PLANNING COMMISSION REGULAR MEETING AGENDA

Wednesday, January 25, 2023, 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).

THE CITY OF TRACY REMAINS UNDER A LOCAL EMERGENCY FOR COVID-19 AND IS NOW CONDUCTING TELECONFERENCE MEETINGS PURSUANT TO STATE LAW. TELECONFERENCED LOCATIONS MAY INCLUDE VARIOUS LOCATIONS INCLUDING TRACY CITY HALL. IN ACCORDANCE WITH THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH GUIDELINES, UNIVERSAL MASKING IS RECOMMENDED FOR ALL PERSONS REGARDLESS OF VACCINATION STATUS AND SOCIAL DISTANCING PROTOCOLS WILL BE IN PLACE FOR TRACY CITY HALL.

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:** 2558 867 5569 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,,25588675569#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

1.A STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION 1) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; 2) GRANTING A CONDITIONAL USE PERMIT (CUP22-0008); AND 3) EXTENDING THE TIME PERIOD TO ESTABLISH THE USE UNDER THE CONDITIONAL USE PERMIT FROM SIX MONTHS TO TWELVE MONTHS FOR A CANNABIS DELIVERY ONLY BUSINESS AT 487 E 6TH STREET, SUITE E., APN 235-190-15. THE APPLICANT IS MICHAELA TOSCAS AND THE PROPERTY OWNER IS BAR COMPANY SALES INC.

1.B STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION RECOMMENDING CITY COUNCIL ADOPTION OF AN ORDINANCE TO 1) CERTIFY AN ENVIRONMENTAL IMPACT REPORT ("EIR") AND ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM ("MMRP") AND FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATIONS (TOGETHER, "CEQA FINDINGS") FOR THE ANNEXATION AND FUTURE DEVELOPMENT OF INDUSTRIAL BUILDINGS ON THE 191.18 ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF GRANT LINE AND PARADISE ROADS BEARING ASSESSOR'S PARCEL NUMBERS 213-170-14, -24, -25, -26, -27, AND -48 (THE "PROPERTY") IN ACCORDANCE WITH THE CALIFORNIA

ENVIRONMENTAL QUALITY ACT ("CEQA"); 2) AMEND THE NORTHEAST INDUSTRIAL (NEI) SPECIFIC PLAN TO ADD THE PROPERTY TO THE NEI SPECIFIC PLAN AREA WITH A LAND USE DESIGNATION OF LIGHT INDUSTRIAL (SPA22-0003); 3) APPROVE THE PREZONING OF THE PROPERTY TO NORTHEAST INDUSTRIAL SPECIFIC PLAN ZONE (AP20-0003); AND 4) APPROVE THE SUBMITTAL OF A PETITION TO THE SAN JOAQUIN COUNTY LOCAL AGENCY FORMATION COMMISSION ("LAFCO") FOR ANNEXATION OF THE PROPERTY TO THE CITY OF TRACY.

2. ITEMS FROM THE AUDIENCE

3. DIRECTOR'S REPORT

4. ITEMS FROM THE COMMISSION

5. ADJOURNMENT

Posted: January 20, 2023

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
DECEMBER 07, 2022, 7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA

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

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Chair Hudson led the pledge of allegiance.

ROLL CALL

Roll Call found Commissioner Atwal, Commissioner Augustus, Commissioner Boakye-Boateng, and Chair Hudson present. Vice Chair Orcutt was not present. Also present were: Bill Dean, Assistant Director of Development Services; Victoria Lombardo, Senior Planner; Kimberly Matlock, Associate Planner; Al Gali, Associate Engineer; Nancy Ashjian, Assistant City Attorney; Gina Peace, Executive Assistant; and Miranda Aguilar, Administrative Assistant.

MINUTES

Chair Hudson introduced the Regular Meeting Minutes from the October 26, 2022 meeting.

ACTION: It was moved by Commissioner Boakye-Boateng and seconded by Commissioner Augustus to approve the October 26, 2022 Planning Commission Regular meeting minutes. A voice vote found Commissioner Atwal, Commissioner Augustus, Commissioner Boakye-Boateng, and Chair Hudson in favor; Vice Chair Orcutt absent. Passed and so ordered; 4-0-1-0.

DIRECTOR'S REPORT REGARDING THIS AGENDA

None.

ITEMS FROM THE AUDIENCE

None.

1. NEW BUSINESS

A. STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION 1) APPROVING A TWO-YEAR EXTENSION OF THE 226-LOT ROCKING HORSE VESTING TENTATIVE SUBDIVISION MAP (TSM15-0001), LOCATED ON THE EAST SIDE OF LAMMERS ROAD NORTH OF REDBRIDGE ROAD, ASSESSOR'S PARCEL NUMBERS 240-060-26 AND

240-060-27.; AND 2) DETERMINING THAT THE PROJECT IS CONSISTENT WITH THE ROCKINGHORSE MITIGATED NEGATIVE DECLARATION APPROVED BY CITY COUNCIL ON APRIL 5, 2016. THE PROPERTY OWNERS ARE CALANDEV, LLC AND FAHMEY, SARWAT SABET TR ET. AL AND THE APPLICANT IS CONCENTRIC DEVELOPMENT, APPLICATION NUMBER EXT22-0004

Victoria Lombardo, Senior Planner, presented the staff report and addressed questions from the Commission.

Bill Dean addressed questions from the Commission.

Chair Hudson opened the Public Hearing at 7:10 p.m., seeing as no one came forward, the public hearing was closed.

ACTION: It was moved by Commissioner Augustus and seconded by Commissioner Boakye-Boateng that the Planning Commission adopt a resolution:

1) Approving a two-year time extension for Vesting Tentative Subdivision Map (TSM15-0001) to create a 226-lot subdivision and construct 226 single family homes located on the east side of Lammers Road north of Redbridge Road, Assessor's Parcel Numbers 240-060-26 and 240-060-27, and
2) Determining that the Project is consistent with the Rockinghorse Mitigated Negative Declaration approved by the City Council on April 5, 2016.

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

B. STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION 1) APPROVING A DEVELOPMENT REVIEW PERMIT (D21-0033) FOR MODIFICATIONS TO THE MCDONALD'S DEVELOPMENT AT 3430 N. TRACY BLVD., APN 214-210-02; AND 2) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE APPLICANT AND THE PROPERTY OWNER ARE MCDONALD'S USA, LLC., APPLICATION NUMBER D21-0033

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

Chair Hudson opened the Public Hearing at 7:21 p.m., seeing as no one came forward, the public hearing was closed.

ACTION: It was moved by Commissioner Boakye-Boateng and seconded by Commissioner Augustus that the Planning Commission adopt a resolution:

1) Approving a development review permit (D21-0033) for modifications to the McDonald's development at 3430 N. Tracy Blvd., APN 214-210-02; and

2) Determining that this project is categorically exempt from the California Environmental Quality Act pursuant to CEQA guidelines section 15301.

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

C. PROVIDE DIRECTION TO STAFF ON WHETHER TO CANCEL THE PLANNING COMMISSION MEETING SCHEDULED FOR WEDNESDAY, DECEMBER 21, 2022

Miranda Aguilar, Administrative Assistant, presented the staff report.

Chair Hudson opened the item for public comment at 7:26 p.m., seeing as no one came forward, the public comment was closed.

ACTION: It was moved by Commissioner Augustus and seconded by Commissioner Boakye-Boateng that the Planning Commission adopt a resolution cancelling the December 21, 2022 regular Planning Commission Meeting.

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

2. ITEMS FROM THE AUDIENCE

None.

3. DIRECTOR'S REPORT

None.

4. ITEMS FROM THE COMMISSION

Commissioner Atwal thanked the Chair, the Commission, and the Staff for a great year of supporting projects and learning.

Commissioner Boakye-Boateng thanked Staff for their efforts, the detailed reports, and keeping everything on track.

Chair Hudson thanked the two new Commissioners for their support and diligence this year. Chair Hudson wished everyone a safe and happy holiday.

5. ADJOURNMENT

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

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

Time: 7:30 p.m.

_____
CHAIR

_____
STAFF LIAISON

From:
Cc: FW: D21-0033: McDonald"s Remodel
Subject: Wednesday, November 30, 2022 5:09:48 PM
Date:

[redacted]
Sent: Wednesday, November 30, 2022 4:12 PM
To: Public Comment <publiccomment@cityoftracy.org>
Subject: D21-0033: McDonald's Remodel

To whom it may concern,

We're the property management company for the Fountain Plaza, 545 W. Clover Rod, Tracy, CA.

Due to the severe traffic back-up and congestion through-out the day as the result of the In-n-Out drive thru, it would be highly desirable the passing thru lane between McDonald's and Nation's hamburgers would not be blocked, hindered or obstructed with equipment and materials during the remodel/construction period.

Thank you,

[redacted]

January 25, 2023

Agenda Item 1.A

RECOMMENDATION

STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION 1) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; 2) GRANTING A CONDITIONAL USE PERMIT (CUP22-0008); AND 3) EXTENDING THE TIME PERIOD TO ESTABLISH THE USE UNDER THE CONDITIONAL USE PERMIT FROM SIX MONTHS TO TWELVE MONTHS FOR A CANNABIS DELIVERY ONLY BUSINESS AT 487 E 6TH STREET, SUITE E., APN 235-190-15. THE APPLICANT IS MICHAELA TOSCAS AND THE PROPERTY OWNER IS BAR COMPANY SALES INC.

EXECUTIVE SUMMARY

Through this item, staff recommends that the Planning Commission grant a cannabis conditional use permit for the operation of a cannabis non-storefront (delivery only) dispensary business (Higher Elevation) in the existing building at 487 E 6th Street, Suite E, extend the time period for the use to be established and make requisite findings under the California Environmental Quality Act.

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 29, 2020, Inspire Positive, LLC, 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 (CBPA20-0022) to Inspire Positive, LLC. 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 April 28, 2022, Michaela Toscas submitted a conditional use permit application to establish the Higher Elevation non-store front cannabis business in an existing building at 487 E Sixth Street, Suite E, APN 235-190-15 (Attachment A, Location Map). The subject property is designated Industrial in the Tracy General Plan and zoned Light Industrial, in which cannabis dispensaries are conditionally permitted.

ANALYSIS

Project Proposal

The applicant proposes to operate a cannabis dispensary consisting of a non-storefront cannabis business which consists only of 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 1,200 square foot tenant space within an existing 6,250 square foot building. The dispensary would not have any customers and all sales would be delivered to customers.

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 applicant originally proposed to occupy a tenant space directly east of 487 E Sixth Street which was closer than 600 feet to a day care center. The relocation of the business is now located further than 600 feet (Attachment B, 600-foot buffer map).

This cannabis business is unique as it will not have a storefront for customers to visit and purchase inventory. All purchases will be delivered to customers and the site will be used as storage of the businesses' products which is complementary of the surrounding industrial uses encompassing project vicinity. The applicant proposes to operate daily from 9:00 am to 10:00 pm and is limited to 6:00am to 10:00pm as permitted by State law. The applicant will have delivery drivers arrive at 9:00am and the drivers will return at the end of the day once they have completed their deliveries. All deliveries will require that the customers register with the business and have proof of residency. There will be a maximum of four employees onsite during the day for administrative work while all dispatchers and customer service work will be conducted remotely.

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 a carbon filtration on the exhaust end of the ventilation system and negatively pressurize the dispensary in relation to the exterior ambient condition such that odors generated inside the dispensary are not detectable outside. According to the applicant, staff will also be trained to recognize and rectify any odors that do escape outside. The use will implement the safety and security plan approved as a part of Higher Elevation's cannabis business permit, and project Conditions of Approval (Attachment 1).

Findings

Importantly, Cannabis CUPs must meet the requirements set forth in TMC Section 10.08.4250, and those 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].

Staff recommends that the Planning Commission make the requisite findings for this project based on the evidence in the record, including, without limitation, the following:

(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 Cannabis Non-Storefront (Delivery Only) business in the Light Industrial zone. The proposed project meets the intent of the Light Industrial zone and complies with all regulations of the zone because there will be no customer activity at the site.

(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 Tracy Municipal Code Chapter 10.08. The storage use for the non-storefront cannabis delivery business is complementary to the surrounding industrial area and is permitted through the Light Industrial zone because storage facilities for various materials and their associated delivery vehicles are common in the zone, and the site and building are designed for such a use.

(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 site is already improved and no changes to the site are proposed with this use permit. The proposed land uses are harmonious to the surrounding neighborhood and located in a desirable location as any potential impacts from the new business will be consistent with the assumed impacts of the existing industrial development, as the area was designed for and already houses similar businesses.

(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. The project has met all the land use requirements of the Light Industrial zone, as the storage and delivery use is typical of the Light Industrial zone, and no site improvements are proposed with this application.

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, if required, is issued and construction is commenced, or the use is established. The TMC also permits the Planning Commission to grant a greater time limit to establish a use pursuant to their conditional use permit (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, as well as obtain building permits for any proposed construction (if needed), collectively 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 PROVIDED AS ATTACHMENT C:

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

2. **GRANTING A CONDITIONAL USE PERMIT (CUP22-0008) FOR A CANNABIS DELIVERY ONLY BUSINESS AT 487 E 6TH STREET, SUITE E., APN 235-190-15; AND**

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

Prepared by: Genevieve Federighi, Associate Planner
Victoria Lombardo, Senior Planner
Reviewed by: Victoria Lombardo, Senior Planner
Approved by: William Dean, Assistant Director of the Development Services Department

Attachments:

Attachment A – Location Map
Attachment B – 600 Foot Buffer Map
Attachment C -- Locations of other approved and pending dispensaries
Attachment D – Planning Commission Resolution
Attachment 1 – Conditions of Approval
Exhibit 1 -- Findings



Inspire Positive LLC DBA Higher Elevation



Site Plan

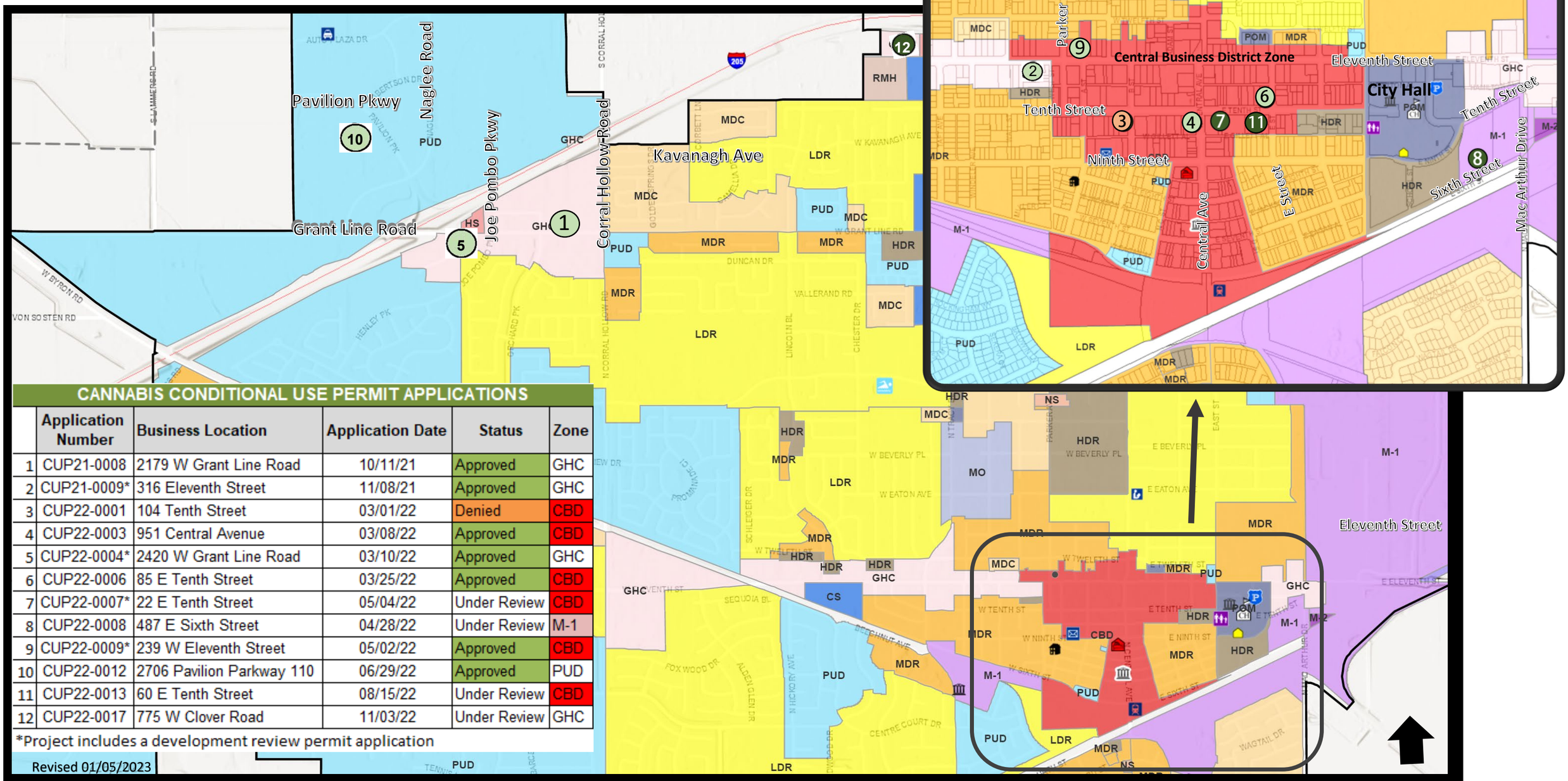
487 E. 6th St Ste E. Tracy, Ca 95376

Attachment B



600’ RADIUS MAP: 487 E. Sixth Street

TRACY CANNABIS CONDITIONAL USE PERMIT APPLICATIONS



CANNABIS CONDITIONAL USE PERMIT APPLICATIONS

	Application Number	Business Location	Application Date	Status	Zone
1	CUP21-0008	2179 W Grant Line Road	10/11/21	Approved	GHC
2	CUP21-0009*	316 Eleventh Street	11/08/21	Approved	GHC
3	CUP22-0001	104 Tenth Street	03/01/22	Denied	CBD
4	CUP22-0003	951 Central Avenue	03/08/22	Approved	CBD
5	CUP22-0004*	2420 W Grant Line Road	03/10/22	Approved	GHC
6	CUP22-0006	85 E Tenth Street	03/25/22	Approved	CBD
7	CUP22-0007*	22 E Tenth Street	05/04/22	Under Review	CBD
8	CUP22-0008	487 E Sixth Street	04/28/22	Under Review	M-1
9	CUP22-0009*	239 W Eleventh Street	05/02/22	Approved	CBD
10	CUP22-0012	2706 Pavilion Parkway 110	06/29/22	Approved	PUD
11	CUP22-0013	60 E Tenth Street	08/15/22	Under Review	CBD
12	CUP22-0017	775 W Clover Road	11/03/22	Under Review	GHC

*Project includes a development review permit application

Revised 01/05/2023

Attachment D

APPROVED AS TO FORM AND LEGALITY

_____
CITY ATTORNEY'S OFFICE

TRACY PLANNING COMMISSION

RESOLUTION NO. _____

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

2. **GRANTING A CONDITIONAL USE PERMIT (CUP22-0008) FOR A NON-STOREFRONT (DELIVERY ONLY) CANNABIS DISPENSARY AT 487 E. 6th STREET, APN 235-190-15; AND**

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

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, Michaela Toscas doing business as Higher Elevation was awarded a Cannabis Business Permit (application number CBPA20-0022) 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 non-storefront (delivery only) cannabis dispensary in an existing building located at 487 E 6th Street, Suite E (APN 235-190-15) on April 28, 2022; and

WHEREAS, The subject site is designated Industrial in the Tracy General Plan and zoned Light Industrial, 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 allow applicants a period of six (6) months to establish the 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 applications on January 25, 2023; now, therefore, be it

RESOLVED: That the Planning Commission of the City of Tracy hereby determines, based on the evidence in the record and its own independent judgment, that the proposed project is categorically exempt from the California Environmental Quality Act pursuant to Guidelines Section 15301 (minor alterations to existing facilities); and be it

FURTHER RESOLVED: That the Planning Commission hereby adopts the findings set forth in Exhibit 1, supporting the granting of a Conditional Use Permit (CUP22-0008) for a non-storefront (delivery only) cannabis dispensary at 487 E 6th Street, Suite E (APN 235-190-15); and be it

FURTHER RESOLVED: That the Planning Commission, based upon the CEQA determination of exemption and the adoption of requisite findings, hereby grants a Conditional Use Permit (CUP22-0008) for a non-storefront (delivery only) cannabis dispensary at 487 E 6th Street, Suite E (APN 235-190-15), subject to the Conditions of Approval contained in Attachment 1 to the staff report; and be it

FURTHER RESOLVED: That the Planning Commission hereby extends the time period to establish the use under CUP22-0008 from six months to twelve months pursuant to TMC 10.08.4360 and as further described in the Conditions of Approval.

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

The foregoing Resolution 2023-_____ was adopted by the Planning Commission on January 25, 2023, by the following vote:

AYES: COMMISSION MEMBERS:
NOES: COMMISSION MEMBERS:
ABSENT: COMMISSION MEMBERS:
ABSTAIN: COMMISSION MEMBERS:

_____
CHAIR

ATTEST:

_____
STAFF LIAISON

City of Tracy
Conditions of Approval
Higher Elevation Delivery Cannabis Dispensary
Application Number CUP22-0008

A. General Provisions and Definitions.

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

The Project: Higher Elevation Delivery Cannabis Dispensary, Conditional Use Permit Application Number CUP22-0008

The Property: 487 E 6th Street Suite E, APN 235-190-15

A.2. Definitions.

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

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

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

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

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

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

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

A.3. Compliance with submitted plans. Prior to the establishment of the use, the project shall be established in substantial compliance with the plans received by the Development Services Department on October 12, 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. CBPA20-0022, which includes business operations requirements, the safety and security plan, and the odor control plan.

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

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

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

B. Development Services Department, Planning Division Conditions

Contact: Genevieve Federighi (209) 831-6435 genevieve.federighi@cityoftracy.org

B.1. Prior to approval of a building permit, the applicant shall provide detailed plans that demonstrate compliance with TMC Section 6.36.370.

B.2. 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.3. This Conditional Use Permit is approved for delivery services only. No customers shall be present at the business location at any time.

B.4. Aside from deliveries, the use shall be conducted wholly indoors. The use may not be conducted outside the building, including in the parking lot.

B.5. 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. Tracy Police Department Conditions

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

C.1. The permitted cannabis establishment shall comply with the Tracy Municipal Code 6.36.370 – Cannabis Non-Storefront (Delivery Only) Retailer permit requirements.

D. South San Joaquin County Fire Authority Conditions

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

D.1. Prior to the start of any construction or demolition, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval.

a. 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.

D.2. Any deferred submittals shall be listed on the coversheet of each page for any fire protection system - fire service underground, fire sprinkler system, fire standpipe system, or the fire alarm system. Each deferred submittal shall be submitted, reviewed and approved by SSJCFA prior to installation.

City of Tracy
Conditional Use Permit Findings
Application Number CUP22-0008

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 Cannabis Non-Storefront (Delivery Only) business in the Light Industrial zone. The proposed project meets the intent of the Light Industrial zone and complies with all regulations of the zone because there will be no customer activity at the site.

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 Tracy Municipal Code Chapter 10.08. The storage use for the non-storefront cannabis delivery business is complementary to the surrounding industrial area and is permitted through the Light Industrial zone because storage facilities for various materials and their associated delivery vehicles are common in the zone, and the site and building are designed for such a use.

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 site is already improved and no changes to the site are proposed with this use permit. The proposed land uses are harmonious to the surrounding neighborhood and located in a desirable location as any potential impacts from the new business will be consistent with the assumed impacts of the existing industrial development, as the area was designed for and already houses similar businesses.

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. The project has met all the land use requirements of the Light Industrial zone, as the storage and delivery use is typical of the Light Industrial zone, and no site improvements are proposed with this application.

January 25, 2023

Agenda Item 1. B

RECOMMENDATION

STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION RECOMMENDING CITY COUNCIL ADOPTION OF AN ORDINANCE TO 1) CERTIFY AN ENVIRONMENTAL IMPACT REPORT ("EIR") AND ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM ("MMRP") AND FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATIONS (TOGETHER, "CEQA FINDINGS") FOR THE ANNEXATION AND FUTURE DEVELOPMENT OF INDUSTRIAL BUILDINGS ON THE 191.18 ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF GRANT LINE AND PARADISE ROADS BEARING ASSESSOR'S PARCEL NUMBERS 213-170-14, -24, -25, -26, -27, and -48 (THE "PROPERTY") IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA"); 2) AMEND THE NORTHEAST INDUSTRIAL (NEI) SPECIFIC PLAN TO ADD THE PROPERTY TO THE NEI SPECIFIC PLAN AREA WITH A LAND USE DESIGNATION OF LIGHT INDUSTRIAL (SPA22-0003); 3) APPROVE THE PREZONING OF THE PROPERTY TO NORTHEAST INDUSTRIAL SPECIFIC PLAN ZONE (AP20-0003); AND 4) APPROVE THE SUBMITTAL OF A PETITION TO THE SAN JOAQUIN COUNTY LOCAL AGENCY FORMATION COMMISSION ("LAFCO") FOR ANNEXATION OF THE PROPERTY TO THE CITY OF TRACY.

EXECUTIVE SUMMARY

Staff recommends that the Planning Commission recommend City Council approval of an ordinance approving the environmental review, specific plan amendment, prezoning, and petition for annexation, which would allow the City to apply to LAFCO for the annexation of the Property for its future development with industrial buildings. Upon annexation, if approved, the Property would be zoned Northeast Industrial Specific Plan Zone, which would allow for the processing of future development applications for industrial buildings on the site consistent with its NEI Specific Plan land use designation.

BACKGROUND AND LEGISLATIVE HISTORY

The subject Property has been located within the City's Sphere of Influence (SOI) since the July 1993 General Plan Update. In the 30 years since the Property has been within the SOI, it has been designated Industrial by the City's General Plan. Lands within the City's SOI can be pursued for annexation into the City limits and, upon approval of annexation by the San Joaquin County LAFCO, become the subject of development applications presented to the Planning Commission and City Council. In 2019, LAFCO approved the City's Municipal Services Review, which shows the Property is located within the 30-year planning horizon. LAFCo policies required 10 and 30-year "horizons" in an effort to plan for and evaluate upcoming development within the City's SOI. Although the Property was not included within the 10-year horizon, LAFCo's policies allow for the annexation of lands within the 30-year (as opposed to the 10-year) horizon, as land owner demand for development of properties is not controlled by the City.

When annexing property into the City, pre-zoning must be established to determine the zoning

designation that will take effect upon annexation approval by LAFCo. The proposed zoning is the City's existing Northeast Industrial Specific Plan Zone, as set forth in existing Tracy Municipal Code Section 10.08.3022. The addition of this Property to the Northeast Industrial Specific Plan Zone will also require a specific plan amendment, revising the boundary map of the specific plan area to include the Property and assigning the Property a land use designation of Light Industrial. Ultimate development will be required to comply with the design and development requirements of the NEI Specific Plan.

On January 3, 2019, the applicant submitted applications for annexation and development of the Property (D19-0001), which were later accompanied by the applications for prezoning (AP20-0003) and the NEI Specific Plan amendment (SPA22-0003).

ANALYSIS

Project Proposal

The proposed Project consists of the annexation and eventual development of up to 3,352,320 square feet of warehouse and distribution and related uses on a total of approximately 191.18 acres. The site consists of six parcels under ownership by three separate parties: the Tracy Alliance Group owns two parcels (totaling approx. 122.44 acres), Suvik Farms, LLC owns three parcels (totaling approx. 46.61 acres), and Zuriakat owns one parcel (approx. 22.17 acres). All Property owners have signed the City applications. The Project site is within unincorporated San Joaquin County adjacent to the City's northeastern City limits and adjacent to the City's NEI Specific Plan area (Attachment A). The proposed Project would require approval of annexation into the City of Tracy, pre-zoning, an amendment to the NEI Specific Plan, a Tentative Parcel Map or Lot Line Adjustment(s) to create the final lot configurations, and Development Review Permits. Because the applicants do not yet have the plans prepared for the ultimate lot configurations or development finalized, any tentative map, lot line adjustment or development review applications will be processed at a later date by City staff. There are preliminary development plans for the Alliance Group portion of the Property within the EIR for reference.

Land use, Zoning and Specific Plan

The subject Property is within the City's SOI, with a General Plan designation of Industrial. The applicants' proposal is to annex the Property into the City Limits and assign it a zoning designation of NEI Specific Plan. The NEI Specific Plan would also then be amended to include the Property and assign it a designation of light industrial within that specific plan. This zoning for the site is logical as it is adjacent to the existing NEI Specific Plan area, with all the adjacent properties similarly developed with warehouses, as is proposed for this Project. This is also consistent with the General Plan designation of Industrial, which was assigned to the Property when it was first added to the SOI in 1993, and has remained since that time. The proposed revisions necessary to accommodate the addition of the Project site to the NEI Specific Plan can be found in Attachment B. The NEI Specific Plan is the principal planning document for the area, and approximately 80% of the existing specific plan area is already developed. In accordance with the City's General Plan policies, including Land Use Objective 2.3, the annexation and development of this acreage is consistent with the expansion of the City's industrial base. Annexation and development of the Project site is a logical extension of the City limits, and has been planned as a part of the City's Sphere of Influence, and was included for infrastructure planning, as a part of the City's Infrastructure Master Plans.

There are no applications for Development Review Permits for the property on file with the City at this time. However, throughout the review process of the Project thus far, including the environmental analysis, staff has reviewed a preliminary site plan submitted for the Tracy Alliance portion of the Property (Attachment C) against the proposed regulations of the NEI Specific Plan, and the City's Design Goals and Standards, including, but not limited to standards for building setbacks, parking, circulation, architecture, landscaping, etc., and these preliminary plans (expected to be finalized through staff review at a later date, pursuant to the City's Development Review Ordinance, Tracy Municipal Code Sections 10.08.3920 through 3980) are in compliance with the City's regulations.

Project Phasing

With three property owners involved in the Project, development of each parcel will likely occur at different times. Phase one is expected to be three warehouse buildings totaling approximately 1.8 million square feet on 122.44 acres, owned by Tracy Alliance. The remaining phases, on the Suvik and Zuriakat parcels were analyzed within the EIR assuming the maximum development potential for the sites within the regulations of the NEI Specific Plan. As each future development application is reviewed by staff, it will be evaluated against the Tracy Alliance EIR, the NEI Specific Plan Zone, the City's Design goals and Standards, and all current City regulations, prior to the issuance of any permits.

Findings

Staff recommends that the Planning Commission recommend that the City Council make the requisite findings for this Project based on the evidence in the record, including, without limitation, the CEQA Findings of Fact and Statement of Overriding Considerations (referred to together herein as the "CEQA Findings") in substantially the form of Attachment F.

Tracy Municipal Code ("TMC") Section 10.08.970 (Classification of newly annexed territory) provides that territory proposed for annexation to the City be prezoned in accordance with Article 29 (Amendments) of the TMC. Article 29 of the TMC, Section 10.08.3840, amendments, states that the Planning Commission must make the finding that the approval or denial of an application to amend the zoning ordinance (such as the instant application for prezoning) is "necessary to carry out the general purposes" of the zoning ordinance and state the "facts and reasons" that support this finding. As previously discussed in this report, staff recommends that the Planning Commission make the following finding:

> The approval of the prezoning of the Property to Northeast Industrial Specific Plan Zone as set forth in Section 10.08.3022 of the Tracy Municipal Code is necessary to carry out the City's General Plan policies and Zoning regulations, because adding the property to that Zone will allow for its annexation and development consistent with the City's General Plan, the Sphere of Influence Plan approved by the San Joaquin County LAFCO, and the City of Tracy's Infrastructure Master Plans.

CEQA DETERMINATION

The proposed Project is subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15161, which pertains to completing a project Environment Impact Report (EIR). On August 28, 2020, the Notice of Preparation (NOP) was published for the EIR, to solicit comments from responsible agencies, various City departments, and the public regarding what areas should be studied within the EIR. A scoping meeting for that NOP took

place at Planning Commission on September 9, 2020, after which the EIR analysis commenced. On April 20, 2022, the Notice of Availability of the Draft EIR (Attachment D) was published for public review and comment, and a public hearing to solicit comments was held on May 25, 2022, with the comment period closing on June 3, 2022. Various comments were received on the EIR during the comment period, all of which were responded to in the Final EIR (Attachment E), published January 20, 2023.

During the public comment period for the Draft EIR, the City received six written comment letters, and one verbal comment at the Planning Commission hearing. Two additional comment letters were received long after the public comment period ended, and have been addressed as well, though responses to such late comments are not required by CEQA. All of the responses to comments are included in the Final EIR (Attachment E), and in some cases resulted in errata to the Draft EIR.

The analyses of the potential environmental effects as noted in the Draft and Final EIRs results in the conclusion that some impacts of the proposed Project are potentially significant and unavoidable. These include the following:

- Project-level conversion of prime farmland
- Cumulative conversion of prime farmland
- Project-level impact related to implementation of the applicable air quality plan
- Project-level impact related to cumulatively considerable net increase of reactive organic gases and carbon monoxide during construction, and reactive organic gases and oxides of nitrogen during operation
- Project-level impact related to exposing sensitive receptors to substantial pollutant concentrations
- Cumulative air quality impact
- Project-level vehicle miles traveled (VMT) impact
- Cumulative VMT impact

The State Guidelines for CEQA provide that “no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.” (Guidelines, § 15091)

The required findings must be supported by substantial evidence in the record.

CEQA requires that a lead agency (the City) balance the benefits of a project against its unavoidable environmental risk in determining whether to approve the project. If the benefits outweigh the unavoidable adverse effects, those effects may be considered “acceptable”

pursuant to CEQA Guidelines Section 15093(a). CEQA requires that a lead agency support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Those reasons must be based on substantial evidence in the EIR or elsewhere in the administrative record pursuant to CEQA Guidelines Section 15093(b). The lead agency's written reasons are referred to as a Statement of Overriding Considerations. These findings and the Statement of Overriding Considerations, referred to herein as the "CEQA Findings", can be found in Attachment F. In addition, as required by Section 15097 of CEQA's implementing regulations, the City has prepared a Mitigation Monitoring and Reporting Program ("MMRP") to ensure that, if the Project is approved, the mitigation measures in the EIR will be implemented appropriately. The MMRP can be found in Attachment G.

PUBLIC OUTREACH/ INTEREST

This item was duly noticed in the local newspaper and public hearing notices were mailed to all owners of property within 300 feet of the subject site. There was additional outreach throughout the CEQA process where, at each stage, the various portions of the project's CEQA review (NOP, DEIR, FEIR) were posted with the State Office of Planning and Research, the San Joaquin County Clerk, posted on the City's website, and mailed/emailed to all interested parties on the Tracy Alliance and overall CEQA interested parties lists.

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. As a part of the Project review, the EIR was also provided to the State Office of Planning and Research, various State and County agencies, posted at the San Joaquin County Clerk's office and on the City's website. This staff report was prepared by the Development Services Planning Division.

ACTION REQUESTED OF THE PLANNING COMMISSION

STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION, IN SUBSTANTIALLY THE FORM OF ATTACHMENT H HERETO, RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ORDINACE IN SUBSTANTIALLY THE FORM OF EXHIBIT 1 TO ATTACHMENT H, TO:

1. **CERTIFY AN ENVIRONMENTAL IMPACT REPORT (EIR) AND ADOPT A MMRP AND CEQA FINDINGS FOR THE ANNEXATION AND FUTURE DEVELOPMENT OF INDUSTRIAL BUILDINGS ON THE 191.18 ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF GRANT LINE AND PARADISE ROADS (ASSESSOR'S PARCEL NUMBERS 213-170-14, -24, -25, -26, -27, and -48) IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA");**

2. **AMEND THE NORTHEAST INDUSTRIAL(NEI) SPECIFIC PLAN TO ADD THE SUBJECT PROPERTY TO SAID SPECIFIC PLAN WITH A LAND USE DESIGNATION OF LIGHT INDUSTRIAL (SPA22-0003); AND**

3. **APPROVE THE PREZONING OF THE PROPERTY TO NORTHEAST INDUSTRIAL SPECIFIC PLAN ZONE (AP20-0003); AND**

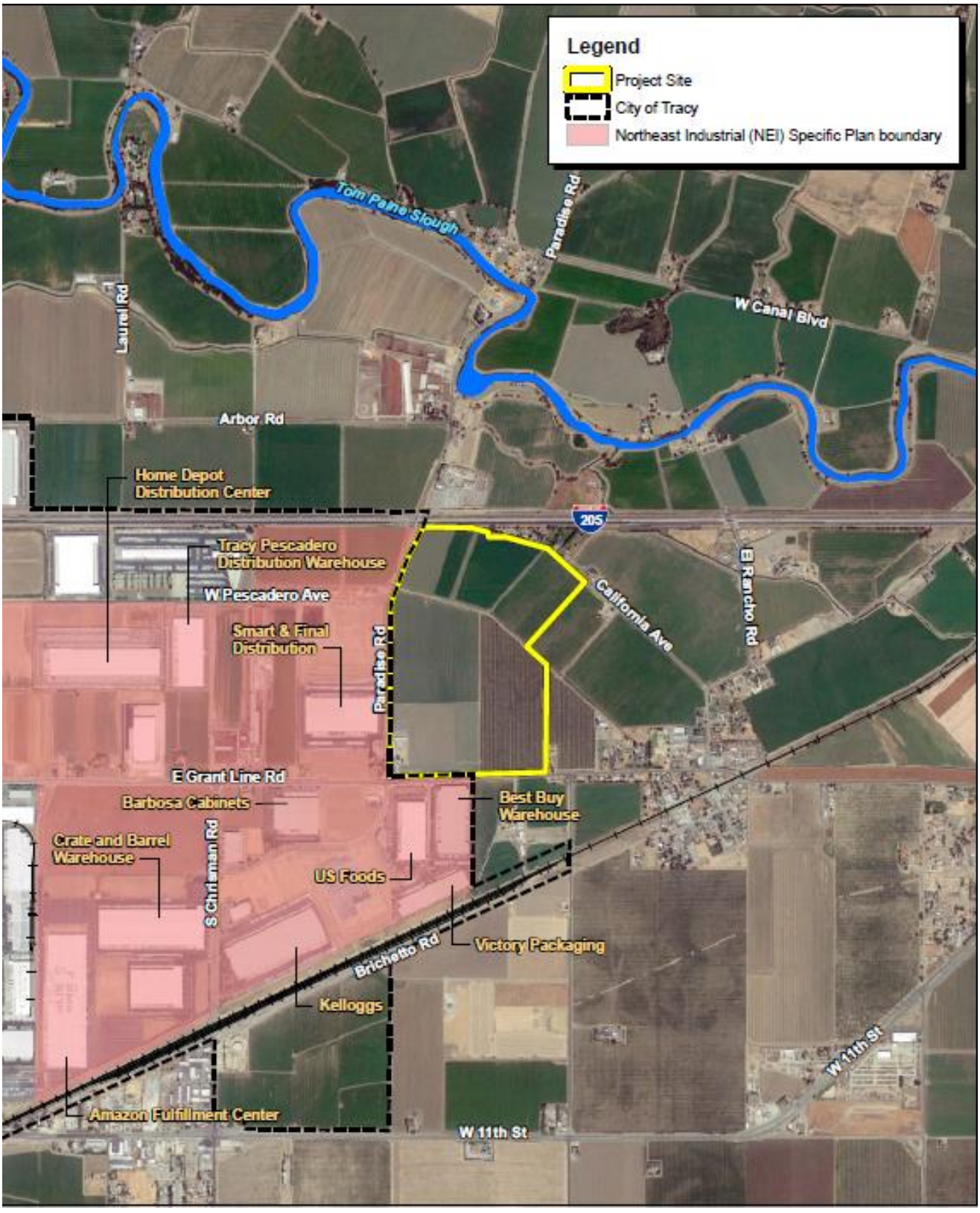
4. APPROVE THE SUBMITTAL OF A PETITION TO THE SAN JOAQUIN COUNTY LOCAL AGENCY FORMATION COMMISSION FOR ANNEXATION OF THE PROPERTY TO THE CITY OF TRACY.

Prepared by: Victoria Lombardo, Senior Planner
Reviewed by: Bill Dean, Assistant DS Director
Bijal Patel, City Attorney
Daniel Doporto, Special Counsel
Approved by: Midori Lichtwardt, Interim DS Director

Attachments:

Attachment A – Location Map
Attachment B – NEI Specific Plan Amendment
Attachment C – Draft Site Plan for Alliance Property
Attachment D – Draft EIR, including the Notice of Preparation
Attachment E – Final EIR
Attachment F – CEQA Findings
Attachment G – CEQA MMRP
Attachment H – Planning Commission Resolution
Exhibit 1 to Resolution: Proposed City Council Ordinance

Attachment A: Location Map



Attachment B

City of Tracy
NORTHEAST INDUSTRIAL SPECIFIC PLAN

July 17, 2012
(Amended _____, 2023)

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INTRODUCTION

The ~~870~~ 1,061-acre Northeast Industrial Area Specific Plan aims to develop a well-planned industrial zone that will attract businesses to Tracy, and provide local employment opportunities. The Specific Plan anticipates a mixture of industrial uses, including rail-dependent industries and "flex-tech" light industrial.

PLANNING AREA LOCATION

Location

The Northeast Industrial planning area lies along the northeast boundary of the City of Tracy. The area is generally bounded to the north by 1-205, to the south by the Southern Pacific Railroad tracks, to the east by Banta Road, and the west by MacArthur Drive. Grant Line Road bisects the area.

Surrounding Land Uses

Presently, properties along MacArthur Drive directly west of the site are developed with industrial uses, such as the U.S. Cold Storage facility. North of the site are industrial and commercial uses, including the Tracy Outlets at MacArthur Drive and Pescadero Avenue. The Yellow Freight Company is also located to the north, between the site and 1-205. Agricultural uses are found on lands to the east.

Lands directly to the north and west of the site are included in the ~~1~~I-205 Corridor Specific Plan and the 1988 Industrial Areas Specific Plan. To the east is the residential Banta area of the county. The project site in the context of the existing industrial and commercial uses, and existing specific plan areas is shown in Figure 1.

Land Ownership

The Northeast Industrial planning area is currently made up of ~~61~~ 67 properties, with a variety of owners. Parcels range in size from small half acre home sites to large agricultural and industrial holdings. The assessor's parcel numbers and ownership of the area is shown in Figure 2a and 2b.

EXISTING PLANNING AREA CONDITIONS

Site Features

Land uses within the Northeast Industrial Area are currently light industrial and agricultural, with a number of dairy operations and rural residences remaining. Few other significant site features are present. The topography is relatively level.

A Westside Irrigation District (WSID) supply or tailwater ditch crosses the area. ~~One~~Two ~~property~~ properties ~~along~~ near ~~1~~I-205 ~~is~~ are located just ~~outside~~ inside the FEMA 100 year flood line found in the vicinity of the I-205/Paradise Road overcrossing. The 100-year floodplain impacts on the NEI Specific Plan area would only result from the unlikely event of a levee failure along the San Joaquin River or Paradise Cut. Furthermore, the volume of the breach flow would need to be sufficient to inundate over 10 square miles prior to flows reaching the NEI area, which is an extreme event. If flood flows reached the NEI, they would fill available storage in the stormwater detention basin below the flood level and any additional flood flow volumes would be pumped into the Eastside Channel. Furthermore, the City's Municipal Code (Title 9 Building Regulations, Chapter 9.52

Floodplain Regulations), would require all new construction and substantial construction pertaining to buildings have the lowest floor, including basement, elevated to or above the base flood elevation.

