *Utilize "quiet" air compressors and other stationary noise sources where technology exists.*

Implementation of these required measures (i.e., engine muffling, placement of construction equipment, and strategic stockpiling and staging of construction vehicles), and compliance with the City Municipal Code requirements, would serve to further reduce exposure to construction noise levels. Adherence to City's General Plan, as well as City Municipal Code Title 4.12, Article 9 (Noise Control Ordinance), would minimize any impacts from noise during construction. Requirements stated above are adopted by the City as Conditions of Approval (COAs) for all new projects prior to project approval

Therefore, implementation of the proposed project would have a ***less than significant*** impact relative to this topic.

Responses b) Less than Significant. No major stationary sources of groundborne vibration were identified in the project area that would result in the long-term exposure of proposed onsite land uses to unacceptable levels of ground vibration. In addition, the proposed project would not involve the use of any major equipment or processes that would result in potentially significant levels of ground vibration that would exceed these standards at nearby existing land uses. However, construction activities associated with the proposed project would require the use of

various tractors, trucks, and potentially jackhammers that could result in intermittent increases in groundborne vibration levels. The use of major groundborne vibration-generating construction equipment/processes (i.e., blasting, pile driving) is not anticipated to be required for construction of the proposed project.

Groundborne vibration levels commonly associated with construction equipment are summarized in Table 2.

Table 2: Representative Vibration Source Levels for Construction Equipment

EQUIPMENT	*PEAK PARTICLE VELOCITY AT 25 FEET (IN/SEC)*
Large Bulldozers	0.089
Loaded Trucks	0.076
Jackhammer	0.035
Small Bulldozers	0.003

SOURCE: FTA 2006, CALTRANS 2004.

Based on the levels presented in Table 2, groundborne vibration generated by construction equipment would not be anticipated to exceed approximately 0.09 inches per second ppv at 25 feet. Predicted vibration levels would not be anticipated to exceed recommended criteria for structural damage and human annoyance (0.2 and 0.1 in/sec ppv, respectively) at nearby land uses. As a result, short-term groundborne vibration impacts would be considered ***less than significant*** and no mitigation is required.

Response c) Less than Significant. The Tracy Municipal Airport is the closest airport to the project site, located approximately 1.5 miles southwest of the site. The Airport is a general aviation airport owned by the City and managed by the Mobility and Housing Division of the City Manager's Office. The City of Tracy adopted an Airport Master Plan in 1998, analyzing the impacts to safety on surrounding development from the Tracy Municipal Airport.

The San Joaquin County Airport Land Use Plan establishes noise contours surrounding the Tracy Municipal Airport. As shown on Figure 4.14-3 of the Tracy General Plan Final Supplemental EIR (Certified on February 1, 2011), the project site is located outside of both the 65 dBCNEL and the 60 dBCNEL noise contours for the Tracy Municipal Airport. As such, the project site would not be exposed to excessive noise from the Tracy Municipal Airport. This is a ***less than significant*** impact, and no mitigation is required.

XIV. POPULATION AND HOUSING

Would the project:	***Potentially Significant Impact***	***Less Than Significant with Mitigation Incorporation***	***Less Than Significant Impact***	***No Impact***
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

Responses to Checklist Questions

Response a) Less than Significant. The project does not propose any housing that would result in direct population growth. The proposed project will not result in intensification of land uses, or the addition of structures or uses that would differ from the current General Plan. The project will expand the parking area for the Valpico Glenbriar Apartments. No population increases would result from implementation of the proposed project. Therefore, implementation of the proposed project would have a ***less than significant*** impact relative to this topic.

Response b) No Impact. The project site is located within the Tracy City limit. The proposed project would not displace housing or people. Implementation of the proposed project would have ***no impact*** relative to this topic.

XV. PUBLIC SERVICES

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?				X
ii) Police protection?				X
iii) Schools?				X
iv) Parks?				X
v) Other public facilities?				X

Responses to Checklist Questions

Responses ai), aii), aiii), aiv): The project site is currently under the jurisdiction of the South San Joaquin County Fire Authority. The proposed project would not include additional residential units, or people to the City of Tracy. The proposed project will not result in intensification of land use, or the addition of structures or uses that would differ from the current General Plan or previously-approved projects. No additional demand for fire protection would be created by the project. Therefore, implementation of the proposed project will have ***no impact*** to this topic.

The project site is currently under the jurisdiction of the Tracy Police Department. The proposed project would not include additional residential units, or add people to the City of Tracy. The proposed project would not result in intensification of land use, or the addition of structures or uses that would differ from the current General Plan or previously-approved projects. No additional demand for police protection would be created by the project. Therefore, implementation of the proposed project will have ***no impact*** relative to this topic.

Schools within the City of Tracy are part of the Tracy Unified School District. The proposed project does not include any residential units, or any other type of use that would directly, or indirectly increase the student population in the area. Therefore, implementation of the proposed project will have ***no impact*** relative to this topic.

The proposed project does not include any residential units or any other type of use that would directly, or indirectly increase the population, or park demand in the area, or include any other type of use that would directly increase the park needs. The proposed project will not result in intensification of land use, or the addition of structures or uses that would differ from the current General Plan. Therefore, the proposed project would not have the potential to require construction of additional park and recreational facilities which may cause substantial adverse physical environmental impacts. Therefore, implementation of the proposed project will have ***no impact*** relative to this topic.

XVI. RECREATION

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Responses to Checklist Questions

Response a)-b) No Impact. The proposed project does not include any residential units or any other type of use that would increase the population, or park and recreation facility demand in the area, or include any other type of use that would directly increase the use of park and recreation facilities. The proposed project will not result in intensification of land uses, or the addition of structures or uses that would differ from the current General Plan. Therefore, the proposed project would not significantly increase the use of existing facilities. Furthermore, it is not anticipated that any substantial physical deterioration of existing facilities would occur, or be accelerated. Implementation of the proposed project would have a **no impact** relative to this topic.