The existing conditions of the planning area are shown on Figures 3 and 4.

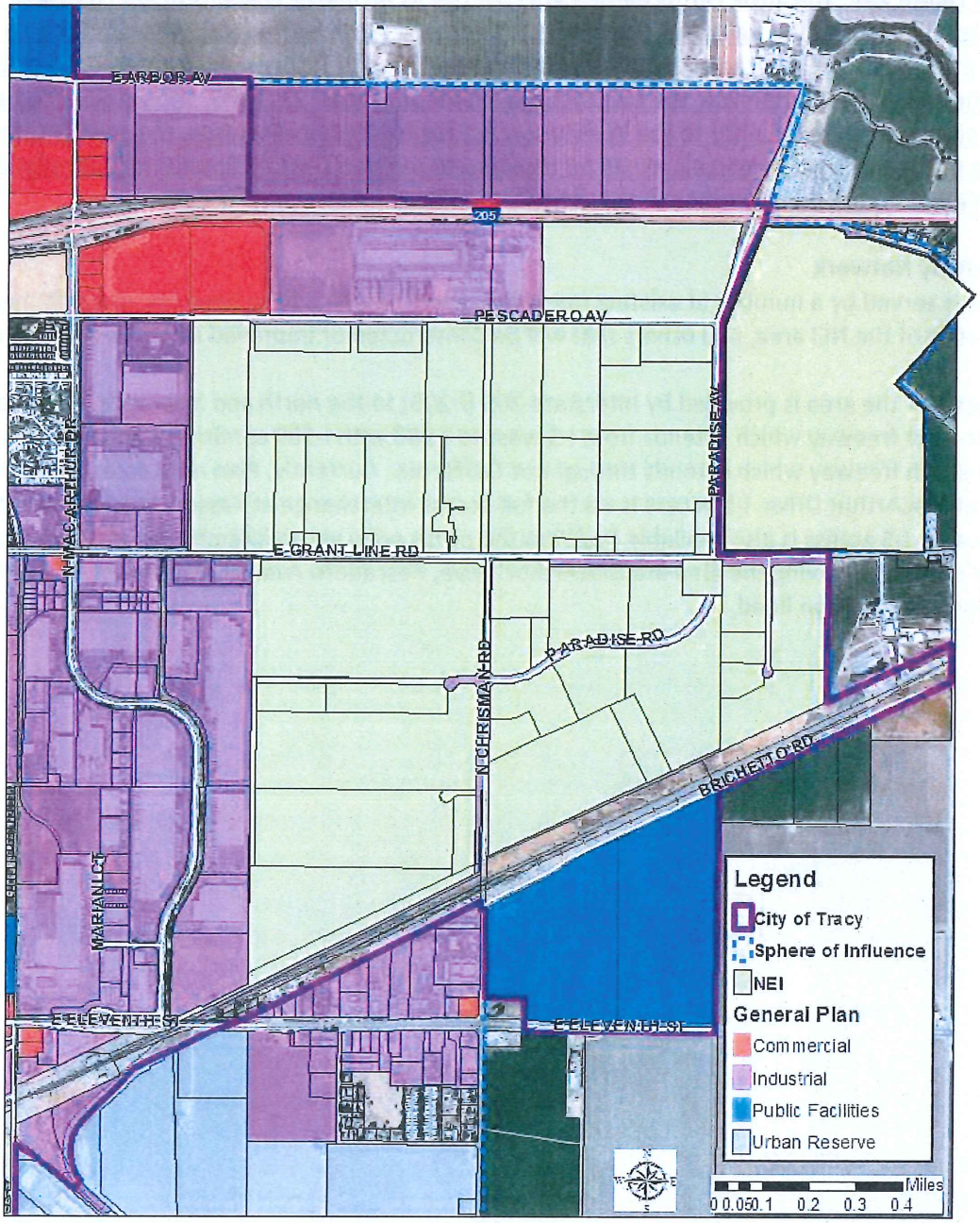
None of the parcels are under Williamson Act contracts, except for the Suvik Farms parcels (Parcel Numbers 64, 65 and 66 on Figure 2b). The Suvik Farms parcels are covered by an active Williamson Act contract. Pursuant to the applicable provisions of the California Government Code, the Suvik Farms landowners initiated a Notice of Nonrenewal in 2017 for the contract, beginning a nine-year process to formally expire the contract. Based on the date of the Notice of Nonrenewal, the contract will expire on August 21, 2026. Should development of the Suvik Farms parcels be pursued prior to the Williamson Act contract expiration date, the applicant for the development of the Suvik Farms parcels would be required to petition the City Council for cancellation. So long as the cancellation occurs prior to urban development, then no conflicts would occur.

Existing Roadway Network

The Plan area is served by a number of existing roadways, some of which have been improved to meet the circulation needs of the NEI area, and others that will be constructed or improved as traffic demand requires.

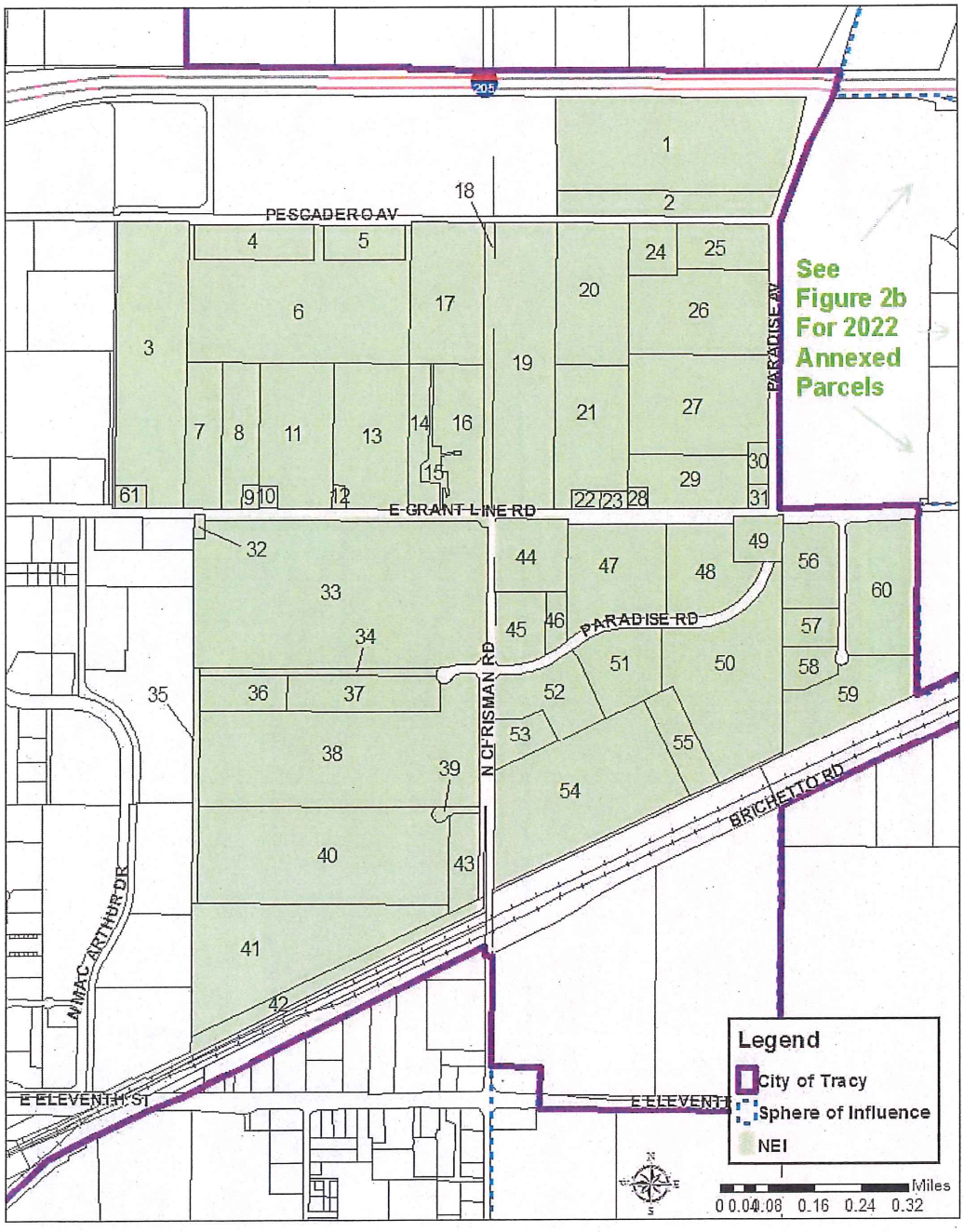
Regional access for the area is provided by Interstate 205 (I-205) to the north and Interstate 5 (I-5) to the east. I-205 is an east-west freeway which extends from I-5 west to I-580 with I-580 continuing west into the Bay Area. I-5 is a north-south freeway which extends throughout California. Currently, Plan area access to I-205 is via an interchange at MacArthur Drive. I-5 access is via the full access interchange at Kasson Road (an extension of Grant Line Road). I-5 access is also available (to/from the north only) via an interchange at Eleventh Street. The primary local roadways serving the area are MacArthur Drive, Pescadero Avenue, East Grant Line Road, Chrisman Road and Paradise Road.

Surrounding Land Use Designations Figure 1



Land Owners

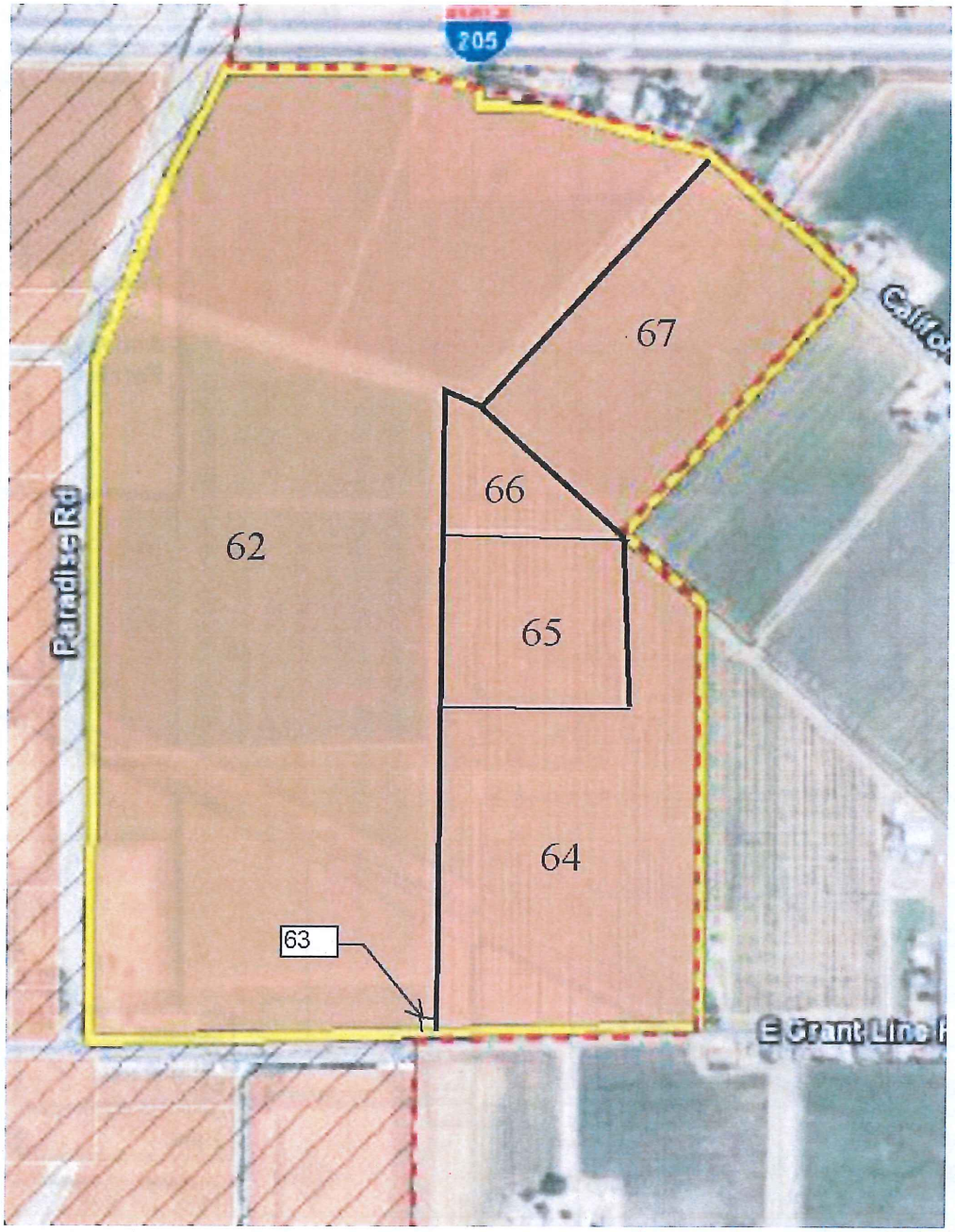
Figure 2a



LAND OWNERS

2022 Annexed Parcels

Figure 2b

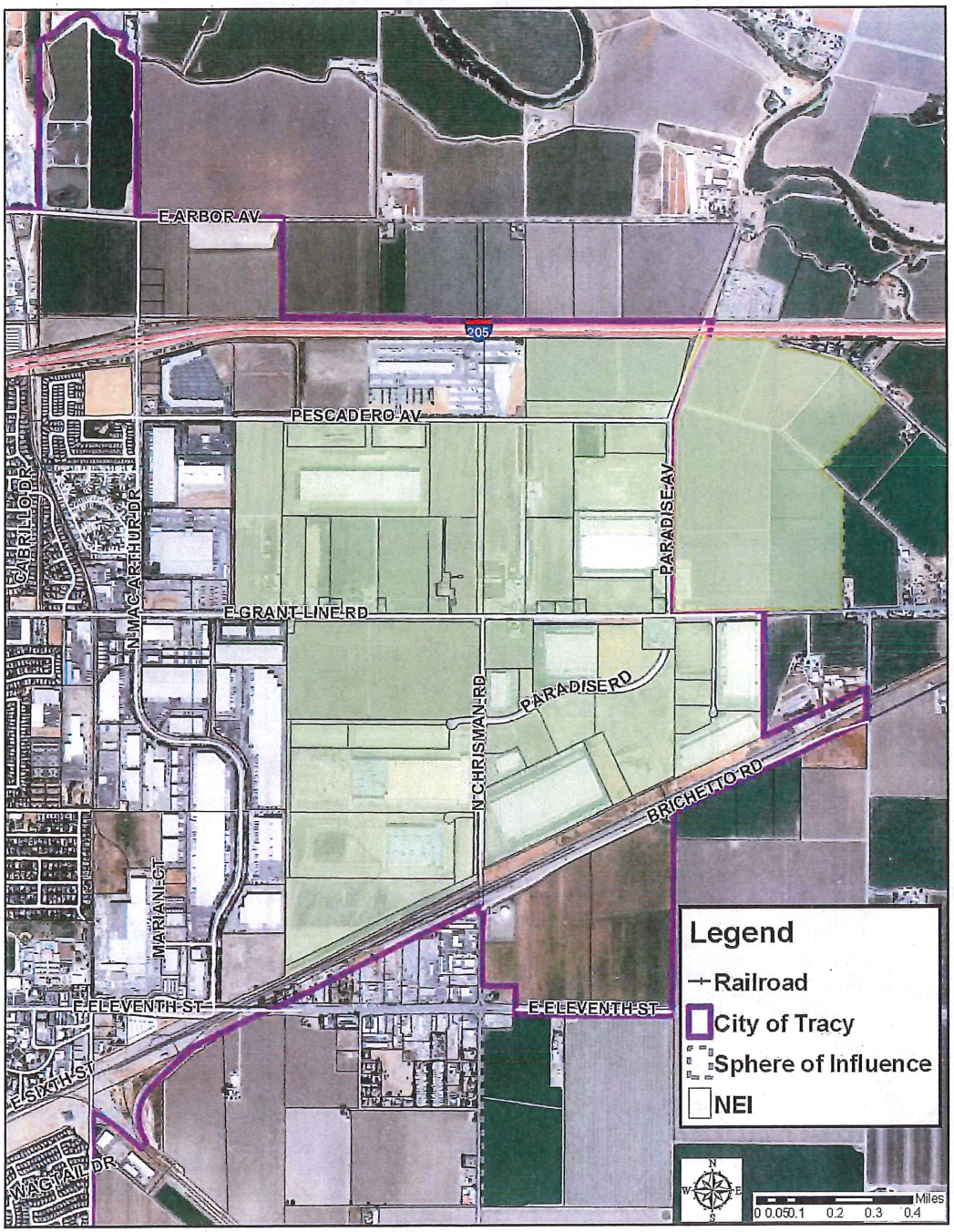


Number	APN	OWNER	LOT SIZE (ACRES)
1	213-060-12	RADOS PROPERTIES CALIF LAND LLC	42.42
2	213-060-13	HALEY DOROTHY TRUSTEE	9.78
3	213-070-81	PIMENTEL VELMA C	35.95
4	213-070-75	PONY UP TRACY LLC	7.68
5	213-070-74	OLD GOLDEN OAKS LLC	5.35
6	213-070-73	US INDUSTRIAL REIT CONTAINER III	44.03
7	213-070-22	PIMENTEL VELMA C	9.79
8	213-070-28	MATTSON HELENE A	9.1
9	213-070-29	MATTSON HELENE A	0.689
10	213-070-19	ROBERTSON STANLEY & B	0.703
11	213-070-20	SILVA BERNARDINE M	18.88
12	213-070-18	ENDER WENDELL F & M L	0.519
13	213-070-40	PIMENTEL JOSEPH L	18.99
14	213-070-41	MARTY MARILYN	6.32
15	213-070-17	MARTY MARILYN	2.27
16	213-070-39	MARTY MARILYN	11.41
17	213-070-06	TRACY PESCADERO INDUSTRIAL PARK	19.46
18	213-070-48	SILVA MARIA O	5.34
19	213-070-49	SILVA MARIA O	33.86
20	213-070-08	SILVA MARIA O	19.55
21	213-070-51	SILVA MARIA O	17.55
22	213-070-52	SILVA MARIA O	1.005
23	213-070-53	SILVA MANUEL H	1.005
24	213-070-76	PROLOGIS LOGISTICS SERVICES INC	4.8
25	213-070-77	PROLOGIS LOGISTICS SERVICES INC	8.19
26	213-070-78	PROLOGIS LOGISTICS SERVICES INC	22.08
27	213-070-79	PROLOGIS LOGISTICS SERVICES INC	25.15
28	213-070-13	ENDER ALVETA F	0.839
29	213-070-80	PROLOGIS LOGISTICS SERVICES INC	11.3
30	213-070-44	RUSE JOSEPH T & PATRICIA A	1.619
31	213-070-45	ENDER BUDDY C	0.9
32	250-020-15	COSTA ROBERT J SR & EVELYN M	0.5
33	250-020-14	ROCHA MANUEL TOSTE JR	79.03
34	250-020-79	CATELLUS CORPORATE CTR TRACY LLC	3.17
35	250-020-82	CATELLUS CORPORATE CTR TRACY LLC	2.87
36	250-020-80	CATELLUS CORPORATE CTR TRACY LLC	5.8
37	250-020-81	CATELLUS CORPORATE CTR TRACY LLC	10.08
38	250-020-83	CATELLUS CORPORATE CTR TRACY LLC	52.13
39	250-020-84	CATELLUS CORPORATE CTR TRACY LLC	0.773
40	250-020-85	CATELLUS CORPORATE CTR TRACY LLC	44.44
41	250-020-87	CATELLUS CORPORATE CTR TRACY LLC	33.53
42	250-010-05	UNION PACIFIC RAILROAD COMPANY	9.18
43	250-020-86	CATELLUS CORPORATE CTR TRACY LLC	5
44	250-030-10	SILVA FRANK I & MARY L	9.28
45	250-030-29	1851 E PARADISE ROAD PARTNERS LLC	6.56
46	250-030-30	BIG 4 GROUP LLC	2.17
47	250-030-27	BARBOSA INVESTMENT GROUP LTD PTP	17.73
48	250-030-28	BARBOSA INVESTMENT GROUP LTD PTP	12.59
49	250-030-02	TRACY CITY OF	4.24
50	250-030-26	HEADLANDS REALTY CORP	31.17
51	250-030-25	HEADLANDS REALTY CORP	10.51
52	250-030-24	TRACY LOGISTICS CENTER PARTNERS LLC	10.48
53	250-030-23	TRACY LOGISTICS CENTER PARTNERS LLC	4.48
54	250-030-18	TCE TRACY LLC	37.96
55	250-030-19	AMB HOLDCO LLC	6.35
56	250-280-09	AMB PROPERTY LP	8.81
57	250-280-08	AMB PROPERTY LP	3.96
58	250-280-07	AMB PROPERTY LP	3.89
59	250-280-06	AMB PROPERTY LP	14.14
60	250-280-10	AMB PROPERTY LP	17.8
61	213-070-82	CITY OF TRACY	1.089

62	213-170-27	TRACY ALLIANCE GROUP, LLC	122.39
63	213-170-48	PACIFIC T&T COMPANY	0.05
64	213-170-24	SUVIK FARMS	31.67
65	213-170-25	SUVIK FARMS	11.70
66	213-170-26	SUVIK FARMS	3.24
67	213-170-14	ZURIAKAT	22.17

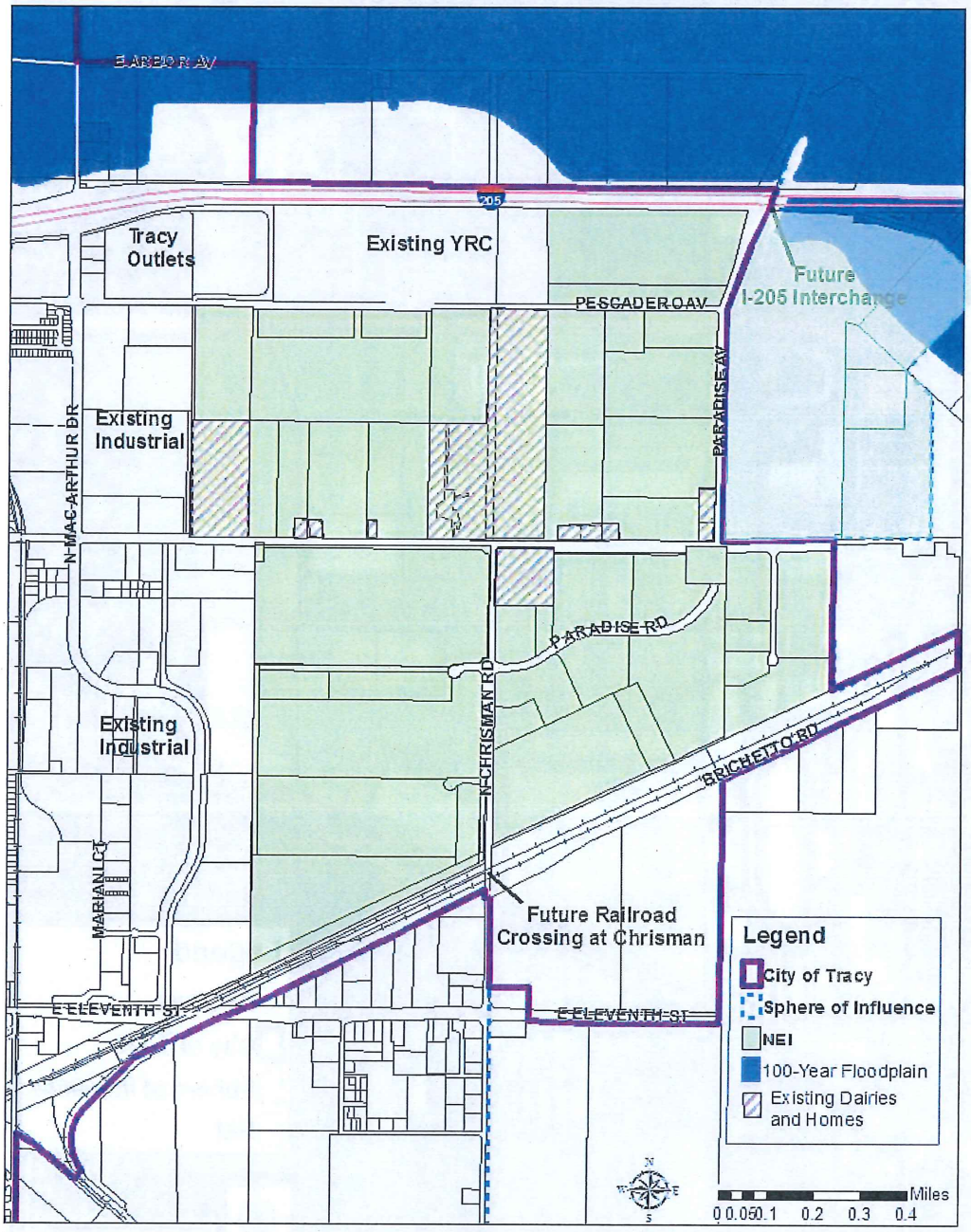
Aerial

Figure 3



Existing Site Conditions

Figure 4



RELATIONSHIP TO TRACY'S GENERAL PLAN

General Plan Land Use Designations
The City of Tracy General Plan designates the entire Northeast Industrial area for Industrial land uses. Specific uses allowed in the industrial category range from flex/office space to manufacturing to warehousing and distribution. Ancillary uses, such as restaurants, consumer services, and parks may be allowed to serve the daily needs of the workers.

Tracy's Growth Strategy
The City of Tracy has embraced a "balanced growth" strategy, seeking to direct growth in an efficient, cost-effective manner, balancing land uses and appropriate use of the land with well-planned and utilized infrastructure. This strategy seeks to improve the jobs/housing balance and to encourage development of employment opportunities and capitalize on freeway interchanges with industrial, retail, and service-related development.

The northeastern sector of Tracy has been designated as one area in which the City's industrial growth will occur. Adjacent to existing industrial development and with direct access to the I-205 freeway and rail transportation, the Northeast Industrial area is ideally situated to attract and support business without the need for major infrastructure expenditures.

General Plan Goals Furthered by the Northeast Industrial Area Development
The Northeast Industrial Specific Plan proposes development consistent with the General Plan. It furthers many of the Goals and Policies stated in the General Plan and it implements many of the Actions set forth in the General Plan. Following is a summary of General Plan Goals, Policies, and Actions to which the Northeast Industrial Specific Plan contributes.

Land Use

Objective LU-1.1 Establish a clearly defined urban form and city structure.

Policy P1: New development and redevelopment in existing areas shall be organized as a series of residential Neighborhoods, Employment Areas, Corridors, Village Centers, the Downtown and the I-205 Regional Commercial Area.

- Employment Areas are the job-centers of the city and include office districts, retail centers and industrial areas.

Objective LU-2.3 Expand the City's industrial base.

Policy P1: The Northeast Industrial Area should contain a mix of heavy industrial, light industrial, warehouse, and distribution users to maximize rail and highway access on large parcels of land. The Northeast Industrial Area should also contain commercial uses and services to meet the daily needs of workers.

Objective LU-6.2 Ensure land use patterns that minimize conflicts between transportation corridors and neighboring uses.

Policy P1: Uses that are compatible with the noise, air quality and traffic impacts associated with freeways, such as auto-oriented commercial and industrial uses, should be located near and along freeway corridors whenever possible.

Economic Development

Objective ED-4.1 Ensure an adequate, balanced supply of all land uses for future economic development.

Action A1: Monitor current and future land supply needs for industrial, office and retail growth.

Objective ED-6.3 Promote expansion in the Northeast Industrial Area.

Policy P1: The City shall encourage and facilitate the development and buildout of the entire 870-acre Northeast Industrial Area.

Policy P2: The City shall direct business attraction efforts to manufacturing uses, rather than warehouse distribution facilities, due to their higher employment densities.

Policy P3: Developers should consider flexible facility design and construction types that can accommodate future manufacturing uses with higher employment densities.

Policy P4: The City should support efforts to attract private developers and equity investors to participate in the development of the area.

Community Character

Objective CC-11.2 Encourage attractive design in Employment Areas.

Policy P1: Development in Employment Areas should adhere to high-quality design standards.

Policy P4: Building setbacks for office buildings or office portions of industrial buildings should be minimized to ensure that buildings define the edges of the street.

Policy P6: Loading facilities in Employment Areas should be screened from view from public streets to the extent possible.

Policy P9: Fencing visible from the public right-of-way shall be visually appealing when used in industrial and commercial developments.

Objective CC-11.3 Minimize the impact of parking on the pedestrian environment in Employment Areas.

Policy P1: The impact of parking in Employment Areas on the pedestrian environment should be minimized with attractive landscaping.

Policy P2: Parking lots should be set back from the street with a landscaped buffer wherever possible.

Circulation

Objective CIR-1.4 Protect residential areas from commercial truck traffic.

Policy P1: Significant new truck traffic generating uses shall be limited to locations along designated truck routes, in industrial areas or within ¼-mile of freeways.

PROJECT CHARACTERISTICS

Project Objectives

The objectives of the project are:

- To develop the Northeast Industrial Area as a high-quality industrial and commercial site of significant benefit to the City of Tracy and the nearby region.
- To develop a well-planned site that will attract businesses to Tracy, providing local employment opportunities.
- To develop the Northeast Industrial Area for primarily mixed industrial uses, including rail-dependent industries.
- To minimize project-related impacts to Tracy's transportation network.
- To provide a flexible phasing program that allows market forces to dictate reasonable growth increments, while ensuring that agricultural properties are allowed to remain until ready to develop.
- To create a project consistent with the goals of the General Plan.
- To integrate the Northeast Industrial Area into the development pattern of the City of Tracy.
- To integrate mitigation for environmental impacts into the design of the project.

Land Use Designations

The Northeast Industrial Area will consist primarily of light industrial land uses. In addition, general commercial land uses are planned at major intersections along Pescadero Avenue and Grant Line Road. Figure 5 shows the configuration of the land uses in the planning area.

The development prototypes included in the Design Guidelines indicate possible site planning scenarios for environmental impact analysis.

Light Industrial Land Uses (LI)

Light Industrial land uses cover approximately ~~800~~ 990 acres of the planning area. Assuming a Floor Area Ratio (FAR) of 0.5, approximately ~~17.5~~21.6 million square feet of light industrial, warehouse and manufacturing facilities would be provided. Light industrial land uses would be compatible with existing industrial land uses to the west and north, as well as with freeway noise, and rail noise and vibration.

Several types of light industrial land uses are appropriate in the Northeast Industrial Area. It is anticipated that warehousing and distribution businesses with low employee densities will be the predominant development type. This development pattern is similar to those that have located in Tracy in recent years. The southern portion of the Planning Area is appropriate to uses that require rail access.

The City of Tracy is also interested in attracting higher employee density businesses to the area. It is anticipated that there may be a future demand for a "Flex-Tech" development that would accommodate research & development businesses and call centers.

The light industrial zone may also be appropriate for service commercial businesses with little pedestrian traffic, that are not necessarily compatible with general commercial land uses, such as automotive supply and plumbing stores. Commercial development may be permitted on sites designated Light Industrial without the site being redesignated General Commercial if:

1. The site is a minimum of one acre and located on the northwest or southwest corners of Pescadero Avenue and Paradise Road or the northwest or southwest corners of Grant Line Road and Paradise Road.
2. The site has City Engineer-approved access from at least two streets.
3. The proposal is for a convenience retail or general commercial service use to the industrial area, such as restaurants, hotels, or convenience stores and service stations.
4. 15,000 square feet of retail within an industrial warehouse located on the southwest corner of Chrisman Road and Paradise Road.

A variety of parcel sizes are foreseeable, probably ranging from 5 to 50 acres, depending upon the type of industrial user attracted to the area. Since market forces will dictate that eventual parcel size, the Specific Plan does not reflect an exact parcelization plan.

Existing Agricultural and Residential Uses

The parcels containing ~~existing~~ former dairy operations; existing agricultural operations, and/or former or existing residences, ~~shown on the Land Use Map, that~~ may remain ~~for a number of years~~in operation until ready to develop. The planned light industrial land uses will be compatible with these properties. (The agricultural lands are subject to the City's Right to Farm Ordinance, discussed below)

General Commercial Land Uses (GC)

Three parcels of general commercial, totaling 45.5 acres are provided within the planning area. These commercial sites are intended to expand upon the existing commercial uses adjacent to the I-205/ MacArthur Drive interchange, take advantage of the freeway-oriented traffic circulation of the site, and serve the local industrial community. The largest parcel (25.5 acres) is located in the northwest comer of the project along Pescadero Avenue. This parcel provides for potential factory outlet expansion or other interstate-related commercial uses. General Commercial land uses provide for service commercial oriented land uses, such as animal shelters, who's land use characteristics are compatible with industrial uses.

Right to Farm Provisions

~~A number of dairy~~Agricultural operations currently exist within the Northeast Industrial planning area. ~~Dairy facilities typically involve significant capital improvements.~~ This Specific Plan intends to allow the continued operation of these existing ~~dairy facilities and other~~ agricultural uses until such time as the owners wish to convert their property to nonagricultural uses.

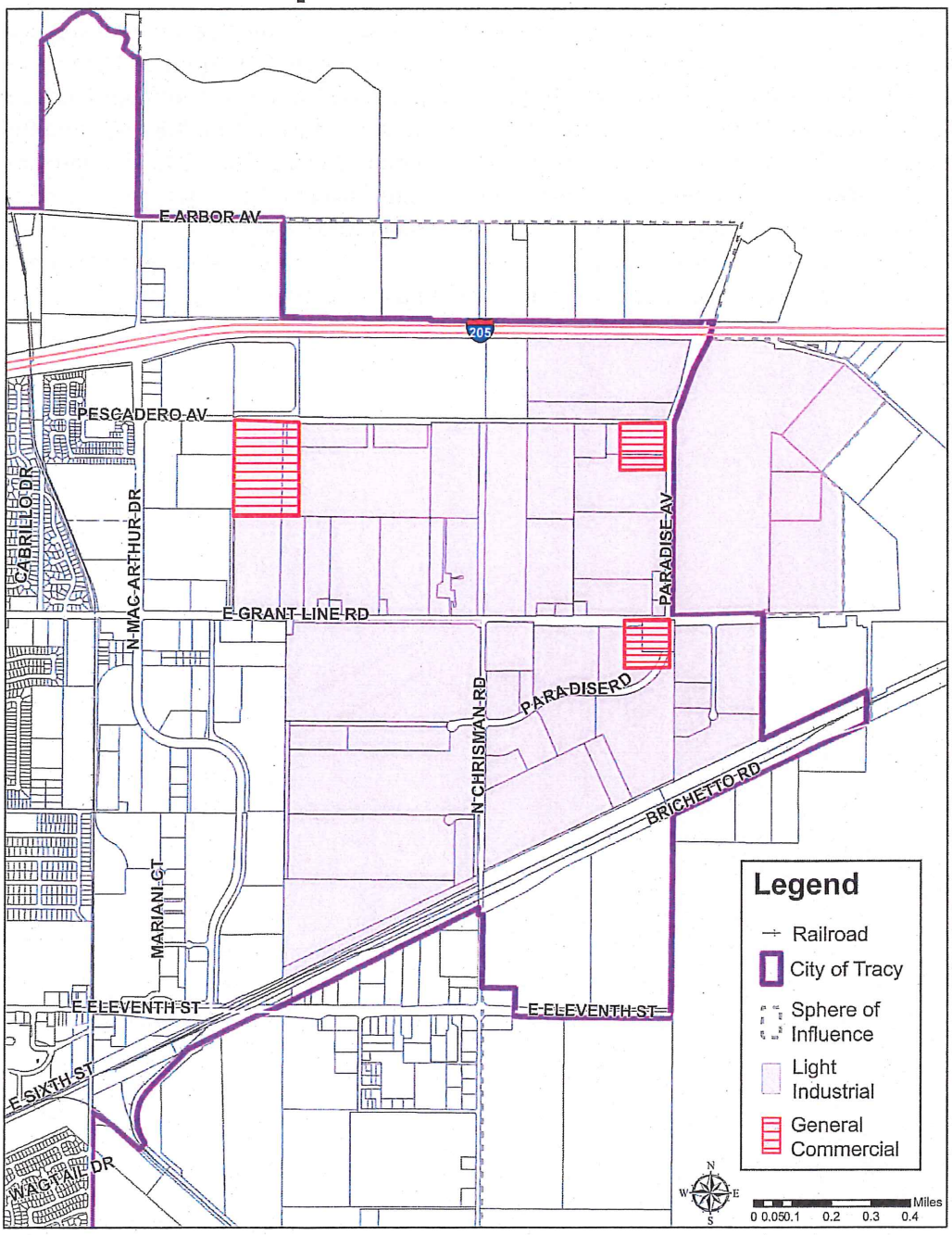
When nonagricultural land uses move into areas near to pre-existing agricultural operations, the agricultural operations frequently become the subject of nuisance complaints. Chapter 10.24 of the Tracy Municipal Code, the Right to Farm Ordinance, declares that farming operations are not a nuisance, and recognizes the right to farm within the incorporated City. Agricultural and dairy operations are included in the Permitted Uses (page 36) for both the Light Industrial and General Commercial land use designations.

Mineral Extraction

A number of the parcels in the Northeast Industrial planning area have mineral rights that are owned by different owners than the underlying land. It is possible that these owners may choose to exercise these rights at some time in the future. As such, mineral extraction is included as a Conditionally Permitted use within the Light Industrial land use designation. Any mineral extraction operation will be unobtrusive, and will be a subsidiary use to the primary use of the parcel.

Proposed Land Uses

Figure 5



CIRCULATION AND TRANSPORTATION

The Northeast Industrial Specific Plan provides for efficient circulation by automobiles and trucks. The proposed land use mix, street geometry, and proximity to the interstate freeway system will minimize project-related impacts to Tracy's transportation network.

The distribution, location and extent of the roadway improvements within the Specific Plan area shall be subject to the NEI Phase I Finance and Implementation Plans, dated December 1999 (Resolution Numbers 99-462 and 99-485), April 1, 2003 (Resolution Number 2003-100), January 4, 2005 (Resolution Number 2005-023), February 21, 2006 (Resolution Number 2006-069), and April 15, 2008 (Resolution Number 2008-065), and the NEI Phase II Finance and Implementation Plans, dated January 2006 (Resolution Number 2006-038) and January 15, 2008 (Resolution Number 2008-010). All future roadway improvements will also be subject to any revisions or updates to the NEI Finance and Implementation Plans, and subject to the development impact fees as established in those plans. Figures 6 and 7A and 7B show the original roadway network and street sections for the Specific Plan, which will be modified by the Finance and Implementation Plan process.

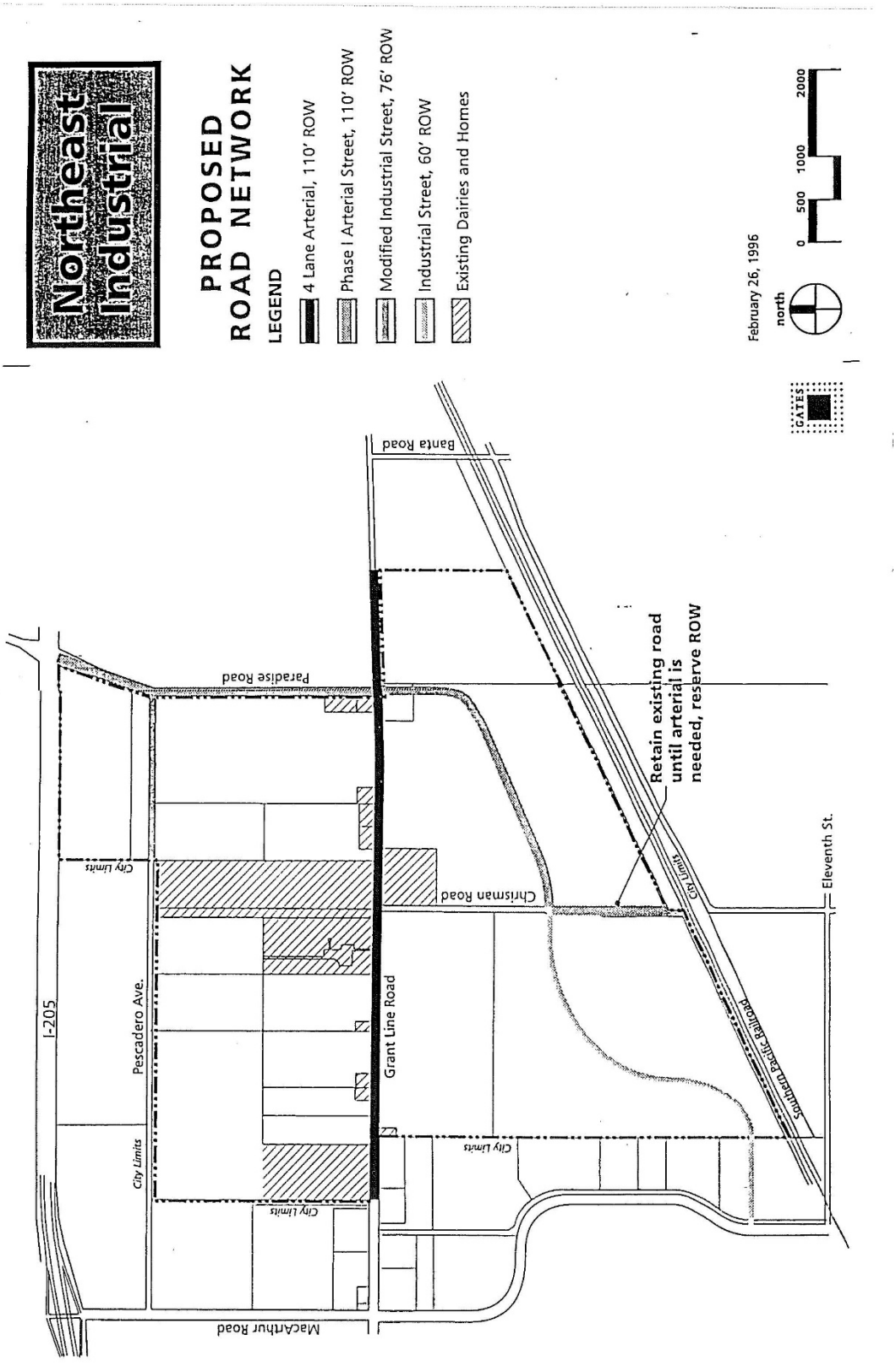
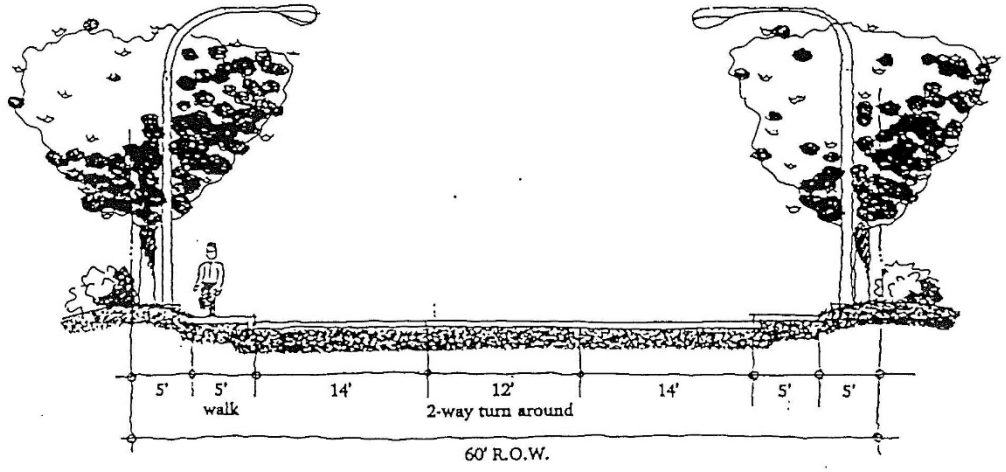
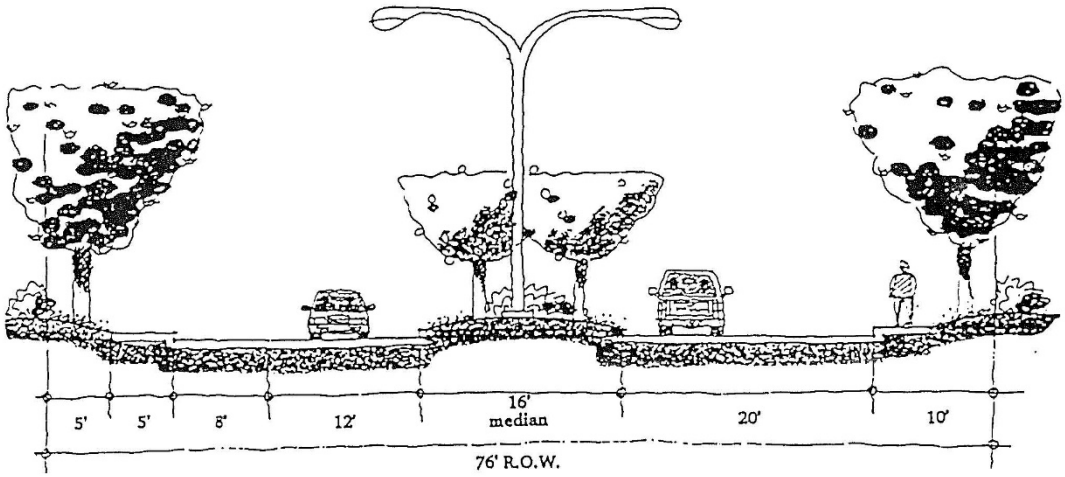

Northeast Industrial
PROPOSED ROAD NETWORK
LEGEND
4 Lane Arterial, 110' ROW
Phase I Arterial Street, 110' ROW
Modified Industrial Street, 76' ROW
Industrial Street, 60' ROW
Existing Dairies and Homes
February 26, 1996
north
0 500 1000 2000
GATES
Banta Road
Paradise Road
Retain existing road until arterial is needed, reserve ROW
Chrisman Road
Eleventh St.
City Limits
Southern Pacific Railroad
Grant Line Road
Pescadero Ave.
I-205
MacArthur Road

Figure 6



Industrial Street



Modified Industrial Street Section

STREET CROSS SECTIONS

Northeast Industrial

0 5 10

February 26, 1996

GATES

Figure 7A

Northeast Industrial
STREET SECTIONS
February 26, 1996
GATES
0 5 10 20
permanent median
temporary planting
2' 5' 8' 8' 12' 40' median 12' 8' 8' 5' 2'
20' 15'
110' R.O.W.
Phase 1 Industrial Street Section - preserves potential for expansion
2' 5' 8' 8' 12' 16' median 12' 8' 8' 5' 2'
32' 15'
110 R.O.W.
Arterial Street

Figure 7B

PUBLIC SERVICES AND INFRASTRUCTURE

Wastewater Collection and Disposal

The distribution, location and extent of the wastewater conveyance treatment and discharge within the Specific Plan area shall be subject to the NEI Phase I Finance and Implementation Plans, dated December 1999 (Resolution Numbers 99-462 and 99-485), April 1, 2003 (Resolution Number 2003-100), January 4, 2005 (Resolution Number 2005-023), February 21, 2006 (Resolution Number 2006-069), and April 15, 2008 (Resolution Number 2008-065), and the NEI Phase II Finance and Implementation Plans, dated January 2006 (Resolution Number 2006-038) and January 15, 2008 (Resolution Number 2008-010). All future wastewater improvements will also be subject to any revisions or updates to the NEI Finance and Implementation Plans, and subject to the development impact fees as established in those plans. Figure 8 shows the master sewer plan for the Specific Plan, which will be modified by the Finance and Implementation Plan process.