XVII. TRANSPORTATION

Would the project:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?				X
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?				X
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?			X	

Responses to Checklist Questions

Response a) No Impact. No new residential structures, uses, or visitor serving areas are included in the project. Therefore, the project is not expected to result in any increase in vehicle trips within the area. The project would not result in any changes to roadway configurations or driveway access points for the approved Valpico Glenbriar Apartments Project, nor would the project conflict with any adopted plans or programs, nor would it interfere with any transit, roadway, bicycle or pedestrian facilities. The temporary gates restricting access to the future Glenbriar Drive through the project site will be removed and all improvements consistent with City standards prior to acceptance of Glenbriar Drive as a public right-of-way. There is **no impact** relative to this topic.

Response b) No Impact. The proposed project would not add any new vehicle trips to any area roadways, nor would it increase the length of any existing or future vehicle trips. No change in VMT would occur as a result of project implementation. The project would simply add additional parking spaces to a previously-approved project. There is **no impact**.

Response c) and d) Less than Significant. No site circulation or access issues have been identified that would cause a traffic safety problem/hazard or any unusual traffic congestion or delay that could impede emergency vehicles or emergency access. The project does not include any design features or incompatible uses that pose a significant safety risk. The project would create no adverse impacts to emergency vehicle access or circulation. Therefore, project implementation would have a ***less than significant*** impact relative to this topic.

XVIII. TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?			X	
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resources to a California Native American tribe.			X	

Responses to Checklist Questions

Responses a)-b) Less than Significant. Known tribal cultural resources or sites are not located on the project site. Additionally, unique geologic features are not located on the site. The site is currently developed with a single-family residence and surrounded by existing or future urban development. No tribal cultural resources or geologic features are anticipated to be encountered during the project's construction phase due to the disturbed nature of the site and the limited amount of excavation that would be required to implement the project.

There are no known human remains located on the project site, nor is there evidence to suggest that human remains may be present on the project site. Additionally, there are no known unique paleontological or archeological resources known to occur on, or within the immediate vicinity of the project site. Therefore, it is not anticipated that site grading and preparation activities would result in impacts to cultural, historical, archaeological or paleontological resources. Therefore, project implementation would have a ***less than significant*** impact relative to this topic

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				X
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?				X
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments?				X
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reductions goals?				X
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				X

Responses to Checklist Questions

Responses a)-e) No Impacts. The project includes the expansion of the parking area for the Valpico Glenbriar Apartments project. The proposed project will not result in intensification of land use, or the addition of structures or uses that would differ from the previously-approved Valpico Apartments project. No additional demand for water, wastewater, electric power, natural gas, solid waste disposal or telecommunications facilities would be created by the project. The minor increase in the amount of impervious surfaces added by the project would not require the expansion of any off-site drainage infrastructure. There are **no impacts** related to this topic.

XX. WILDFIRE

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

Response a) and d) Less than Significant. The project includes the expansion of the parking area for the Valpico Glenbriar Apartments complex. The proposed parking improvements would allow for decreased fire risk relative to existing conditions. The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, nor would it expose people or structures to significant risks associated with flooding or slope failure. Therefore, impacts from project implementation would be considered ***less than significant*** relative to this topic.

Responses b) and c) Less than Significant. The risk of wildfire is related to a variety of parameters, including fuel loading (vegetation), fire weather (winds, temperatures, humidity levels and fuel moisture contents) and topography (degree of slope). Steep slopes contribute to fire hazard by intensifying the effects of wind and making fire suppression difficult. Fuels such as grass are highly flammable because they have a high surface area to mass ratio and require less heat to reach the ignition point. The project would not result in development of structures or housing which would subject residents, visitors, or workers to long-term wildfire danger. The site is essentially flat, and is not surrounded by fuels or other conditions conducive to wildfire risks, and no fuel breaks or other associated wildfire infrastructure would be required. Therefore, impacts from project implementation are ***less than significant*** relative to this topic.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	***Less Than Significant with Mitigation Incorporation***	***Less Than Significant Impact***	***No Impact***
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

Responses to Checklist Questions

Responses a)-c) Less than Significant. As described throughout the analysis above, the proposed project would not result in any significant impacts to the environment. The project would not result in any cumulative impacts, impacts to biological resources or impacts to cultural and/or historical resources. These are ***less than significant*** impacts.

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City of Tracy
CEQA Negative Declaration
For Valpico Glenbriar (aka Vela) Apartments Parking Lot Expansion

Project Name: Valpico Glenbriar Apartments Parking Lot Expansion Project

Project Location: The project (expansion of the Valpico Glenbriar Apartments parking lot) site consists of approximately 13,440 square feet (just under 1/3 of an acre) located in the rear yard of the single-family home at 2625 S. MacArthur Drive, Tracy (APN 246-140-08); and the Valpico Glenbriar (Vela) Apartments, currently under construction at 351 E. Valpico Road, Tracy (APN 246-140-23).

Project Proponent: Valpico Tracy Apartments, LLC., represented by Rich Alexander, Guardian Capital.

Project Description: The project includes the construction of approximately 25 additional parking spaces for the Valpico Glenbriar apartment complex. The apartment complex (currently under construction) will enlarge its parking lot by an area of approximately 56 feet by 240 feet to the east into what is currently a portion of the vacant, rear yard of the house at 2625 S. MacArthur Drive. A proposed 880 square-foot maintenance building will also be relocated to the enlarged parking area. The project includes the following development applications: General Plan Amendment from Commercial to Residential High (GPA22-0003), Zoning Map Amendment from Community Shopping Center to High Density Residential (R22-0002), Development Review Permit (D22-0013), and a lot line adjustment (MS22-0003). Final review of the lot line adjustment will be considered separately, in accordance with City standards. The project also includes the construction of a perimeter fence to enclose the apartment complex and new parking area, with vehicle and pedestrian gates at project entries (Development Review Permit Number D22-0005). The fence construction is exempt from CEQA review in accordance with CEQA Guidelines Section 15303(e), new construction of small structures/accessory structures.

CEQA Finding/Determination: The City of Tracy has reviewed and considered the proposed project and has determined that the project will not have a significant effect on the environment, with substantial supporting evidence provided in the Initial Study.

Initial Study: A copy of the Initial Study for the Valpico Glenbriar Apartments Parking Lot Expansion Project, dated September 2022, is attached and a part of this Negative Declaration.

APPROVED AS TO FORM AND LEGALITY

_____
CITY ATTORNEY'S OFFICE

TRACY PLANNING COMMISSION

RESOLUTION NO. _____

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(1) A RESOLUTION (A) APPROVING A CEQA NEGATIVE DECLARATION FOR THE EXPANSION OF THE VALPICO GLENBRIAR APARTMENT PARKING LOT A TO INCLUDE A PORTION OF THE REAR YARD AT 2625 S. MACARTHUR DRIVE (PARKING SITE) AND (B) DETERMINE THE ADDITION OF A PERIMETTER FENCE/GATE TO THE VALPICO GLENBRIAR APARTMENTS PROJECT LOCATED AT 351 E. VALPICO ROAD (APARTMENTS SITE) IS EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTION 15303(E);

(2) AN ORDINANCE APPROVING A GENERAL PLAN AMENDMENT REDESIGNATING THE PARKING SITE FROM COMMERCIAL TO RESIDENTIAL HIGH (GPA22-0003);

(3) AN ORDINANCE AMENDING THE ZONE DISTRICT OF THE PARKING SITE FROM COMMUNITY SHOPPING CENTER TO HIGH DENSITY RESIDENTIAL (R22-0002);

(4) A RESOLUTION APPROVING A DEVELOPMENT REVIEW PERMIT FOR THE ADDITION OF A PERMITER FENCE AND GATES TO THE APARTMENTS SITE (D22-0005); AND

(5) A RESOLUTION APPROVING A DEVELOPMENT REVIEW PERMIT EXPANDING THE VALPICO GLENBRIAR APARTMENT PARKING LOT TO INCLUDE A PORTION OF THE REAR YARD AT 2625 S. MACARTHUR DRIVE (D22-0013)

WHEREAS, The 264-unit Valpico Glenbriar Apartments project was approved by the City Council on October 1, 2019, Resolution Number 2019-195; and

WHEREAS, During construction, the project was sold from the original developer (Katerra) to Guardian Capital, which intends to complete construction, own, and manager the project; and

WHEREAS, The Valpico Glenbriar Apartments project was approved with 417 off-street parking spaces, which is consistent with City standards; and

WHEREAS, Guardian Capital wishes to provide additional off-street parking spaces for tenants and guests beyond the existing number of parking spaces; and

WHEREAS, Guardian Capital has acquired an interest in approximately 13,440 square feet of adjacent property on which to develop additional parking; and

WHEREAS, Guardian Capital submitted a Development Review Permit (Application Number D22-0013) to develop the adjacent property as additional parking, connected to the existing apartments site; and

WHEREAS, The Valpico Glenbriar Apartments site has a General Plan designation of Residential High and is zoned High Density Residential, and

WHEREAS, The adjacent property, on which the parking lot will be expanded, has a General Plan designation of Commercial and is zoned Community Shopping Center; and

WHEREAS, Guardian Capital has requested the General Plan and zoning designations of the expanded parking area be amended from Commercial and Community Shopping Center, respectively, to Residential High and High Density Residential, respectively, in order to be consistent with the General Plan an zoning designations of the apartments site; and

WHEREAS, Guardian Capital submitted a Development Review Permit (Application Number D22-0005) to construct a fence and gates around the perimeter of the apartments site; and

WHEREAS, A California Environmental Quality Act (CEQA) Initial Study/Negative Declaration has been prepared for the parking lot expansion portion of the project finding no significant effect on the environment and the perimeter fence/gate proposal is exempt from CEQA pursuant to CEQA Guidelines Section 15303(e) which pertains to new construction of small or accessory structures such as fences; and

WHEREAS, The Planning Commission conducted a public hearing to review the project on September 28, 2022; now, therefore, be it

RESOLVED: That the Planning Commission recommends that the City Council adopt a resolution adopting a Negative Declaration for the Valpico Glenbriar Apartments parking lot expansion project because the City of Tracy has reviewed and considered the proposed project and has determined, based on the whole record before it, including the Initial Study and comments received, there is no substantial evidence that the project will have a significant effect on the environment, with substantial supporting evidence provided in the Initial Study, dated September 2022; and determine the fence/gate project is exempt from CEQA pursuant to Guidelines Section 15303(e).

FURTHER RESOLVED: That the Planning Commission recommends that the City Council adopt an ordinance approving a General Plan Map amendment for the approximately 13,440 square foot site for the Valpico Glenbriar Apartments parking area expansion, from Commercial to Residential High, as indicated in Exhibit 1.

FURTHER RESOLVED: That the Planning Commission recommends that the City Council adopt an ordinance amending the zone district of the approximately 13,440 square foot site for the Valpico Glenbriar Apartments parking area expansion, from Community Shopping Center to High Density Residential, as indicated in Exhibit 2.

FURTHER RESOLVED: That the Planning Commission recommends that the City Council adopt a resolution approving Development Review Permit Application Number D22-0013 for the Valpico Glenbriar Apartments parking lot expansion project, subject to the conditions of approval in Exhibit 3 and based on the findings identified below.

FURHTER RESOLVED: That the Planning Commission recommends that the City Council adopt a resolution approving Development Review Permit Application Number D22-0005 for the Valpico Glenbriar Apartments perimeter fence and gate project, subject to the conditions of approval in Exhibit 3 and based on the following findings:

1. The proposal increases the quality of the project site and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy because the number of additional parking spaces will be above and beyond minimum requirements of City regulations to help reduce potential effects of peak parking demand times and potentially allow tenants and guests to park closer to their tenant spaces or building destinations. Fences and gates will help provide a sense of security for tenants and the property owner.