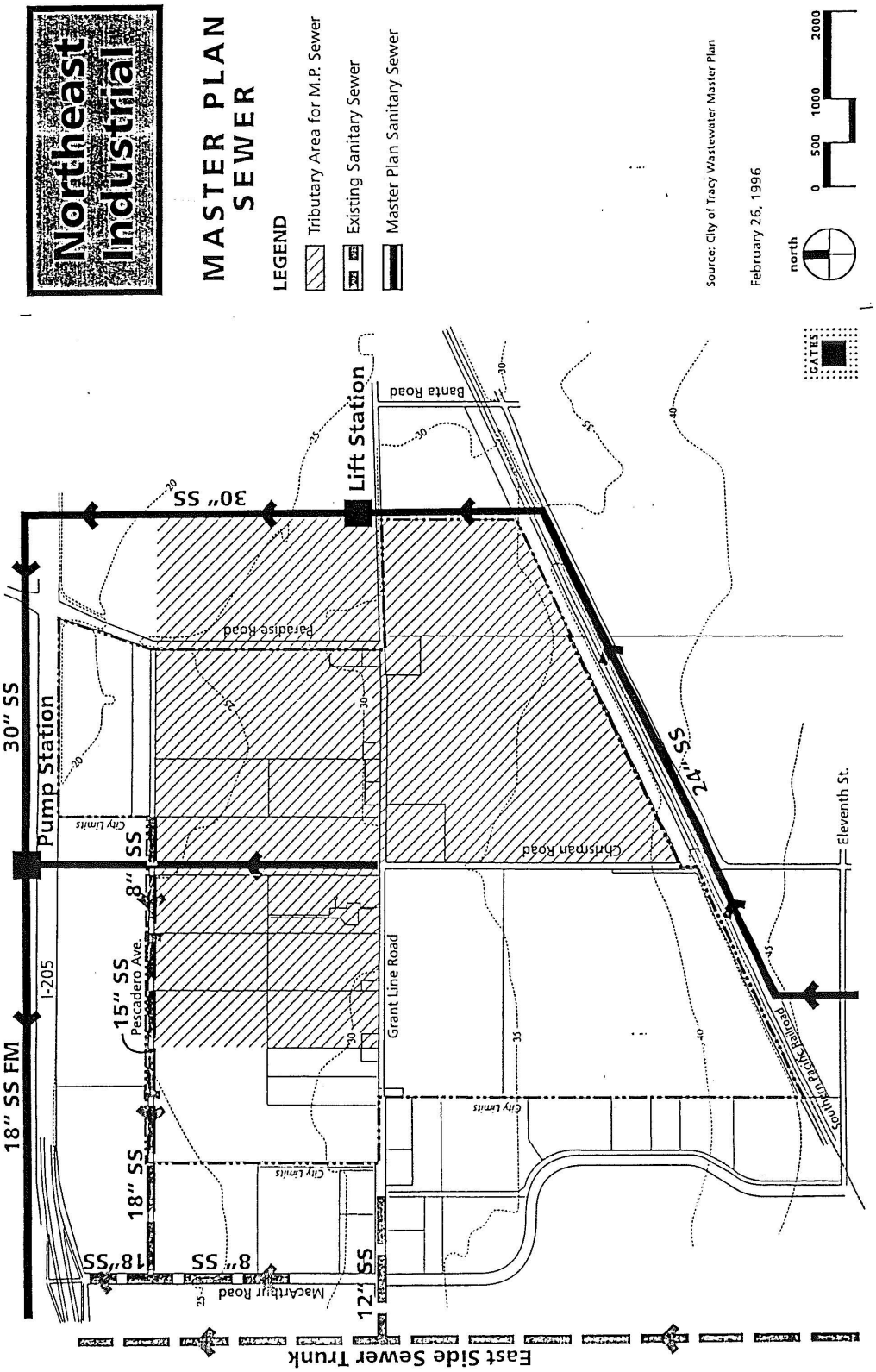

Northeast Industrial
MASTER PLAN SEWER
LEGEND
Tributary Area for M.P. Sewer
Existing Sanitary Sewer
Master Plan Sanitary Sewer
Source: City of Tracy Wastewater Master Plan
February 26, 1996
north
0 500 1000 2000
GATES
Lift Station
Banta Road
30" SS
Pump Station
30" SS
Paradise Road
City Limits
SS
8"
15" SS
Pescadero Ave.
I-205
18" SS FM
18" SS
18"SS
8" SS
12" SS
MacArthur Road
Grant Line Road
Christman Road
24" SS
Eleventh St.
Corral Hollow Road
City Limits
East Side Sewer Trunk

Figure 8

Storm Drainage

The distribution, location and extent of the storm drainage improvements within the Specific Plan area shall be subject to the NEI Phase I Finance and Implementation Plans, dated December 1999 (Resolution Numbers 99-462 and 99-485), April 1, 2003 (Resolution Number 2003-100), January 4, 2005 (Resolution Number 2005-023), February 21, 2006 (Resolution Number 2006-069), and April 15, 2008 (Resolution Number 2008-065), and the NEI Phase II Finance and Implementation Plans, dated January 2006 (Resolution Number 2006-038) and January 15, 2008 (Resolution Number 2008-010). All future storm drainage improvements will also be subject to any revisions or updates to the NEI Finance and Implementation Plans, and subject to the development impact fees as established in those plans. Figure 9 shows the original storm drainage master plan for the Specific Plan, which will be modified by the Finance and Implementation Plan process.

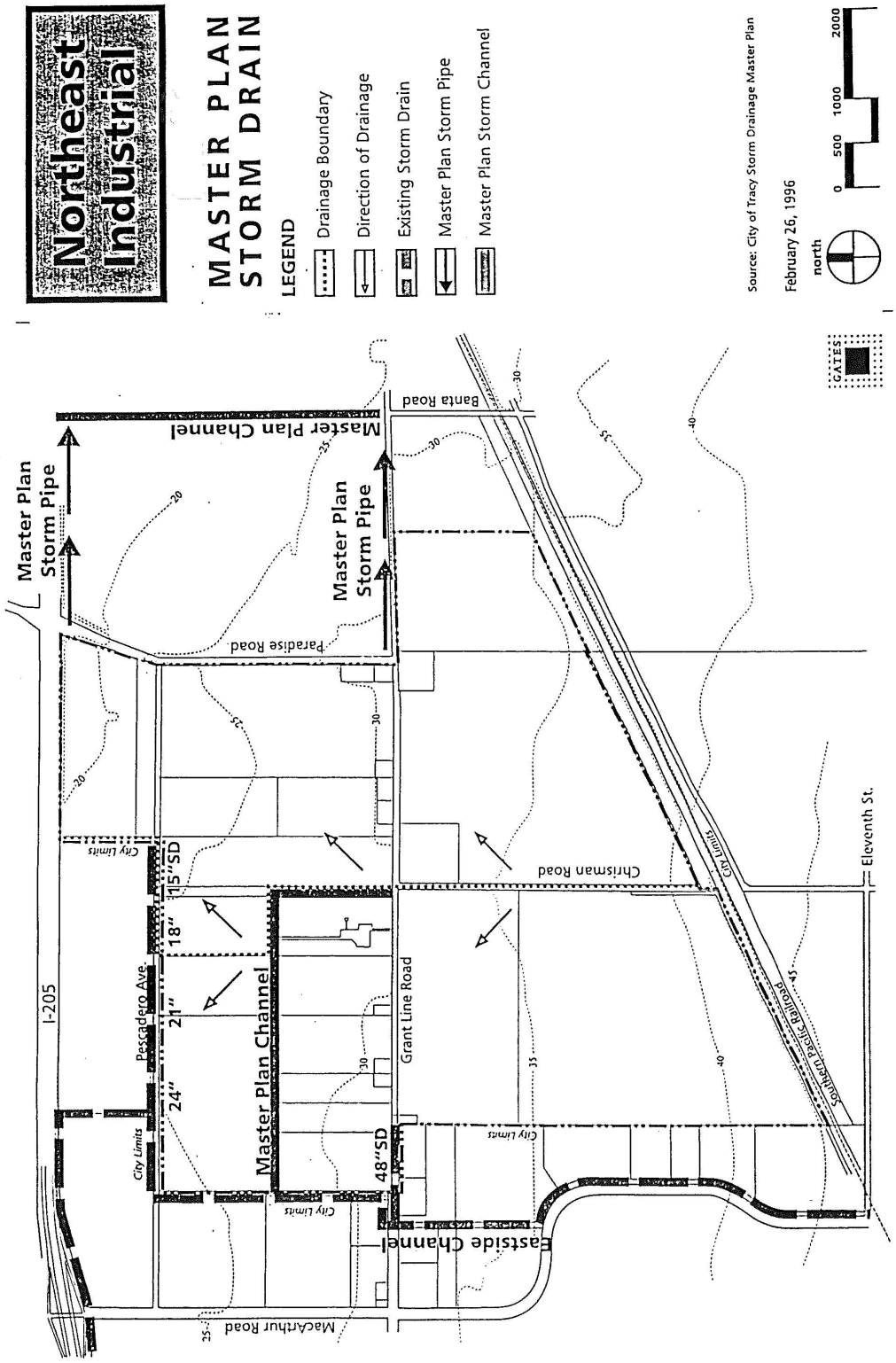

Northeast Industrial
MASTER PLAN
STORM DRAIN
LEGEND
Drainage Boundary
Direction of Drainage
Existing Storm Drain
Master Plan Storm Pipe
Master Plan Storm Channel
GATES
Source: City of Tracy Storm Drainage Master Plan
February 26, 1996
north
0 500 1000 2000
Master Plan Storm Pipe
Master Plan Storm Pipe
Master Plan Channel
Eastside Channel
Santa Road
Paradise Road
Chrisman Road
Eleventh St.
Grant Line Road
Pescadero Ave.
I-205
MacArthur Road
Southern Pacific Railroad
City Limits
15"SD
18"
21"
24"
48"SD

Figure 9

Water Supply and Distribution

The distribution, location and extent of the water improvements within the Specific Plan area shall be subject to the NEI Phase I Finance and Implementation Plans, dated December 1999 (Resolution Numbers 99-462 and 99-485), April 1, 2003 (Resolution Number 2003-100), January 4, 2005 (Resolution Number 2005-023), February 21, 2006 (Resolution Number 2006-069), and April 15, 2008 (Resolution Number 2008-065), and the NEI Phase II Finance and Implementation Plans, dated January 2006 (Resolution Number 2006-038) and January 15, 2008 (Resolution Number 2008-010). All future water improvements will also be subject to any revisions or updates to the NEI Finance and Implementation Plans, and subject to the development impact fees as established in those plans. Figure 10 shows the original water master plan for the Specific Plan, which will be modified by the Finance and Implementation Plan process.

Police Protection

Police services to the project will be provided by the City of Tracy Police Department.

Fire Protection

The planning area is located within the boundaries of the Tracy Fire Department. The Tracy Fire Department will provide fire protection service and paramedic ambulance service to the planning area.

Other Utilities

Pacific Gas and Electric (PG&E) will provide electricity and natural gas to the planning area. Comcast and/or AT&T will provide telephone/internet service to the planning area.

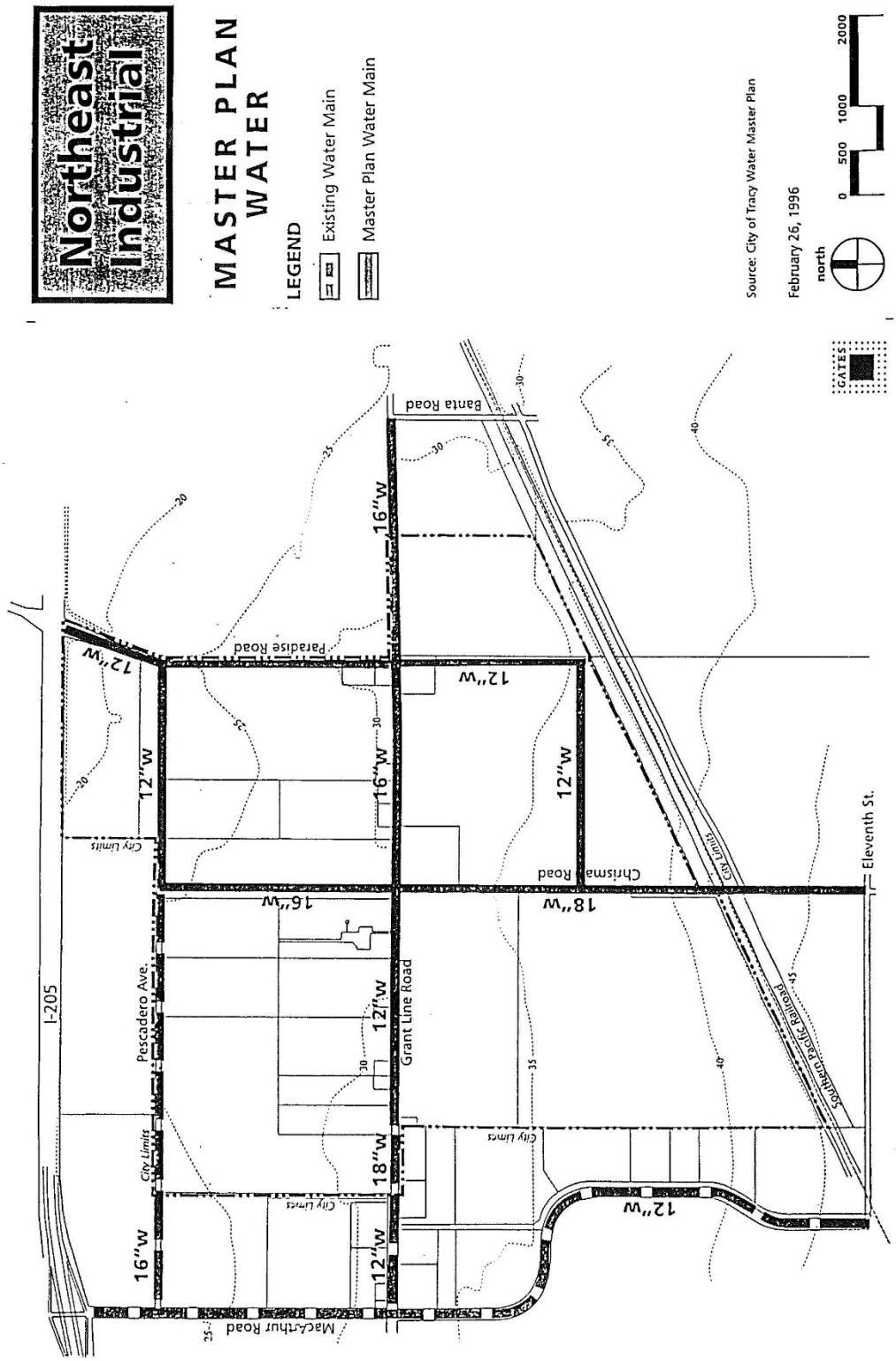

Northeast Industrial
MASTER PLAN WATER
LEGEND
Existing Water Main
Master Plan Water Main
Source: City of Tracy Water Master Plan
February 26, 1996
north
0 500 1000 2000
GATES
Banta Road
Paradise Road
MacArthur Road
Pescadero Ave.
Grant Line Road
Christmas Road
Eleventh St.
I-205
City Limits
SOUTHERN PACIFIC RAILROAD
16"W
12"W
18"W

Figure 10

DESIGN GUIDELINES

The Specific Plan includes design guidelines and development standards to guide site planning and architecture. These design guidelines are similar to those adopted in the Industrial Areas and I-205 Corridor Specific Plans, which are adjacent to the planning area.

Streetscapes

1. The design of the streetscape should integrate, in a consistent and creative manner, plant materials, paths, berming, lighting, and signage to produce an attractive and functional environment.
2. All landscaping should employ a mix of trees, shrubs, groundcovers and turf, where appropriate. The plant palette should be relatively limited and applied in groupings of similar species rather than a few plans of many different species planted together. The use of water conserving plantings, such as California natives and drought tolerant trees, shrubs, and turf is encouraged, and compliance with the state's water efficient landscape guidelines is required.
3. The use of lawn substitutes is encouraged in all medians and for parkways. The use of turf should be minimized and reserved for areas of high use or visibility and temporary median planting in anticipation of future street widths.
4. Automatic irrigation is required for all landscape areas. Plants should be watered and maintained on a regular basis. Irrigation systems should be designed so as not to overspray walks, buildings, and parking areas, etc. The use of water conserving systems, such as drip irrigation for shrub and tree planting, is encouraged.
5. Tree plantings should reflect street hierarchy with larger trees along arterial streets and smaller trees on industrial streets. Tree plantings shall be symmetrical and of the same species in the parkways on both sides of the streets. One tree species or mixture of species shall be planted consistently at regular intervals along the entire length of a street. Spacing interval shall be no greater than 40 feet on center. Where trees are planted in medians, the plantings shall be continuous and at regular intervals. Spacing of median trees shall be no greater than 30 feet on center. Different tree species shall be planted at intersections to highlight these areas.
6. Adequate sight lines shall be maintained at all times

Recommended Trees for Major Streets

The following list identifies recommended trees for the major streets that form the framework of the area:

Street	***Parkway***	***Median***
Grant Line Rd	Pistacia chinensis	Prunus serrulata cvs.
	Chinese Pistache	Flowering Cherry
Paradise Rd/ Loop Rd	Celtis sinensis	Pyrus calleryana 'Bradford'
	Chinese Hackberry	Bradford Pear
Pescadero Ave	Fraxinus oxycarpa 'Raywoodii'	Pyrus calleryana 'Aristocrat'
	Raywood Ash	Aristocrat Pear

Select one of the following street trees for use on each industrial road:

Botanical Name	***Common Name***
Eucalptus gunnii	Cider Gum
Fraxinus oxycarpa 'Raywoodii'	Raywood Ash
Fraxinus uhdei	Evergreen Ash
Platanus acerifolia	Sycamore

Street Lighting

1. Illumination standards for arterial and industrial streets should reflect the different right-of-way widths and functions.
2. Light fixtures and standards shall meet all safety standards and shall be employed throughout the length of the street. It is recommended that one lighting fixture style be employed for use on all streets. Where possible, light standards shall be located in medians.

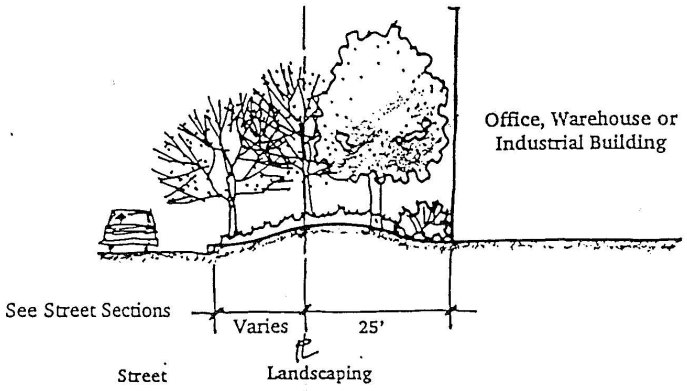
Building Floor Area Ratio and Height

Land Use	*Max. Floor Area Ratio*	*Max. Building Height*
General Commercial	0.35	46 ft.
Office	0.35	60 ft.
Light Industrial	0.50	60 ft.

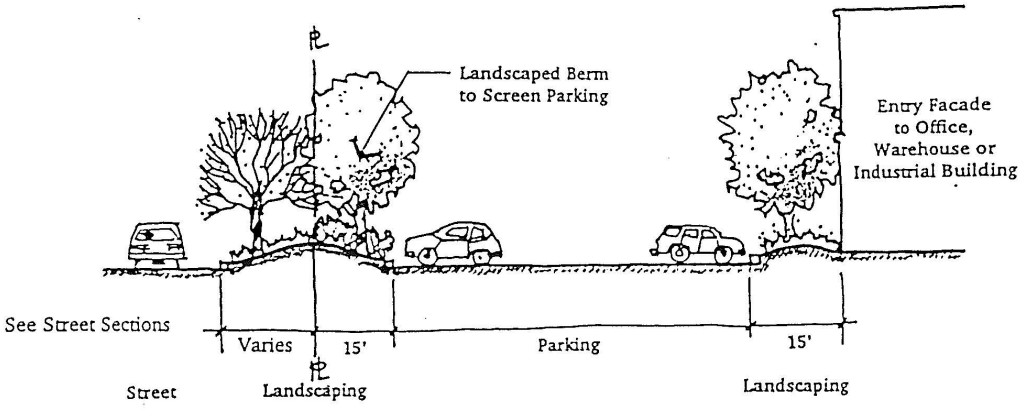
Building Setbacks

The following shall be the minimum building and parking setbacks required for all building types. Figure 14 illustrates these guidelines.

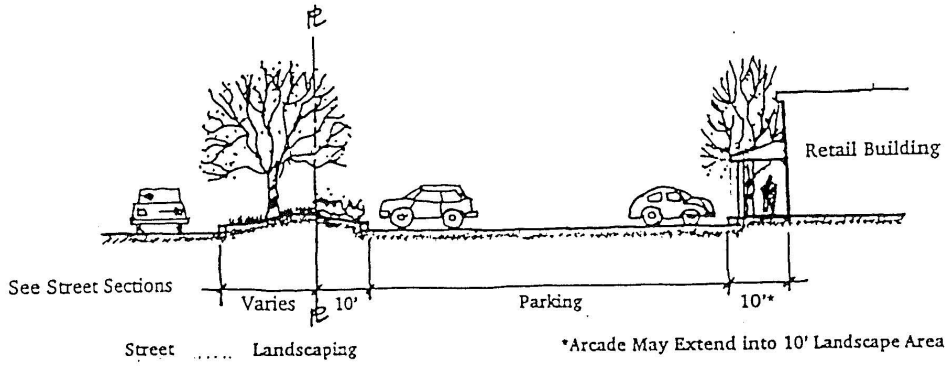
1. Building setback from any property line adjacent to a street or Caltrans right-of-way shall be 25 feet minimum. Rear and side yard building setbacks from property lines not adjacent to a street or Caltrans right-of-way shall be 15 feet minimum.
2. A 5 foot wide landscape setback is required along property lines not adjacent to a right-of-way. On the property lines perpendicular to the street frontage on industrial streets, the landscaped setback is only required to a point 150 feet onto the parcel from the street right-of-way or 50 feet back of building face, whichever is greater.
3. Parking setback from any property line along a public street or the Caltrans right-of-way for commercial land uses shall be 10 feet and for industrial uses shall be 15 feet.
4. Parking shall not be permitted within 10 feet of the building entry face of any commercial structure. In the event the building has an arcade or other shade structure along this frontage, the structure can be located within this required setback. Parking shall not be permitted within 15 feet of the office face or portion of a building. On industrial buildings, a 15 foot setback to the parking area shall be provided at building entries.
5. Commercial buildings shall be sited so as to create and enhance the streetscape. This can only be accomplished if all or a portion of the buildings are located near the street. On commercial sites of over 4 acres, at least one building must be located with a minimum setback from public-right-of-way to building face of 50 feet. On corner sites adherence to this requirement is encouraged on both frontages, however, only required on the major street frontage.



Front Yard Setback: Without Parking



Front Yard Setback: With Parking



Front Yard Setback: With Parking

SETBACK GUIDELINES

Northeast Industrial

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Figure 11

Parking and On-Site Vehicular Circulation

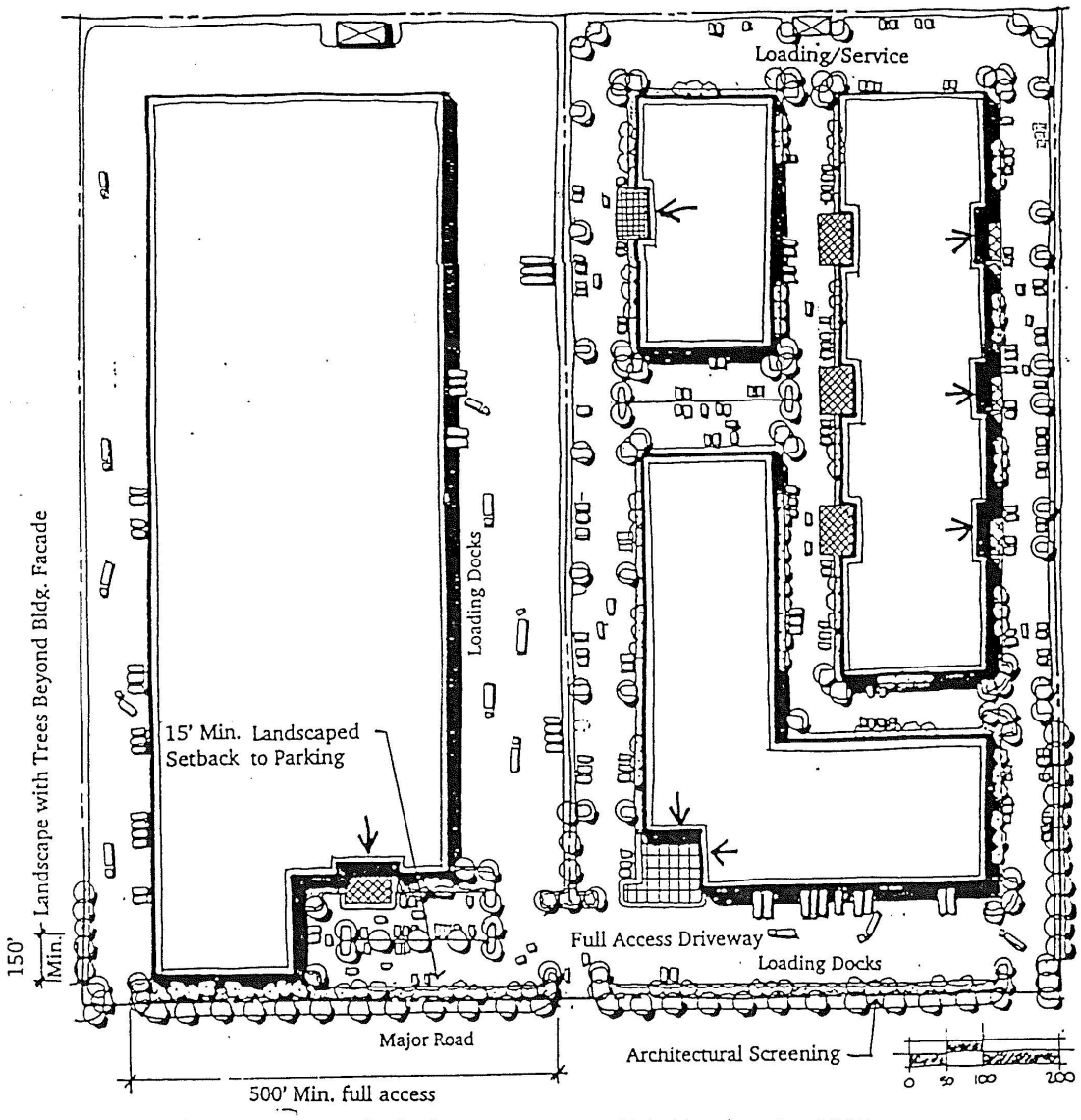
1. Parking, on-site circulation, and loading area standards shall be as required by the provisions of Title 10, Article 26, Off-Street Parking Requirements of the Tracy Municipal Code unless modified below or as part of the Development Review approval. Portions of off-street parking requirements are summarize below.
2. Parking lots containing 10-20 spaces may include a maximum of 20% of the total number of spaces for compact cars. These spaces shall be designed and marked in accordance with City standards and distributed throughout the lot. Parking areas containing 20 or more spaces may include a maximum of 30% of the total number of spaces for compact cars.
3. Minimum off-street parking standards:

Uses	***Minimum Parking Spaces Required***
Retail	One space per 250 square feet of gross floor area
Vehicle sales and rentals, including recreational vehicles and mobile homes	One space per 250 square feet of gross floor area plus one space per vehicle for sale or stored on lot.
Office: business, professional (not including medical or dental), banks	One space per 250 square feet of gross floor area
Dental and medical clinics or office	One space per 200 square feet of gross floor area
Motor vehicle repair garages	One space per 600 square feet of gross floor area; repair stalls not counted as parking spaces
Cafes, restaurants, and other establishments for the sale and consumption of food and beverages	Dining: one space per 45 square feet of customer area and one space per 250 square feet of all other area, plus additional spaces connected to uses such as drinking establishments. Drinking bars, cocktail lounge: one space per 35 square feet of drinking, bar, lounge area.
Manufacturing	One space per 600 square feet of gross floor area, or if the number of employees on the maximum work shift can be verified, one space per one employee on the maximum work shift
Warehouses/Storage and Distribution	One space per 1,000 square feet of the first 20,000 square feet of gross floor area, plus one space per 2,000 square feet of the second 20,000 square feet of gross floor area, plus one space per 4,000 square feet of the remaining square feet of gross floor area.

Loading and Unloading Spaces

1. Sufficient off-street loading and unloading spaces shall be provided on each site, and adequate provisions and space shall be made for maneuvering freight vehicles and handling all freight. All loading activity, including turnaround and maneuvering, shall be made on site.
2. In commercial areas, truck loading areas and docks shall not be permitted between building(s) and the public street unless enclosed with architectural screen of material similar to building.
3. In industrial areas, truck loading areas and docks shall not be permitted between building(s) and the street unless the building(s) are set back from the curb a minimum of 125 feet and doors are screened by landscaping, berms, and/or fences.

4. Buildings, structures, and loading facilities shall be designed and placed upon the site so that vehicles, whether rear loading or side loading, may be loaded or unloaded at any loading dock, door, or area without extending beyond the property line.



Warehouse / Storage / Distribution
Example:
10 acres (gross)
FAR 0.50 max.
213,000 s.f.
73 Parking Stalls

Light Manufacturing / R&D
Example:
10 acres (gross)
FAR 0.50 max.
193,000 s.f.
429 Parking Stalls

LIGHT MANUFACTURING / R&D PROTOTYPE

Northeast Industrial

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Figure 12

Driveway Standards

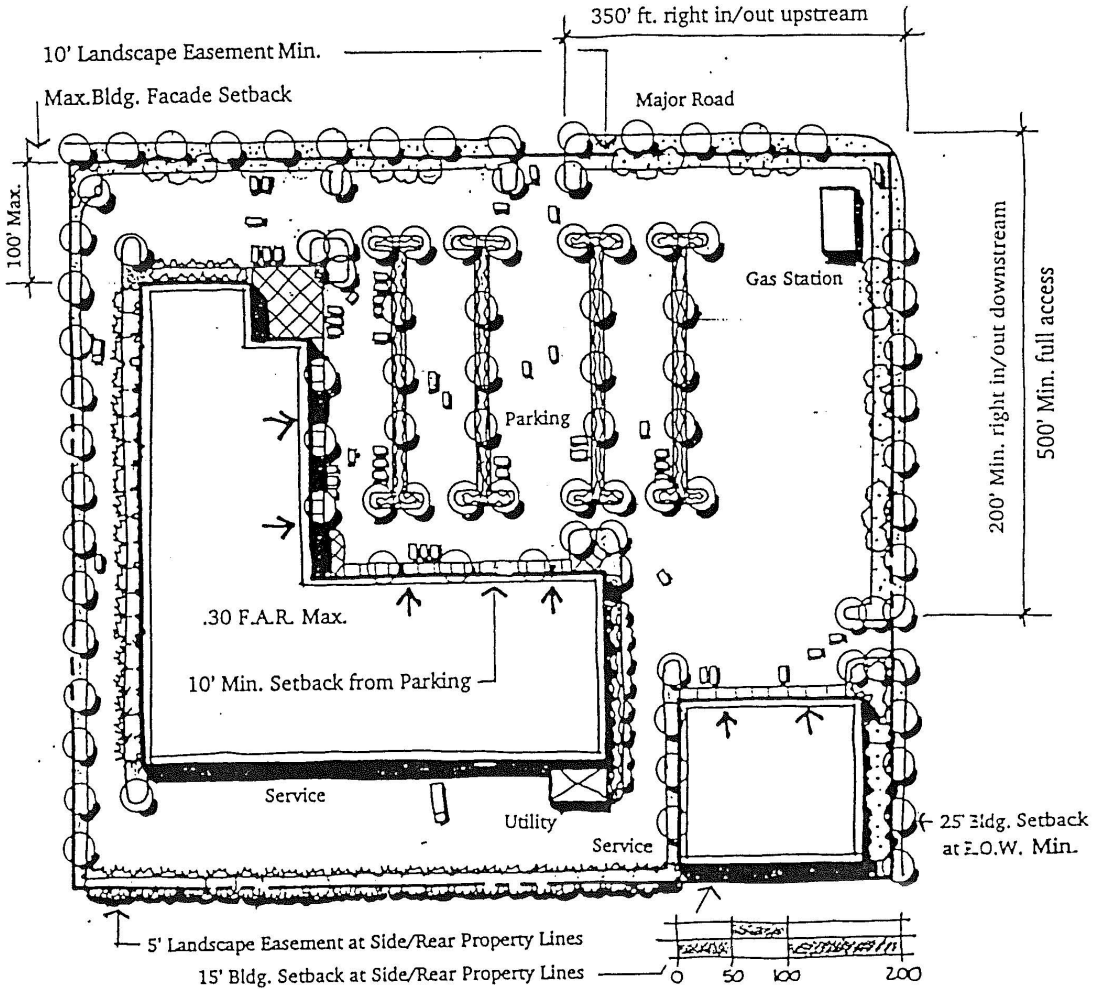
Driveways should be carefully located so as not to impede the primary function of the streets, which is to carry through traffic. It should be noted that these spacing guidelines are minimum values. The goal should be to exceed them where possible.

1. Individual industrial parcels on major arterial streets may have driveways, but they should be carefully located so as not to impede the traffic efficiency. In general, parcels with frontage on the major arterials should have their entryway on side streets if possible. If a parcel's only frontage is on the major arterial, every effort should be made to consolidate access at a single driveway. Spacing standards for driveways on major arterials shall be as follows:
    a. Full access driveways , 500 ft. minimum
    b. Partial access driveways (right in/out, left turn in), 500 ft. minimum
    c. Right turn in and out, 350 ft. minimum upstream from an intersection
    d. Right turn in and out, 200 ft. minimum downstream from an intersection
2. On industrial streets, spacing for full access driveways is 450 feet, minimum. "T" intersections are encouraged over four-way intersections. Every effort should be made to consolidate driveways.
3. No driveway shall be located closer than 200 feet to the radius return point at intersections.
4. Driveways shall be a minimum of 25 feet wide. Subsequent development shall demonstrate driveway width and placement can accommodate truck turning movement and clearing without blocking roadways.
5. Driveway width modifications may be approved with shared (ganged) driveways. Ganged driveways which serve two adjacent sites will be required to install landscaped islands along parking adjacent to the gang driveway and a landscape zone at the end of the common drive will act as a terminus to the view line down the ganged driveway.
    a. Full curb returns (as opposed to a standard driveway) shall be utilized for entries to all sites of over ten acres in size or for common driveways that serve two adjacent sites that together total more than ten acres.
6. Access driveways shall provide adequate length to accommodate off-street vehicle stacking needs during times of peak use.
7. Parcel entry should be clear, attractive, and inviting; circulation should direct employee and visitor traffic clearly through the site to main building entries and drop-off points and service trucks to loading.
8. In commercial areas, vehicular entries to the site shall be well defined and recognizable to motorists. Improvements should include accent paving, signs, special plantings, and lighting. Such improvements shall not block motorists' sight lines to oncoming traffic.

Freeway Interface

The control of views of Tracy from I-205 is critical for the establishment of a quality image for the community.

1. Locate services and storage areas to minimize visibility from I-205.
2. All freeway setback zones shall be planted with a combination of trees, shrubs, and groundcover. Automatic irrigation is required of all planted area. Use large scale trees, from a 24-inch box minimum, grouped in single species clusters. Mass trees to avoid blocking views of commercial signage while providing at least one tree per 1,500 square feet of setback area. Plant shrubs in an informal hedge near the property line with gaps between hedges of 50 feet maximum. Install from 5 gallon cans, minimum, in single species clusters at least 100 feet long. Hydroseed or otherwise install permanent groundcover in all places not planted with shrubs.



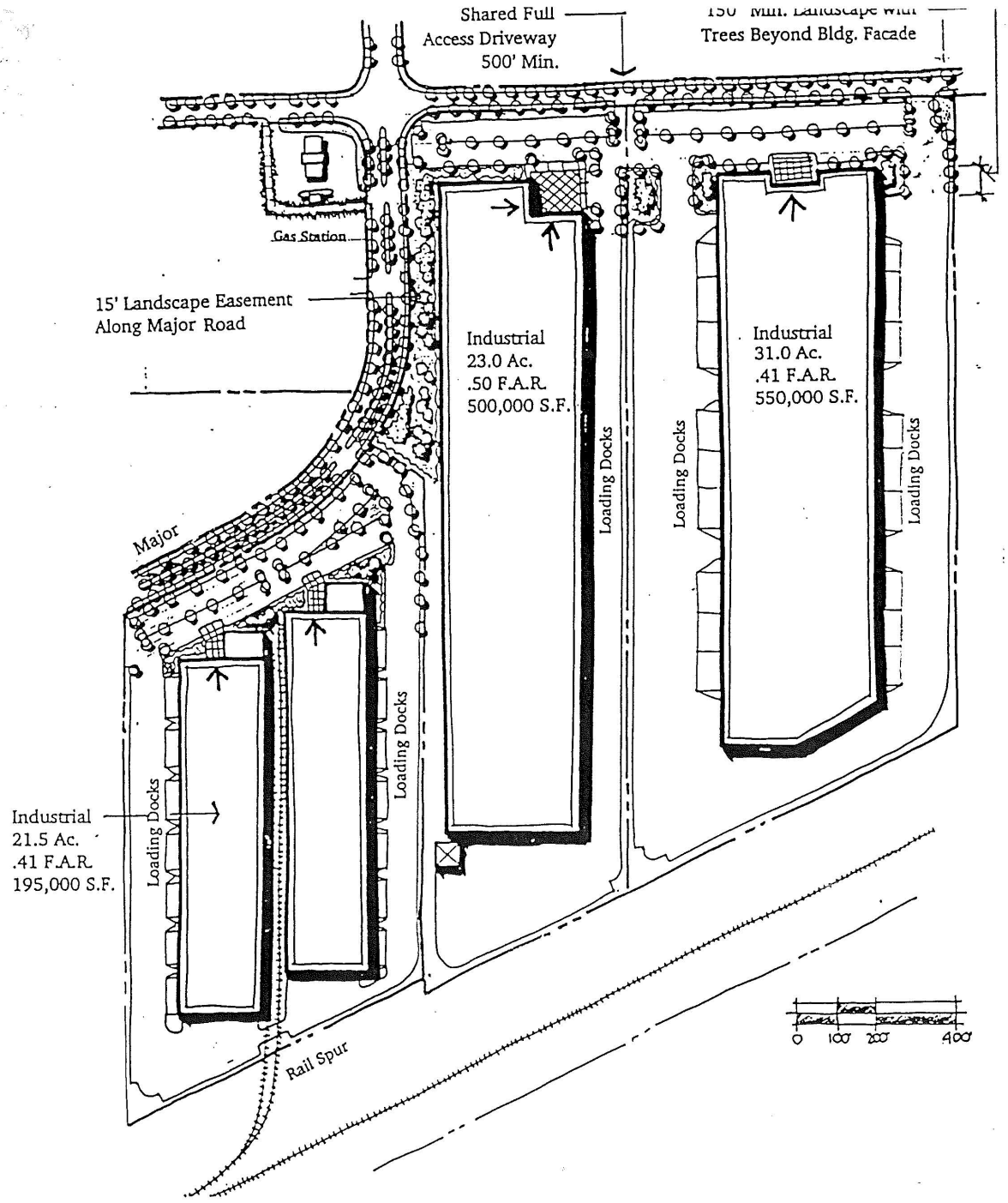
COMMERCIAL PROTOTYPE

Northeast Industrial

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Figure 13



WAREHOUSE PROTOTYPE

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Figure 14

Building Architecture

1. Use of creative building design and construction techniques is encouraged. Special attention should be given to that portion of the building visible from adjacent roadways or public parking areas.
2. Large buildings should have facades that include variations in massing, form, and texture. Continuous surface treatments of a single material should be minimized. Architecture should be used to highlight building entries.
3. Any accessory buildings and enclosures, whether attached or detached from the main building, shall be of similar compatible design and materials.
4. Continuous arcades along the front of commercial buildings are encouraged as they provide the pedestrian protection from the weather, reduce solar gain, and can serve to enhance the character of what might otherwise be simple, formless structures. When more than one building is to be developed on a commercial site, the buildings should be designed to relate to one another as a total composition with well thought out relationships to one another.