2. The proposal conforms to Chapter 10.08, Zoning Regulations, of the Tracy Municipal Code, the City of Tracy General Plan, the Citywide Design Goals and Standards, City Standard Plans, and other City regulations in that it consistent with the Storm Drainage Technical Memorandum prepared for the project by Wood Rodgers, it is consistent with City Off-Street parking area landscape requirements (Tracy Municipal Code Section 10.08.3560), and is consistent with City of Tracy Standard Plan 141 regarding parking space and drive aisle dimension requirements.

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

The foregoing Resolution 2022-_____ was adopted by the Planning Commission on September 28, 2022, by the following vote:

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

_____
CHAIR

ATTEST:_____
STAFF LIAISON

Exhibit 1 – Proposed General Plan Designation
Exhibit 2 – Proposed Zoning District
Exhibit 3 – Project Conditions of Approval

Exhibit 1

PROPOSED GENERAL PLAN

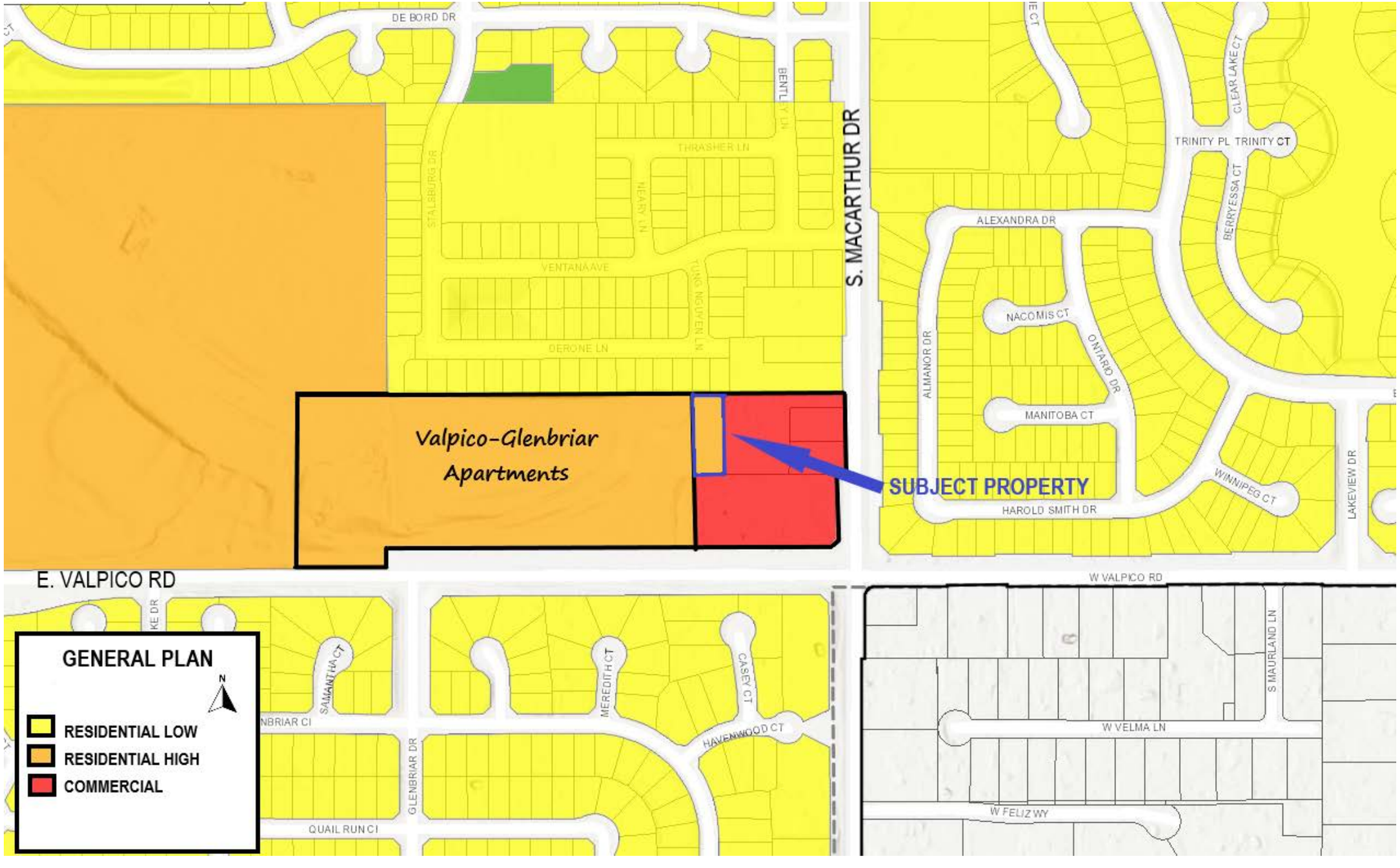
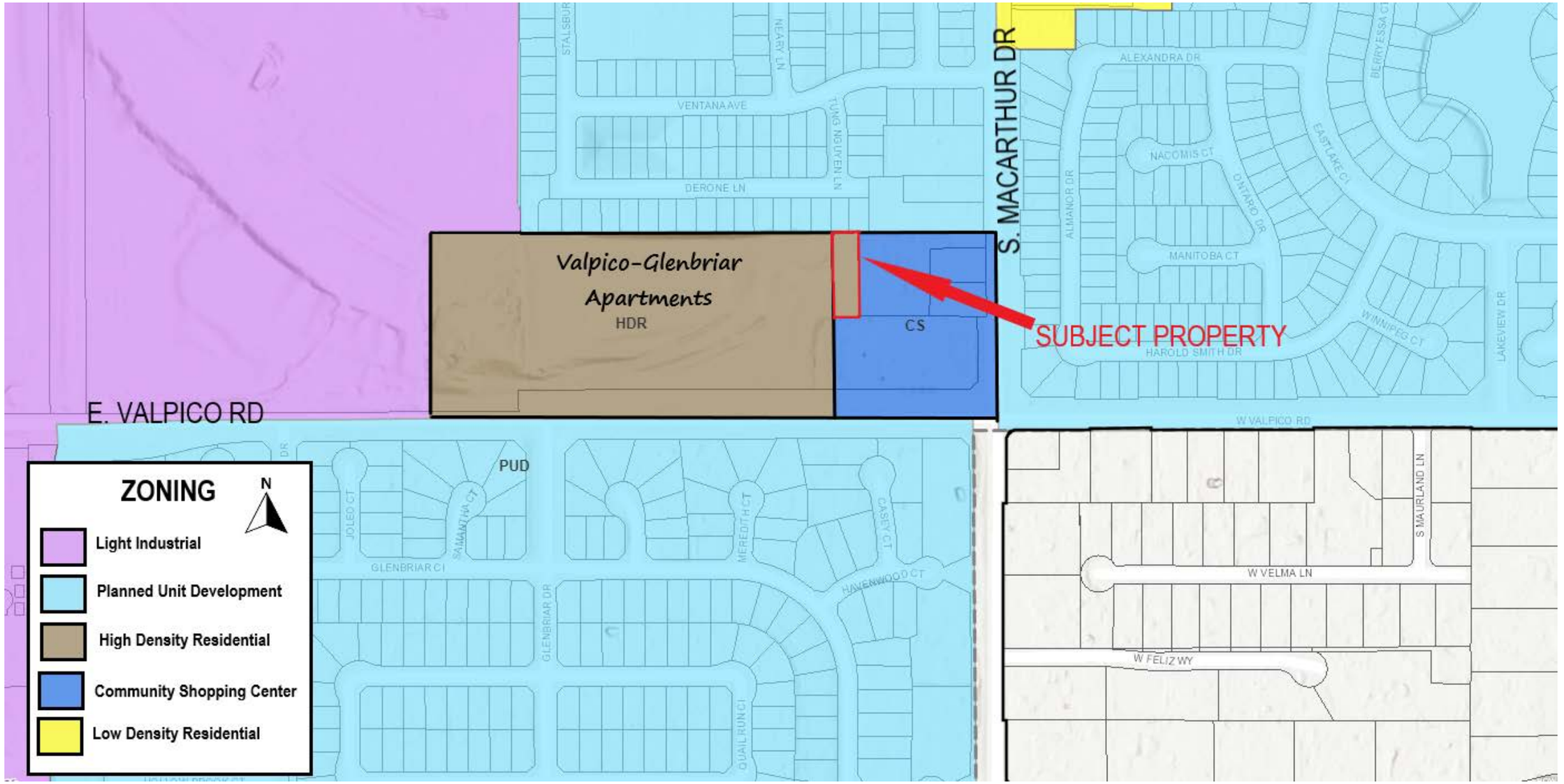