Signs

1. Signs must conform to the requirements of Signs, Title 10, Article 35 of the Tracy Municipal Code as modified herein.
2. A site sign program should be integrated into a total design concept for a site and its buildings. The primary goal of the project sign system is to provide information and identification. When more than one sign is permitted, all signs shall be of similar style, shape, and materials.
3. All signs must be approved prior to installation, and should be designed in a manner that coordinates the sign designs and locations with the site plan and building architecture for each project. The sign plans should include:
    a. **Detatched Business Identification Signs:** One such monument sign (as defined by the Tracy Municipal Code) shall be allowed for each street frontage of the site. These signs may only contain the symbol and/or name of the business and its street address. The sign shall be free standing, may be double-sided, and shall be set back a minimum of 5 feet from the public right-of-way. Sign area shall not exceed 32 square feet per frontage and sign shall not exceed 6 feet in height from finished grade. Signs should generally be oriented perpendicular to approaching traffic.
    b. **Wall signs:** On large single tenant buildings, signs should be located immediately above or adjacent to the primary building entrance. No sign shall extend above dominant roof lines. The area of any single sign shall not exceed 100 square feet. Total area shall not exceed one-half square foot of sign per lineal foot of business being served.

       On smaller multi-tenant buildings, signs should be located at the frontage of each individual lessee. The area of any single sign shall not exceed 100 square feet nor more than 75 percent of the tenant frontage. Capital letters shall be no more than 2.5 feet in height and lower case letters no more than 1.5 feet in height. When individually-lettered wall signs comprise over 50 percent of the sign area of all sign types, total sign area shall not exceed 1.2 square feet per lineal foot of business being served. When comprising less than 50 percent of the total sign area, the maximum sign area shall be one-half square foot per lineal foot of business being served.
    c. **Directional Signs:** Signs required or desired to assist patrons in accessing the facility shall be located in the site parking areas. The design of such signs shall be simple and easily legible.

There is no limit to the number of signs provided on a site; however, no single sign shall exceed 6 square feet in area, except that vehicular "stop" signs shall be mounted per State standards.

4. A sign may be illuminated provided that no flashing, traveling, animated, or intermittent illumination shall be used. Such illumination shall be confined to the area of the sign except when such illumination is back lighting for an otherwise non-illuminated sign. No sign illumination shall cast a glare which is visible from any street.
5. Signs should be constructed with quality materials and in a craftsman-like manner to ensure both an attractive appearance and durability.

Landscaping

Minimum on-site landscaping requirements shall be established by Off-Street Parking Requirements (Title 10, Article 26 of the Tracy Municipal Code), except as modified below.

Summary of Requirements	***Commercial***	***Industrial***
Landscaped frontage setback	10 feet	15 feet
Minimum number of trees in parking area	1 tree per 5 spaces	1 tree per 10 spaces
Percentage of landscaping in parking areas:		
0 - 15 cars	5%	5%
16 - 30 cars	10%	5%
31-60 cars	15%	7½%
Over 60 cars	20%	10%

1. While commercial uses benefit from a well-landscaped parking area and visibility from the street, views of industrial uses benefit from a more generously landscaped streetscape. Thus, parking lot landscaping requirements for industrial uses may be reduced as specified in the Off-Street Parking Requirements in order to create a large landscape setback along the street. These provisions allow the reduction of 50 percent of the required landscaping based on the provision of a 15 foot landscape setback along the street frontage. The 15 foot strip may be included in the calculation of the total parking lot landscaping requirement. The remainder of the landscaping requirement must be distributed over the lot(s) to provide shade and landscape building frontage. Canopy trees shall be evenly distributed throughout the parking area to provide shade.
2. On-site landscaping along rights-of-way between property lines and buildings, parking lots, or vehicular circulation improvements shall be installed by the property owner. This landscaping shall be designed as an extension of the adjacent public right-of-way landscaping. Completion of landscaping on the site shall be simultaneous with completion of the building and other improvements on the site.
3. Landscaping shall not obstruct sight lines at street or driveway intersections.
4. In place of the wheel stops at parking lots, landscape areas and pedestrian walkways may be extended not more than 2 feet into required parking spaces, to include a 6" concrete curb. In such cases, no credit toward parking lot landscape requirements shall be given for the resulting additional landscaping.
5. Screening of the parking area from public rights-of-way in industrial areas shall be provided with a 2½ to 3 foot high element, measuring from the top of the parking area pavement. Screening may consist of one or a combination of the following:
    a. Berms landscaped with ground cover, trees, and shrubs;
    b. Solid, low profile, decorative masonry walls;
    c. Evergreen shrubbery which, when solely used as screening, shall be continuously maintained to provide solid screening.

6. Generous landscaping screening is required adjacent on all street frontages for industrial areas. These areas should be landscaped with a combination of trees, shrubs, and ground cover to soften views of parking areas.
7. Tree planting and selection and massing should be compatible with streetscape plantings. Provide minimum 1 tree per 400 square feet of landscape setback. The plant palette should be relatively limited and applied in groupings of similar species rather than a few plants of many different species planted together.
8. The use of water conserving plantings, such as California natives and drought tolerant trees, shrubs, and turf is encouraged. The use of turf in the narrow planting islands is discouraged.
9. Live plant materials shall be used in all landscaped areas. The use of gravel, colored rock, bark, and other similar materials are not acceptable as a sole groundcover material.
10. All trees shall be of 24 inch box size minimum at planting with a minimum branching height 5 years after installation of 10 feet above road or parking surfaces and 6 feet at pedestrian areas. Shrubs shall be of 5 gallon size minimum with a maximum on-center spacing of 24 inches. Likewise, groundcover may be planted at 1 gallon size minimum with a maximum spacing of 12 inches on center.
11. Automatic irrigation is required for all landscaped areas. Irrigation systems shall be designed so as not to overspray walks, buildings, and parking areas.

Screening and Storage

1. All exterior trash areas, storage structures, and service areas shall be screened from public view with a wall or fence of a minimum height of 8 feet above the street curb level. Storage areas shall be set back a minimum of 50 feet from streets, unless fully enclosed in an architecturally compatible enclosure.
2. No storage areas are allowed within the landscape easements, front setbacks, or side or rear yard landscaped buffers.
3. Roof-mounted equipment shall be screened from street view. Pad-mounted transformers, utility connections, and meter boxes shall be screened and integrated into the site plan.
4. The design of masonry walls, fencing, trash enclosures, and similar accessory site elements should be compatible with the architecture of the building and should use similar materials. Where masonry walls are along property frontage, they should enhance the entrance to the property and should not impair traffic safety by obscuring views. Long expanses of wall surfaces should be architecturally designed to prevent monotony.
5. The use of chain link fences shall be discouraged, and no chain link fences shall be visible from any public right-of-way.

Development Review Process

All development in the NEI shall be subject to the requirements of Tracy Municipal Code Article 30, Development Review (TMC Sections 10.08.3920 through 10.08.4110).

Environmental Performance Standards

Use Restrictions

No use shall be permitted to exist or operate on any lot which:

1. Emits dust, sweepings, dirt, cinders, fumes, odors, radiation, gases and vapors, or discharges liquid or solid wastes or other harmful matter into the atmosphere or any body of water which may, according to the appropriate agency, adversely affect the health and safety persons within the area or the health and safety of persons in adjacent areas or the use of adjacent properties.

2. Discharges waste or any harmful substance, as defined by the Municipal Code, into any public sewer or storm drainage system.
3. Produces intense glare or heat, unless such use is performed only within an enclosed or screened area, and then only in such manner that glare or heat emitted will not be discernible from any exterior lot line.
4. Creates a sound pressure level in violation of any regulation of any public body having jurisdiction. This requirement shall also be applicable to the disposal of trash and waste materials.
5. Allows the visible emissions of smoke (outside any building) other than the exhausts emitted by motor vehicles or other transportation facilities or any emissions in violation of any regulation of any public body having jurisdiction. This requirement shall also be applicable to the disposal of trash and waste materials.
6. Creates a ground vibration that is perceptible, without instruments, at any point along any of the exterior lot lines.

Hazardous Wastes and Water Pollutants

1. All new industries locating with the area will be required to obtain a Discharge Permit from the Director of Utilities prior to occupancy. This permit shall establish the amount and quality of wastes allowed to be discharged into the City's sanitary sewer.
2. The quality of wastewater entering the city sewage system from the proposed uses shall be measured by the Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) levels referenced in the local Water Quality Control Board 208 Plan. Users that are not expected to comply with these standards will be required to provide on-site pretreatment facilities.
3. The storage and distribution of hazardous materials shall be subject to the rules of the San Joaquin County Health District.
4. Industries regularly using significant quantities of hazardous chemicals as defined by State Law in the course of their operations shall be required to obtain a Conditional Use Permit.

Mineral Extraction

1. Mineral extraction shall only be permitted as a subsidiary use to main use of the site.
2. Locate equipment, storage, and facilities for mineral extraction to avoid visibility from the public street.

Dairy Uses

1. With development applications for an individual site, provide information demonstrating provisions of adequate buffers between proposed development and adjacent existing dairy uses.
2. Existing dairy uses are exempted from the Environmental Performance Standards.

Permitted and Conditionally Permitted Uses

The following table indicates uses which are to be permitted and permitted subject to Conditional Use Permits in the Northeast Industrial area. The land use designations are abbreviated as follows:

LI: Light Industrial
GC: General Commercial

The uses shown in Table 18 as Permitted ("P") are those that are deemed acceptable anywhere in the assigned land use designation. They are uses that, when developed in conformance with this Plan, will not require special conditions in order to avoid negative impacts.

The uses shown as Conditionally Permitted ("C") are of two types. Some of these uses are not acceptable in every location within a land use but are acceptable in certain locations. Other uses may require special conditions to make them acceptable at particular locations, due to their potential negative impacts on existing or planned uses. This may be because of their potential nuisance aspects, such as noise or hazardous wastes.

Where neither a "P" or "C" is shown for a particular land use district, that use is not allowed.

Table 1: Permitted and Conditionally Permitted Land Uses

Land Uses	***LI ●***	***GC***
Agricultural, including dairies	P ◊	P ●, ◊
Accessory uses and structures; not including warehouses located on the same site as a permitted use	P	P
Administrative, executive, research, medical offices	P	P
Call centers	P	P
Accessory uses and structures located on the same site as a conditional use	C	C
Warehousing and distribution facilities	P	
Manufacturing, repair, assembly, or packaging of products from previously prepared materials, such as cloth, plastic, leather, or semi-precious metals or stones, but not including such operations as saw or planing mills, any manufacturing involving primary production of wood, metal, or chemical products from raw materials	P	
Manufacture of food products, pharmaceuticals, biotechnology products and the like, but not including fish or meat products, sauerkraut, vinegar, or the like, or rendering or refining of fats and oils.	P	
Laboratories, including chemical, physical materials testing, electronic, agricultural, photographic film processing, and general research	P	
Electrical industrial apparatus manufacturing, service, and repairs, including motors, generators, welding equipment, electrical transmission and distribution equipment, and turbines and pumps.	P	
Manufacture, repair of optical electronic, timing, and measuring instruments	P	
Dairy products plants	P	
Machine shops	P	
Heating, plumbing, and ventilating equipment manufacturing, servicing, repairs	P	
Refrigerator, furnace, water heater, and other household appliance manufacturing, service and repairs, not incidental to retail sales	P	

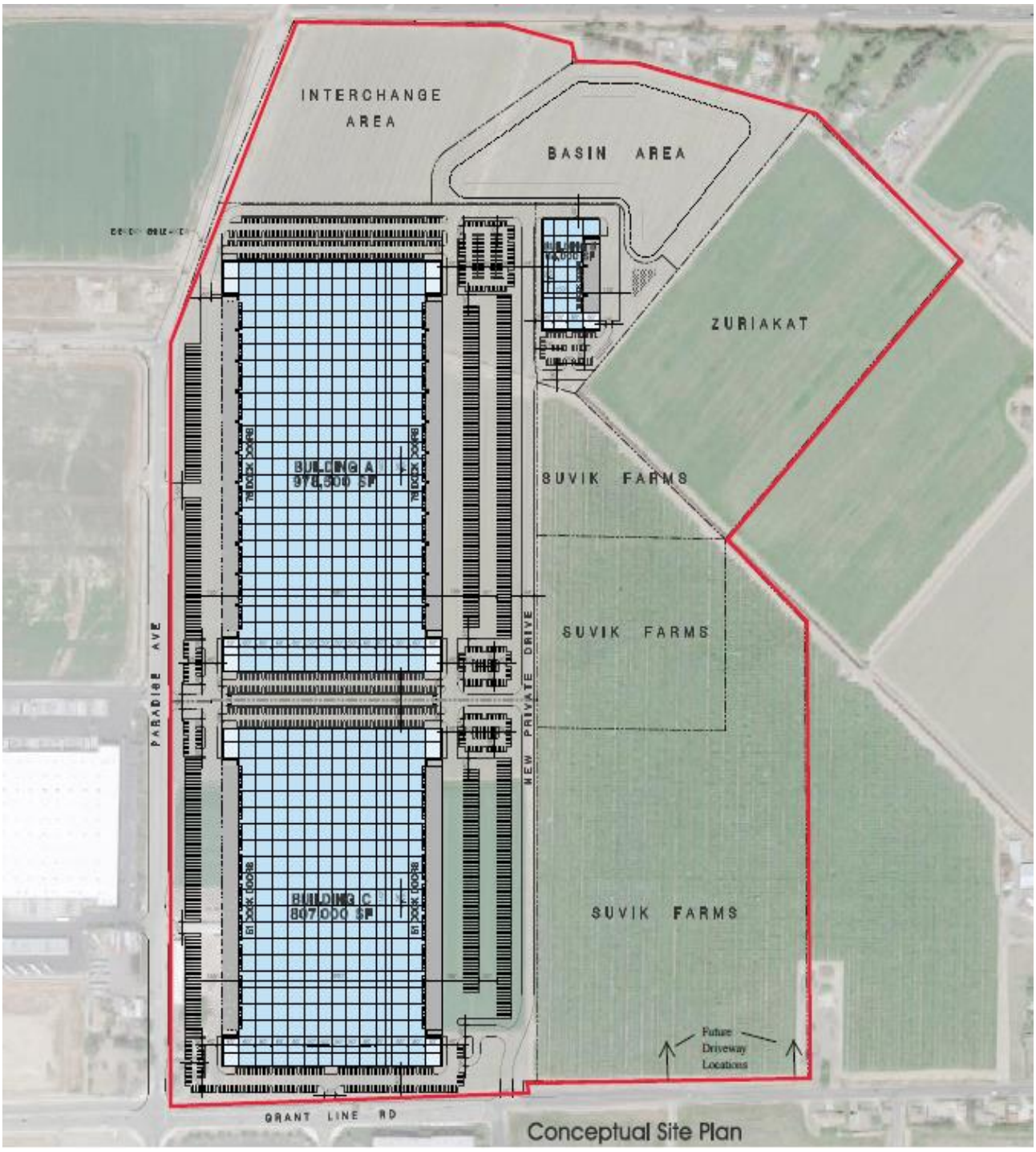
Furniture and cabinet assembling whose activities are carried on entirely within an enclosed building and which have no construction yards on the lot	P	
Parcel delivery service and vehicle storage inside and outside the building	P	
Truck terminals	P	
Mini storage	P	
Equipment storage	P	
Janitorial services and supplies	P	
Printing, including lithographing, engraving, and other such similar reproduction services	P	
Automotive supply stores	C	
Rental yards, including the rental of hand tools, garden tools, power tools, trucks, trailers, and other similar equipment	C	
Building materials sales, lumberyards (outside storage)	C	
Repair, painting, and body work for automotive, motorcycle, and farm machinery	C	
Boat sales, service, repair	C	
Service stations, provided all operations except sales of gas and oil are conducted within an enclosed building. Sales shall be limited to petroleum products and automotive accessories, and retail products typically found in a convenience store.	C	
Wholesale trade business	C	
Intermediate manufacturing uses involving the processing of raw materials, including food and paper processing, wineries, and concrete mixers	C	
Mineral and hydrocarbon extraction	C	
Recycling (collection and sorting)	C	
Outlet stores and centers		P
Warehouse retail, including furniture, office supply, sporting goods, or wholesale merchandising		P
Hardware stores, including garden centers		P
Home improvement and interior decorating stores, including carpet, drapery, floor covering, paint, glass, and wallpaper shops		P
Garden centers, including plant nurseries and retail sales		P
Sporting goods and toy stores		P
Specialty retail stores selling those items and services normally sold in department stores (including clothing, shoes, and accessories)		P
Shoe and clothing repair		P
Food markets, convenience markets		P
Liquor stores		P
Drug stores and prescription pharmacies		P
Restaurants, including fast food		P

Art galleries and artists supply stores		P
Barbershops, beauty shops, and hairstylists		P
Financial institutions, including banks, savings and loan offices, finance companies, credit unions, and related services		P
Refrigerator, furnace, water heater, and other household appliance sales including repair, provided repair services are incidental to retail sales.		P
Laundries and dry cleaners		P
Photocopying and related duplicating services, not including printing, lithographing, engraving, or such similar reproduction services		P
Pet and bird stores with incidental veterinary services		P
Animal Shelters		P
Video stores, sales, and rental		P
Automobile and motorcycle sales and rental, including new and used sales		C
Bars without significant food service		C
Building materials sales (no outside storage)		C
Miniature golf		C
Service stations, provided all operations except sales of gas and oil are conducted within an enclosed building. Sales shall be limited to petroleum products and automotive accessories, and retail products typically found in a convenience store.		C

●: Subject to compliance with the Environmental Performance Standards. Note that as defined by State law, any business using significant quantities of hazardous materials requires a Conditional Use Permit.

◊: Existing dairy operations are exempt from the Environmental Performance Standards.

Attachment C: Overall Site Plan



City of Tracy, California
Notice of Preparation and Notice of Public Scoping Meeting
Tracy Alliance Project

Date: August 28, 2020

To: Public Agencies and Interested Parties

From: Bill Dean, Assistant Development Services Director

Victoria Lombardo, Senior Planner

Subject: **Notice of Preparation of an Environmental Impact Report and Public Scoping Meeting for the Tracy Alliance Project**

The City of Tracy (City) is the Lead Agency and will prepare a Draft Environmental Impact Report (Draft EIR) for the Tracy Alliance Project (proposed project) identified herein.

The City is soliciting comments from public agencies, organizations, and members of the public regarding the scope and content of the Draft EIR, and environmental issues and alternatives to the proposed project to be addressed in the Draft EIR. The City requests that interested parties provide comments on the proposed project's scope and the content of descriptions of significant environmental issues, reasonable alternatives, and mitigation measures to be explored in the Draft EIR. Public agencies may need to use the EIR when considering permitting or other approvals that are relevant to the agencies' statutory responsibilities in connection with the proposed project.

Because of time limits mandated by State law, public agencies must submit any comments in response to this notice at the earliest possible date, but not later than 30 days after receipt of this notice. The City of Tracy will also accept comments from other interested parties regarding this notice during this period.

Public agencies providing comments are requested to include a contact person for the respective agency. Please send written responses to Victoria Lombardo at the address shown below by September 30, 2020.

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Public Scoping Meeting

A public scoping meeting, convened by the City of Tracy Planning Commission, will be held on **September 9, 2020,** starting at **7:00 p.m.** as a Teleconference Meeting, using Webex.

In response to the COVID-19 crisis and Governor's Executive Order N-29-20, this hearing will be conducted utilizing teleconferencing technology. Participants can join the scoping meeting by viewing the City's WebEx Event at https://cityoftracyevents.webex.com and using the following Event

Number: **126 086 2910** and Event Password: **Planning1**; or via phone by dialing (209) 831-6010 during the public comment portion of this item.

At this meeting public agencies, organizations, and members of the public will be able to review the proposed project application materials and provide comments on the scope of the environmental review process.

TRACY ALLIANCE PROJECT

The project site is located on approximately 191 acres at the northeast corner of Grant Line Road and Paradise Road, in unincorporated San Joaquin County, adjacent to the northeastern boundary of the City of Tracy city limits and the Northeast Industrial (NEI) Specific Plan boundary, but within the City's Sphere of Influence (SOI) (Exhibits 1 and 2). The unincorporated community of Banta lies southeast of the project site. The proposed project is on the United States Geological Survey (USGS) *Union Island* 7.5-minute topographic quadrangle Section 22, 23, and 24 (and El Pescadero Land Grant), Township 2 South, Range 5 East (Assessor's Parcel Numbers [APNs] 213-170-14, -24, -25, -26, -27, and -48).

1.1 - Overview

The Tracy Alliance Group, Suvik Farms, LLC., and Zuriakat (co-applicants) are proposing the Tracy Alliance Project (proposed project), which consists of the development of up to 3,352,320 square feet of warehouse development on approximately 191 acres comprising six parcels. The six parcels consist of two Tracy Alliance parcels (totaling 122.44 acres), three Suvik Farms, LLC., parcels (totaling 46.61 acres), and one Zuriakat parcel (22.17 acres).

The project site is within unincorporated San Joaquin County adjacent to the City of Tracy's northeastern city limits and adjacent to the City of Tracy NEI Specific Plan area. The proposed project would require approval of annexation into the City of Tracy, pre-zoning, an amendment to the NEI Specific Plan, and a Tentative Parcel Maps or Lot Line Adjustment to create final development lots.

Development on the two Tracy Alliance parcels, as proposed by co-applicant, Tracy Alliance Group, would consist of 1,849,500 square feet of warehouse space located in three buildings, as well as a stormwater detention basin with a pump station (that would be City-owned and managed). Approximately 13.36 acres of the Tracy Alliance land would be reserved to accommodate a portion of a planned interchange at Paradise Road and Interstate 205 (I-205). The future design of the interchange would undergo a separate environmental review process pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) once funding is programmed and available.

Development plans for the Suvik Farms, LLC., parcels (identified as Suvik Farms parcels) and the Zuriakat parcel are not specified at this time. For the purposes of analysis in the Draft Environmental Impact Report (Draft EIR), buildout of these parcels is estimated to consist of 1,502,820 square feet of warehouse development, consistent with the maximum allowable density per acre identified in the NEI Specific Plan.

The proposed project also includes demolition of existing residential and agricultural buildings, removal of existing trees and crops, road improvements, and grading of approximately 500,000 cubic yards, which would be balanced on-site. Of the 500,000 cubic yards of material graded, approximately 300,000 cubic yards would occur on the Tracy Alliance parcels, approximately 150,000 cubic yards would occur in development of the Suvik Farms parcels, and approximately 50,000 cubic yards would occur in development of the Zuriakat parcel.

1.1.1 - Surrounding Land Uses

The area surrounding the project site has both an agricultural and industrial character. Land uses north of the project site consist of single-family homes north of California Avenue; there is a cell tower just east of the terminus of California Avenue. A vehicle dealership and agricultural lands are also to the north (north of I-205). East of the project site is agricultural land with associated single-family homes and agricultural structures and outbuildings. Neighboring properties south and west of the project site consist of agricultural lands and industrial warehouses, which are part of the NEI Specific Plan area, with vacant lots interspersed among the agricultural and industrial lands to the west.

Existing Conditions

The project site consists of six parcels, as shown in Exhibit 3 and listed in Table 1.

Table 1: Existing Parcels

Assessor's Parcel Number	Parcel Naming Convention	Address	Ownership/Applicant	Acreage
213-170-14	Zuriakat Parcel	6050 California Avenue	Zuriakat/ Not Applicable	22.17
213-170-24 213-170-25 213-170-26	Suvik Farms Parcels	6103 Grant Line Road 6281 Grant Line Road 6301 Grant Line Road	Suvik Farms/Souza Realty & Development	31.67 11.70 3.24
213-170-27 213-170-48	Tracy Alliance Parcels	6599 Grant Line Road Grant Line Road (no street number)	Tracy Alliance /Tracy Alliance Group Pacific T & T Company/Tracy Alliance Group	122.39 0.05
			Total	**191.22**
Source: San Joaquin County. no date. Assessor's Map. Book 213. Page 17.				

The project site is relatively flat and low in elevation (15-30 feet above mean sea level) with a gentle topographic slope in the north-northeast direction.[1,2] There are two existing residences (one occupied and one vacant) and nine agricultural structures on-site in the southwest corner of the Tracy Alliance parcels. The Suvik and Zuriakat parcels do not contain any structures, only row crops. Approximately 118-acres of the Tracy Alliance parcels are currently used for row crop production, including alfalfa, winter wheat, and almonds, with a small cattail marsh in a drainage ditch along the southern side of California Avenue.

Several private dirt roads provide access within the project site; irrigation/ drainage canals run along several of these roads. There is also a paved irrigation/drainage canal between the Tracy Alliance parcels and Zuriakat parcel. In addition, there are streetlights and power and telecommunication lines in various locations surrounding the project site.

[1] Terracon Consultants, Inc. 2018. Phase I Environmental Site Assessment: Tracy Ridge. December 21.
[2] Environmental Assessment Specialists, Inc. 2020. Phase I Environmental Site Assessment: Suvik and Zuriakat Properties, page 5.

The site provides suitable foraging habitat with potential to support birds of prey, including Swainson's hawk. Northern portions of the site are within a 100-year floodplain as designated by the Federal Emergency Management Agency (FEMA).[3] The project site consists of mostly Prime Farmland as mapped by the California Department of Conservation Farmland Mapping and Monitoring Program. Prime Farmland has the best combination of features able to sustain long-term agricultural production with sustained high yields.[4] The Suvik Farm parcels are bound by a Williamson Act contract.[5] The contract is set to expire in 2026. Should development of the Suvik parcels be pursued prior to the Williamson Act contract expiration date, the Suvik landowner will be required to petition the City Council for cancellation.

The Tracy Municipal Airport is approximately 5.82 miles southwest of the project site; the site is not within the Airport Influence Area. The Altamont Corridor Express (ACE) runs trains east from Stockton to San Jose in the morning and back west in the evening; the Tracy Station is located 5.05 miles southwest of the project site. The closest bus stop to the project site is 1.59 miles west at the Shops at Northgate Village. The stop is served by the City of Tracy TRACER bus service Route E, connecting to the Tracy Transit Station, and San Joaquin Regional Transit District bus routes 90 and 97, connecting to Lathrop and Stockton.[6,7,8]

Land Use Designations

The San Joaquin County General Plan (County General Plan) designates the site Agriculture-Urban Reserve (A/UR) (Exhibit 4) which allows for agricultural uses, farm-related residential use, and open space and parks.[9] The A/UR designation reserves areas for urban development if the area is designated for urban development in a city's general plan, and the County determines the area is a reasonable future expansion for the city.

The City of Tracy General Plan (General Plan) designates the project site Industrial (I) (Exhibit 5). Primary land uses allowed under this designation consist of flex/office space, manufacturing, warehousing and distribution, and ancillary uses for workers' needs (e.g. restaurants, parks, consumers services, etc.). The maximum floor area ratio (FAR) is 0.5.[10]

Zoning

The site is located within the General Agriculture Zoning District with a minimum parcel size of 40 acres (AG-40) on the County's Zoning Map (Exhibit 4). The AG zoning preserves agricultural lands for

[3] Federal Emergency Management Agency. 2019. National Flood Hazard Layer FIRMette. April 6. Website: https://msc.fema.gov/portal/search?AddressQuery=6281%20Grant%20Line%20Road%20Tracy%2C%20CA#searchresultsanchor. Accessed April 6, 2020

[4] California Department of Conservation, Division of Land Resource Protection. 2018. San Joaquin County Important Farmland 2016. May.

[5] The Williamson Act enables local governments to enter contracts with private landowners to restrict specific parcels to agricultural or related open space use. In return, landowners receive lower property tax assessments.

[6] City of Tracy. 2019. TRACER Route Map. October.

[7] San Joaquin Regional Transit District. 2014. Route 90 Map. August 10.

[8] San Joaquin Regional Transit District. 2013. Route 97 Map. August 11.

[9] Mintier Harnish Planning Consultants (prepared for San Joaquin County). 2016. San Joaquin County General Plan: Policy Document. December.

[10] Design, Community & Environment (prepared for the City of Tracy). 2011. City of Tracy General Plan. February 1.

continuation of commercial agricultural enterprises.[11] The project site is not within city limits, accordingly, the City of Tracy does not currently provide a zoning designation for the project site; the applicant has requested pre-zoning to a designation of NEI Specific Plan (and annexation into the boundaries of the NEI Specific Plan) as part of the application for development.

Project Description

1.1.2 - Land Uses

The proposed project includes demolition of 11 existing residential and agricultural structures on 4 acres located at the southwestern corner of the Tracy Alliance parcels, removal of all crops, and construction of the following primary components:

- Multiple warehouse buildings totaling up to 3,352,320 square feet that support industrial uses and associated offices;
- A 13.01-acre City-owned and managed stormwater detention basin with pump station;
- Approximately 110,000 square feet of landscaped areas associated with the site plan for the Tracy Alliance parcels; and
- Approximately 948 automobile parking spaces and approximately 572 trailer parking spaces provided within the site plan for the Tracy Alliance parcels.

Although development plans for the Suvik and Zuriakat parcels are not specified, these properties will be required to meet the minimum standards for landscaping and parking when a specific Site Plan is processed for those parcels. Based on the site acreage, the City has estimated the theoretical maximum square footage for development and has identified a minimum number of required parking spaces for the based on City code requirements.

The proposed site plan for all parcels is shown on Exhibit 6a and Exhibit 6b depicts a detailed site plan for the Tracy Alliance parcels. Table 2 summarizes locations and square footage for each project component.

[11] San Joaquin County. 2001. Ordinance Code of San Joaquin County. Section 9-600.1.

Table 2: Proposed Development Summary

Tracy Alliance Parcels (APN 213-170-27, -48)				
Land Use (NEI Specific Plan)		**Area (square feet)**	**Total gross square feet**	**Total acres**
Light Industrial (LI)				
Building A	Warehouse	948,500	**978,500**	**22.46**
	Office	30,000		
Building B	Warehouse	62,000	**64,000**	**1.47**
	Office	2,000		
Building C	Warehouse	782,000	**807,000**	**18.52**
	Office	25,000		
	Total	**1,849,500**	**-**	
Basin Area		-	-	**13.01**
			Total	**55.46**
Suvik Farms Parcels (APNs 213-170-24, -25, -26)				
Land Use (NEI Specific Plan)		**Maximum Building (gross square feet)[1]**		
Light Industrial (LI)		1,023,660		
Zuriakat Parcel (APN 213-170-14)				
Land Use (NEI Specific Plan)		**Maximum Building (gross square feet)[2]**		
Light Industrial (LI)		479,160		
Total Maximum Building Gross Square Footage = 3,352,320				

Notes:
[1] The maximum building square footage is calculated from the maximum allowable FAR (50 percent) as set forth in the NEI Specific Plan. The total land area is approximately 2,047,320 square feet (47 acres).
[2] The maximum building square footage is calculated from the maximum allowable FAR (50 percent) as set forth in the NEI Specific Plan. The total land area is approximately 958,320 square feet (22 acres).
Source: Tracy Alliance Group. 2020.

Light Industrial

The buildings would support warehouse and office uses. Based on the proposed uses described below, it is expected that approximately 1,871 employees would work on-site.[12]

Warehouse

Multiple warehouse buildings are proposed, totaling up to 3,352,320 square feet. Three warehouse buildings are proposed on the Tracy Alliance parcels, totaling 1,849,500 square feet. The number of buildings to be constructed on the Suvik Farms parcels and Zuriakat parcel is not specified at this time. For purposes of analysis in the Draft EIR, it is assumed that buildout on the Suvik Farms parcels

[12] Conversation between Victoria Lombardo, Senior Planner and with Barbara Harb, Economic Development Analyst, City of Tracy in May 2020. Employment data collected by conversations with business owners for various industrial businesses, including warehousing, manufacturing, and employee-intensive (Amazon) warehousing, and existing building square footage data, averaged.

and Zuriakat parcel would be to the maximum allowable FAR of 0.5, which provides the most conservative impact estimates. Although future occupants are unknown at this time, the buildings would be utilized for light industrial uses as defined by the NEI Specific Plan, which is most commonly warehouse and distribution operations with low employee densities. Using the maximum FAR allowed, and accounting for setbacks, parking, access, circulation, and landscaping requirements, the Suvik Farms parcels could support up to 1,023,660 square feet, while the Zuriakat parcel could support up to 479,160 square feet.

Office

Office use is permitted within the Light Industrial (LI) designation under the NEI Specific Plan. Each warehouse would include office space for the purpose of facilitating and administering operations of each building and their company occupants. It is assumed that the buildings on the Suvik Farms and Zuriakat parcels would also include office space.

Parking

Parking would be provided pursuant to parking requirements of Tracy Municipal Code Chapter 10.08 Article 26. The required automobile and bicycle parking per parcel are shown in Table 3.

Table 3: Required Parking

Tracy Alliance Parcels (APN 213-170-27, -48)				
Site Area	**Building A**	**Building B**	**Building C**	**Total**
AUTO PARKING REQUIRED	377	44	316	**737**
AUTO PARKING PROVIDED	470	57	421	**948**
TRAILER PARKING PROVIDED	319	0	253	**572**
MINIMUM BICYCLE PARKING REQUIRED	19[1]	3[1]	16[1]	**38**
Suvik Farms Parcels (APNs 213-170-24, -25, -26)				
AUTO PARKING REQUIRED	276			
MINIMUM BICYCLE PARKING REQUIRED	14[1]			
Zuriakat Parcel (APN 213-170-14)				
MINIMUM AUTO PARKING TO BE REQUIRED	140			
MINIMUM BICYCLE PARKING REQUIRED	7[1]			
TOTAL AUTO PARKING REQUIRED = 1,153		***TOTAL AUTO PARKING PROVIDED = 1,364***		***TOTAL BICYCLE PARKING REQUIRED = 59[1]***

Notes: 1. Number of spaces is rounded up.
Source: Tracy Alliance Group, 2020.

There will be trailer parking provided on the Suvik Farms and Zuriakat parcels, but the count and location of these spaces is not known at this time.

1.1.3 - Proposed Land Use Designation and Zoning

Land Use Designation

General Plan

As described above and shown on Exhibit 5, the City of Tracy General Plan designates the site Industrial. The project site would be annexed into the City of Tracy (as shown in Exhibit 7a) and the current San Joaquin County General Plan designation (A/UR) would no longer apply to the site. Because the proposed project is already designated Industrial by the City of Tracy General Plan, no land use redesignation would be required. Primary land uses allowed under this designation consist of flex/office space, manufacturing, warehousing and distribution, and ancillary uses for workers' needs (e.g. restaurants, parks, consumers services, etc.). The maximum FAR is 0.5.[13]

Northeast Industrial Specific Plan

The project site would be annexed into the NEI Specific Plan area, and the NEI Specific Plan would be amended to designate the site LI. Primary land uses allowed within this designation include warehouse and distribution operations with low employee densities. The LI designation also allows for general commercial uses such as automotive supply or plumbing stores.[14] The proposed NEI Specific Plan land use designation is shown in Exhibit 7b.

Zoning

The project site is currently zoned General Agriculture with a minimum parcel size of 40 acres (AG-40) by the Ordinance Code of San Joaquin County. The San Joaquin County Local Agency Formation Commission (LAFCo) will require the City to pre-zone the site in conjunction with the proposed annexation. The project site would be pre-zoned NEI Specific Plan, which would take effect upon annexation into the City. Allowable uses within this zoning district are governed by the NEI Specific Plan and light industrial uses, as described in the NEI Specific Plan, would be allowed.[15] The proposed zoning is shown in Exhibit 7c.

1.1.4 - Circulation and Access

Vehicle

Primary vehicle access to the project site would be provided from four access points on Grant Line Road and four access points on Paradise Road; the northerly access point along Paradise Road would be for Emergency Vehicle Access (EVA) only. Once the future I-205 Interchange at Paradise Road is complete, the two northmost access points along Paradise Road (including the EVA) would be slightly modified to accommodate the interchange. A second EVA may be added along California Avenue to provide emergency access to the Zuriakat parcel. The decision to include or not include this EVA would occur during site plan review for any future development on the Zuriakat parcel.

A new signalized intersection on Grant Line Road would provide access to a New Private Drive that would facilitate on-site circulation for the warehouses on the Tracy Alliance parcels as well as access to the Suvik Farms and Zuriakat parcels as shown in Exhibit 6a. The New Private Drive, located along

[13] Design, Community & Environment (prepared for the City of Tracy). 2011. City of Tracy General Plan. February 1.
[14] City of Tracy. 2012. Northeast Industrial Specific Plan. Pages 10-11. July 17.
[15] City of Tracy. 2016. Tracy Municipal Code Section 10.08.3022 – Northeast Industrial Specific Plan. October 18.

the Tracy Alliance parcels' eastern boundary, would also provide access to the detention basin area. Since no site plan is being processed on the Suvik Farms and Zuriakat parcels, the exact location(s) of access points from the New Private Drive to the Suvik and Zuriakat parcels have not been identified at this time.

Future Interchange

The City of Tracy Transportation Master Plan includes improvements to Chrisman Road, which are planned as part of improvements to the City's expressway system, as well as a future I-205/Paradise/Chrisman interchange. The schedule for implementation of the improvements is not known as this time. The proposed project would set aside 13.36 acres in the northwest corner of the project site, which would be sufficient to accommodate the future interchange. The proposed project includes annexation of this land into the city, but does not include any design, analysis, or construction of the future interchange. Therefore, the Draft EIR includes an evaluation of potential impacts of annexing the future interchange area into the City but does not include evaluation of any future construction.

Future design of the interchange would undergo a separate environmental review process pursuant to CEQA and NEPA once funding is programmed and available.

1.1.5 - Design, Landscaping, and Lighting

The NEI Specific Plan includes design guidelines and development standards that regulate site planning and architecture within the NEI Specific Plan area. Specific design details are not known at this time, but the proposed project would be required to conform to the design guidelines set forth in the NEI Specific Plan, subject to review and approval by the City's Development Services Director.

Building Design and Height

The NEI Specific Plan requires that attention be given to parts of any buildings visible from adjacent roadways or public parking. Large buildings should have facades that include variations in massing, form, and texture. Continuous surface treatments of a single material should be minimized. Architecture should be used to highlight building entries. Any accessory buildings and enclosures, whether attached or detached from the main building, shall be of similar compatible design and materials.[16]

The maximum height for LI uses under the NEI Specific Plan is 60 feet. Buildings would not exceed this height.

Landscaping

Within parking areas on-site, landscaping would conform to the requirements for Off-Street Parking established by Municipal Code Chapter 10.08, Article 26, except where modified by the NEI Specific Plan. Landscaping requirements as set forth in the NEI Specific Plan are summarized in Table 4. Table 4 assumes parking lot landscaping would be decreased by 50 percent, and that a corresponding increase in perimeter landscaping of 50 percent would be provided to compensate, as allowed in the

[16] City of Tracy. 2012. Northeast Industrial Specific Plan. Page 32. July 17.

Municipal Code.[17] These requirements include designing landscapes as extensions of adjacent public right-of-way landscaping as applicable and completing on-site landscaping simultaneous to completion of buildings and other improvements. Additionally, landscaping shall not obstruct sight lines at street or driveway intersections, and parking areas and project frontages shall be screened from public rights-of-way.[18] Additional landscaping guidelines are available in the NEI Specific Plan.

Table 4: Summary of City Landscaping Requirements

Landscaping Requirement	Industrial Use
Landscaped frontage setback	10 feet
Minimum number of trees in parking area	1 tree per 5 spaces
Percentage of landscaping in parking areas for over: 0-15 cars 16-30 cars 31-60 cars Over 60 cars	 5 percent 5 percent 7.5 percent 10 percent
Source: City of Tracy. 2012. Northeast Industrial Specific Plan. July 17.	

Lighting and Signage

Light fixtures would meet all safety standards pursuant to the latest adopted edition of the California Building Code and would be installed throughout the length of the New Private Drive pursuant to the Municipal Code. The NEI Specific Plan recommends that one lighting fixture style be used on all streets. Where possible, light standards would be located in roadway medians.[19]

Signage would be required to conform to the requirements of Municipal Code Chapter 10.08, Article 35, except as modified by the NEI Specific Plan. A site sign program would be prepared and integrated into the total design concept for the proposed project, and all signs would be approved prior to installation. Project signage may be illuminated provided that no flashing, traveling, animated, or intermittent illumination would be used. Such illumination would be confined to the area of the sign except when such illumination is back lighting for an otherwise non-illuminated sign. No sign illumination would cast a glare which is visible from any street.

1.1.6 - Infrastructure Improvements

Domestic Water

The City's Public Works Department would supply potable water to the project. In the City's 2012 Water System Master Plan, 12-inch water lines were proposed for continuation north on Paradise Road until West Arbor Avenue, and within the project site along the perimeter of the Suvik Farms parcels.[20]

[17] City of Tracy. 2019. Tracy Municipal Code Section 10.08.3560(g).
[18] City of Tracy. 2012. Northeast Industrial Specific Plan. Pages 33 and 34. July 17.
[19] City of Tracy. 2012. Northeast Industrial Specific Plan. Page 24. July 17.
[20] West Yost Associates. 2012. City of Tracy Citywide Water System Master Plan, Figure 8-2 on Page 8-25. December.

The 12-inch water line in Paradise Road has been extended as planned; planned water lines that would traverse through the project site have not yet been installed**.**

The project proposes to install 10-inch lines to accommodate the level of development proposed on the Tracy Alliance parcels. These lines would connect to the buildings on the Tracy Alliance parcels at several locations (as shown in Exhibit 8). Several fire hydrants would be installed surrounding the buildings on the Tracy Alliance parcels and would connect to the 10-inch water lines. Since no site plan is being processed for either the Suvik Farms or Zuriakat parcels at this time, the location and sizing of water lines will be identified and reviewed by the City as part of subsequent engineering plans when development applications are submitted for these parcels.

Stormwater Drainage

The project site drains generally toward the northeast and has its own sub-basin (E65) within the Eastside Industrial future service area, one of the future development areas where the City anticipates new development. There are no existing stormwater drainage facilities near the project site.[21]

The proposed project includes construction of a stormwater detention basin on-site as identified in the City of Tracy Citywide Storm Drainage Master Plan.[22] The proposed 13.01-acre stormwater detention basin with a pump station would be located along the northeast site boundary. Following its construction, the basin would be dedicated to and managed by the City. Construction of this stormwater detention basin would also support future development within the Eastside Industrial service area and the applicant would be awarded a fee credit against the stormwater impact fee required for the project.