Exhibit 2

PROPOSED ZONING



City of Tracy
Conditions of Approval
Planning Commission – September 28, 2022
Valpico Glenbriar Apartments Parking Lot Expansion and Perimeter Fence/Gate Project
Application Numbers D22-0005 and D22-0013

A. General Provisions and Definitions.

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

The Project: Valpico Glenbriar Apartments Parking Lot Expansion and Perimeter Fence/Gate Project, Development Review Permit Application Numbers D22-0005 and D22-0013

The Property: The fence and gates will be built around the entire 11.63-acre Valpico Glenbriar Apartment site, 351 E. Valpico Road (Assessor's Parcel Number 246-140-23) that does not previously have a wood fence; and the parking lot expansion occurs on approximately 13,440 square feet of the current, vacant back yard of the single-family home at 2625 S. MacArthur Drive (Assessor's Parcel Number 246-140-08).

A.2. Definitions.

a. "Applicant" means any person, or other legal entity, applying for a Development Review Permit.

b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.

c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).

d. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.

e. "Conditions of Approval" shall mean the conditions of approval applicable to the Project located at the Property. The Conditions of Approval shall specifically include all conditions set forth herein.

f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.

g. "Police Chief" means the Chief of Police of the City of Tracy, or any other person designated by the City Manager or the Police Chief to perform duties set forth herein.

A.3. 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.4. Compliance with laws. The Developer shall comply with all federal, state and local laws, as amended from time to time, related to the development of real property within the Project, including, but not limited to:
- the Planning and Zoning Law (Government Code sections 65000, et seq.)
- the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
- the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").

A.5. Compliance with applicable regulations. Unless specifically modified by these Conditions of Approval, the use shall comply with all City Regulations.

A.6. Prior to construction, the applicant shall submit construction documents which meet the requirements of the California Building and Fire Codes and the Tracy Municipal Code to the City of Tracy and the South San Joaquin County Fire Authority for review, approval and inspections.

B. Project Conditions of Approval

B.1. Prior to final inspection or occupancy, the project shall be established in substantial compliance with the plans (Sheets L1 thru L4 by Ripley Design Group and Sheet 1 of "Valpico Apartments Expanded Parking Area" plans by MacKay and Somps) received by the Development Services Department on September 13, 2022 to the satisfaction of the Development Services Director, including but not limited to the location of the fence and gates, five-foot height along the Valpico Road frontage, six-foot height elsewhere, and decorative metal design.

B.2. Prior to final inspection or occupancy, the expanded parking area shall be designed and constructed in compliance with City Regulations for landscape requirements for parking areas (Tracy Municipal Code Section 10.08.3560) and City Standard Plan 141.

B.3. Prior to installation of the gates or issuance of a building permit, applicant shall submit construction documents, plans, specifications and/or calculations to the Building Safety Division, which meet all requirements of Title 24 California Code of Regulations and City of Tracy Municipal Codes, as applicable. The plans shall include, and not be limited to, an egress analysis of all of the doors in case of an emergency to ensure that the proper amount of exit width is provided, in accordance with California Building Code Chapter 10. Note that additional doors or gates may be required.

B.4. Prior to final inspection or occupancy, plans shall be submitted and all improvements shall be constructed in accordance with City and South San Joaquin County Fire

Authority standards, demonstrating that all vehicle access gates meet the current California Fire Code 503.2.1 regarding unobstructed access width of not less than 20 feet to the satisfaction of the Fire Marshal.

B.5. Prior to final inspection or occupancy, plans shall be submitted and all improvements shall be constructed in accordance with City and South San Joaquin County Fire Authority standards regarding emergency vehicle access, demonstrating compliance with California Fire Code Section 503.6 and the Tracy Municipal Code to the satisfaction of the Fire Marshal; and providing Police Department access to the satisfaction of the Police Chief.