The proposed project would construct a 12-inch forced main storm drain line along the corner of I-205 east and Paradise Road (see Exhibits 8, 9a, and 9b) to connect the proposed on-site detention basin to the City's NEI detention basin adjacent to the western boundary of the project site. Project discharge into the on-site detention basin would be held until the NEI detention basin is drained enough to accept inflow; all stormwater would eventually discharge into the Eastside Channel.

Bio-retention treatment areas would intermittently surround the buildings on the Tracy Alliance parcels and be interspersed throughout the parking lots (Exhibit 9b). On-site storm drain lines within the Tracy Alliance parcels would be 12 inches and would connect bio-retention treatment areas to the proposed on-site detention basin.

Should the NEI detention basin not be finished by the time the proposed project is operational and not able to accommodate flow from the proposed project, the applicant would work with the City to modify the proposed on-site detention basin to ensure stormwater drainage for the project site would be sufficient.

Since no site plans are being processed for the Suvik Farms or Zuriakat parcels at this time, the exact location and sizing of on-site stormwater drainage facilities and how they connect to the on-site

[21] Stantec. 2012. City of Tracy Citywide Storm Drainage Master Plan. November.
[22] Stantec. 2012. City of Tracy Citywide Storm Drainage Master Plan. Figure 5-1a. November.

stormwater detention basin will be identified and reviewed as part of subsequent engineering plans when development applications are submitted for these parcels.

Sanitary Sewer

The proposed project is anticipated to include connections to the existing City sanitary sewer system operated by the Public Works Department via the existing wastewater line beneath Paradise Road (see Exhibit 8).[23] An existing 15-inch sanitary sewer line is located within the Paradise Road right-of-way and an existing 10-inch sanitary sewer line is located within Grant Line Road and have sufficient capacity to accommodate the development as proposed. The development of the Tracy Alliance parcels would be served as follows:

- **Building A:** would be served via two proposed 8-inch sanitary sewer lines that would each connect to the existing 15-inch sanitary sewer line in Paradise Road.
- **Building B:** would be served by a proposed 6-inch sanitary sewer line that would traverse the northern side of Building A, connecting to the existing 15-inch sanitary sewer line in Paradise Road.
- **Building C:** would be served by two sanitary sewer lines: (1) a proposed 6-inch sanitary sewer line that would connect to an existing 10-inch sanitary sewer line in Grant Line Road, and (2) a proposed 8-inch sanitary sewer line that would connect to the existing 15-inch sanitary sewer line in Paradise Road.

Since no site plans are being processed for the Suvik Farms and Zuriakat parcels, the exact location and sizing of an on-site sanitary sewer system will be identified and reviewed by the City of Tracy as part of subsequent engineering plans when development applications are submitted for these parcels.

Solid Waste and Recycling Collection

The City Public Works Department provides solid waste and recycling services for areas within city limits and certain surrounding County areas. The Public Works Department has a partnership with Tracy Disposal Service Company to provide residential and commercial solid waste collection and disposal, including recycling and organics services.[24,25] Garbage is collected once a week, and recycling and yard waste are collected on alternating weeks.[26]

Solid waste generated by the proposed project would be accommodated at the Tracy Material Recovery Facility & Solid Waste Transfer (MRF), and then hauled to the Foothill Sanitary Landfill on North Waverly Road east of Tracy. On a designated day, Tracy Disposal Service Company collects and transports solid waste to the MRF.

[23] De Novo Planning Group. 2019. Tracy Municipal Services Review. July.
[24] City of Tracy. 2020. Recycling & Solid Waste. Website: https://www.ci.tracy.ca.us/?navId=688. Accessed April 9, 2020.
[25] Tracy Delta Solid Waste Management, Inc. Website: https://www.tdswm.com/. Accessed April 9, 2020.
[26] City of Tracy. 2020. Garbage & Recycling Schedule. Website: https://www.ci.tracy.ca.us/?navId=700. Accessed April 16, 2020.

Power and Telecommunications

Electricity and natural gas services for the proposed project would be provided by Pacific Gas and Electric Company (PG&E). There is a natural gas pipeline under Grant Line Road (the southern project site boundary), as well as an electric transmission line above ground.[27,28]

Phone and internet services could be provided by various private companies, including AT&T, Xfinity, Comcast, and Verizon.

1.1.7 - Discretionary and Ministerial Actions

Discretionary approvals and permits are required by the City for implementation of the proposed project. The project application would require the following discretionary approvals and actions:

- EIR certification;
- Annexation and Prezoning; final approval action for annexation would be required by San Joaquin Local Agency Formation Commission;
- Northeast Industrial Specific Plan Amendment;
- Development review permit;
- Tentative Parcel Maps or Lot Line Adjustment as needed to create final development lots; and
- Cancellation of the Williamson Act contract on the Suvik Farms parcels (if required).

Subsequent ministerial actions would be required for implementation of the proposed project, including issuance of demolition, grading, and building permits.

1.1.8 - Responsible and Trustee Agencies

Several other agencies in addition to the City of Tracy will serve as Responsible and Trustee Agencies, pursuant to CEQA Guidelines Section 15381 and Section 15386, respectively. The Draft EIR will provide environmental information to these agencies and other public agencies, which may be required to grant approvals or coordinate with other agencies, as part of project implementation. These agencies may include, but are not limited to, the following:

- United States Army Corps of Engineers
- United States Fish and Wildlife Service
- California Department of Fish and Wildlife
- California Department of Transportation (Caltrans)
- California Public Utilities Commission
- Central Valley Regional Water Quality Control Board (Central Valley RWQCB)
- County of San Joaquin
- San Joaquin Local Agency Formation Commission (San Joaquin LAFCo)

[27] Pacific Gas and Electric Company (PG&E). 2020. Gas Transmission Pipelines. Website: https://www.pge.com/en_US/safety/how-the-system-works/natural-gas-system-overview/gas-transmission-pipeline/gas-transmission-pipelines.page. Accessed April 9, 2020.

[28] California Energy Commission. California Electric Infrastructure App. Website: https://cecgis-caenergy.opendata.arcgis.com/app/ad8323410d9b47c1b1a9f751d62fe495. Accessed April 9, 2020.

- San Joaquin County Airport Land Use Commission
- San Joaquin Valley Air Pollution Control District (Valley Air District)

Actions that are necessary to implement the project that must be taken by other agencies are:

- Annexation, with Prezoning, of the Project into the City of Tracy (San Joaquin LAFCo)
- Detachment from Tracy Rural Fire District (San Joaquin LAFCo)
- Coverage under General Construction Stormwater Permit (California State Water Resources Control Board/Central Valley RWQCB)
- Approval of Indirect Source Review (Valley Air District)

Issuance of Encroachment Permits for roadway, trail, or utility improvements within facilities under the jurisdiction of Caltrans or the County of San Joaquin may also be necessary.

Environmental Review

1.1.9 - Potential Environmental Effects

The Draft EIR will evaluate potentially significant environmental impacts associated with the approval and implementation of the proposed project. Consistent with the CEQA Guidelines (Appendix G), the following environmental resource categories will be analyzed in relation to the Project:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Public Services
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

- **Aesthetics—**The Draft EIR will include an evaluation of aesthetic impacts related to the conversion of the site from agricultural to industrial uses.
- **Agriculture and Forestry Resources—**There are three active Williamson Act contract parcels within the project site. The Draft EIR will include an evaluation of converting the project site from active agriculture to industrial uses.
- **Air Quality—**The Draft EIR will include an evaluation of construction-period toxic air contaminants to assess potential construction health risks for area employees. The Draft EIR will also include an evaluation of operational air quality effects.
- **Biological Resources—**There is potential for special-status species on the project site including song sparrow, tricolored blackbird, burrowing owl, San Joaquin kit fox, Swainson's hawk, and

roosting bats. The site contains aquatic features, potentially qualifying as jurisdictional waters of the United States and/or waters of the State. The Draft EIR will include analysis of potential impacts on relevant special-status species and sensitive habitats, including a project specific Biological Resources Assessment.

- **Cultural and Resources—**The Draft EIR will include a summary of a Phase I Cultural Resources Assessment to confirm whether the implementation of the project would result in impacts to cultural resources. The Draft EIR will include mitigation, where needed, to reduce potential impacts.
- **Energy—**The Draft EIR will include an evaluation of energy use to assess consistency with the City's Sustainability Action Plan.
- **Geology and Soils—**The project site is not located within in an Alquist-Priolo Earthquake Fault Zone. However, the applicant-prepared geotechnical report includes several recommendations. The Draft EIR will include an evaluation of site soils and geology and recommendations from the geotechnical report will be included as mitigation measures.
- **Greenhouse Gas Emissions—**The Draft EIR will include an evaluation of construction-period greenhouse gas emissions to assess consistency with the City's Sustainability Action Plan. The Draft EIR will also include an evaluation of operational-period emissions to assess compliance with Valley Air District thresholds.
- **Hazards and Hazardous Materials**—The Draft EIR will identify impacts and mitigation for hazards and hazardous materials. The Draft EIR will summarize the applicant-prepared Phase I and Phase II ESAs for the Tracy Alliance parcels as well as the Phase I for the Suvik Farms and Zuriakat parcels and include recommendations provided in those reports. Emergency response and evacuation impacts will be reviewed, including the proposed emergency vehicle access road off Paradise Road.
- **Hydrology and Water Quality—**The proposed project would involve grading and creation of new impervious surfaces that have potential to create runoff. The Draft EIR will include an evaluation of increased development and impervious surfaces on water quality, stormwater drainage, and other hydrology issues. The Draft EIR will also include an evaluation of constructing and dedicating a new on-site detention basin to the City.
- **Land Use and Planning—**As previously described, the proposed project would include annexation of land into the City and a NEI Specific Plan amendment. Conformity with City policies will be evaluated as part of the analysis.
- **Noise—**The Draft EIR will include an evaluation of construction-period noise based on the estimated equipment list and duration of construction activities. Operational traffic noise impacts will also be evaluated.
- **Public Services—**The proposed project would include development of new warehouse and office buildings that would increase demand for public services, including police and fire services. The Draft EIR will include an evaluation of public service impacts related to the new industrial operations.

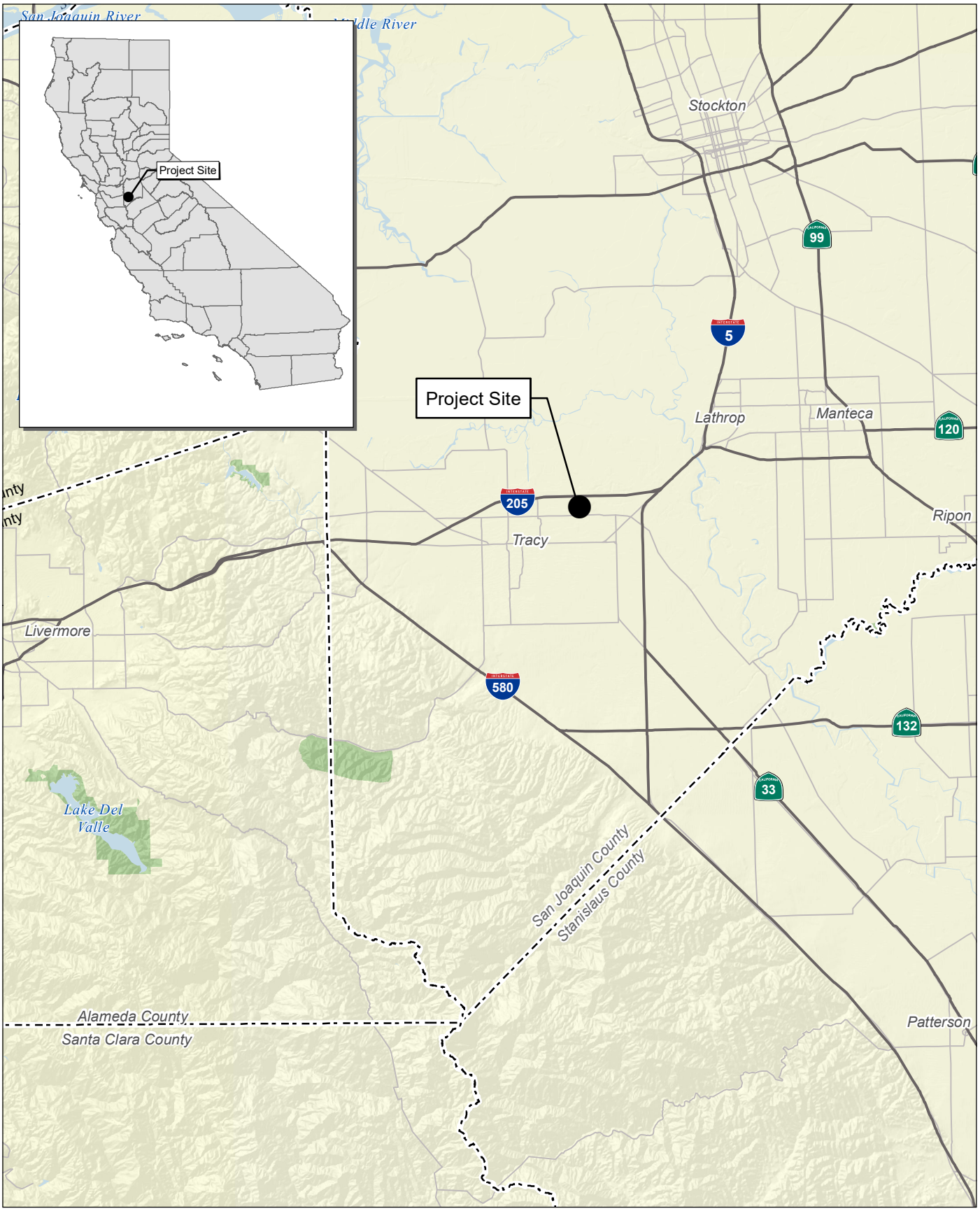
- **Transportation—**The CEQA analysis will include a comprehensive traffic analysis that considers aspects such as roadway design and safety, effects on increased traffic volumes on Grant Line Road and Paradise Road as well as other roadways, and analysis of proposed improvements. A vehicle miles traveled analysis will also be provided.
- **Tribal Cultural Resources—**The Draft EIR will include analysis of tribal cultural resources and a summary of tribal coordination to confirm whether the proposed project would potentially affect any resources of importance to local tribes.
- **Utilities and Service Systems—**The proposed project would require extension of public water and wastewater systems on-site. The Draft EIR will evaluate potential impacts associated with construction of the proposed utility extensions, as well as operational components of the City water supply, stormwater, wastewater, solid waste collection systems, and private power and telecommunications provision.
- **Wildfire—**The Draft EIR will include an evaluation of wildfire risk in the City and identify impacts, if any, associated with implementation of the proposed project, including mitigation, if required.

It is anticipated that the following environmental topics will not require detailed analysis, and instead will be addressed under an Effects Found not to be Significant chapter of the Draft EIR:

- **Mineral Resources—**There are no known mineral resources located on or adjacent to the project site. As such, the proposed project would not result in significant effects related to mineral resources.
- **Population and Housing—**The proposed project would require removal of one occupied residential structure and prezoning of agricultural land. Although the project would displace the existing occupied residence and associated structures, the proposed project would not necessitate construction of replacement housing elsewhere not already anticipated by the City.

  It is expected that employees from the local labor force would be the primary source for workers, however, the possibility exists for individuals to relocate to the City to work at the proposed warehouses. Based on the light industrial nature of the proposed project, it is expected that approximately 1,871 employees would work on-site. Because the population of the City is currently estimated at 95,931, the total number of employees that may work at the project site represents approximately 2 percent of the current population of the City. Therefore, proposed project implementation would not displace any individuals or significantly increase population, and less than significant impacts related to population and housing would occur.

- **Recreation–**Because the proposed project is not located within or adjacent to any designated natural or open space areas and would not significantly increase City population, the project would not impact park usage. Furthermore, because the proposed project is not expected to result in a significant increase in population, the ratio of parks to residents would be unchanged by the project. As such, the proposed project would not result in significant effects related to recreation.



Source: Census 2000 Data, The CaSIL, FCS GIS 2016.

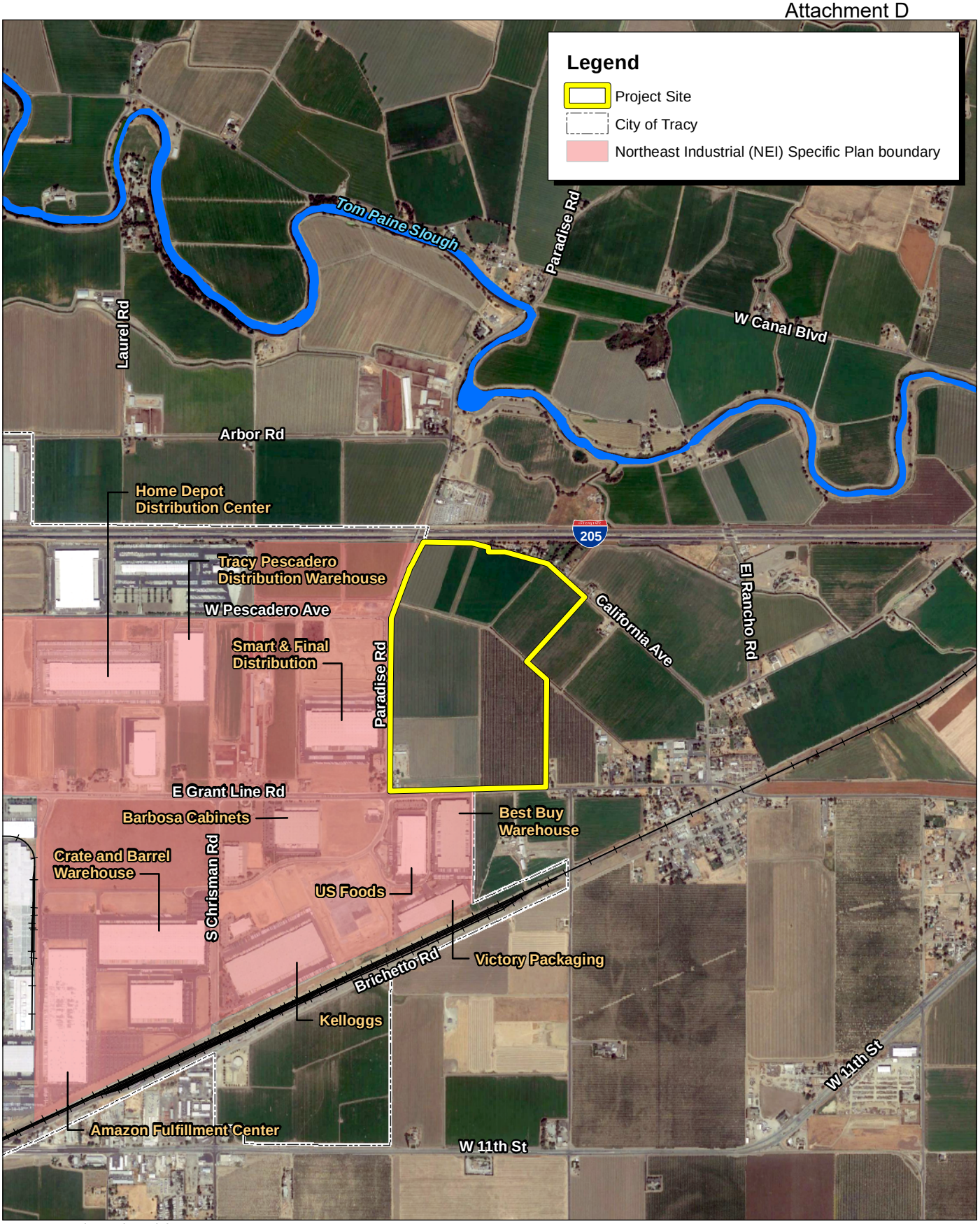
FIRSTCARBON SOLUTIONS™

5 2.5 0 5 Miles

Exhibit 1
Regional Location Map

17260011 • 04/2020 | 1_regional.mxd

CITY OF TRACY
TRACY ALLIANCE PROJECT
NOTICE OF PREPARATION



Source: Google Earth Aerial Imagery, August 2018.

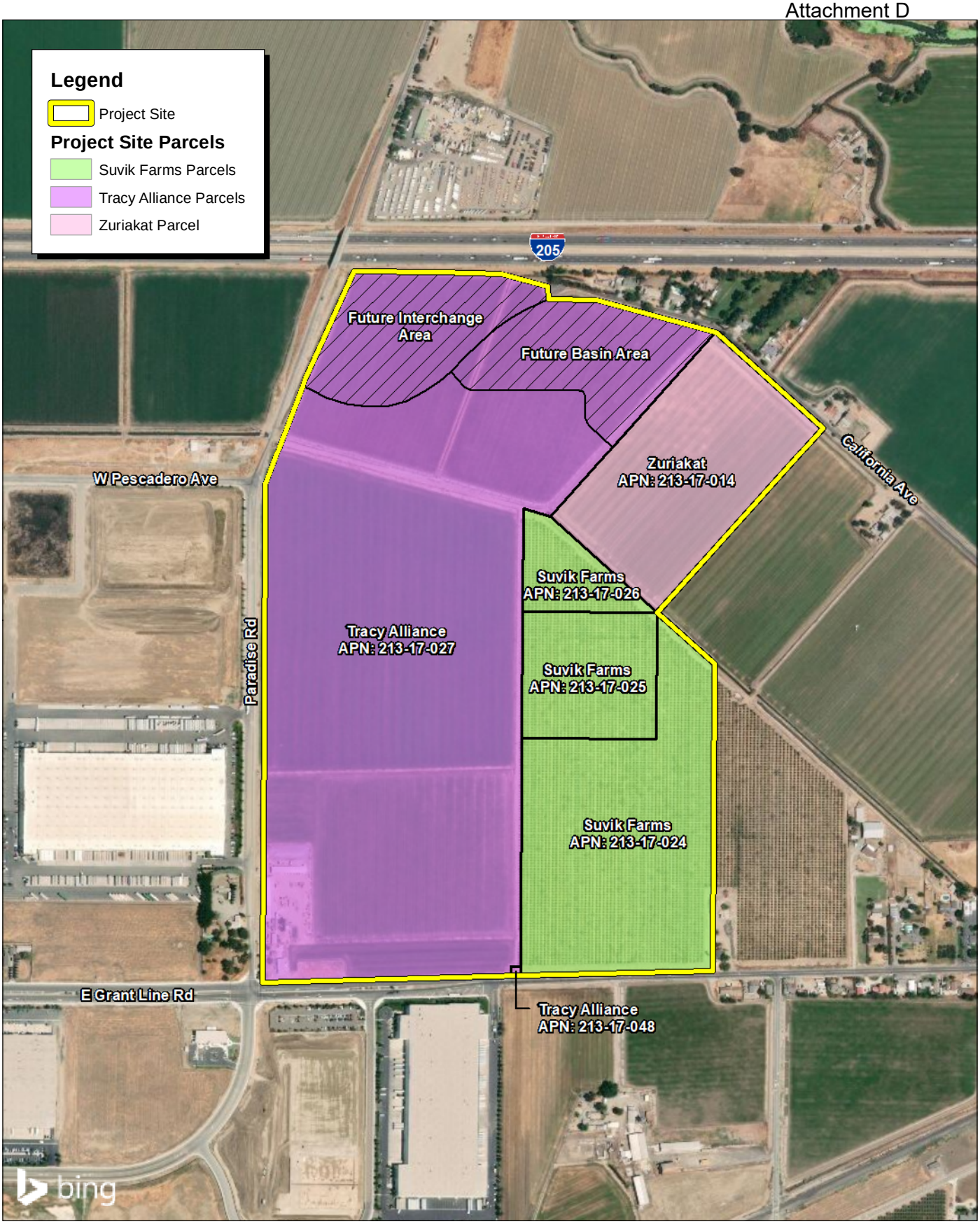
FIRSTCARBON SOLUTIONS™

2,000 1,000 0 2,000 Feet

Exhibit 2
Local Vicinity Map

17260011 • 08/2020 | 2_local_vicinity.mxd

CITY OF TRACY
TRACY ALLIANCE PROJECT
NOTICE OF PREPARATION

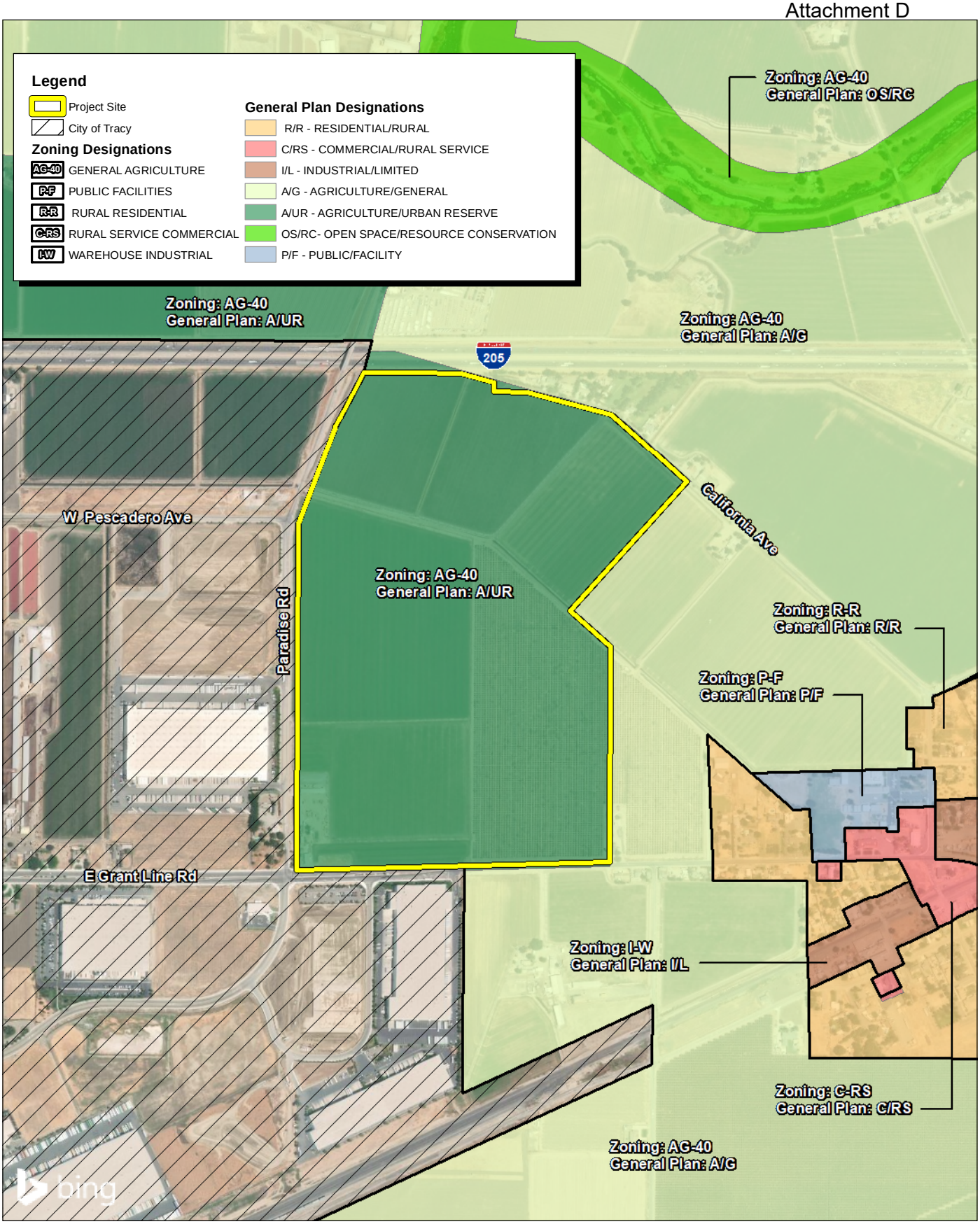


Source: Bing Aerial Imagery. County of San Joaquin.

FIRSTCARBON SOLUTIONS™

700 350 0 700
Feet

Exhibit 3
Project Parcel Map

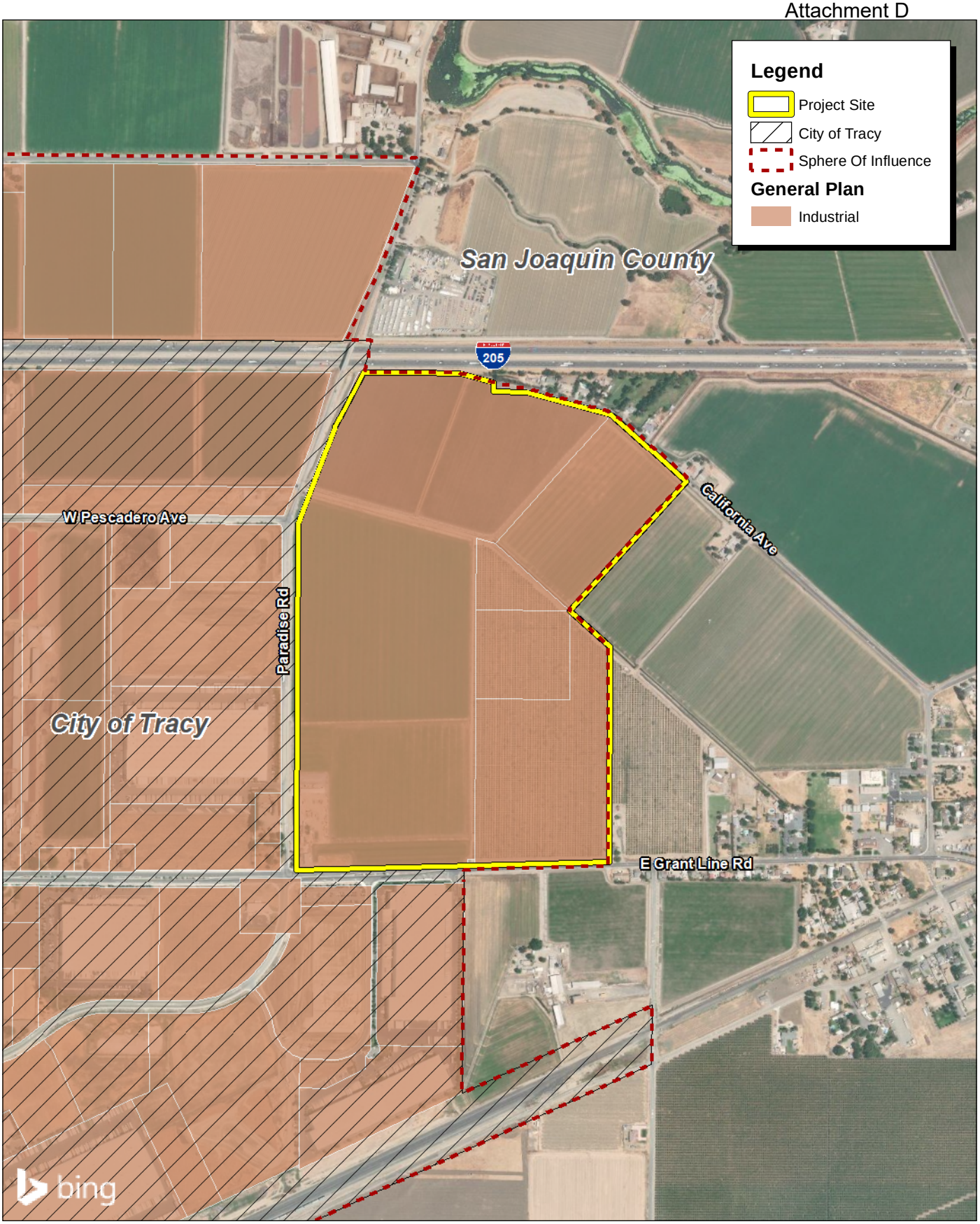


Source: Bing Aerial Imagery. San Joaquin County GIS Data, 2020.

FIRSTCARBON SOLUTIONS™

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Exhibit 4
San Joaquin County General Plan Land Use and Zoning Designations

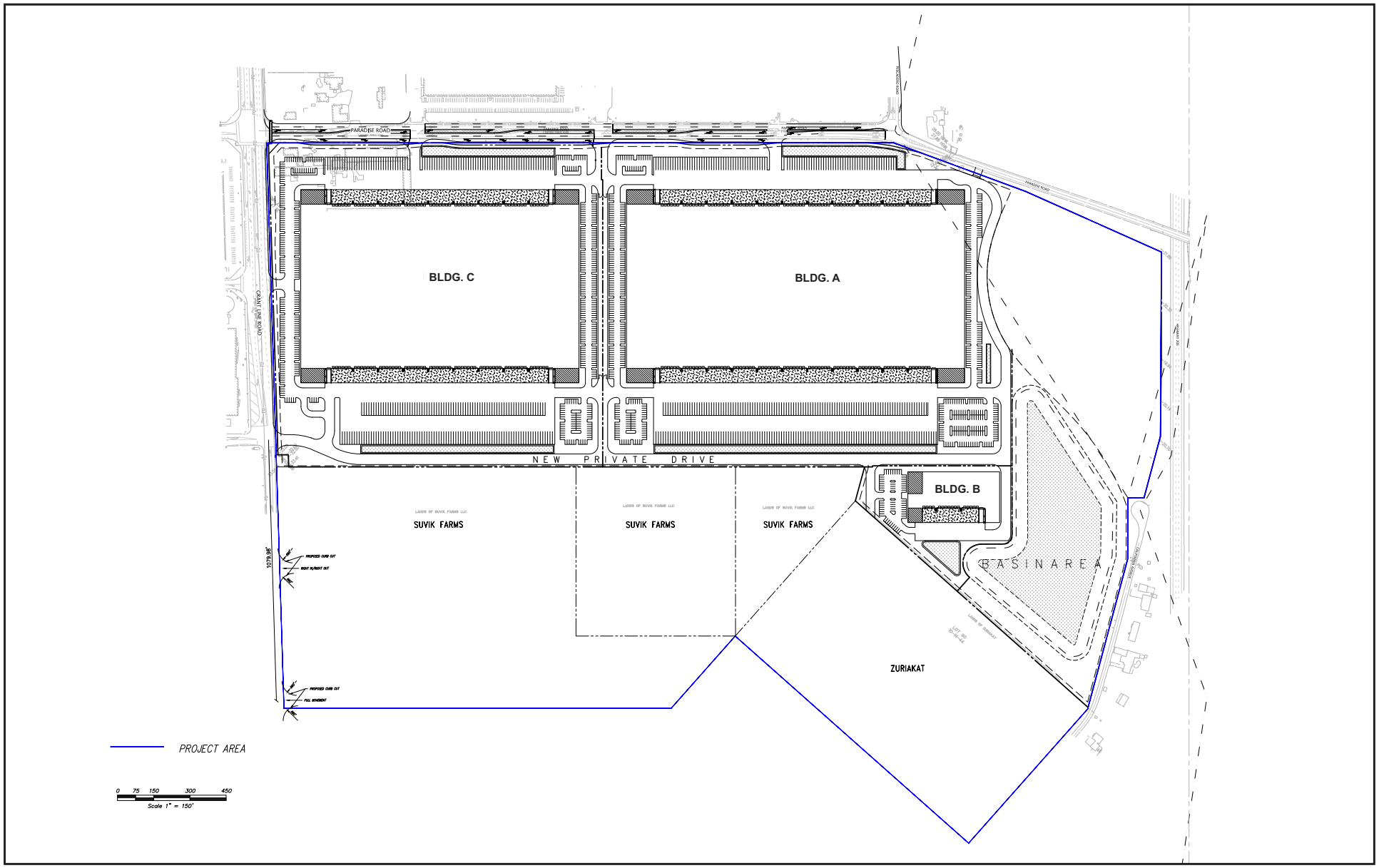


Source: Bing Aerial Imagery. City of Tracy. County of San Joaquin.

FIRSTCARBON SOLUTIONS™

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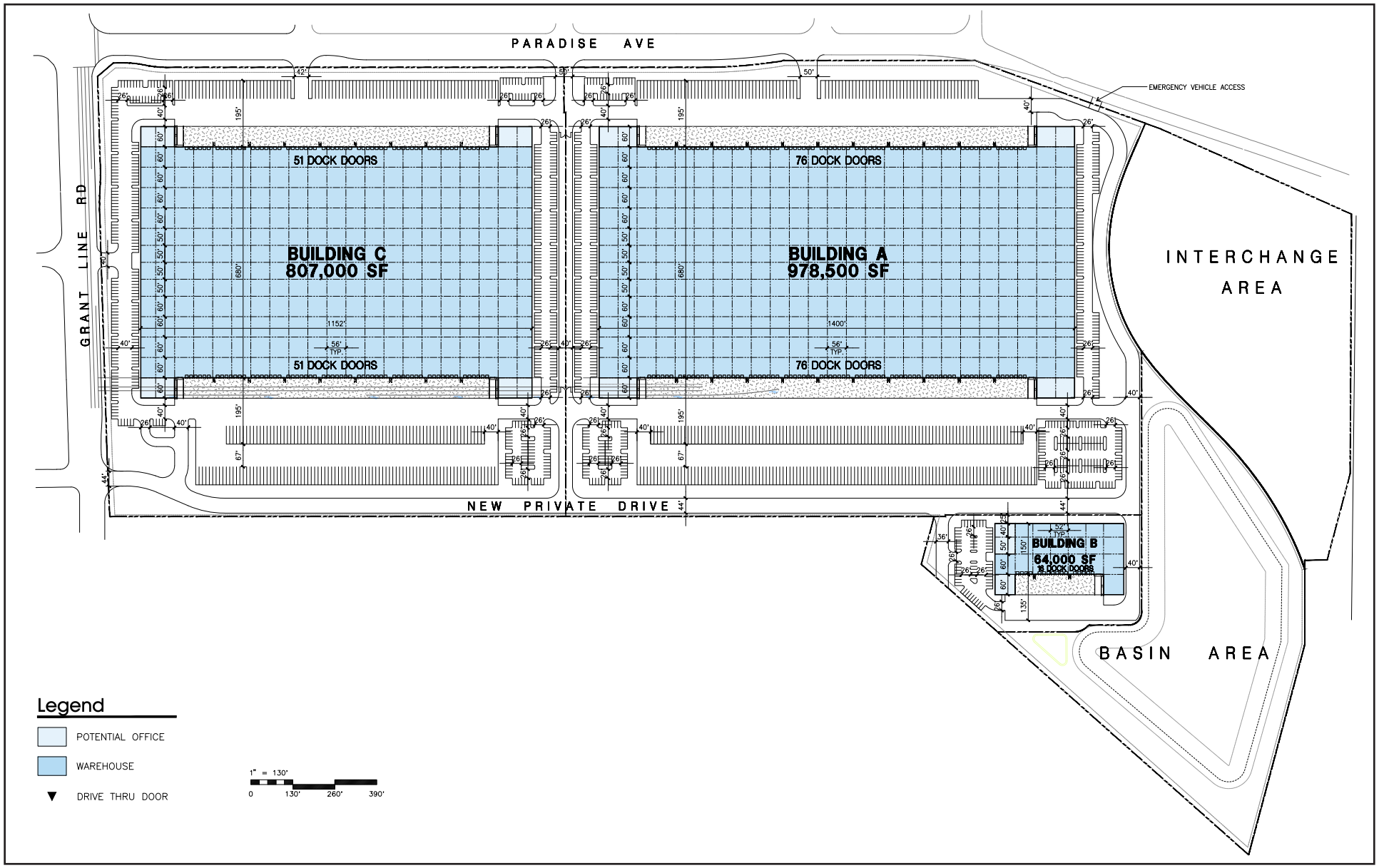
Exhibit 5
City of Tracy
General Plan Designation



Source: Kier & Wright Civil Engineers & Surveyors Inc., 9/12/2019.

FIRSTCARBON SOLUTIONS™

Exhibit 6a
Comprehensive Site Plan



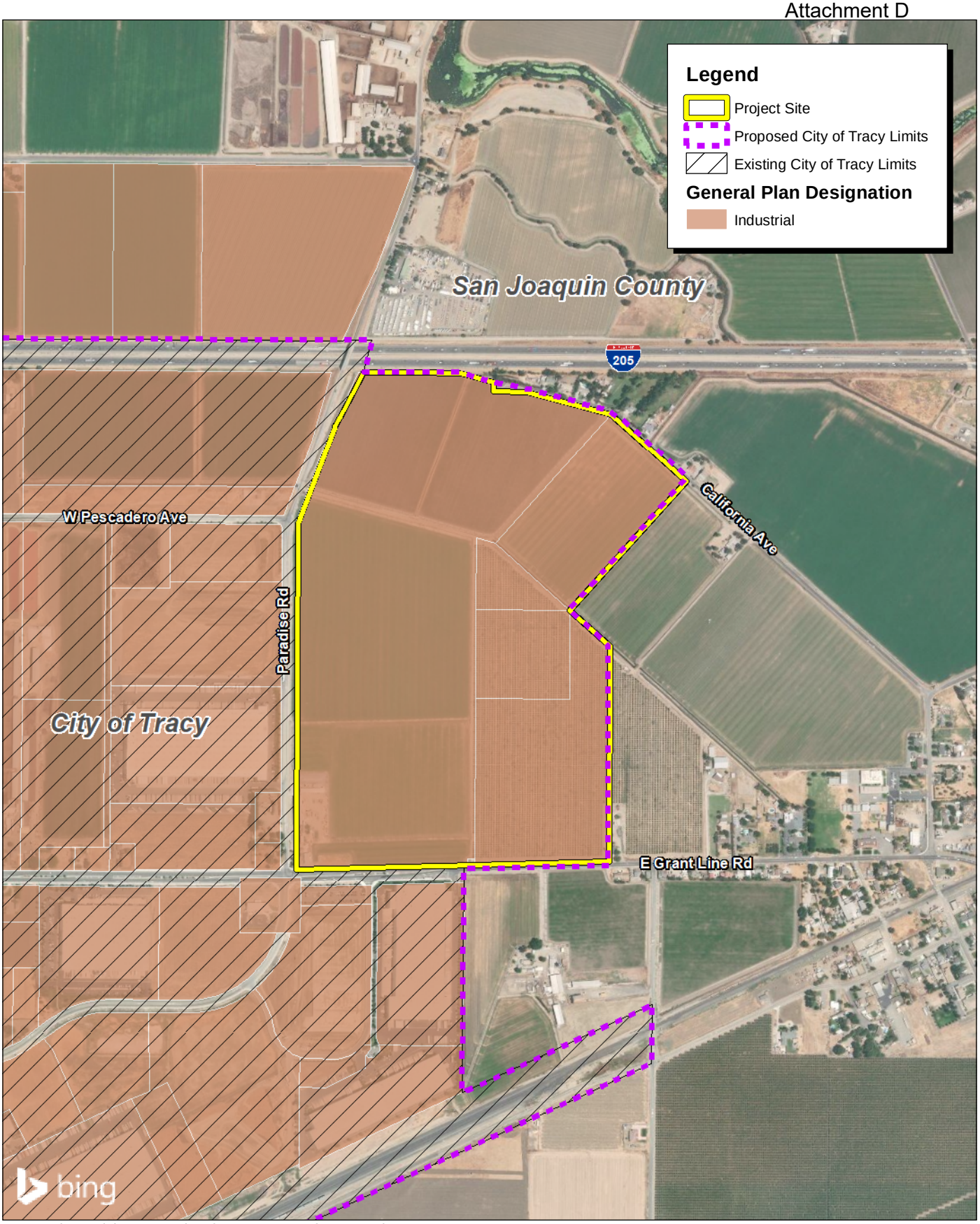
Source: HRA Architecture, June 20, 2020.