C. Engineering Division Conditions of Approval

C.1. General Conditions

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

1) Storm Water Drainage Technical Memorandum by Wood Rodgers dated July 20, 2022

C.2. RESERVED
C.3. RESERVED

C.4. Grading Permit

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

C.4.1 Developer has completed all requirements set forth in this section.

C.4.2 Developer has obtained the approval (i.e. recorded easements for slopes, drainage, utilities, access, parking, etc.) of all other public agencies and/or private entities with jurisdiction over the required public and/or private facilities and/or property. Written permission from affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit.

C.4.3 Developer has obtained a demolition permit to remove any existing structure located within the Project's limits.

C.4.4 All existing on-site water well(s), septic system(s), and leech field(s), if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. Developer shall be responsible for all costs associated with the abandonment or removal of the existing well(s), septic system(s), and leech field(s) including the cost of permit(s) and inspection. Developer shall submit a

copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.

C.4.5 The Improvement Plans for all improvements to serve the Project (on-site and off-site) including the Grading and Drainage Plans shall be prepared in accordance with the City's Subdivision Ordinance (Tracy Municipal Code (TMC) Chapter 12.36), City Design Documents as defined in Title 12 of the TMC, and these Conditions of Approval.

C.4.6 On-site Grading/Drainage Plans and Improvement Plans shall be prepared on a twenty-four (24) inch x thirty-six (36) inch size four (4) millimeter thick polyester film (mylar). These plans shall use the City's Title Block. Improvement Plans shall be prepared under the supervision of, stamped and signed by a Registered Civil Engineer and Registered Geotechnical Engineer. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by the Fire Marshal prior to submitting the mylars to Engineering Division for City Engineer's signature. Erosion control measures shall be implemented in accordance with the Improvement Plans approved by the City Engineer for all grading work. All grading work not completed before October 15 may be subject to additional requirements as applicable. Improvement Plans shall specify all proposed erosion control methods and construction details to be employed and specify materials to be used during and after the construction.

C.4.7 Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.

C.4.8 For Projects on property larger than one (1) acre: Prior to the issuance of the Grading Permit, Developer shall submit to the Utilities Department (stephanie.hiestand@cityoftracy.org) one (1) electronic copy and one (1) hard copy of the Storm Water Pollution Prevention Plan (SWPPP) as submitted in Stormwater Multiple Applications and Reporting Tracker System (SMARTS) along with either a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID) or a copy of the receipt for the NOI. After the completion of the Project, the Developer is responsible for filing the Notice of Termination (NOT) required by SWQCB, and shall provide the City, a copy of the completed Notice of Termination. Cost of preparing the SWPPP, NOI and NOT including the annual storm drainage fees and the filing fees of the NOI and NOT shall be paid by the Developer. Developer shall comply with all the requirements of the SWPPP, applicable Best Management Practices (BMPs) and the Stormwater Post-Construction Standards adopted by the City in 2015 and any subsequent amendment(s).

For Projects on property smaller than one (1) acre: Prior to the issuance of the Grading Permit, the Developer shall submit to the Utilities Department (stephanie.hiestand@cityoftracy.org) one (1) electronic copy and 1 hard copy of the City of Tracy Erosion and Sediment Control Plan (ESCP) for approval. Cost of preparing the ESCP including any annual storm drainage fees shall be paid

by the Developer. Developer shall comply with all the requirements of the ESCP, applicable BMPs and the Post-Construction Stormwater Standards adopted by the City in 2015 and any subsequent amendment(s).

C.4.9 Developer shall provide a PDF copy of the Project's Geotechnical Report signed and stamped by a Registered Geotechnical Engineer. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, compaction recommendations, retaining wall recommendations, if necessary, paving recommendations, paving calculations such as gravel factors, gravel equivalence, etc., slope recommendations, and elevation of the highest observed groundwater level.

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

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

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

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

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

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

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

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

C.4.14 If the Project contains overhead utilities, the Developer shall underground existing overhead utilities such as electric, TV cable, telephone, and others. Each dry utility shall be installed at the location approved by the respective owner(s) of dry utility and the Developer shall coordinate such activities with each utility owner. All costs associated with the undergrounding shall be the sole responsibility of the Developer and no reimbursement will be due from the City. Developer shall submit undergrounding plans.

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

C.5. Building Permit

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

C.5.1 Developer has completed all requirements set forth in Condition C.1, through C.4, above.

C.5.2 Developer pays the applicable development impact fees as required in the TMC, these Conditions of Approval, and City Regulations.

C.5.2.a. Water. The Developer shall pay the water impact fees prior to pulling the first building permit for the Project.

C.5.2.b. Wastewater. The Developer shall pay the wastewater treatment capacity development Impact fees prior to pulling the first building permit for the Project.

C.5.3 Developer has completed all requirements set forth in Condition C.8

C.5.4 Prior to the release of any Building Permit, all construction activity will require a fully executed and recorded Deferred Improvement Agreement.

C.6 Acceptance of Glenbriar Drive Right-of-Way

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

C.6.1 Developer has satisfied all the requirements set forth in these Conditions of Approval.

C.6.2 Developer submitted the Storm water Treatment Facilities Maintenance Agreement (STFMA) to the Utilities Department.

C.6.3 Developer has satisfactory completed construction of all required/conditioned improvements. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

C.6.4 Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Developer, the City, at its sole discretion, temporarily release the original mylars of the Improvement Plans to the Developer so that the Developer will be able to document revisions to show the "As-Built" configuration of all improvements.

C.6.5 Developer shall be responsible for any repairs or reconstruction of street pavement, curb, gutter and sidewalk and other public improvements along the frontage of the Project, if determined by the City Engineer to be in poor condition or damaged by construction activities related to this Project and Developer's enclosure of the Glenbriar Drive right-of-way. Repairs shall be depicted on City approved improvement plans referenced in C.7 below.

C.6.6 Developer has completed the ninety (90) day public landscaping maintenance period.

C.6.7 Per Section 21107.5 of the California Vehicle Code, Developer shall install signs at all entrance(s) of the Project stating that the streets are privately owned and maintained and are not subject to the public traffic regulations or control. Said signs must be conspicuously placed, plainly visible, and legible during daylight hours from a distance of one hundred (100) feet.

C.6.8 Survey Monuments – Any altered, damaged, or destroyed survey monuments and/or benchmarks shall be re-established. Developer shall submit centerline tie sheets or a record of survey for the following: new public streets; re-established survey monuments, and/or benchmarks. If the Developer destroyed, altered, and/or reconstructed any existing curb returns, Developer shall also submit corner records. Any survey document will be submitted the City and to the San Joaquin County Surveyor to comply with California Business and Professions Code Section 8771(c). Said work shall be executed by a California licensed Land Surveyor at the Developer's sole expense.

C.7. Improvement Agreement(s)

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

C.7.1 Improvement Plans for the Restoration of the Glenbriar Drive Right-of-Way shall be prepared on a twenty-four (24) inch x thirty-six (36) inch size four (4) millimeter thick mylar that incorporate all requirements described in the documents described in these Conditions of Approval, the City's Design Documents as defined in Title 12 of the Tracy Municipal Code. Developer shall use the latest title block and, if necessary, contain a signature block for the Fire Marshal. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by Fire Marshal to submitting the mylars to Engineering Division for City Engineer's signature. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:

C.7.2 All existing and proposed utilities such as domestic water line, irrigation service, fire service line, storm drain, and sanitary sewer, including the size and location of the pipes.

C.7.3 All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports. All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers such as benchmarks.

C.7.4 A PDF copy of the Project's approved Geotechnical/Soils Report that was prepared for the grading permit submittal.

C.7.5(a) Storm Water - The Project's on-site storm water drainage connection to the City's storm water system shall be approved by the City Engineer. Drainage calculations for the sizing of the on-site storm drainage system. Improvement Plans to be submitted with the hydrology and storm water.

C.7.5(b) Storm drainage release point is a location at the boundary of the Project adjacent public right-of-way where storm water leaves the Property, in a storm event and that the Property's on-site storm drainage system fails to function or it is clogged. Site grading shall be designed such that the Project's storm drainage overland release point will be directly to an adjacent public street with a functional storm drainage system and the

existing storm drainage line has adequate capacity to drain storm water from the Property. The storm drainage release point is recommended to be at least 0.70-feet lower than the building finish floor elevation and shall be designed and improved to the satisfaction of the City Engineer.

C.7.5(c) As recommended in the Storm Water Drainage Memorandum, the minimum finished floor elevation shall be a minimum of 40.49 feet

C.7.5(d) The Project's permanent storm drainage connection(s) shall be designed and constructed in accordance with City Regulations. The design of the permanent storm drainage connection shall be shown on the Grading and Drainage Plans with calculations for the sizing of the storm drain pipe(s), and shall comply with the applicable requirements of the City's storm water regulations adopted by the City Council in 2012 and any subsequent amendments.

C.7.5(e) The storm water treatment system shall be located on private property and shall be at least off-set from the right-of-way by one (1) foot.

C.7.6(a) Sanitary Sewer - It is the Developer's responsibility to design and construct the Project's permanent on-site sanitary sewer (sewer) improvements including the Project's sewer connection in accordance with the City's Design Standards, City Regulations and Standard Specifications. Sewer improvements shall include but not limited to, replacing asphalt concrete pavement, reconstructing curb, gutter and sidewalk, restoring pavement marking and striping, and other improvements that are disturbed as a result of installing the Project's permanent sewer connection. Developer shall submit improvement plans that include the design of the sewer line from the Property to the point of connection.

C.7.6(b) Developer is hereby notified that the City will not provide maintenance of the sewer lateral within the public right-of-way unless the sewer cleanout is located and constructed in conformance with Standard Plans. The City's responsibility to maintain on the sewer lateral is from the wye/onsite sewer manhole at the right-of-way line/property line/wye fitting to the point of connection with the sewer main.

C.7.7(a) Water Distribution - Developer shall design and construct domestic and irrigation water service that comply with the City Regulations. Water line sizing, layout and looping requirements for this Project shall comply with City Regulations. During the construction of the Project, the Developer is responsible for providing water infrastructure (temporary or permanent) capable of delivering adequate fire flows and pressure appropriate to the various stages of construction and as approved by the Fire Marshal.

C.7.7(b) Interruption to the water supply to the existing businesses and other users will not be allowed to facilitate construction of improvements related to the Project. Developer shall be responsible for notifying business owner(s) and users, regarding construction work. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business

owner(s) at least seventy-two (72) hours before start of work. Prior to starting the work described in this section, the Developer shall submit a Work Plan acceptable to the City that demonstrates no interruptions to the water supply, and Traffic Control Plan to be used during the installation of the off-site water mains and connections.

C.7.7(c) The Project's water service connections shall use a remote-read (radio-read) master water meter (the water meter to be located within City's right-of-way) and a Reduced Pressure Type back-flow protection device in accordance with City Regulations. The domestic and irrigation water service connection(s) must be completed before the inspection of the building. The location of the meters shall be approved by the City Engineer.

C.7.7(d) After final inspection of the improvements constructed via an encroachment permit, repair and maintenance of the water service from the water meter to the point of connection with the water distribution main in the street shall be the responsibility of the City. Water service repairs after the water meter is the responsibility of the Developer or individual lot owner(s).

C.7.7(e) Prior to improvement acceptance, repair and maintenance of all on-site water lines, laterals, sub-water meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer or the individual lot owner(s).

C.7.7(f) All costs associated with the installation of the Project's water connection(s) including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings on existing street or parking area(s) that may be disturbed with the installation of the permanent water connection(s), or domestic water service, and other improvements shall be paid by the Developer.