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Exhibit 6b
Tracy Alliance Parcels Site Plan

17260011 • 08/2020 | 6b_Tracy_Alliance_Parcels_Site_Plan.cdr

CITY OF TRACY
TRACY ALLIANCE PROJECT
NOTICE OF PREPARATION



Source: Bing Aerial Imagery. City of Tracy. County of San Joaquin.

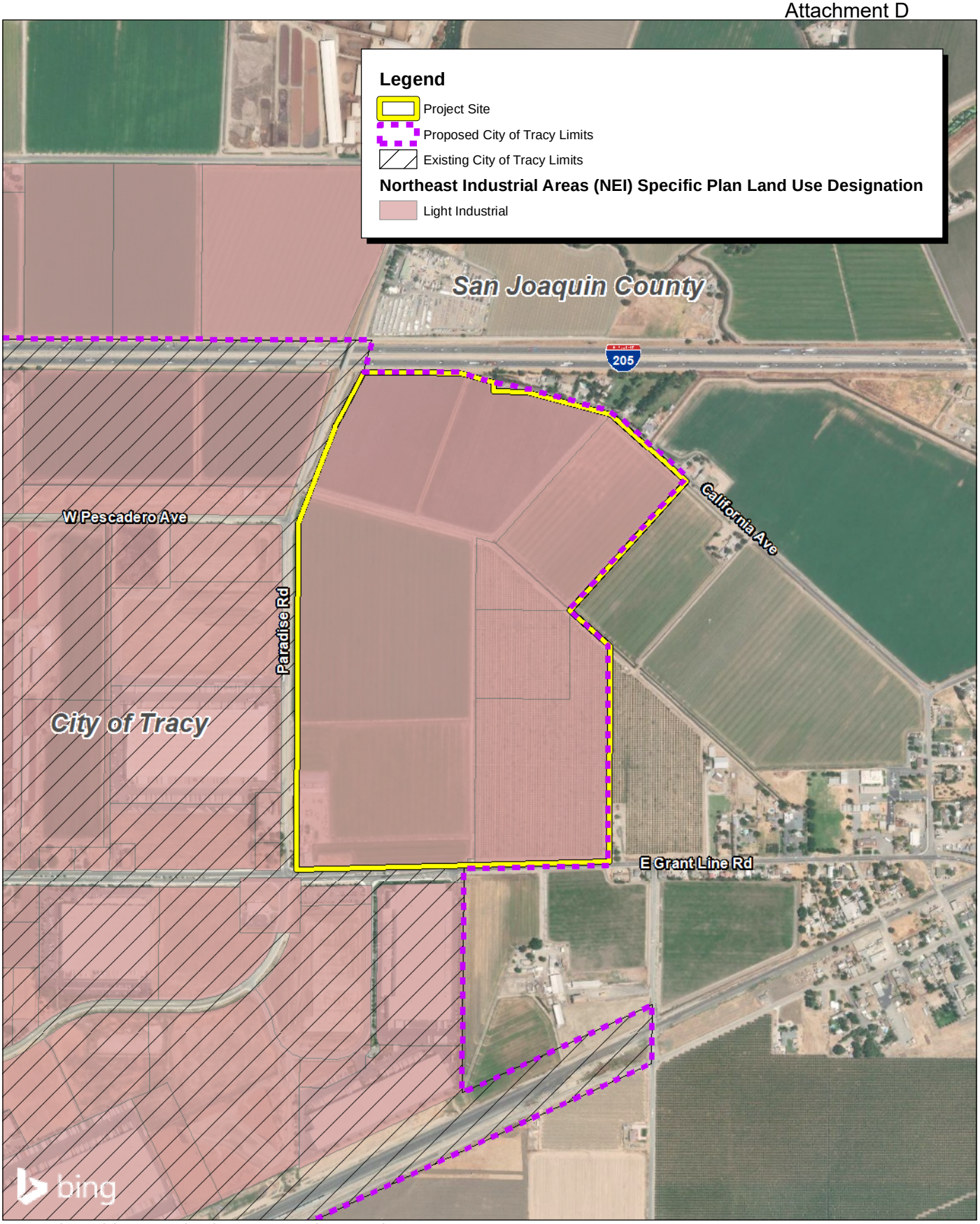
FIRSTCARBON SOLUTIONS™

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Exhibit 7a
Proposed Annexation

17260011 • 08/2020 | 7a_proposed_annexation.mxd

CITY OF TRACY
TRACY ALLIANCE PROJECT
NOTICE OF PREPARATION

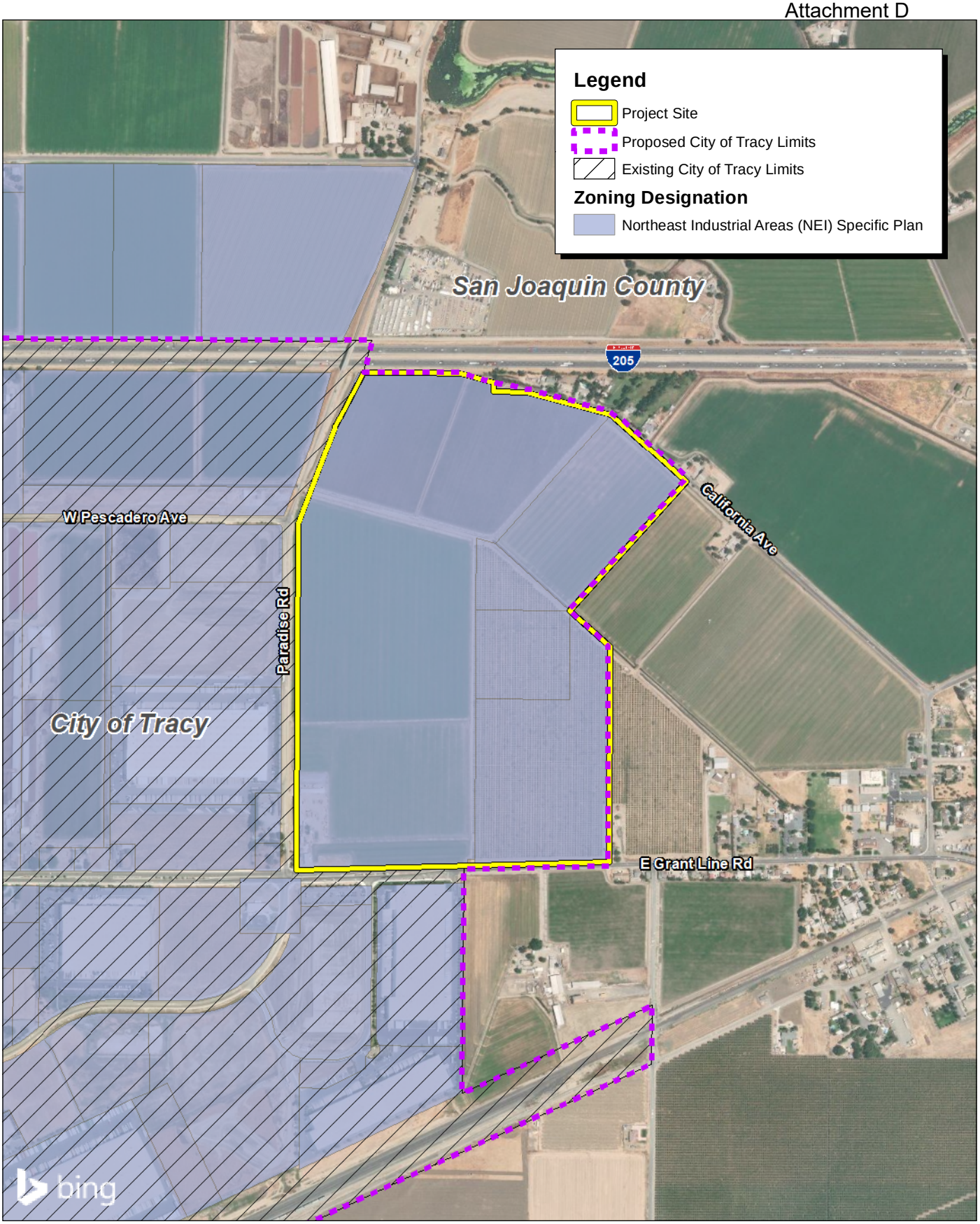


Source: Bing Aerial Imagery. City of Tracy. County of San Joaquin.

FIRSTCARBON SOLUTIONS™

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Exhibit 7b
Proposed NEI Specific Plan Land Use Designation

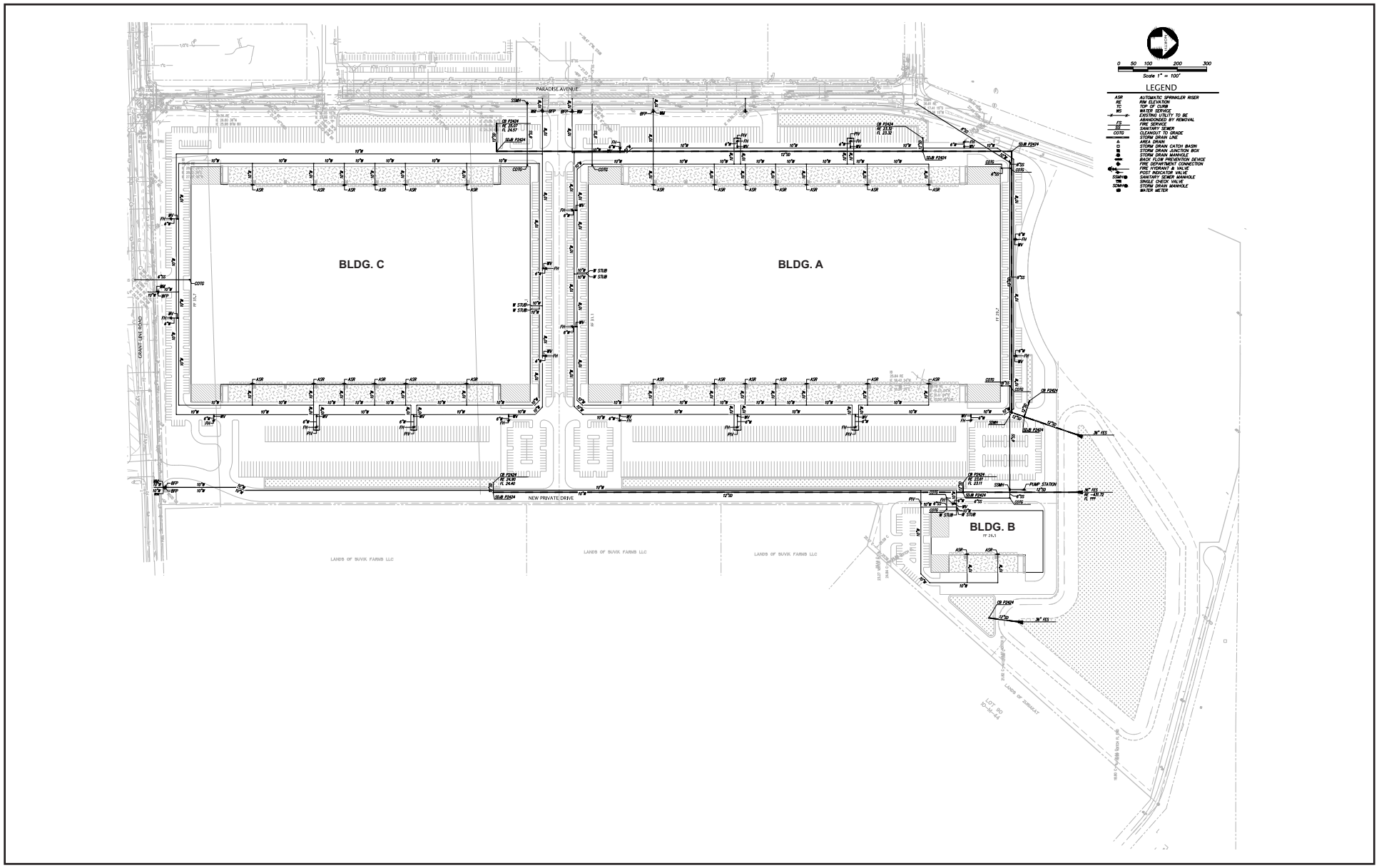


Source: Bing Aerial Imagery. City of Tracy. County of San Joaquin.

FIRSTCARBON SOLUTIONS™

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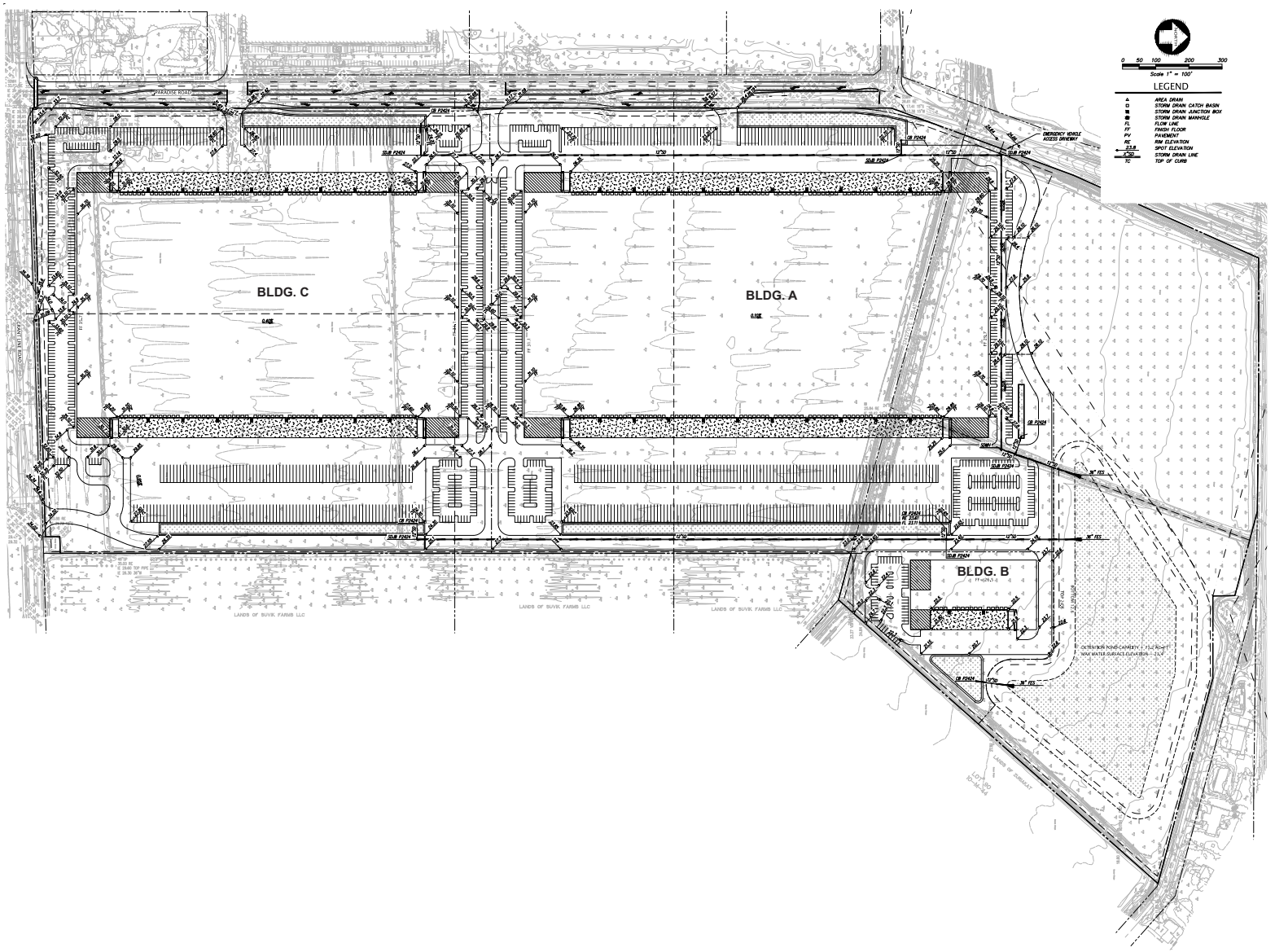
Exhibit 7c
Proposed City of Tracy Zoning Designation



Source: Kier & Wright Civil Engineers & Surveyors Inc., 07/09/2020.

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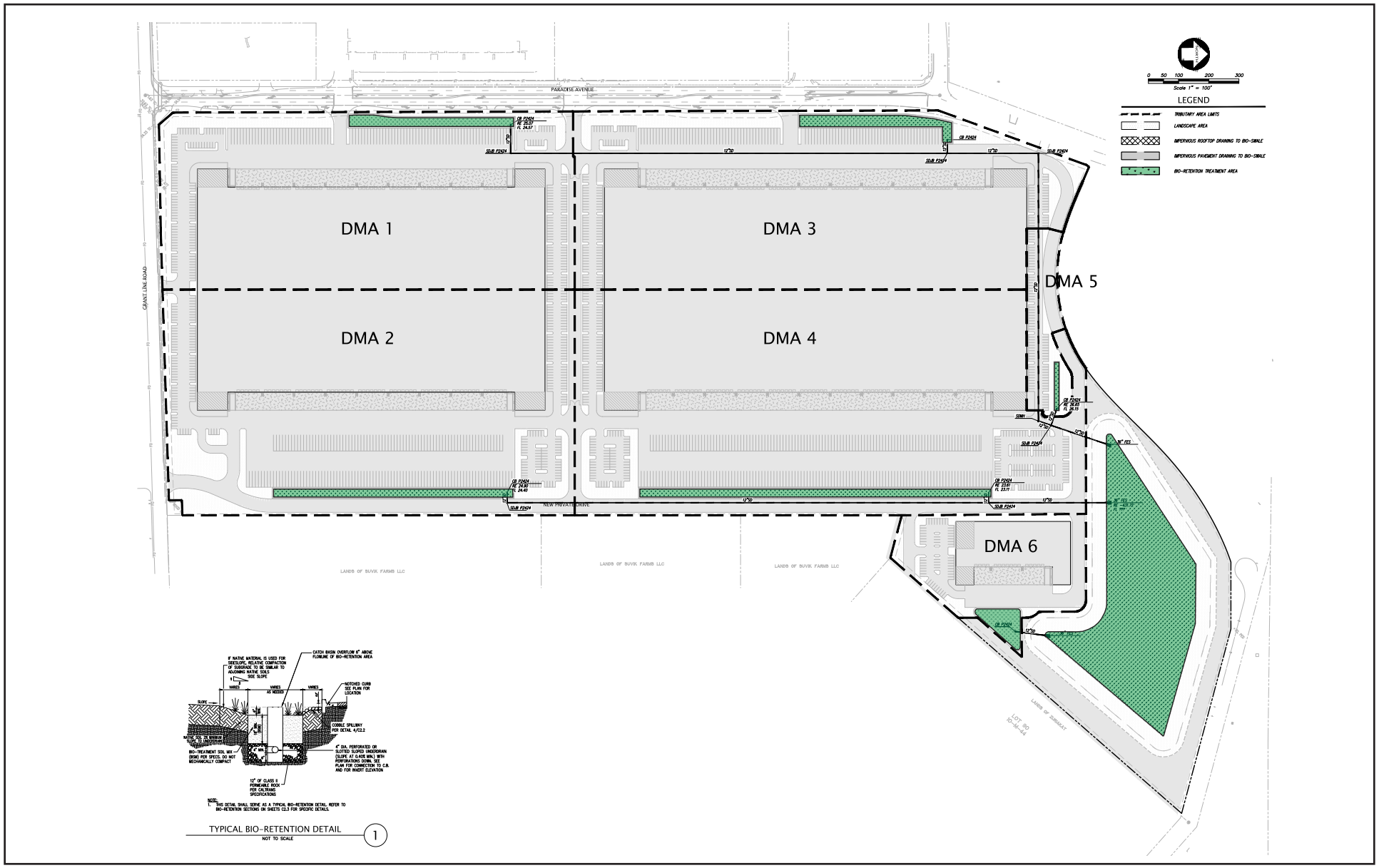
Exhibit 8
Tracy Alliance Parcels - Preliminary Utility Plan



Source: Kier + Wright, July 9, 2020.

FIRSTCARBON SOLUTIONS™

Exhibit 9a
Tracy Alliance Parcels - Preliminary Grading and Drainage Plan



Source: Kier + Wright, July 9, 2020.

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Exhibit 9b
Tracy Alliance Parcels - Preliminary Storm Water Control Plan

Attachment E

FIRSTCARBONSOLUTIONS™

FINAL
Environmental Impact Report
Tracy Alliance Project
City of Tracy, San Joaquin County, California

State Clearinghouse Number 2020080524

Prepared for:
City of Tracy
Development Services Department
333 Civic Center Plaza
Tracy, CA 95376
209.831.6428

Contact: Victoria Lombardo, Senior Planner

Prepared by:
FirstCarbon Solutions
1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597
925.357.2562

Contacts: Mary Bean, Project Director
Tsui Li, Project Manager

Date: January 17, 2023

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Section 4: Errata 4-1
4.1 - Changes in Response to Specific Comments 4-1

Appendix A: Exhibit

Appendix B: Tracy Alliance Full Project I-205 MacArthur Interchange Ramp Queuing Analysis

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SECTION 1: INTRODUCTION

In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Tracy (Lead Agency) has evaluated the comments received on the Tracy Alliance Project Draft Environmental Impact Report (Draft EIR). Pursuant to CEQA Guidelines Section 15132, the Draft EIR (and appendices attached thereto), a list of persons, organizations, and agencies that provided comments on the Draft EIR, the responses to comments and errata (along with the related appendices), which are included in this document, together with the ; Mitigation Monitoring and Reporting Program (MMRP), comprise the Final EIR for use by the City of Tracy during its review and to ensure proper implementation of the mitigation measures described in the Final EIR.This document is organized into three sections:

- **Section 1—Introduction.** Provides an introduction to the Final EIR.
- **Section 2—Master Responses.** Provides a single, comprehensive response to similar comments about a particular topic.
- **Section 3—Responses to Written Comments.** Provides a list of the agencies, organizations, and individuals who commented on the Draft EIR. Copies of all of the letters received providing comments on the Draft EIR and responses thereto are included in this section.
- **Section 4—Errata.** Includes an addendum listing refinements and clarifications on the Draft EIR, which have been incorporated.

The Final EIR is comprised of the following contents:

- Draft EIR (provided under separate cover)
- Draft EIR Appendices (provided under separate cover)
- Responses to Written Comments on the Draft EIR and Errata (Sections 2 and 3 of this document)
- Mitigation Monitoring and Reporting Program (provided under separate cover)

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SECTION 2: MASTER RESPONSES

Master responses address similar comments made by multiple public agencies, organizations, or individuals through written comments submitted to the City of Tracy (City).

2.1 - Master Responses

Master Response 1—Orderly development of industrial uses within or immediately adjacent to the Northeast Industrial Specific Plan

A number of comments stated that the proposed project would result in significant, unplanned growth within the City; loss of prime farmland; and that the proposed project was not envisioned in the Northeast Industrial (NEI) Specific Plan.

The City of Tracy adopted the NEI Specific Plan to implement a balanced growth strategy. The NEI Specific Plan directs growth as envisioned by the City in an efficient and cost-effective manner, and balances appropriate land uses with well-planned supporting infrastructure.[1] The NEI Specific Plan is intended to improve the jobs/housing balance by encouraging the development of industrial, retail, and service-related employment opportunities in proximity to existing freeway interchanges.

As part of the NEI Specific Plan, the northeastern sector of the City has been identified for industrial growth. With direct access to Interstate 205 (I-205) and rail transportation, the NEI Specific Plan area is ideally situated to attract and support business without the need for major infrastructure expenditures.

The NEI Specific Plan area is intended for high-quality industrial and commercial sites that would attract businesses to the City. It provides a flexible phasing program that allows market forces to dictate reasonable growth increments, while ensuring that agricultural properties remain devoted to agricultural uses until ready to develop.[2]

The proposed project is immediately adjacent to the NEI Specific Plan area, which boundary runs along Paradise Road and Grant Line Road, as shown in Exhibit 2-2 of the Draft EIR. The proposed project is consistent with its existing City of Tracy General Plan land use designation of Industrial; this reflects the long-planned urban development vision for the project site, which contemplates a variety of light industrial uses including warehousing and distribution. The project site would be annexed into the NEI Specific Plan, representing a logical expansion of the NEI Specific Plan vision. The proposed project has been designed to incorporate applicable NEI development standards and design guidelines; accordingly, the proposed project would be consistent with the urban, industrial character of the NEI Specific Plan area.

[1] City of Tracy. Amended 2012. Northeast Industrial Specific Plan.
[2] City of Tracy. 1996.Northeast Industrial Plan Draft EIR.

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SECTION 3: FRESPONSES TO WRITTEN COMMENTS

3.1 - List of Authors

A list of public agencies, organizations, and individuals that provided comments during the public review period, which ran from April 20, 2022, to June 3, 2022, on the Tracy Alliance Project Draft Environmental Impact Report (Draft EIR) is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

After the close of the public comment period, two additional comment letters were received. The letter from Advocates for the Environment was received by the City on August 16, 2022. The letter from Genna McIntosh (shown as MCINTOSH-3, below) was received by the City on August 29, 2022.

A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period. (Public Resources Code [PRC] § 21091(d); CEQA Guidelines § 15088). When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond. (PRC § 21091(d)(1); PRC § 21092.5(c)). Accordingly, although the City of Tracy is not required to provide a written response to late comment letters, nonetheless, the City of Tracy has elected to respond to these late letters, but without waiving its position that written responses to late comment letters are not required by law.

Author **Author Code**

State Agencies

California Department of Transportation ..... CALTRANS

Local Agencies

Central Valley Regional Water Quality Control Board ..... CVRWQCB
San Joaquin Council of Governments, Laurel Boyd ..... SJCOG
San Joaquin Valley Air Pollution Control District ..... Valley Air District-1
San Joaquin Valley Air Pollution Control District ..... Valley Air District-2

Organizations

Blum Collins and Ho, Attorneys at Law ..... GSEJA

Individuals

McIntosh, Genna MCINTOSH-1

Comments received at the public hearing held May 25, 2022

McIntosh, Genna MCINTOSH-2

Late Comments

Advocates for the Environment ..... AENV
McIntosh, Genna MCINTOSH-3

3.2 - Responses to Comments

3.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Tracy, as the Lead Agency, evaluated the comments received on the Draft EIR (State Clearinghouse [SCH] No. 2020080524) for the Tracy Alliance Project, and has prepared the following responses to the comments received. This Response to Comments document is part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

3.2.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.

CEQA requires recirculation of a Draft EIR when the lead agency adds "significant new information" to an EIR after public notice is given of the availability of a Draft EIR for public review, but before EIR certification (State CEQA Guidelines California Code of Regulations [CCR] § 15088.5). Recirculation is not required unless the EIR is changed in a way that would deprive the public of the opportunity to comment on significant new information, including a new significant impact in which no feasible mitigation is available to fully mitigate the impact (thus resulting in a significant and unavoidable impact), a substantial increase in the severity of a disclosed environmental impact, or development of a new feasible alternative or mitigation measures that would clearly lessen environmental impacts but which the project proponent declines to adopt (State CEQA Guidelines CCR § 15088.5(a)). Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR (State CEQA Guidelines CCR § 15088.5(b)).

These Responses to Comments include discussion providing clarification and/or additional information. Neither the clarifications nor the additional information constitutes "significant new information" requiring recirculation.

CALIFORNIA STATE TRANSPORTATION AGENCY
GAVIN NEWSOM, GOVERNOR

California Department of Transportation

OFFICE OF THE DISTRICT 10 DIRECTOR
P.O. BOX 2048 | STOCKTON, CA 95201
(209) 948-7943 | FAX (209) 948-7179 TTY 711
www.dot.ca.gov

June 2, 2022

10-SJ-205-PM R009.500
Tracy Alliance Project
Suvik, Zuriakat
SCH#2020080524

Victoria Lombardo
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

Dear Ms. Lombardo:

The California Department of Transportation appreciates the opportunity to review the proposed Mountain House Apartments. The project is located south of Interstate 205, east of Paradise Road, and north of Grant Line Road. The proposed project consists of the development of up to 3,352,320 square feet of warehouse and distribution and related uses on a total of approximately 191.18 acres. The site consists of six parcels under ownership by three separate parties: the Tracy Alliance Group owns two parcels (totaling approx. 122.44 acres), Suvik Farms, LLC owns three parcels (totaling approx. 46.61 acres), and Zuriakat owns one parcel (approx. 22.17 acres). The Department has the following comments: 1

1. There is a future project 205/Chrisman Road interchange currently in PA&ED. Please continue to work with Caltrans to ensure this warehouse proposal will not conflict with the ultimate build out of the 205/Chrisman Road interchange footprint. 2

2. Please submit a revised Traffic Impact Study (TIS) report with the following changes to Caltrans for review and comment prior to project approval. 3
   a. The TIS should include the following Analysis Scenarios.
      i. Existing Conditions.
      ii. Project Only Condition.
      iii. Existing Conditions plus Project.
      iv. Cumulative Conditions (Existing Conditions plus Other Approval and Pending Project without this project).
      v. Cumulative Conditions with this project.

vi. Synchro/Simtraffic version 10 electronic files should be included with the submittal. 3 CONT

b. The TIS shows I-205/MacArthur interchange is the only access from freeway to this facility. At this time the south site of the interchanges is signed for STAA however, with the significant truck use of this facility, the 95th Percentile queue length analysis using Simtraffic (Simtraffic 5 runs, four 15-minute intervals with 10-minute seeding period) is required to review for all scenarios above to ensure no traffic spillback to the mainline. It is the project proponent's responsibility to provide mitigations to avoid negative impacts to the mainline operation. 4

c. Please ensure the revised study clearly explains how the City's draft VMT per employee threshold is developed and is being met. 5

d. The study should explain how all the project trip distributions are derived. 6

e. The study should provide the supporting analysis documenting how the project's VMT per employee is derived. 7

f. Please clarify how the City's travel demand model is utilized in developing the cumulative volumes. 8

g. The revised study should cite the source of the Office of Planning and Research (OPR) guidance which allows the exclusion of truck trips from VMT impact analysis for clarification. 9

3. From the perspective of goods movement there exists concern with the access to the proposed project. The traffic study identifies a daily truck traffic volume of 1510 vehicles to and from the proposed project. This volume is anticipated to access the proposed project by the MacArthur Road / I-205 interchange, then travel south on MacArthur Road to Grant Line Road to the project. MacArthur Road is a terminal access route consistent with the standards of the Surface Transportation Assistance Act (STAA) of 1984. However, Grant Line Road is not, according to a 2019 map of truck routes in Tracy. As the proposed project is a warehouse, it will likely require access by STAA class truck, and the City of Tracy and the project proponent must address this. The applicant will be responsible for making the needed improvements to the highway and acquiring the appropriate STAA Terminal Access approvals. Terminal Access application procedures can be found at the following link: https://dot.ca.gov/programs/traffic-operations/legal-truck-access/ta-process 10

4. Since on-site mitigation measures are not able to significantly reduce the Vehicle Miles Traveled (VMT) impacts, off-site mitigation measures should be considered and implemented as these may be acceptable as an exchange. The City could collect fees and use toward offsite mitigations such as public transit, bicycle, and pedestrian improvements to help reduce VMT impacts. 11

5. The developer needs to ensure that the existing State drainage facilities will not be significantly impacted by the project. If historical undeveloped topography shows drainage from this site flowed into the State Right-of-Way, it may continue to do so with the conditions that peak flows may not be increased from the pre-construction quantity and the site runoff be treated to meet present storm water quality standards. Please submit to Caltrans would for review and comment the pre and post construction runoff calculations, basin calculations, and drainage plans to understand flow patterns prior to project approval. 12

6. An Encroachment Permit will be required for work (if any) done within Caltrans's right of way (ROW). This work is subject to the California Environmental Quality Act. Therefore, environmental studies may be required as part of the encroachment permits application. A qualified professional must conduct any such studies undertaken to satisfy Caltrans' environmental review responsibilities. Ground disturbing activities to the site prior to completion and/or approval of required environmental documents may affect Caltrans' ability to issue a permit for the project. 13

If you have any questions, please contact me at 209-483-2582 or Nicholas Fung at (209) 986-1552.

Sincerely,

Tom Dumas
Chief, Office of Metropolitan Planning

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State Agencies

California Department of Transportation (CALTRANS)

Response to CALTRANS-1
This comment is a brief summary of the proposed project. It does not raise any specific project-related environmental issues under CEQA and therefore no further response is required.

Response to CALTRANS-2
The commenter notes there is a future Interstate 205 (I-205)/Chrisman Road interchange project currently in the California Department of Transportation (Caltrans) review process known as Project Approval and Environmental Document (PA&ED), and requests continued coordination with Caltrans to ensure the proposed project would not conflict with the ultimate buildout of the future I-205/Chrisman Road interchange footprint. The comment is noted and acknowledged. Because it does not raise any specific project-related environmental issues under CEQA, no further response is required.

Although the comment does not raise any environmental questions regarding the adequacy of the EIR, the following response provides additional clarification and information. None of the additional information requires recirculation or revision of the EIR

The City of Tracy staff and the applicant met with the City's engineering consultant Dokken Engineering to discuss the proposed footprint of the aforementioned interchange project and to continue coordination per the email from Juann Ramos of Dokken Engineering on September 28, 2020, indicating the 2028 Geometric Approval Drawing for the I-205/Chrisman Road Interchange. The City of Tracy staff and the applicant also met with Caltrans' engineering consultant Kimley-Horn to discuss the preliminary footprint of the I-205 Managed Lanes project and to resolve potential conflicts (if any). See Appendix A.1 for an exhibit from those meetings, which shows that the project's proposed right-of-way boundary would accommodate the future footprint of the interchange.

Response to CALTRANS-3
The commenter requests that the project Traffic Impact Analysis (TIA) be updated to reflect the commenter's requested changes and to include the following analysis scenarios: (1) Existing Conditions, (2) Project Only Conditions, (3) Existing Conditions Plus Project,(4) Cumulative Conditions (Existing Conditions Plus Other Approval and Pending Projects without the proposed project), and *(*5) Cumulative Conditions with the proposed project. The commenter also requests that Synchro or Simtraffic Version 10 modeling files be included in the TIA.

The TIA was updated to reflect queueing conditions at the I-205/MacArthur Interchange for Existing and Existing Plus Project Conditions. See Responses to CALTRANS-4 through CALTRANS-9 that address each of the commenter's requested changes to the TIA.

Response to CALTRANS-4
The commenter requests that a 95th Percentile Ramp Queueing Analysis be prepared at the I-205/MacArthur interchange for all scenarios to ensure no traffic spillback to the mainline freeway. In accordance with CEQA, the Draft EIR and related TIA considered site design and off-site

improvements with respect to potential hazards that could be substantially increased as a result of the proposed project and concluded that there would be no significant impacts requiring mitigation.

However, for purposes of being responsive to this comment, the City elected to have a supplemental analysis was conducted and included in the Errata. Ramp queues were analyzed at the off-ramps for the I-205 and MacArthur Interchange under Existing and Existing Plus Full Project Conditions. The Ramp Queueing Analysis is attached as Appendix A.2 of this Final EIR. All project trips at the I-205 and MacArthur Interchange under Existing Plus Full Project Conditions are anticipated to move to the future I-205 and Chrisman Interchange under Cumulative Conditions and are assumed to be included in the Final Traffic Operations Analysis Report (TOAR) published by Fehr and Peers. Therefore, the proposed project would not cause a queueing deficiency at the MacArthur interchange in the Cumulative Conditions.

Consistent with the commenter's request, the analysis utilized SimTraffic 11 with a 10-minute seeding period, four 15-minute periods and 5 runs. The 95th-percentile queues for each of the five runs was averaged and are shown in Table 1 and Table 2 of the Ramp Queueing Analysis (Appendix A.2). The Existing Conditions queues were calibrated based on field-verified queueing. All ramp queueing under Existing Conditions and Existing Plus Full Project Conditions is within each ramp's storage capacity and would not extend to the freeway mainline. Therefore, no significant project impacts in this regard would occur and therefore no mitigation is required. The comment does not identify any additional mitigation measures or a significant impact that requires additional mitigation.

As such, this information provides clarification and does not affect the impact analyses and the environmental determination of the Draft EIR.

Response to CALTRANS-5
The commenter asks for explanation on how the City's draft Vehicle Miles Traveled (VMT) per employee threshold is developed and is being met. The commenter raises a general question with respect to a VMT threshold but does not raise any specific project-related environmental issues under CEQA*;* therefore*,* no further response is required.

For informational purposes, the following is noted. The VMT thresholds determination is thoroughly discussed in the City's 2022 Citywide Roadway and Transportation Master Plan (TMP) (Chapter 2.6).[1] The VMT analysis and thresholds remain unchanged between the 2020 TMP and the 2022 TMP Updates.

Response to CALTRANS-6
The commenter requests that the updated TIA explain how all the project trip distributions were derived.

[1] City of Tracy. 2022. Citywide Roadway and Transportation Master Plan. Website: https://www.cityoftracy.org/home/showpublisheddocument/13757. Accessed September 6, 2022.

The project trip distribution was primarily based on existing traffic patterns and supplemented with the City of Tracy travel demand model. See the project TIA for a detailed discussion of trip distribution and assignment. Therefore, no update to the TIA is required.

Response to CALTRANS-7
The commenter requests that the updated TIA provide supporting analysis documenting how the project's VMT per employee was derived.

Section 3.14, Transportation, of the Draft EIR as well as the TIA, provide a detailed discussion in this regard. As explained more fully therein, the VMT per employee used for the transportation analysis is derived from Table 3.4: FARs and Employment Densities of the TMP, which includes floor area ratios and employee densities used in the Tracy Travel Demand Model.[2] For all uses other than retail and office uses, the proposed project is assumed to generate one employee per 1,000 square feet of use. No update to the TIA is required.

Response to CALTRANS-8
The commenter requests that the updated TIA clarify how the City's travel demand model was utilized in developing the cumulative volumes.

Section 3.14, Transportation, of the Draft EIR as well as the TIA, provide a detailed discussion in this regard. As explained more fully therein, Year 2035 turning movement volumes were extrapolated from the TMP 2035 Horizon Year turning movement figures. For intersections without 2035 data, volumes were estimated using the intersection turning movement volumes provided in the TMP. Adjustments to the 2035 Horizon Year turning movement figures were made for the new Northeast Industrial (NEI) Phase 3 project proposed along Grant Line Road. No update to the TIA is required.

Response to CALTRANS-9
The commenter requests the updated TIA cite the source of the Governor's Office of Planning and Research (OPR) guidance which allows the exclusion of truck trips from VMT impact analysis.

The comment is noted and acknowledged. The commenter makes a request to include a citation to OPR guidance with respect to the methodology used in conducting the VMT analysis but does not raise any specific project-related environmental issues under CEQA; therefore, no further response is required.

For informational purposes, the Technical Advisory on Evaluating Transportation Impacts in CEQA published by the OPR in December 2018 provides the following methodology guidance for the exclusion of heavy trucks from VMT calculations:[3]

> Proposed Section 15064.3, subdivision (a), states, "For the purposes of this section, 'vehicle miles traveled' refers to the amount and distance of automobile travel attributable to a project." Here, the term "automobile" refers to on-road passenger vehicles, specifically cars and light trucks.

[2] Ibid.
[3] Governor's Office of Planning and Research (OPR). 2018. Technical Advisory on Evaluating Transportation Impacts in CEQA. December. Website: https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf. Accessed September 6, 2022.

The TIA was prepared in accordance with the methodology guidance above.

Response to CALTRANS-10
The commenter raises issues concerning access to the proposed project; notes that while MacArthur Road is a terminal access road consistent with Surface Transportation Assistance Act (STAA) standards, Grant Line Road is not; and states that the project applicant would be responsible for making the needed improvements to the highway and acquiring the appropriate STAA Terminal Access approvals.

This comment is noted and acknowledged. The commenter indicates a potentially applicable approval process but does not raise any specific project-related environmental issues under CEQA; therefore, no further response is required.

For informational purposes, the following is noted. STAA truck routes are discussed in Impact Trans-2, Section 3.14, Transportation, of the Draft EIR. The City of Tracy is actively seeking approvals for additional STAA truck routes within the NEI Specific Plan area. See Figure 4.41: Future Truck Routes of the TMP for the proposed interim and future STAA routes.[4] Grant Line Road between MacArthur Drive and the eastern boundary of the project site (Paradise Road) is a planned STAA truck route. The conversion of Grant Line Road to a STAA route, and the construction of new STAA routes in the project vicinity, would further improve both access and roadway safety. Since the City has already planned for improvement of Grant Line Road, the applicant would not be required to make further improvements.

Response to CALTRANS-11
The commenter states that since on-site mitigation measures are not able to significantly reduce VMT impacts, off-site mitigation measures should be considered and implemented as these may be acceptable as an exchange. The commenter suggests that the City could collect fees and use toward off-site mitigation such as public transit, bicycle, and pedestrian improvements to help reduce VMT impacts.

As discussed in detail in Section 3.14, Transportation, the proposed project would implement the following Transportation Demand Management (TDM) measures:

- Communication and Information Strategies–4 percent reduction
- Telecommuting for administrative staff (5 percent of staff population)–1 percent reduction
- Designated parking spaces for carpool vehicles–1 percent reduction
- Provide a transit stop along the project frontage on Grant Line Road (if agreed to by the City)–2 percent reduction
- Provide bike lanes and sidewalks along the project frontage–1 percent reduction
- Provide on-site bike racks and showers–1 percent reduction

[4] City of Tracy. 2022. Citywide Roadway and Transportation Master Plan. Website: https://www.cityoftracy.org/home/showpublisheddocument/13757. Accessed September 6, 2022.

These include both on-site and off-site VMT mitigation measures for a total VMT reduction of 10 percent.

In addition, the proposed project would pay toward the City's VMT Mitigation Banking Fee Program (which is pending as of this writing) for a further VMT reduction of an additional 5 percent. The City's Draft Senate Bill (SB) 743 policy requires a minimum of 15 percent VMT reduction, and the proposed project would achieve this mitigation threshold. As noted in the VMT study, the VMT impact would remain significant and unavoidable even with the 15 percent minimum reduction because the VMT impact is only partially mitigated by the TDM measures identified for the proposed project.

If the City Council has not adopted the Mitigation Banking Fee Program such that it is effective and in place at the time an applicant for an individual development proposal seeks to obtain a building permit, then the relevant applicant shall implement additional VMT reduction measures in order to meet the minimum VMT reduction requirement of 15 percent. Mitigation Measure (MM) TRANS-1(b) is revised to reflect this clarification (see Section 4, Errata).

Response to CALTRANS-12
The commenter states the applicants need to ensure that State drainage facilities will not be significantly impacted by the project. The commenter also notes that if historical undeveloped topography shows drainage from the project site flowed into the State Right-of-Way, it may continue to do so as long as the applicants ensure that drainage peak flows not increase from the pre-construction condition and that the site runoff be treated in accordance with present stormwater quality standards. The commenter also requests to review the project's pre and post construction runoff calculations, basin calculations, and drainage plans.