C.7.8(a) Streets – The Developer shall construct frontage improvements. Frontage improvements include but are not limited to the following: curb, gutter, sidewalk, street widening, landscaping, street lighting, undergrounding of overhead utilities and other improvements. All streets and utilities improvements within City right-of-way shall be designed and constructed in accordance with City Regulations, and City's Design Standards including the City's Facilities Master Plan for storm drainage, roadways, wastewater, and water as adopted, amended, and updated by the City, or as otherwise specifically approved by the City.

C.7.8(b) Valpico Road
The Tracy Transportation Master Plan (TMP) classifies Valpico Road as a four-lane divided arterial which would require a minimum of ninety-seven (97) feet of right of way at ultimate buildout. Prior to the release of the grading permit, the Developer shall dedicate right of way along the Project frontage, excluding the Public Utility Easement (P.U.E.). In addition, the

Developer shall record a ten (10) foot wide P.U.E. immediately behind the new property line.

C.7.8(c) Developer shall install green bike lane striping on Valpico Road along the project frontage.

C.7.8(d) Developer shall install audible pedestrian crossing at the existing traffic signal at Glenbriar Drive and Valpico Road.

C.7.8(e) Developer shall install a barricade at the westerly edge of the proposed sidewalk.

C.7.8(f) Along the Project frontage, if applicable, Developer shall landscape and irrigate the existing parkways per current adopted City landscape standards. Landscape and irrigation plans shall be prepared on a 24-inch x 36-inch size 4-millimeter thick mylar that incorporate all requirements described in the documents described in these Conditions of Approval, the City's Design Documents as defined in Title 12 of the Tracy Municipal Code. Developer shall use the latest title block. Said landscape and irrigation plan shall be prepared by a California licensed landscape architect. Developer can either protect-in-place the existing sidewalk and repair any cracked, settled, and/or damaged sidewalk or remove and replace the sidewalk so long as the replacement sidewalk is similar to the current sidewalk, i.e. similar width, meanders, etc.

C.7.8(g) Overhead Utilities along Project frontage shall be placed underground.

C.7.8(h) Street cuts and trenching related to utility installation on Valpico Road shall be subject to Condition C.8.1

C.7.8(i) <u>Glenbriar Drive</u>
Prior to the release of the grading permit, Developer shall enter into a Deferred Improvement Agreement (DIA) to be recorded against the parcels included in the Project. Said DIA will insure the future public right-of-way associated with Glenbriar Drive is repaired and restored when Glenbriar Drive is open to the public. Developer shall prepare improvements if deemed necessary by the City.

C.7.8(j) <u>Easterly Vehicle Gate</u>
Prior to the release of the grading permit, Developer shall install directional striping to assist in turn movements.

C.7.9 Joint Trench Plans and Composite Utility Plans, prepared on a twenty-four (24) inch x thirty-six (36) inch size four (4) millimeter thick mylar for the installation of dry utilities such as electric, gas, TV cable, telephone, and others that will be located within the twenty-four (24) feet wide to forty-six (46) feet wide [the width varies) PUE to be installed to serve the Project. All private utility services to serve Project must be installed underground or relocated to be underground, and to be installed at the location approved by the respective owner(s) of the utilities from the street or an existing or

proposed utility easement to the building(s). If necessary, the Developer shall dedicate ten (10) feet wide PUE for access to these new utilities for re-installation, replacement, repair, and maintenance work to be performed by the respective utility owner(s) in the future.

C.7.10 Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans. The cost estimate shall show the cost of designing the public improvements.

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

C.7.11 Traffic Control Plan - Prior to starting the work for any work within City's right-of-way, the Developer shall submit a Traffic Control Plan (TCP). TCP can be split among the different construction phases. TCP will show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. TCP shall conform to the Manual on Uniform Traffic Control Devices as amended by the State of California, latest edition (MUTCD-CA). TCP shall be prepared under the supervision of, signed and stamped by a Registered Civil Engineer or Registered Traffic Engineer.

C.7.12 Access and Traffic Circulation to Existing Businesses/Residents - Developer shall take all steps necessary to plan and construct site improvements such that construction operations do not impact safety and access (including emergency vehicles) to the existing businesses and residents throughout the duration of construction. Developer shall coordinate with the owners and cooperate to minimize impacts on existing businesses. All costs of measures needed to provide safe and functional access shall be borne by the Developer.

C.7.13 No street trench shall be left open, uncovered, and/or unprotected during night hours and when the Developer's contractor is not performing construction activities. Appropriate signs and barricades shall be installed on the street and on all trenches during such times. If the Developer or its contractor elects to use steel plates to cover street trenches, said steel plates will be skid-resistance, and shall be ramped on all sides. Ramps will be a minimum two-foot wide and will run the entire length of each side.

C.7.14 If at any point during utility installation or construction in general that the Developer, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other

paleontological findings, the Developer shall address the findings as required per the General Plan Cultural Resource Policy and General Plan EIR; and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.

C.7.15 Improvement Security - Developer shall provide improvement security for all public facilities, as required by the Improvement Agreement. The form of the improvement security may be a bond, or other form in accordance with the Government Code, and the TMC. The amount of the improvement security shall be in accordance with Title 12 of the TMC.

C.7.16 Insurance – Developer shall provide written evidence of insurance coverage that meets the terms of the Improvement Agreement.

C.8 Special Conditions

C.8.1 When street cuts are made for the installation of utilities, the Developer shall conform to Section 3.14 of the 2020 Design Standards and is required install a two (2) inch thick asphalt concrete (AC) overlay with reinforcing fabric at least twenty-five (25) feet from all sides of each utility trench. A two (2) inch deep grind on the existing AC pavement will be required where the AC overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. This pavement repair requirement is when cuts/trenches are perpendicular and parallel to the street's direction.

C.8.2 Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the improvement plans, prior to the City Engineer's signature on the improvement plans, and prior to issuance of Grading Permit, Encroachment Permit, Building Permit, if the City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City. The Developer shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

C.8.3 Prior to the release of the Building Permit, if water is required for the Project, the Developer shall obtain an account for the water service and register the water meter with the Finance Department. Developer shall pay all fees associated with obtaining the account number for the water service.