Impacts related to stormwater runoff are discussed at length in Section 3.10, Hydrology, of the Draft EIR. The proposed project includes mitigation measures requiring preparation of a Stormwater Pollution Prevention Plan (MM HYD-1-a), a Stormwater Management Plan (MM HYD-1-b), and final Drainage Plan (MM HYD-3), which would confirm that the proposed project's on-site stormwater detention basin and bioretention treatment areas could accommodate project flows to the satisfaction of the City and that post-development stormwater flow rates would not substantially exceed predevelopment rates pursuant to the applicable C.3 requirements and all other applicable laws and regulations. The aforementioned plans will be provided to Caltrans for review when available.

Response to CALTRANS-13
The commenter states that an Encroachment Permit will be required for work (if any) done within Caltrans' right-of-way, and that any such work would be subject to CEQA review. Therefore, environmental studies may be required as part of the Encroachment Permit application, which would need to be conducted to satisfy Caltrans' environmental review responsibilities. The commenter also notes that ground-disturbing activities on the project site prior to completion and/or approval of the required environmental documents may affect Caltrans' ability to issue a permit for the proposed project.

The comment is noted and acknowledged. No work within Caltrans' right-of-way is anticipated in connection with the proposed project. However, the applicants would be required to comply with the Encroachment Permit process if any work within Caltrans' right-of-way were necessary to implement the proposed project. For informational purposes, it is noted that while it is not anticipated that the proposed project would encroach onto any Caltrans right-of-way, the applicants have offered to set aside approximately 12.51 acres in the northwest corner of the project site, which would be sufficient to accommodate the future planned interchange.

CALIFORNIA Water Boards

GAVIN NEWSOM
GOVERNOR

JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

3 June 2022

Victoria Lombardo
City of Tracy
33 Civic Center Plaza
Tracy, CA 95376
victoria.lombardo@cityoftracy.org

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, TRACY ALLIANCE PROJECT, SCH#2020080524, SAN JOAQUIN COUNTY

Pursuant to the State Clearinghouse's 20 April 2022 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request 0for Review for the Draft Environmental Impact Report* for the Tracy Alliance Project, located in San Joaquin County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore, our comments will address concerns surrounding those issues. 1

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38. 2

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of

Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:
https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf

2 CONT

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

3

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process. 4

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml 5

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250. 6

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic 7

[1] Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/ 7 CONT

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/ 8

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge. 9

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

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Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

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NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/help/permit/

11

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

Peter Minkel

Peter Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

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Local Agencies

Central Valley Regional Water Quality Control Board (CVRWQCB)

Response to CVRWQCB-1
This comment is a brief summary of the proposed project. It does not raise any specific project-related environmental issues under CEQA and therefore no further response is needed.

Response to CVRWQCB-2
This comment provides a summary of the regulatory setting, including the Basin Plans, the federal requirements for each state to adopt water quality standards to protect the public health or welfare, and the State's water quality standards (including antidegradation considerations). The commenter also states that the potential impacts to both surface and groundwater quality should be evaluated.

These topics were fully evaluated in Section 3.10, Hydrology and Water Quality, of the Draft EIR. As detailed more fully in Section 3.10, the existing hydrology and water quality setting (both surface and groundwater) and potential effects from implementation of the proposed project on the project site and its surrounding area with respect to potential construction and operation-related impacts on both surface and water quality were fully evaluated. No further response is required.

Response to CVRWQCB-3
The commenter identifies the requirements for a Construction Storm Water General Permit and development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

The comment is noted and acknowledged, and the commenter is referred to the Regulatory Framework of Section 3.10, Hydrology and Water Quality, of the Draft EIR, where these requirements were included. As noted in Section 3.10 (e.g., Impact HYD-1, Impact HYD-3, Impact HYD-5, MM HYD-1a), along with other requirements and standards, to the extent applicable, each project applicant, as part of its individual development proposal, would be required to comply with these mandates. No further response is required.

Response to CVRWQCB-4
The commenter identifies the requirements of Phase I and II Municipal Separate Storm Sewer System (MS4) permits.

The comment is noted and acknowledged, and the commenter is referred to the Regulatory Framework of Section 3.10, Hydrology and Water Quality, of the Draft EIR, where these requirements are included. As noted in Section 3.10 (e.g., Impact HYD-1, Impact HYD-3, Impact HYD-5, MM HYD-1b, MM HYD-3), along with other requirements and standards, to the extent applicable, each project applicant, as part of its individual development proposal, would be required to comply with Phase I and II MS4 permit mandates. No further response is required.

Response to CVRWQCB-5
The commenter indicates that industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit.

The comment is noted and acknowledged, and the commenter is referred to the Regulatory Framework of Section 3.10, Hydrology and Water Quality, of the Draft EIR, where these

requirements were included. Along with other requirements and standards, to the extent applicable, each project applicant, as part of its individual development proposal, would be required to comply with the mandates of Industrial Storm Water General Permit Order No. 2014-0057-DWQ. No further response is required.

Response to CVRWQCB-6
The commenter describes the requirement for compliance with Section 404 of the Clean Water Act (CWA) if the project will involve the discharge of dredged or fill material in navigable waters or wetlands. The commenter also notes the requirements for a streambed alteration agreement if the project will involve surface water drainage realignment.

The comment is noted and acknowledged, and the commenter is referred to the Regulatory Framework of Section 3.3, Biological Resources, of the Draft EIR, where these requirements were included. As discussed in Section 3.3, a preliminary assessment of potentially jurisdictional features was conducted as part of the literature review and reconnaissance-level survey for the project site. As described in more detail therein, there is a ditch wetland/cattail marsh located on the Zuriakat parcel along California Avenue. Development details for the Zuriakat parcel are unknown at this time. In addition, there are several irrigation/drainage channels throughout the project site, which appear to have a potential hydrological connection to the San Joaquin River, a traditional navigable water of the United States. The man-made channels on the project site have all been excavated within upland habitat for the purpose of on-site agricultural irrigation and drainage, and as explained more in Section 3.3, these features are generally not considered jurisdictional. However, if the proposed project's construction would result in the placement of fill that would potentially result in impacts to any regulated aquatic resources, MM BIO-3 would be implemented, which requires delineation of potentially jurisdictional aquatic resources and obtaining permits pursuant to Sections 404 and 401 of the CWA as well as compliance with Section 1600 of the California Fish and Game Code (to the extent applicable). See also discussion in Impact BIO-3 for further information in this regard.

Response to CVRWQCB-7
The commenter describes the requirement for compliance with Section 401 – Water Quality certification of the CWA.

The comment is noted and acknowledged, and the commenter is referred to the Regulatory Framework of Section 3.3, Biological Resources, of the Draft EIR, and Section 3.10, Hydrology and Water Quality, of the Draft EIR, where these requirements are included. As noted in the above response, to the extent required under applicable laws and regulations, each project applicant would be required to comply with Sections 404 and 401 of the CWA in connection with its individual development proposal. No further response is required.

Response to CVRWQCB-8
The commenter describes the requirement for a Waste Discharge Requirement permit.

The comment is noted and acknowledged, and the commenter is referred to the Regulatory Framework of Section 3.10, Hydrology and Water Quality, of the Draft EIR, where these requirements were noted. If applicable, each project applicant would be required to comply with

these mandates in connection with its individual development proposal. No further response is required.

Response to CVRWQCB-9
The commenter describes the permit requirements for dewatering projects.

This comment is noted and acknowledged, and the commenter is referred to the Regulatory Framework of Section 3.10, Hydrology and Water Quality, of the Draft EIR, where these requirements are noted; however, the proposed project does not include groundwater dewatering. No further response is required.

Response to CVRWQCB-10
The commenter describes the general National Pollutant Discharge Elimination System (NPDES) permit requirements for dewatering projects that would discharge groundwater to waters of the United States but would be considered a low or limited threat to water quality (Limited Threat General Order).

This comment is noted and acknowledged; however, the proposed project does not include groundwater dewatering. No further response is required.

Response to CVRWQCB-11
The commenter describes the requirements for an NPDES permit.

The comment is noted and acknowledged. Each project applicant, in connection with its individual development proposal, would be required to comply with applicable NPDES mandates. No further response is required.

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S J C O G, Inc.

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 235-0438

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)

SJMSCP RESPONSE TO LOCAL JURISDICTION (RTLJ)
ADVISORY AGENCY NOTICE TO SJCOG, Inc.

To: Victoria Lombardo, City of Tracy, Development Services Department

From: Laurel Boyd, SJCOG, Inc. Phone: (209) 235-0574 Email: boyd@sjcog.org

Date: April 27, 2022

-Local Jurisdiction Project Title: Notice of Availability of Draft Environmental Impact Report for the Tracy Alliance Project

Assessor Parcel Number(s): 213-170-14, -24 to -27, -48

Local Jurisdiction Project Number: N/A

Total Acres to be converted from Open Space Use: Unknown

Habitat Types to be Disturbed: Agricultural Habitat Land

Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear Ms. Lombardo:

SJCOG, Inc. has reviewed the project referral for the Notice of Availability of Draft Environmental Impact Report for the Tracy Alliance Project. This project consists of the development of up to 3,352,320 square feet of warehouse and distribution and related development. Development on the two Tracy Alliance parcels would consists of approximately 1,849,500 square feet of warehouse and distribution space located in three buildings, as well as an approximately 12.44 acre stormwater detention basin with pump station. Development plans for the Suvik Farms, LLC parcels and Zuriakat parcel are not specified at this time. For the purposes of analysis in the DEIR, buildout fo these parcels was estimated to consist of a total of approximately 1,502,820 square feet of warehouse and distribution development.

The proposed project includes demolition of 11 existing residential and agricultural structures on approximately 4 acres located at the southwestern corner of the Tracy Alliance parcels, removal of all crops and some existing trees, grading of approximately 500,000 cubic yards, and the construction of the following primary components:

- Multiple warehouse buildings totaling up to 3,352,320 square feet that support industrial uses and associated offices;
- An approximately 12.44 acre City owned and managed stormwater detention basin with pump station;
- Ample landscaping consistent with all applicable City requirements; for example, in connection with the individual development proposal for the Tracy Alliance parcels, the relevant site plan reflects approximately 110,000 square feet of landscaped areas; and
- Sufficient on-site parking for both vehicles and trailer spaces consistent with all applicable City requirements; for example, in connection with the individual development proposal for the Tracy Alliance parcels, the relevant site plan reflects approximately 1,134 automobile parking spaces and approximately 572 trailer parking spaces.

1

The project site is located at the northeast corner of Grant Line Road and Paradise Road, Tracy (APN: 213-170-14, -24 to -27, -48).

The City of Tracy is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measure are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP. Although participation in the SJMSCP is voluntary, Local Jurisdiction/Lead Agencies should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.

2

This Project is subject to the SJMSCP. This can be up to a 30 day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. http://www.sjcog.org

Please contact SJMSCP staff regarding completing the following steps to satisfy SJMSCP requirements:

- Schedule a SJMSCP Biologist to perform a pre-construction survey ***prior to any ground disturbance***
- SJMSCP Incidental take Minimization Measures and mitigation requirement:

1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
    a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
    b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
    c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
    d. Purchase approved mitigation bank credits.
4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
    a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
    b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
    c. Purchase approved mitigation bank credits.

    Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

- Receive your Certificate of Payment and release the required permit

It should be noted that if this project has any potential impacts to waters of the United States [pursuant to Section 404 Clean Water Act], it would require the project to seek voluntary coverage through the unmapped process under the SJMSCP which could take up to 90 days. It may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would be required from each of these resource agencies prior to grading the project site.

2
CONT

If you have any questions, please call (209) 235-0600.

S J C O G, Inc.

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan

555 East Weber Avenue ● Stockton, CA 95202 ● (209) 235-0600 ● FAX (209) 235-0438

SJMSCP HOLD

TO: Local Jurisdiction: Community Development Department, Planning Department, Building Department, Engineering Department, Survey Department, Transportation Department, Other: _____

FROM: Laurel Boyd, SJCOG, Inc.

DO NOT AUTHORIZE SITE DISTURBANCE
DO NOT ISSUE A BUILDING PERMIT
DO NOT ISSUE _____ FOR THIS PROJECT

The landowner/developer for this site has requested coverage pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). In accordance with that agreement, the Applicant has agreed to:

1) SJMSCP Incidental Take Minimization Measures and mitigation requirement:

1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
   a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
   b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
   c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
   d. Purchase approved mitigation bank credits.
4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
   a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
   b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
   c. Purchase approved mitigation bank credits.

   Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

3

Project Title: NOA of DEIR for the Tracy Alliance Project

Assessor Parcel #s: 213-170-14, -24 to -27, -48

T _____, R_____, Section(s): _____

Local Jurisdiction Contact: Victoria Lombardo

The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.

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San Joaquin Council of Governments (SJCOG)

Response to SJCOG-1
The letter provides introductory remarks, including a summary of the project description.

It does not raise any specific project-related environmental issues under CEQA and therefore no further response is required.

Response to SJCOG-2
The commenter notes that the proposed project is subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP); summarizes the local jurisdiction's compliance obligations; and recommends that the project applicant contact SJMSCP staff as early as possible. The commenter also notes the steps required to satisfy SJMSCP requirements, including a pre-construction survey by a qualified Biologist and implementation of incidental take minimization measures. It also notes that Section 404 requirements would apply if the proposed project would impact any waters of the United States.

SJMSCP requirements are detailed in Section 3.3, Biological Resources, of the Draft EIR (e.g., Section 3.4.4 (Regulatory Framework), Impact BIO-6, MM BIO-1). As analyzed more fully therein, each applicant, in connection with its individual development proposal, would be required to implement mitigation mandated under the SJMSCP and minimization measures (as identified above in Impact BIO-1) in conjunction with required compliance with the SJMSCP, which would reduce specific impacts to listed species to a less than significant level under CEQA. Pursuant to the foregoing, no permit for site clearance, grading, or construction would be issued until all requirements under applicable laws and regulations, including those of the SJMSCP, have been satisfied. See also discussion in Section 3.3 (e.g., Impact BIO-3) with respect to potential impacts to jurisdictional features.

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From: Diana Walker <Diana.Walker@valleyair.org>
Sent: Wednesday, May 4, 2022 2:14 PM
To: Victoria Lombardo <Victoria.Lombardo@cityoftracy.org>
Subject: SJVAPCD Information Request for DEIR Tracy Alliance Project

Hello Victoria,

The District is currently reviewing the DEIR for the Tracy Alliance Project. I noticed that an ambient air quality analysis and health risk assessment was completed for the project. May you please request the electronic modeling (AERMOD) and HARP2 files for both analyses from the consultant/applicant and submit them to the District as soon as possible. We will need them in order to complete our review of the DEIR. 1

Best regards,

Diana Walker
San Joaquin Valley Air Pollution Control District
Air Quality Specialist II
(559) 230- 5820
Diana.Walker@valleyair.org



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San Joaquin Valley Air Pollution Control District (Valley Air District-1)

Response to Valley Air District-1-1

The commenter states that they are reviewing the Draft EIR and requests the American Meteorological Society/United States Environmental Protection Agency (EPA) Regulatory Model (AERMOD) and Hotspots Analysis and Reporting Program (HARP2) files be sent to the Valley Air District in order to complete their review.

This comment is noted and acknowledged. FirstCarbon Solutions (FCS), on behalf of the City, submitted the requested files to the Valley Air District on May 10, 2022.

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Attachment E

San Joaquin Valley AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

June 2, 2022

Victoria Lombardo
City of Tracy
Development Services Department
333 Civic Center Plaza
Tracy, CA 95376

Project: Draft Environmental Impact Report for Tracy Alliance Project

District CEQA Reference No: 20220531

Dear Ms. Lombardo:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) for the Tracy Alliance Project for City of Tracy (City). Per the DEIR, the proposed project consists of the construction and operation of approximately 3,352,320 square feet of warehouse and distribution development (Project), located at the northeast corner of Grant Line Road and Paradise Road in Tracy CA. 1

The District offers the following comments regarding the Project:

1) Project Related Emissions

1a) Project Trip Length Assumption for Operational Off-Site Heavy Heavy-Duty Truck Travel

Per Appendix B (*Air Quality and Greenhouse Gas Emissions Supporting Information*) of the DEIR, the California Emissions Estimator Model (CalEEMod) analysis includes a 6.9-mile trip length for quantifying Project operational emissions from heavy heavy-duty (HHD) truck travel. However, warehouse development projects typically result in a high volume of HHD truck trips that generally travel further distances (e.g. trip length) for distribution. Without sufficient justification in the DEIR to support the 6.9-mile trip length, the analysis may be underestimating the Project's operational emissions. Therefore, the District recommends the DEIR be revised to either justify the use of a 6.9-mile trip length for this Project or reflect an appropriate trip length distance that is supported 2

Samir Sheikh
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: (661) 392-5500 FAX: (661) 392-5585

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by project-specific factors and include a qualitative discussion in the DEIR for consistency. 2 CONT

1b) Recommended Mitigation to Reduce Operational Air Quality Impacts

Per the DEIR, specifically Table 3.3-12 (Unmitigated *Annual Operational Emissions*) demonstrates Project operational emissions are expected to exceed the District's significance thresholds. Therefore, the District recommends the DEIR be revised to include a Voluntary Emission Reduction Agreement (VERA) for this Project.

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's incentives programs. The funds are disbursed by the District in the form of grants for projects that achieve emission reductions. Thus, project-related impacts on air quality can be mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of old farm tractors. 3

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. After the project is mitigated, the District certifies to the Lead Agency that the mitigation is completed, providing the Lead Agency with an enforceable mitigation measure demonstrating that project-related emissions have been mitigated. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document includes an assessment of the feasibility of implementing a VERA. 4

2) <u>Health Risk Assessment</u>

Per the DEIR, the Project-related health impacts are expected to exceed the District's significance threshold of 20 in a million for cancer risk for new developments under CEQA. Therefore, the District recommends that the Project not be approved unless the DEIR is revised to include additional mitigation measures to reduce the Project-level health impacts to below the District's significance thresholds. 5

3) District Rule 9510 - Indirect Source Review

The Project is subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 25,000 square feet of light industrial space.

The purpose of District Rule 9510 is to reduce the growth in both NOx and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The Rule encourages clean air design elements to be incorporated into the development project. In case the proposed project clean air design elements are insufficient to meet the targeted emission reductions, the rule requires developers to pay a fee to fund projects to achieve off-site emissions reductions.

Per Section 5.0 of the ISR Rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency. As of the date of this letter, the District has not received an AIA application for this Project. Please inform the project proponent to immediately submit an AIA application to the District to comply with District Rule 9510. One AIA application should be submitted for the entire Project. It is preferable for the applicant to submit an AIA application as early as possible in the public agency's (City of Tracy) approval process so that proper mitigation and clean air design under ISR can be incorporated into the public agency's analysis. 6

Information about how to comply with District Rule 9510 can be found online at: http://www.valleyair.org/ISR/ISRHome.htm.

The AIA application form can be found online at: http://www.valleyair.org/ISR/ISRFormsAndApplications.htm.

District staff is available to provide assistance, and can be reached by phone at (559) 230-5900 or by email at ISR@valleyair.org.

4) Recommended Emissions Reductions Strategies to Reduce Project Air Quality Impacts

4a) Industrial/Warehouse Emission Reduction Strategies

The District recommends the City consider the feasibility of incorporating emission reduction strategies that also reduce potential harmful health impacts, such as those listed below: 7

- Ensure solid screen buffering trees, solid decorative walls, and/or other natural ground landscaping techniques are implemented along the property line of adjacent sensitive receptors
- Ensure all landscaping be drought tolerant
- Orient loading docks away from sensitive receptors unless physically impossible
- Locate loading docks a minimum of 300 feet away from the property line of sensitive receptor unless dock is exclusively used for electric trucks
- Incorporate signage and “pavement markings” to clearly identify on-site circulation patterns to minimize unnecessary on-site vehicle travel
- Locate truck entries on streets of a higher commercial classification.
- Ensure all building roofs be solar-ready
- Ensure all portions of roof tops that are not covered with solar panels are constructed to have light colored roofing material with a solar reflective index of greater than 78
- Ensure rooftop solar panels are installed and operated to supply 100% of the power needed to operate all non-refrigerated portions of the development project
- Ensure power sources at loading docks for all refrigerated trucks have “plugin” capacity, which will eliminate prolonged idling while loading and unloading goods
- Incorporate bicycle racks and electric bike plug-ins
- Require the use of super-compliant volatile organic compounds (VOC) architectural and industrial maintenance coatings
- Prohibit the use of non-emergency diesel-powered generators during construction
- Inform the project proponent of the incentive programs (e.g., Carl Moyer Program and Voucher Incentive Program) offered to reduce air emissions from the Project

7

4b) Truck Routing

Truck routing involves the assessment of which roads HHD trucks take to and from their destination, and the emissions impact that the HHD trucks may have on residential communities and sensitive receptors.

Per the DEIR, the Project will result in increased HHD truck trips. Therefore, the District recommends the City evaluate HHD truck routing patterns for the Project, with the aim of limiting exposure of residential communities and sensitive receptors to emissions. This evaluation would consider the current truck routes, the quantity and type of each truck (e.g., Medium Heavy-Duty, HHD, etc.), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall Vehicle Miles Traveled (VMT), and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality.

8

4c) Reduce Idling of Heavy-Duty Trucks

The goal of this strategy is to limit the potential for localized PM2.5 and toxic air contaminant impacts associated with the idling of Heavy-Duty trucks. The diesel exhaust from idling has the potential to impose significant adverse health and environmental impacts.

Since the Project is expected to result in HHD truck trips, the District recommends the DEIR be revised to include measures to ensure compliance of the state anti-idling regulation (13 CCR § 2485 and 13 CCR § 2480) and discuss the importance of limiting the amount of idling, especially near sensitive receptors. In addition, the District recommends the City consider the feasibility of implementing a more stringent 3-minute idling restriction and requiring appropriate signage and enforcement of idling restrictions. 9

4d) Electric On-Site Off-Road and On-Road Equipment

Since the Project will result in industrial development, it has the potential to result in increased use of off-road equipment (e.g., forklifts) and on-road equipment (e.g., mobile yard trucks with the ability to move materials). The District recommends that the DEIR include requirements for project proponents to utilize electric or zero emission off-road and on-road equipment. 10

4e) Vegetative Barriers and Urban Greening

There are residential units located northeast and southeast of the Project. The District suggests the City consider the feasibility of incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors (e.g., residential units).

While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, vegetative barriers have been shown to be an additional measure to potentially reduce a population's exposure to air pollution through the interception of airborne particles and the update of gaseous pollutants. Examples of vegetative barriers include, but are not limited to the following: trees, bushes, shrubs, or a mix of these. Generally, a higher and thicker vegetative barrier with full coverage will result in greater reductions in downwind pollutant concentrations. In the same manner, urban greening is also a way to help improve air quality and public health in addition to enhancing the overall beautification of a community with drought tolerant, low-maintenance greenery. 11

4f) On-Site Solar Deployment

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the City consider incorporating solar power systems as an emission reduction strategy for the Project. 12

4g) Electric Vehicle Chargers

To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of the District's Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District recommends that the City and project proponents install electric vehicle chargers at project sites, and at strategic locations. 13

Please visit www.valleyair.org/grants/chargeup.htm for more information.

5) District Rules and Regulations

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes. 14

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm. To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (209) 557-6446.

5a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. 15

District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District's SBA Office at (209) 557-6446. 15 CONT

5b) District Rule 9410 (Employer Based Trip Reduction)

The Project may be subject to District Rule 9410 (Employer Based Trip Reduction) if the project would result in employment of 100 or more "eligible" employees. District Rule 9410 requires employers with 100 or more "eligible" employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees. 16

Information about District Rule 9410 can be found online at: www.valleyair.org/tripreduction.htm.

For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at etrip@valleyair.org

5c) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)

The Project will be subject to District Rule 4002 since the Project will include demolition of existing structures. To protect the public from uncontrolled emissions of asbestos, this rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Any asbestos present must be handled in accordance with established work practice standards and disposal requirements. 17

Information on how to comply with District Rule 4002 can be found online at: http://www.valleyair.org/busind/comply/asbestosbultn.htm.

5d) District Rule 4601 (Architectural Coatings)

The Project will be subject to District Rule 4601 since it is expected to utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at: http://www.valleyair.org/rules/currntrules/r4601.pdf . 18

5e) District Regulation VIII (Fugitive PM10 Prohibitions)

The Project will be required to submit a Construction Notification Form and submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities.*

Since the Project will result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950. 19

The application for both the Construction Notification and Dust Control Plan can be found online at:
https://www.valleyair.org/busind/comply/PM10/forms/DCP-Form.docx

Information about District Regulation VIII can be found online at:
http://www.valleyair.org/busind/comply/pm10/compliance_pm10.htm

5f) Other District Rules and Regulations

The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). 20

6) District Comment Letter

The District recommends that a copy of the District's comments be provided to the Project proponent. 21

If you have any questions or require further information, please contact Diana Walker by e-mail at Diana.Walker@valleyair.org or by phone at (559) 230-5820.

Sincerely,

Brian Clements
Director of Permit Services



Mark Montelongo
Program Manager

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San Joaquin Valley Air Pollution Control District (Valley Air District-2)

The following responses include discussion of new mitigation measures to address comments from the Valley Air District that the applicant has agreed to adopt. The mitigation measures are appropriately discussed in this Final EIR and are incorporated into the Mitigation Monitoring and Reporting Program (MMRP) because the new mitigation measures would result in further emission reductions; they would not themselves involve new significant effects or substantially increase the severity of previously analyzed significant effects that would require the recirculation of the Draft EIR.

Under *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal*. (1993) 6 C4th 1112 and CEQA Guidelines Section 15088.5(a)(3)), when information added to the *Final* EIR consists of a suggested new mitigation measure, recirculation is only required if the mitigation measure meets each of the following criteria (*South County Citizens for Smart Growth v. County of Nevada* (2013) 221 CA4th 316, 330):

- It is feasible;
- It is considerably different from the alternatives or mitigation measures already evaluated in the Draft EIR;
- It would clearly lessen the project's significant environmental impacts; and
- It is not adopted.

These new mitigation measures are accepted by the applicant and will be adopted and implemented with the construction of the proposed project, as applicable. Therefore, recirculation is not required.

Response to Valley Air District-2-1
The commenter states that the Valley Air District has reviewed the Draft EIR for the proposed project and notes that the proposed project consists of the construction and operation of approximately 3,352,320 square feet of warehouse and distribution development.

This comment is noted and acknowledged. Because it does not raise any specific project-related environmental issues under CEQA, no further response is required.

Response to Valley Air District-2-2
The commenter identifies that Appendix B of the Draft EIR includes a 6.9-mile trip length for quantifying heavy heavy-duty (HHD) truck traffic, but notes that warehouse development projects typically result in a high volume of HHD truck trips that generally travel distances further than 6.9 miles. Therefore, the commenter requests either (1) justification for the use of this metric, or (2) revisions to the analysis that reflect an appropriate trip length distance that is supported by project-specific factors and include a qualitative discussion for consistency.

The average HHD truck travel distance utilized in the CalEEMod modeling to support the Air Quality Analysis of the Draft EIR is 11.35 miles rather than the 6.9-mile distance referred to by the commenter. As shown in Appendix B of the Draft EIR, the California Emissions Estimator Model (CalEEMod) utilizes three separate travel distance metrics by default. In this case, the model's truck

trips were divided, with 41 percent assigned to a "H-O or C-NW" trip type with a default distance of 6.6 miles per trip and 59 percent assigned to a "H-W or C-W" trip type with a default distance of 14.7 miles per trip. Therefore, the model's default truck travel distance would be an average 11.35 miles per trip ((14.7 x 0.59) + (6.6 x 0.41) = 11.35).

Based on available information, the project applicants have identified three regionally located intermodal facilities as the most likely origins and destinations for much of their operations: an intermodal facility located at 1000 East Roth Road, Lathrop, California 95231, approximately 12.1 miles from the project site, an Amazon distribution center, located along East Paradise Road approximately 1 mile from the project site, and a UPS distribution center, located along West Shulte Road approximately 10.9 miles from the project site. Considering an even distribution between the three listed product origins and destinations, trucks traveling to and from the project site during operation would travel an average of 8 miles per trip. As the CalEEMod default results in an average truck travel distance of 11.35 miles, as shown in Appendix B of the Draft EIR, the proposed project's trucking activity was conservatively captured in the modeling contained in Appendix B of the Draft EIR and no revisions to the analysis are determined to be necessary in order to comply with CEQA.

Response to Valley Air District-2-3
The commenter recommends that the Draft EIR be revised to include a Voluntary Emission Reduction Agreement (VERA) for the project and describes that a VERA is a contractual agreement between the project proponent and the Valley Air District.

A VERA is a voluntary recommendation, it is not a requirement. In addition, because the project would result in the development of greater than 25,000 square feet of light industrial building space, the project would be required to pay emission reduction fees associated with its Indirect Source Review application, consistent with the requirements contained in District Rule 9510. The Indirect Source Review application and fees to the Valley Air District would reduce project emissions since the Air District would direct the fees to fund other air quality improvement measures throughout the District. Although the proposed project would not include a VERA, the incorporation of Indirect Source Review application measures and payment of fees would further offset proposed project air pollutant emissions. No further response is required.

Response to Valley Air District-2-4
The commenter describes that through a VERA, the Valley Air District verifies emission reductions achieved by complete grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions.

No further response is required.

Response to Valley Air District-2-5
The commenter states that the project-related health impacts are anticipated to exceed the Valley Air District's significance threshold of 20 in one million for cancer risk for new developments under CEQA. The commenter recommends that the proposed project not be approved unless the Draft EIR is revised to include additional mitigation measures to reduce the project-level health impacts to below the Valley Air District's significance thresholds.

To the extent the commenter is expressing an opinion on the merits of the proposed project, the comment will be noted and included in the administrative record for consideration by the City's decision-makers. The City, as Lead Agency, has the authority to approve the proposed project even if significant and unavoidable impacts would occur so long as the City's basis for doing so is supported by the required CEQA findings, including, if necessary, a Statement of Overriding Considerations. As noted in Section 3.3, Biological Resources, of the Draft EIR, while the final determination of whether a project would have a significant impact is within the purview of the Lead Agency pursuant to Section 15064(b) of the CEQA Guidelines, the City, in its discretion, has acted in accordance with Valley Air District's recommendation that its quantitative air pollution thresholds be used to determine the significance of project emissions. The applicable Valley Air District thresholds and methodologies are contained under each impact statement in Section 3.3, as the City, in its discretion, has determined to utilize these thresholds and methodologies, which are based on scientific and factual data.

For purposes of conducting the health risk impact analysis, the Draft EIR's analysis properly identified the closest sensitive receptors to the proposed project; it also noted that the Maximally Impacted Sensitive Receptor (MIR) during each construction phase of the proposed project, which may be different since the MIR during pollutant-generating activity is influenced by the distance of that receptor to the pollutant source(s), the amount and type of pollutants generated by each source, the topography and direction of the MIR as it relates to the pollutant source(s), and the prevailing meteorological conditions. As discussed under Impact AIR-3 in Section 3.3, Air Quality, the Draft EIR analyzed the health risk impacts during operation of Phase 1 of the proposed project as that is the only phase for which project-specific information was available, such as specific local truck travel routes, possible locations of on-site vehicle and equipment idling, and general building design and orientation on the project site. Nevertheless, it is reasonable to conclude that the health risk impacts resulting from operation of Phase 1 would be generally representative of and thus adequately identify and disclose operational impacts at full buildout. As discussed under Impact AIR-3 in Section 3.3, Air Quality, Phase 1 of the proposed project would constitute approximately 55 percent of total trucking activities for the proposed project and operation of Phase 1 would result in approximately 13.13 excess cancer cases per one million people.

Taking the above analytical approach, Phase 1 would result in approximately 55 percent of total trucking activities across the proposed project, representing the principal operational source of diesel particulate matter (DPM). Phase 1 of the proposed project could result in up to 11 excess cancer cases per one million people (i.e., 55 percent of 20 cancer cases per one million people, which is the Valley Air District's significance threshold). As discussed under Impact AIR-3 in Section 3.3, Air Quality, the 13.13 cancer cases per one million people from Phase 1 operations would be greater than 11 cancer cases in one million people. Because Phase 1 of the proposed project would result in cancer cases that exceed 55 percent of the Valley Air District's significance threshold, the proposed project has the potential to result in significant health impacts to nearby sensitive receptors during operation at full buildout. MM AIR-1d would result in reductions to DPM from the operation of a clean truck fleet during operation of all phases of the proposed project; however, the potential DPM emission reductions resulting from implementation of MM AIR-1d cannot be quantified at this time due to unknown engine emission factors for trucks meeting the California Air

Resources Board (ARB) low oxides of nitrogen (NOX) emission standards. Because the health risk impacts analyzed conclude that the proposed project could result in potentially significant health impacts and the efficacy of implementation of MM AIR-1d for DPM emission reductions cannot be quantified, the Draft EIR's analysis conservatively concluded that Impact AIR-3 would be significant and unavoidable.

Nonetheless and although not required as mitigation for any impact, to further reduce potential health risk impacts to the nearest sensitive receptors to the project site (the residences and school along Grant Line Road and El Rancho Road), the City has agreed to adopt and the project applicants have agreed to implement MM AIR-1e, which has been added to Section 3.3, Air Quality, of the Draft EIR to require that trucks accessing the project site are prohibited from using Grant Line Road east of the project site. These changes can be seen in Section 3.1 of the Errata, and have been incorporated into the updated MMRP. In addition, the project applicants are willing to voluntarily implement signage along project frontage on Grant Line Road to deter trucks from traveling on Grant Line Road east of the project site, and would agree to voluntarily implement routine communications between property managers and tenants to ensure tenant understanding that trucks accessing the project site are prohibited from using Grant Line Road east of the project site. These measures will be incorporated as conditions of approval.

When information added to the Final EIR consists of an additional mitigation measure, recirculation is required only if the new mitigation measure is considerably different from the alternatives or mitigation measures already evaluated in the Draft EIR; would clearly lessen the proposed project's significant environmental impacts; and is not adopted. Recirculation is required only if each of the above criteria is met. (*South County Citizens for Smart Growth v. County of Nevada (2013) 221 CA4th 316, 330*). Here, the applicants have voluntarily accepted the inclusion of this mitigation measure; therefore, recirculation is not required. These changes can be seen in Section 3.1 of the Errata as well as the updated MMRP.

Response to Valley Air District-2-6
The commenter notes that the proposed project is subject to District Rule 9510 Indirect Source Review. The commenter also summarizes the purposes and requirements under District Rule 9510, including the need to prepare an Air Impact Assessment (AIA).

This comment is noted and acknowledged, and the commenter is referred to the Regulatory Framework of Section 3.3, Air Quality, of the Draft EIR, where these requirements were noted. Specifically, the Valley Air District's rules and regulations that could apply to the proposed project, including District Rule 9510 – Indirect Source Review, are listed in Section 3.3, Air Quality, on page 3.3-20 through 3.3-21 of the Draft EIR. Page 3.3-21 of the Draft EIR states that the proposed project would be required to comply with Rule 9510 because it would develop more than 25,000 square feet of light industrial uses, including submittal of the required AIA application. See also the Impact Discussion in Impact AIR-1. No further response is required.

Response to Valley Air District-2-7
The commenter states that the City should consider the feasibility of a list of provided measures to reduce emissions and health impacts.

As identified in Section 3.3, Air Quality, and in accordance with the requirements under CEQA, a series of feasible mitigation measures have been identified, which would be imposed on the proposed project to reduce emissions and health risk impacts to the extent practicable. As requested by the commenter, the City and its consultants have considered the feasibility of incorporating the suggested additional measures. Those listed by the commenter, such as the inclusion of a screen buffer of trees, solid decorative walls, and/or other natural ground landscaping techniques around the project site eastern property line adjacent to sensitive receptors; ensuring all landscaping is drought tolerant; or signage/pavement markings identifying on-site circulation, would not result in sufficient reductions in emissions to ensure that emissions and subsequent health risk impacts would not exceed the District's significance thresholds. The reason these additional mitigation measures would not reduce emissions below the Valley Air District thresholds is because the majority of operational emissions are due to the use of HHD truck fleets. Signage/pavement marking identifying on-site circulation would not reduce the number of trucks visiting the project site on any given day or substantially change or reduce the amount of time trucks would spend idling or traveling on or near the project site. However, additional mitigation measures were included in the Final EIR that would reduce the project's potential to expose sensitive receptors to elevated levels of toxic air contaminants (TACs). These measures include MM AIR-1f (idling limitation), MM AIR-1g (electric on-site off-Road and on-road equipment), and MM AIR-1h (vegetated project site buffer). These mitigation measures align with the intent of the mitigation measures suggested by the commentor. Specifically, MM AIR-1-h requires each individual development proposal within the project site to demonstrate inclusion of a vegetative buffer.

Furthermore, a number of the measures listed by the commenter are already incorporated into the project as design features, such as providing bicycle parking consistent with City requirements, or have already been identified as mitigation; i.e., MM AIR-1b and -1c, which require during construction low volatile organic compound (VOC) architectural coating and paints which do not exceed 10 grams of reactive organic gas (ROG) per liter of paint and Zero VOC consumer products during operation.

Nevertheless, as described further below, although not required to do so, the City has agreed to adopt and the project applicants have agreed to incorporate the following additional measures: MM AIR-1e (operational truck fleet routing), MM AIR-1f (idling limitation), MM AIR-1g (electric on-site off-road and on-road equipment), MM AIR-1h (vegetated project site buffer), and MM AIR-1i (Tier 2 CALGreen electric vehicle charging infrastructure). These mitigation measures have been included in this Final EIR (as shown in Section 3.1 of the Errata) as well as in the updated MMRP, and would result in additional emission reductions during project operation beyond what was identified in the Draft EIR. Nonetheless, the quantified emission reductions experienced by these new mitigation measures cannot be identified at this time due to the limitations of emissions modeling, such as CalEEMod. However, such quantification is not required because as mentioned previously, the vast majority of emissions would be due to HHD truck use during operation and impacts would remain significant and unavoidable.

Response to Valley Air District-2-8

The commenter notes that truck routing involves the assessment of which roads HHD trucks will use during project operation. The commenter indicates that the truck routing patterns can result in

impacts to nearby residential communities and sensitive receptors and states that truck routing for the project should be identified, with the aim of limiting exposure to emissions. The commenter then notes the recommended methodology in conducting this assessment.

As identified in Chapter 2, Project Description, of the Draft EIR, approximately 12.51 acres of the Tracy Alliance parcel would be reserved to accommodate a portion of a planned interchange at Paradise Road and Interstate 205 (I-205) where future trucks would access the project site once built. This future interchange has been identified by the project applicant as the primary truck route for trucks accessing the project site during operation once it is constructed and the interchange is assumed to be in place as part of the cumulative conditions within the Transportation Impact Analysis prepared by Kimley-Horn. As illustrated in Appendix B of the Draft EIR, the operational Health Risk Assessment (HRA) prepared for the proposed project to support the analysis under Impact AIR-3 in Section 3.3, Air Quality, accounted for all possible local arterials that could support the future trucking activities of the proposed project. This consideration in the HRA accounted for known trucking information including the possible local route network (i.e., current and future truck routes), the quantity, type, and volume of truck trips and VMT, and associated exhaust emissions. For example, the CalEEMod operational scenarios used project-specific truck trip lengths based on applicant information of three points of origin for truck trips, which provided an accurate representation of the potential exhaust emissions associated with operations. Nonetheless, and although not required as mitigation for any impact, the City has agreed to adopt and the project applicants have agreed to implement MM AIR-1e, which has been added to this Final EIR to prohibit trucks that are accessing the project site from using Grant Line Road east of the project site. This mitigation When information added to the Final EIR consists of an additional mitigation measure, recirculation is required only if the new mitigation measure is considerably different from the alternatives or mitigation measures already evaluated in the Draft EIR; would clearly lessen the proposed project's significant environmental impacts; and is not adopted. Recirculation is required only if each of the above criteria is met. (*South County Citizens for Smart Growth v. County of Nevada (2013) 221 CA4th 316, 330*). Here, the applicants have voluntarily accepted the inclusion of this mitigation measure; therefore, recirculation is not required. These changes can be seen in Section 3.1 of the Errata as well as the updated MMRP.

Response to Valley Air District-2-9

The commenter summarizes the goal of the idling reduction strategy. The commenter then notes that because of the volume of truck traffic anticipated for the proposed project, and recommends that the Draft EIR be revised to include measures to ensure compliance with the State anti-idling regulation; to discuss the importance of limiting idling near sensitive receptors; and to include a more stringent 3-minute idling restriction for on-site trucks accessing the site (along with related signage and enforcement) to reduce associated exhaust emissions.

Consistent with the comment, Section 3.3, Air Quality, of the Draft EIR addresses the State anti-idling regulation as well as the impacts of idling on sensitive receptors absent restrictions (see, e.g., pages 3.3-16 and 3.3-47 through -49).

In addition, although not required as mitigation for any impact, in response to this comment, the City has agreed to adopt and the project applicants have agreed to implement MM AIR-1f, which

would restrict on-site vehicle idling to no greater than 3 minutes. These changes can be seen in Section 3.1 of the Errata as well as the updated MMRP. When information added to the Final EIR consists of an additional mitigation measure, recirculation is required only if the new mitigation measure is considerably different from the alternatives or mitigation measures already evaluated in the Draft EIR; would clearly lessen the proposed project's significant environmental impacts; and is not adopted. Recirculation is required only if each of the above criteria is met. (*South County Citizens for Smart Growth v. County of Nevada (2013) 221 CA4th 316, 330*). Here, the applicants have voluntarily accepted the inclusion of this mitigation measure; therefore, recirculation is not required. These changes can be seen in Section 3.1 of the Errata as well as the updated MMRP.

Response to Valley Air District-2-10
Because of the industrial nature of the proposed project, the commenter notes that it has the potential to result in increased use of on-site and off-road equipment. Therefore, the commenter recommends the use of on-site on- and off-road equipment (e.g., forklifts, pallet jacks) be limited to only electric equipment and vehicles.

Consistent with the comment, Section 3.3, Air Quality, of the Draft EIR evaluates the potential impact of project operations in terms of DPM emissions due to HHD trucks and passenger vehicles. Although the Draft EIR did not specifically evaluate the impacts of the use of on-site and off-road equipment; the Draft EIR discusses the primary source of DPM and TAC emissions from the project operation, which is the use of HHD trucks.

In addition, although not required as mitigation for any impact, in response to this comment, the City has agreed to adopt and the project applicants have agreed to implement MM AIR-1g, which would require the use of electric on-site and on- and off-road equipment in place of non-electric alternatives. These changes can be seen in Section 3.1 of the Errata as well as the updated MMRP. When information added to the Final EIR consists of an additional mitigation measure, recirculation is required only if the new mitigation measure is considerably different from the alternatives or mitigation measures already evaluated in the Draft EIR; would clearly lessen the proposed project's significant environmental impacts; and is not adopted. Recirculation is required only if each of the above criteria is met. (*South County Citizens for Smart Growth v. County of Nevada (2013) 221 CA4th 316, 330*). Here, the applicants have voluntarily accepted the inclusion of this mitigation measure; therefore, recirculation is not required. These changes can be seen in Section 3.1 of the Errata as well as the updated MMRP.

Response to Valley Air District-2-11
Because of the industrial nature of the proposed project and its proximity to nearby sensitive receptors, the commenter suggests that the City consider the feasibility of incorporating vegetative barriers and urban greening around the project site to further reduce air pollution exposure to sensitive receptors. The commenter also notes the purpose of these measures.

Consistent with the comment, Section 3.3, Air Quality, of the Draft EIR evaluates the potential impact of project operations on sensitive receptors; see, page 3.3-47.

In addition, although not required as mitigation for any impact, in response to this comment, MM AIR-1h has been added to Section 3.3, Air Quality, of the Draft EIR to require the installation of a vegetative barrier at the eastern boundary of the project site, between I-205 and Grant Line Road. These changes can be seen in Section 3.1 of the Errata as well as the updated MMRP. When information added to the Final EIR consists of an additional mitigation measure, recirculation is required only if the new mitigation measure is considerably different from the alternatives or mitigation measures already evaluated in the Draft EIR; would clearly lessen the proposed project's significant environmental impacts; and is not adopted. Recirculation is required only if each of the above criteria is met. (*South County Citizens for Smart Growth v. County of Nevada (2013) 221 CA4th 316, 330*). Here, the applicants have voluntarily accepted the inclusion of this mitigation measure; therefore, recirculation is not required. These changes can be seen in Section 3.1 of the Errata as well as the updated MMRP.

Response to Valley Air District-2-12
The commenter states that it is the policy of the State of California to increase renewable and zero-carbon energy resources in the procurement of electricity sold in-state to reach 100 percent by December 31, 2045, and notes that the production of solar energy is contributing to improving air quality and public health. The commenter suggests that the City consider incorporating solar power systems as an emission reduction strategy for the proposed project.

Consistent with the comment, as discussed in the Draft EIR (see, Chapter 3-6 Energy and 3-8 Greenhouse Gas Emissions), the proposed project would be required to be designed in compliance with the applicable California Building Standards Code (CBC), which reflect some of the most stringent requirements in the nation. Currently, the CBC requires that nonresidential projects construct their roofs to be solar-ready to accommodate the future installation of solar panels. The proposed project would be required to comply with the foregoing, thereby contributing to improved air quality and public health through the production of solar energy.

Response to Valley Air District-2-13
The commenter states that the Valley Air District offers a Charge Up! Incentive program to public agencies, businesses, and property owners to install electric vehicle (EV) charging infrastructure and recommends that the City and project proponents install EV chargers at project sites and at strategic locations.

Although not required as mitigation for any impact, in response to this comment, the City has agreed to adopt and the project applicants have agreed to implement MM AIR-1i, which would require the installation of EV charging stations which meet the Tier 2 standards set forth in Section A5.106.5.3 of Appendix A5–Nonresidential Voluntary Measures of the California Green Building Standards Code (CALGreen) of the 2019 CBC. The inclusion, and acceptance of this additional measure by the project applicants, would further reduce emissions through support for the use of electric vehicles. When information added to the Final EIR consists of an additional mitigation measure, recirculation is required only if the new mitigation measure is considerably different from the alternatives or mitigation measures already evaluated in the Draft EIR; would clearly lessen the proposed project's significant environmental impacts; and is not adopted. Recirculation is required only if each of the above criteria is met. (*South County Citizens for Smart Growth v. County of Nevada (2013) 221 CA4th*

316, 330). Here, the applicant has voluntarily accepted the inclusion of this mitigation measure; therefore, recirculation is not required. These changes can be seen in Section 3.1 of the Errata as well as the updated MMRP.

Response to Valley Air District-2-14
The commenter notes that the District issues permits for many different types of air pollution sources, and indicates that such projects may be subject to a variety of District rules and regulations including, for example, Regulation II, Rules 2010, 2201, and 2520.

The comment is noted. It does not raise any specific project-related environmental issues under CEQA, and therefore no further response is needed.

Response to Valley Air District-2-15
The commenter summarizes the definition of stationary source emissions, notes relevant District Rules 2010 and 2201, and states that the proposed project may be subject to these rules; the commenter also recommends that the project applicant should submit an application for an Authority to Construct (ATC) prior to construction.

Section 3.3, Air Quality, of the Draft EIR discusses at length the Valley Air District's authority to regulate air pollution sources, and confirms that the proposed project would be required to comply with all applicable District rules and regulations. See, e.g., page 3.3-25; see also discussion for Impact AIR-1. For purposes of further clarifying and amplifying the analysis, the Valley Air District's Regulation II, Rules 2010 and 2201 have been added to Section 3.3, Air Quality, page 3.3-20 of the Draft EIR, and corresponding edits are reflected in Section 3.1 of the Errata.

Response to Valley Air District-2-16
The commenter states that the proposed project may be subject to Valley Air District Rule 9410.

Section 3.3, Air Quality, of the Draft EIR discusses at length the Valley Air District's authority to regulate air pollution sources, and confirms that the proposed project would be required to comply with all applicable District rules and regulations. See, e.g., page 3.3-20; see also discussion for Impact AIR-1. For purposes of further clarifying and amplifying the analysis, the Valley Air District's Rule 9410 has been added to Section 3.3, Air Quality, page 3.3-21 of the Draft EIR, and corresponding edits are reflected in Section 3.1 of the Errata.

Response to Valley Air District-2-17
The commenter states that the proposed project will be subject to Valley Air District's Rule 4002.

Section 3.3, Air Quality, of the Draft EIR discusses at length the Valley Air District's authority to regulate air pollution sources, and confirms that the proposed project would be required to comply with all applicable District rules and regulations. In particular, the analysis considers impacts associated with the proposed demolition. See the discussion for Impact AIR-1 and -2. For purposes of further clarifying and amplifying the analysis, the Valley Air District's Rule 4002 has been added to Section 3.3, Air Quality, page 3.3-20 of the Draft EIR, and corresponding edits are reflected in Section 3.1 of the Errata.

Response to Valley Air District-2-18
The commenter notes that the proposed project would be subject to Valley Air District Rule 4601 Architectural Coatings.

Section 3.3, Air Quality, of the Draft EIR discusses at length the Valley Air District's authority to regulate air pollution sources, and confirms that the proposed project would be required to comply with all applicable District rules and regulations, including, among others, District Rule 4601. It also confirms that the proposed project would be required to comply with Rule 4601. See, e.g., pages 3.3-20 through 3.3-21 of the Draft EIR; see also discussion for Impact AIR-1. states

Response to Valley Air District-2-19
The commenter notes that the proposed project would be subject to Valley Air District Regulation VIII, specifically Rule 8021 (Fugitive PM_{10} Prohibitions), and summarizes the requirements for same.

Section 3.3, Air Quality, of the Draft EIR discusses at length the Valley Air District's authority to regulate air pollution sources, and confirms that the proposed project would be required to comply with all applicable District rules and regulations, including, among others, Regulation VIII. It also confirms that the proposed project would be required to comply with Regulation VIII. See, e.g., pages 3.3-20 through 3.3-21 of the Draft EIR; see also discussion for Impact AIR-1.

Response to Valley Air District-2-20
The commenter notes that the proposed project may be subject to Valley Air District Rules 4102 (Nuisance) and 4641 (Cutback, Slow Cure, and Emulsified Asphalt). This comment is noted.

Section 3.3, Air Quality, of the Draft EIR discusses at length the Valley Air District's authority to regulate air pollution sources, and confirms that the proposed project would be required to comply with all applicable District rules and regulations, including, among others, Rules 4102 and 4641. It also confirms that the proposed project would be required to comply with District Rules 4102 and 4641. See, e.g., pages 3.3-20 through 3.3-21 of the Draft EIR; see also discussion for Impact AIR-1.

Response to Valley Air District-2-21
The commenter states that the Valley Air District recommends that a copy of the District's comments be provided to the project proponent.

The Valley Air District's comments have been provided to the project applicants.

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June 3, 2022

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VIA EMAIL TO:
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Subject: Comments on Tracy Alliance EIR (SCH NO. 2020080524)

Dear Ms. Lombardo,

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed Tracy Alliance Project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance (GSEJA). Also, GSEJA formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877. 1

1.0 Summary

The project proposes the construction and operation of 3,352,320 square feet of warehouse and distribution and related development on a total of approximately 191.18 acres. The project site is within unincorporated San Joaquin County adjacent to the City of Tracy's northeastern city limits and adjacent to the City of Tracy Northeast Industrial (NEI) Specific Plan area. The proposed project would require approval of annexation into the City of Tracy, pre-zoning, an amendment to the NEI Specific Plan, and a Tentative Parcel Maps or Lot Line Adjustment(s) to create final development lots. Development on the two Tracy Alliance parcels, as proposed by co-applicant Tracy Alliance Group, would consist of approximately 1,849,500 square feet of warehouse and distribution space located in three buildings. The proposed site plan includes approximately 1,134 automobile parking spaces and approximately 572 truck/trailer parking spaces. Approximately 12.51 acres of the Tracy Alliance land would be reserved to accommodate a portion of a planned interchange at Paradise Road and Interstate 205 (I-205). 2

The San Joaquin County General Plan (County General Plan) designates the site as Agriculture-Urban Reserve (A/UR) and the County Zoning designation is Agriculture-minimum 40 acre lot (AG-40). The City of Tracy General Plan (General Plan) designates the project site as Industrial (I). The City does not have a Zoning designation for the project site because it is not currently within city limits. The project requests approval of a boundary reorganization (to annex the project site into the City of Tracy and detach the project site from the Tracy Rural Fire District), pre-zoning of the project site to a designation of NEI Specific Plan, and an amendment to the boundaries of the NEI Specific Plan to incorporate the project site (as well as any conforming amendments to the NEI Specific Plan to ensure consistency). 2 CONT

3.3 Air Quality, 3.6 Energy, and 3.8 Greenhouse Gas Emissions

The EIR does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. This is especially significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 4.0, CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project's census tract (6077005202) ranks worse than 97% of the rest of the state overall in pollution burden. The surrounding community, including Banta Elementary School, residences to the south and east, and adjacent SB 535 Census Tracts 6077005119 (east), 6077005122 (east), 6077005302 (west), 6077005206 (west), and 6077003900 (north), bears the impact of multiple sources of pollution and is more polluted than average on every pollution indicator measured by CalEnviroScreen. For example, the project census tract ranks in the 97th percentile for drinking water impacts, 99th percentile for groundwater threats, 97th percentile for hazardous waste impacts, and 87th percentile for impaired waters. The project census tract also ranks in the 60th percentile for ozone burden, the 46th percentile for particulate matter (PM) 2.5 burden, 50th percentile for diesel PM burden, and the 68th percentile for traffic related impacts, which are all typically attributed to heavy vehicular activity in the area. The census tract also bears more impacts from cleanup sites than 89% of the state. Chemicals in the buildings, soil, or water at cleanup sites can move into nearby communities through the air or movement of water. 3

Further, the census tract is a diverse community including 33% Hispanic, 4% African-American, and 14% Asian-American residents, which are especially vulnerable to the impacts of pollution. The community has a high rate of low educational attainment, meaning 60% of the census tract over age 25 has not attained a high school diploma, which is an indication that they may lack health insurance or access to medical care. Medical care is vital for this census tract as it ranks in the 59th percentile for incidence of cardiovascular disease and 58th percentile for incidence of low birth weights.

Additionally, the project's census tract (6077005202) and the census tracts adjacent to the project site (6077005119 (east), 6077005122 (east), 6077005302 (west), 6077005206 (west), and 6077003900 (north)) are identified as SB 535 Disadvantaged Communities, which is not discussed or presented for analysis in the EIR. 3 CONT

The State of California lists three approved energy compliance modeling softwares for non-residential buildings: CBECC-Com, EnergyPro, and IES VE. CalEEMod is not listed as an approved software. The spreadsheet-based and CalEEMod modeling in Appendix E does not comply with the 2019 Building Energy Efficiency Standards and under reports the project's potentially significant GHG and Energy impacts to the public and decision makers. Since the EIR did not accurately or adequately model the energy impacts in compliance with Title 24, a finding of significance must be made. A revised EIR with modeling in one of the approved software types must be circulated for public review in order to adequately analyze the project's potentially significant environmental impacts. This is vital as the EIR utilizes CalEEMod as a source in its methodology and analysis, which is clearly not one of the approved softwares. Additionally, the Energy Use Summary within Appendix E is titled "Sunnyvale FCII Project Energy Use Summary," which does not correspond to the proposed project and further renders the EIR inadequate as an informational document. 4

It must also be noted that the City is not listed as a jurisdiction with local energy standards approved by the CA Energy Commission. According to the CA Energy Commission, "Local jurisdictions are required to apply to the Energy Commission for approval, documenting the supporting analysis for how the local government has determined that their proposed Standards will save more energy than the current statewide Standards and the basis of the local government's determination that the local standards are cost-effective." Therefore, compliance with the City's General Plan and/or Sustainability Action Plan does not comply with CA Energy Commission standards or AB 32/SB 32. The EIR is misleading to the public and decision makers by stating compliance with these standards when the local jurisdiction standards have not been approved by the CA Energy Commission. A revised EIR must be prepared with adequate analysis of project impacts utilizing an approved modeling software in order to be a reliable informational document in compliance with CEQA. 5

3.11 Land Use and Planning

The EIR does not provide any consistency analysis with the San Joaquin County Council of Governments (SJCOG) adopted 2018 RTP/SCS[1]. Due to errors in modeling and modeling without 6

[1] SJCOG 2018 RTP/SCS https://www.sjcog.org/DocumentCenter/View/4156/Final-Compiled-RTPSCS-2018

supporting evidence, as noted throughout this comment letter and attachments, and the project's significant and unavoidable cumulatively considerable Air Quality and Transportation (VMT) impacts, the proposed project has signifiant potential for inconsistency with Policy 1 to enhance the environment for existing and future generations and conserve energy, Strategy 3 to improve air quality by reducing transportation-related emissions, Strategy 4 to improve regional transportation system efficiency, and Strategy 8 to improve major transportation corridors to minimize impacts on rural roads. The EIR must be revised to include accurate Air Quality/HRA, Energy, and GHG modeling and provide an analysis of potential inconsistency with the 2018 RTP/SCS document. 6 CONT

Additionally, the EIR notes that the "City of Tracy prepared a Municipal Services Review (MSR) for the San Joaquin LAFCo in 2019. The MSR provides the required information for project annexation." However, the MSR is not included for public review. CEQA § 15150 (f) states that incorporation by reference is most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of the problem at hand. The MSR contributes directly to the analysis of the problem at hand. Not including the MSR as an attachment for public review is in violation of CEQA § 15150 (f). The EIR must be revised and recirculated for public review including the MSR as an attachment. This is especially vital because the project's employment growth will exceed the MSR 10-Year horizon growth forecast as discussed below in the Population and Housing analysis. The EIR includes a footnote reference with a weblink to the MSR, but the weblink is not functional and a 404 error is returned when the link is entered into a web browser. 7

Table 3.11-3: General Plan Consistency Analysis provides misleading consistency analysis with General Plan goals, policies and objectives adopted with the purpose of avoiding or mitigating an environmental effect, including the following:

Objective LU-8.1 Policy 3: The City shall support existing San Joaquin County agricultural land use designations in the Planning Area and strongly oppose changes that result in increased urbanization.
EIR Analysis
Consistent: The project site would be annexed into the City of Tracy upon approval by LAFCo, and is designated in the City General Plan for industrial uses. Further, the County land use designation for the site of A/UR identifies and reserves this agricultural land for future urban development. 8

The EIR's analysis is misleading as the project site's existing San Joaquin County agricultural land use designations are proposed to be changed to non-agricultural designations. Additionally, the project will result in significant and unavoidable cumulatively considerable impact to agricultural resources due to the conversion of Prime Farmland. This information must be included for analysis as part of a revised EIR.

Goal AQ1 Improved air quality and reduced greenhouse gas emissions.
EIR Analysis
Consistent: The proposed project would be subject to various regulatory measures adopted to ensure ambient air quality standards are met to the extent feasible. The proposed project would not be a source of significant toxic or hazardous air pollutants and odors, and was not found to have a significant impact with respect to GHG. Refer to Section 3.3, Air Quality and Section 3.8, 9

The EIR's analysis is erroneous and misleading as the project will result in significant and unavoidable cumulatively considerable Air Quality impacts related to 1) Cumulatively Considerable Net Increase of reactive organic gases (ROG) and carbon monoxide (CO) During Construction and 2) Exposing Sensitive Receptors to Substantial Pollutant Concentrations. The EIR must be revised to include this information for analysis and include a finding of significance due to the inconsistency. 10

Additionally, the EIR excludes analysis of the following General Plan goals, policies and objectives adopted with the purpose of avoiding or mitigating an environmental effect, including the following:

1. Goal LU-9 Leadership in environmental, economic and social sustainability.
2. Objective LU-9.1 Undertake measures to reduce greenhouse gas emissions and improve the sustainability of actions by City government, residents and businesses in Tracy.
3. Objective AQ-1.1 Improve air quality and reduce greenhouse gas emissions through land use planning decisions.
4. AQ-1.1 P1. The City shall promote land use patterns that reduce the number and length of motor vehicle trips.
5. AQ-1.1 P2. To the extent feasible, the City shall maintain a balance and match between jobs and housing.
6. AQ-1.1 P4. Employment areas should include a mix of support services to minimize the number of trips.
7. Objective AQ-1.2 Promote development that minimizes air pollutant and greenhouse gas emissions and their impact on sensitive receptors as a result of indirect and stationary sources.
8. AQ-1.2 P2. The City shall assess through the CEQA process any air quality impacts of development projects that may be insignificant by themselves, but cumulatively significant.
9. AQ-1.2 P3. Developers shall implement best management practices to reduce air pollutant emissions associated with the construction and operation of development projects.
10. AQ-1.2 P6. Installation of solar voltaic panels on new homes and businesses shall be encouraged.
11. AQ-1.2 P12. New sources of toxic air pollutants shall prepare a Health Risk Assessment as required under the Air Toxics "Hot Spots" Act and, based on the results of the Assessment, establish appropriate land use buffer zones around those areas posing substantial health risks. AQ-1.2 P13. Dust control measures consistent with San Joaquin Valley Air Pollution Control District rules shall be required as a condition of approval for subdivision maps, site plans, and all grading permits.

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12. AQ-1.2 P14. Developments that significantly impact air quality shall only be approved if all feasible mitigation measures to avoid, minimize or offset the impact are implemented.
13. AQ-1.2 P15. Encourage businesses to electrify loading docks or implement idling-reduction systems so that trucks transporting refrigerated goods can continue to power cab cooling elements during loading, layovers, and rest periods.
14. Objective AQ-1.4 Support local and regional air quality improvement efforts.

11 CONT

Due to errors in modeling and modeling without supporting evidence, as noted throughout this comment letter and attachments, and the project's significant and unavoidable cumulatively considerable Air Quality and Transportation (VMT) impacts, the proposed project is directly inconsistent with the goals, policies and objectives listed above adopted with the purpose of avoiding or mitigating an environmental effect. The EIR must be revised to include a consistency analysis with all General Plan goals, policies and objectives in order to provide an adequate and accurate environmental analysis.

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Further, the NEI SP analysis does not analyze the Project Description's statement that the project requires an amendment to the boundaries of the NEI Specific Plan to incorporate the project site and any conforming amendments to the NEI Specific Plan to ensure consistency, which indicates that the project does not comply with the NEI SP. The EIR must be revised to detail the project's proposed development standards, the applicable standards within the NEI SP, and amendments proposed to the NEI SP in order to accommodate the proposed project.

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4.0 Effects Found Not to be Significant

4.2.2 Population and Housing

The EIR concludes that "based on the light industrial nature of the proposed project, it is expected that approximately 1,871 employees would work on-site at full buildout." Footnote 5 states that the quantity of employees was generated via "Conversation with Barbara Harb, Economic Development Analyst, City of Tracy-employment data collected by conversations with business owners for various industrial businesses, including warehousing, manufacturing, and employee-intensive warehousing, and existing building square footage data, averaged." The methodology for determining the number of employees generated by the proposed project is not adequate, accurate, or reliable. Further, none of the "conversations" are provided for public review as part of the EIR's methodology and does not comply with CEQA's requirements for incorporation by reference as the "conversations" that created the methodology contribute directly to analysis of the problem at hand (CEQA § 15150 (f)). Appendix J: Transportation utilizes a calculation of 1,000 square feet per employee to conclude that the project will generate 3,354 employees during project operations. All sections of the EIR must be revised to utilize this methodology for analysis in order for the EIR to be an internally consistent document.

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Table 2-7: Development Anticipated Within Years 1-10 and Within Years 11-30 of the City's 2019 Municipal Services Review[2] (MSR) states that Planning Subarea 16 (which encompasses the proposed project site) will generate 450 jobs during years 1-10 and 3,285 jobs during years 11-30. The 10-Year Horizon of the MSR spans from 2019 to 2029 and the 30-Year Horizon addresses 2029 to 2049. Table 3.3-6: Anticipated Construction Schedule within the EIR states that all phases of the project will be constructed by 2025. Appendix J's calculation of 3,354 employees generated by the proposed project demonstrates that the project vastly exceeds the employment growth anticipated and planned during the 10-Year Horizon. This information is not discussed or presented for analysis in the EIR and must be included as part of a revised and recirculated EIR for public review. A finding of significance must be made as the employment growth generated by the proposed project exceeds the growth capacity of the 2019 Municipal Services Review. 15

The EIR states that "industrial uses on the project site were anticipated by the City in the General Plan, and thus, the City anticipated this number of employees needed for such a project." The EIR concludes "the proposed project would not result in a significant, unplanned change to the population of the City, and impacts would be less than significant." The EIR does not provide any meaningful evidence to support the conclusion that the project will have less than significant impacts. As stated above, the 3,354 employees generated by the proposed project exceeds the growth capacity of the 2019 Municipal Services Review. Therefore, the proposed project will result in a significant, unplanned change to the population of the City, and impacts will be significant and potentially cumulatively considerable. The EIR must be revised to include this information for discuss and analysis in addition to a finding of significance. 16

The EIR must also provide a cumulative analysis discussion of projects approved since 2020 and projects "in the pipeline" to determine if the project will exceed SJCOG's employment growth forecast for the City. The revised EIR must also provide demographic and geographic information on the location of qualified workers to fill these positions in order to provide an accurate environmental analysis. The City's May 2022 Industrial and Commercial Pipeline Report[3] provides updated information on current industrial activity: 17

Under construction
Total NEI: 1,859,000 sf
Overall Total: 3,360,778 sf

[2] City of Tracy 2019 Municipal Services Review https://www.sjgov.org/docs/default-source/local-agency-formation-commission-documents/municipal-services-and-spheres-of-influence/cities/tracy---july-2019.pdf?sfvrsn=aa988a63_2
[3] City of Tracy May 2022 Industrial and Commercial Pipeline Report
https://www.cityoftracy.org/home/showpublisheddocument/13056/637882942906530000

Approved, Construction Not Started
Total NEI: 696,343 sf
Overall Total: 702,343 sf

Under Review
Total NEI: 1,574,180 sf
Overall Total: 6,931,854 sf

Cumulative Total NEI: 4,129,523 sf
Cumulative Overall Total: 10,994,975 sf

17 CONT

Utilizing a calculation of 1,000 square feet per employee and the development information provided by the May 2022 report, industrial development in the current pipeline will generate approximately 10,995 employees and approximately 4,130 employees (37.5% of pipeline industrial employees) will be within the NEI Specific Plan. A revised EIR must be prepared to include analysis that demonstrates if the employees generated by the proposed project, current industrial development pipeline, and any industrial projects completed from the date of the City's General Plan adoption that are not listed on the May 2022 pipeline list will exceed the growth forecasts of the General Plan or NEI Specific Plan. This is vital as the Project Description states that the project requires an amendment to the boundaries of the NEI Specific Plan to incorporate the project site and any conforming amendments to the NEI Specific Plan to ensure consistency, which indicates that the project does not comply with the NEI SP.

SJCOG's Population, Household, and Employment Projections[4] notes that the City will add approximately 6,102 jobs between 2020 - 2045. Utilizing Appendix J's calculation of 3,354 employees, the project represents 54.9% of the City's employment growth from 2020 - 2045. SJCOG's Growth Forecast notes that the City's population will increase by 42,744 residents between 2020 - 2045. Utilizing Appendix J's calculation of 3,354 employees, the project represents 7.8% of the City's population growth from 2020 - 2045. A single project accounting for this amount of the projected employment and/or population over 29 years represents a significant amount of growth. Further, the May 2022 industrial development pipeline's 10,995 employees represents 180% of the City's employment growth and 25.7% of the City's population growth from 2020 - 2045. Cumulatively, the proposed project and the May 2022 industrial development pipeline will generate 14,349 employees, which represents 235% of the City's employment growth and 33.5% of the City's population growth from 2020 - 2045. The proposed

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[4] SJCOG's 2018 RTP/SCS Appendix R- Population, Household, and Employment Projections https://www.sjcog.org/DocumentCenter/View/3722/Final-2018-RTPSCS-Technical-Appendix-R---Population-Household-and-Employment-Projections?bidId=

project in combination with the current industrial development pipeline vastly exceeds the City's projected employment growth and is a significant portion of its population growth. The EIR must be revised to include this analysis and also provide a cumulative analysis of projects approved since 2020 and projects "in the pipeline" to provide an adequate and accurate analysis to determine if the project will exceed SJCOG's employment and population growth forecasts for the City. 18 CONT

Further, the EIR utilizes uncertain language in stating that "given the nature of the proposed project, it would likely be staffed primarily by local employees once operational," without providing local employment data such as the population's interest or qualifications to work in the industrial sector. A revised EIR must be prepared to provide demographic and geographic information on the location of qualified workers to fill these positions in order to provide an adequate and accurate environmental analysis. 19

The EIR states that "the proposed project would help to support the City's jobs-to-housing ratio goal of 1.5, as established by the California Department of Housing and Community Development (HCD), by locating employment-generating uses in relatively close proximity thereby limiting extensive commute times. The City's current jobs-to-housing ratio is 1.3." The applicable footnotes state that "There were 34,710 jobs and 26,964 dwelling units within the City limits in 2018. This represents a jobs-housing ratio of approximately 1.3, which indicated that there are more jobs than homes in the City." The proposed project will add 3,354 employees to the City. This will increase the jobs to housing ratio by further exacerbating the oversupply of jobs. The EIR is nonsensical in its conclusion that adding more jobs will help support the City's jobs-to-housing ratio when the current ratio indicates an existing oversupply of jobs. A revised EIR must be prepared to provide this information for analysis. 20

3.14 Transportation

Appendix J: Transportation states that "Per OPR guidance, the VMT analysis excludes truck trips." However, the EIR does not provide a statutory source of exemption for medium/heavy trucks and/or freight. The EIR sources the OPR's 2018 Technical Advisory[5] which states that "here, the term "automobile" refers to on-road passenger vehicles, specifically cars and light trucks." However, the purpose of the OPR Technical Advisory document is purely advisory, stating in its introduction: 21

"The purpose of this document is to provide advice and recommendations, which agencies and other entities may use at their discretion. This document does not alter lead agency discretion in

[5] Governor's Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts in CEQA https://opr.ca.gov/ceqa/docs/20190122-743_Technical_Advisory.pdf

preparing environmental documents subject to CEQA. This document should not be construed as legal advice."

The OPR document is not a legal interpretation, court decision, or amendment to the CEQA statute that clarifies the definition of automobile. The term "automobile" is not defined in the CEQA statute and application of the OPR interpretation is speculative and does not provide an analysis of the "worst-case scenario" for environmental impacts. Widespread public understanding and perception indicates that trucks, including medium/heavy-duty trucks and freight trips associated with the industrial nature of warehouse operations, are automobiles. The EIR must be revised to remove this misleading information and include all truck/freight activity for quantified VMT analysis. The operational nature of industrial/warehouse uses involves high rates of truck/trailer/freight VMT due to traveling from large regional distribution centers to smaller industrial parks and then to their final delivery destinations. The project's truck/trailer /freight activity is unable to utilize public transit or active transportation and it is misleading to the public and decision makers to exclude this activity from VMT analysis. A revised EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer/freight activity to adequately and accurately analyze the potentially significant project transportation impacts. 21 CONT

Additionally, the Project Description states that "approximately 12.51 acres of the Tracy Alliance land would be reserved to accommodate a portion of a planned interchange at Paradise Road and Interstate 205 (I-205). However, the potential impacts of constructing this future interchange would undergo a separate environmental review process pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) once funding is programmed and available and once the ultimate design of the interchange is finalized; accordingly, the construction is not considered part of the proposed project (although the interchange is assumed to be in place as part of the cumulative conditions within the Transportation Impact Analysis prepared by Kimley Horn)." The EIR must be revised to remove the assumption that the I-205 interchange at Paradise Road is completed. There is no meaningful evidence provided that the improvement will be completed by the date of the cumulative conditions analysis. This is an erroneous and misleading representation of transportation impacts and the EIR must be revised. Including the improvement acts as mitigation without providing meaningful evidence that mitigation will actually result and the lead agency has no bearing over the improvement as its under CalTrans jurisdiction. 22

5.0 Other CEQA Considerations

5.3 Growth Inducing Impacts of the Project

The EIR concludes that "the proposed project would not result in direct or indirect growth, negatively alter the existing jobs/housing balance, or be inconsistent with the General Plan, the 23

NEI Specific Plan, or relevant City master infrastructure plans; therefore, growth-inducing impacts would be less than significant." However, as noted throughout this comment letter, the project will result in growth that exceeds the MSR 10-Year Horizon, negatively exacerbate the existing jobs/housing balance by adding to the oversupply of jobs, is inconsistent with the General Plan (including goals, policies, and objectives adopted for purposes of avoiding a negative environmental impacts), and the NEI Specific Plan (amendments required to accommodate the proposed project). The EIR must be revised to provide this information for analysis and include a finding of significance. 23 CONT

The EIR states that "the proposed project would help to support the City's jobs-to-housing ratio goal of 1.5, as established by the California Department of Housing and Community Development (HCD), by locating employment-generating uses in relatively close proximity thereby limiting extensive commute times. The City's current jobs-to-housing ratio is 1.3." The applicable footnotes state that "There were 34,710 jobs and 26,964 dwelling units within the City limits in 2018. This represents a jobs-housing ratio of approximately 1.3, which indicated that there are more jobs than homes in the City." The proposed project will add 3,354 employees to the City. This will increase the jobs to housing ratio by further exacerbating the oversupply of jobs. The EIR is nonsensical in its conclusion that adding more jobs will help support the City's jobs-to-housing ratio when the current ratio indicates an existing oversupply of jobs. A revised EIR must be prepared to provide this information for analysis. 24

The EIR must also include a cumulative analysis discussion here to demonstrate the impact of the proposed project in a cumulative setting. For example, the May 2022 industrial development pipeline's 10,995 employees represents 180% of the City's employment growth and 25.7% of the City's population growth from 2020 - 2045. Cumulatively, the proposed project and the May 2022 industrial development pipeline will generate 14,349 employees, which represents 235% of the City's employment growth and 33.5% of the City's population growth from 2020 - 2045. The proposed project in combination with the current industrial development pipeline vastly exceeds the City's projected employment growth and is a significant portion of its population growth. The EIR must also discuss and analyze that the project's employment growth exceeds the 10-Year Horizon of the MSR. 25

Further, the EIR must be revised to discuss and analyze that implementation of the project will result in significant and unavoidable environmental impacts to Agriculture (cumulatively considerable), Air Quality (cumulatively considerable), and Transportation (VMT) (cumulatively considerable), with the project census tract and adjacent census tracts (all of which are designated as SB 535 Disadvantaged Communities) receiving the most significant impacts. Project implementation will result in growth that does not comply with the AQMP and will have additional 26

environmental impacts that cannot be mitigated. These significant and irreversible environmental changes which caused by the project necessitate a finding of significance in this section. 26 CONT

6.0 Alternatives

The EIR is required to evaluate a reasonable range of alternatives to the proposed project which will avoid or substantially lessen any of the significant effects of the project (CEQA § 15126.6.) The alternatives chosen for analysis include the CEQA required "No Project" alternative and only two others (Existing General Plan Alternative and Reduced Project Alternative). The EIR does not evaluate a reasonable range of alternatives as only two alternatives beyond the required No Project alternative are analyzed. The EIR does not include an alternative that meets the project objectives and also eliminates all of the project's significant and unavoidable impacts. The EIR must be revised to include analysis of a reasonable range of alternatives and foster informed decision making (CEQA § 15126.6). This could include alternatives such as development of the site with a project that reduces all of the proposed project's significant and unavoidable impacts to less than significant levels. 27

Conclusion

For the foregoing reasons, GSEJA believes the EIR is flawed and a revised EIR must be prepared for the proposed project and circulated for public review. Golden State Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877. 28

Sincerely,

Gary Ho
Blum Collins & Ho, LLP

Attachments:
1.SWAPE Analysis

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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June 1, 2022

Gary Ho
Blum Collins LLP
707 Wilshire Blvd, Ste. 4880
Los Angeles, CA 90017

Subject: Comments on the Tracy Alliance Project (SCH No. 2020080524)

Dear Mr. Ho,

We have reviewed the April 2022 Draft Environmental Impact Report ("DEIR") for the Tracy Alliance Project ("Project") located in the City of Tracy ("City"). The Project proposes to construct 3,352,320-square-feet ("SF") of warehouse and distribution space, consisting of 1,792,500-SF of warehouse space, 57,000-SF of office space, and 1,502,820-SF of light industrial space, as well as 1,706 parking spaces, on the 191.18-acre site. 29

Our review concludes that the DEIR fails to adequately evaluate the Project's air quality, health risk, and greenhouse gas impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project are underestimated and inadequately addressed. An updated EIR should be prepared to adequately assess and mitigate the potential air quality, health risk, and greenhouse gas impacts that the project may have on the environment. 30

Air Quality

Failure to Implement All Feasible Mitigation to Reduce Emissions

The DEIR concludes that the Project would result in a significant-and-unavoidable air quality impact. Specifically, the DEIR estimates that the Project's daily ROG emissions associated with Project construction exceed the applicable San Joaquin Valley Air Pollution Control District ("SJVAPCD") threshold of 100 pounds per day ("lbs/day") (see excerpt below) (p. 3.3-36 – 3.3-37, Table 3.3-9). 31

Table 3.3-9: Mitigated Daily Construction Emissions (Sequential and Concurrent Phasing)

Year	Emissions (Pounds)					
	ROG	NO_x	CO	SO_x	PM_{10}	$PM_{2.5}$
Mitigated Project Phase 1						
Construction Year 2022	12.25	71.81	99.34	0.67	24.06	8.22
Construction Year 2023	87.87	59.11	72.80	0.56	17.60	5.45
Maximum Phase 1 Daily Construction Emissions	**87.87**	**71.81**	**99.34**	**0.67**	**24.06**	**8.22**
Valley Air District Daily Thresholds	100	100	100	100	100	100
Do Construction Emissions Exceed Thresholds?	**No**	**No**	**No**	**No**	**No**	**No**
Mitigated Project Phase 2						
Construction Year 2023	3.43	18.41	42.60	0.27	9.51	2.92
Construction Year 2024	48.04	17.27	33.76	0.24	7.32	2.04
Maximum Phase 1 Daily Construction Emissions	**48.04**	**18.41**	**42.60**	**0.27**	**9.51**	**2.92**
Valley Air District Daily Thresholds	100	100	100	100	100	100
Do Construction Emissions Exceed Thresholds?	**No**	**No**	**No**	**No**	**No**	**No**
Mitigated Project Phase 3						
Construction Year 2024	1.13	8.20	13.98	0.11	2.49	0.90
Construction Year 2025	22.43	8.09	13.53	0.11	2.49	0.71
Maximum Daily Construction Emissions (Total for Sequenced Phases)	**22.43**	**8.20**	**13.98**	**0.11**	**2.49**	**0.90**
Valley Air District Daily Thresholds	100	100	100	100	100	100
Do Construction Emissions Exceed Thresholds?	**No**	**No**	**No**	**No**	**No**	**No**
Mitigated Project Construction (All Phases)						
Concurrent Construction (Maximum for All Phases Combined)	**158.34**	**98.42**	**155.92**	**1.05**	**36.06**	**12.04**
Valley Air District Daily Thresholds	100	100	100	100	100	100
Do Construction Emissions Exceed Thresholds?	**Yes**	**No**	**Yes**	**No**	**No**	**No**

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CONT

Furthermore, the DEIR estimates that the Project's annual ROG and NO_X emissions associated with Project operation exceed the applicable SJVAPCD thresholds of 10 tons per year ("tons/year") (see excerpt below) (p. 3.3-39 – 3.3-40, Table 3.3-12).

Table 3.3-12: Unmitigated Annual Operational Emissions

Emission Source	Emissions (Tons)					
	ROG	NO_x	CO	SO_x	PM_{10}	$PM_{2.5}$
Existing Operations						
Existing Operations Total	*0.15*	*0.12*	*0.22*	*<0.01*	*0.07*	*0.02*
Project Phase 1–Operational Year 2023						
Area	8.58	<0.01	0.03	<0.01	<0.01	<0.01
Energy	0.06	0.58	0.49	<0.01	0.04	0.04
Mobile–Trucks	0.49	18.92	3.36	0.07	1.50	0.43
Mobile–Autos	0.38	0.64	6.40	0.02	2.72	0.73
Phase 1 Operations Total	*9.52*	*20.14*	*10.28*	*0.10*	*4.27*	*1.21*
Phase 1 Operations Net Total (Subtracting Existing Emissions)	**9.36**	**20.02**	**10.06**	**0.10**	**4.20**	**1.19**
Project Phase 2–Operational Year 2024						
Area	4.72	0.00	0.01	0.00	0.00	0.00
Energy	0.03	0.31	0.26	0.00	0.02	0.02
Mobile–Trucks	0.27	10.21	1.82	0.04	0.82	0.23
Mobile–Autos	0.19	0.31	3.24	0.01	1.49	0.40
Phase 2 Operations Total	**5.21**	**10.83**	**5.32**	**0.05**	**2.34**	**0.66**
Project Phase 3–Operational Year 2025						
Area	2.21	0.00	0.01	0.00	0.00	0.00
Energy	0.02	0.14	0.12	0.00	0.01	0.01
Mobile–Trucks	0.12	4.70	0.84	0.02	0.39	0.11
Mobile–Autos	0.08	0.13	1.41	0.01	0.70	0.19
Phase 1 Operations Total	**2.43**	**4.98**	**2.38**	**0.02**	**1.10**	**0.31**
Full Project–Operational Year 2025						
Full Project Buildout (All Phases)	***17.01***	***35.83***	***17.77***	***0.18***	***7.63***	***2.16***
Valley Air District Annual Thresholds	10	10	100	27	15	15
Do Operational Emissions Exceed Thresholds?	**Yes**	**Yes**	**No**	**No**	**No**	**No**

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CONT

Finally, the DEIR estimates that the Project's daily NO_X emissions associated with Project operation exceed the applicable SJVAPCD threshold of 100 lbs/day (see excerpt below) (p. 3.3-41 – 3.3-42, Table 3.3-14).

Table 3.3-14: Mitigated Daily Operational Emissions

Metric	Emissions					
	ROG	NO_x	CO	SO_x	PM_{10}	$PM_{2.5}$
Total Tons Per Year	17.01	35.83	17.77	0.18	7.63	2.16
Total Pounds Per Year	34,020	71,660	35,533	357	15,261	4,312
Pounds Per Day	**93.21**	**196.33**	**97.35**	**0.98**	**41.81**	**11.81**
Valley Air District Daily Thresholds	100	100	100	100	100	100
Do Daily Emissions Exceed Thresholds?	**No**	**Yes**	**No**	**No**	**No**	**No**

As a result, the DEIR concludes that the Project's construction-related and operational criteria air pollutant emissions would be significant-and-unavoidable (p. 3.3-36 – 3.3-42). However, while we agree that the Project's criteria air pollutant emissions would result in a significant air quality impact, the DEIR's conclusion that these impacts are "significant and unavoidable" is incorrect. According to CEQA Guidelines § 15096(g)(2):

> "When an EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment."

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As you can see, an impact can only be labeled as significant and unavoidable after all available, feasible mitigation is considered. Here, while the DEIR includes Mitigation Measures ("MM(s)") AIR-1a through AIR-1d, the DEIR fails to implement *all* feasible mitigation (p. ES-10 – ES-13). Therefore, the DEIR's conclusion that the Project's air quality impacts are significant-and-unavoidable is unsubstantiated. To reduce the Project's air quality impacts to the maximum extent possible, additional feasible mitigation measures should be incorporated, such as those suggested in the section of this letter titled "Feasible Mitigation Measures Available to Reduce Emissions." Thus, the Project should not be approved until an updated EIR is prepared, incorporating all feasible mitigation to reduce emissions to less-than-significant levels.

Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated

The DEIR concludes that the proposed Project would result in a significant-and-unavoidable health risk impact after the implementation of MM AIR-1d (p. 33-49). Specifically, the DEIR states:

> "As shown above in Table 3.3-19, the proposed project's operational DPM emissions during Phase I would not exceed the Valley Air District's cancer risk or chronic non-cancer hazard index thresholds of significance at the maximum impacted receptor for any of the sensitive receptors analyzed. As displayed in Chapter 2, Project Description, Table 2-2, Proposed Development Summary, Phase I of the proposed project would involve the development of approximately 1,849,500 square feet out of a total approximately 3,352,320 square feet across all three project phases, representing approximately 46 percent of the total proposed building space. In addition, as displayed in Table 3.3-10, Phase 1 of the proposed project would generate an estimated 2,611 daily vehicle trips out of the total 4,715 daily trips across all three project phases, representing approximately 55 percent of the total proposed operational vehicle activity. Moreover, the potential emission reductions to DPM from the application of MM AIR-1d, which would require the operation of a clean truck fleet during operation of all phases of the proposed project, was not represented in the cancer risk values during Phase I operation in Table 3.3-19. Because of a lack in operational information for Phases 2 and 3 of the proposed project, such as freight product origin, local truck circulation, or other details necessary to preform a site-specific health risk assessment, Phase 1 of the proposed project was the only project phase modeled for health risk and chronic non-cancer hazard impacts. As Phase 1 represents approximately 55 percent of the potential operational trucking impact, although operation of Phase 1 (Tracy

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Alliance) would not result in a significant impact in this regard, operation at full buildout of the proposed project could have a potentially significant health impact on nearby sensitive receptors, particularly the residential MIRs.

The implementation of MM AIR-1d would contribute to the minimization of DPM emissions generated from trucking emissions; however, full implementation of MM AIR-1d cannot be guaranteed. As a result, this impact would be significant and unavoidable after the incorporation of mitigation" (p. 3.3-49).

However, while we agree that the Project would result in a significant health risk impact, the DEIR's conclusion that this impact is "significant and unavoidable" is incorrect. As previously discussed, according to CEQA Guidelines § 15096(g)(2):

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CONT

"When an EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment."

As demonstrated above, an impact can only be labeled as significant-and-unavoidable after all available, feasible mitigation is considered. Here, while the DEIR implements MM AIR-1d, the DEIR fails to implement *all* feasible mitigation (p. ES-12 – ES-14). Thus, consistent with the Project's incorrect air quality analysis, the DEIR fails to comply with CEQA, and the significant-and-unavoidable impact conclusion should not be relied upon. To reduce the Project's health risk impact to the maximum extent possible, additional feasible mitigation measures should be incorporated, such as those suggested in the section of this letter titled "Feasible Mitigation Measures Available to Reduce Emissions." Thus, the Project should not be approved until an updated EIR is prepared, incorporating all feasible mitigation to reduce emissions to less-than-significant levels.

Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Impacts

The DEIR concludes a less-than-significant greenhouse gas ("GHG") impact, stating:

"As shown in Tables 3.8-6 through 3.8-8, Phase 1 would achieve a reduction of 49.7 percent from BAU by the year 2023 with regulations and design features incorporated, Phase 2 would achieve a 48.7 percent reduction by 2024, and Phase 3 would achieve a 31.6 percent reduction by 2025. Each phase would achieve more than the 29 percent reduction required by the Valley Air District threshold, and also more than the 21.7 percent average reduction from all sources of GHG emissions now required to achieve AB 32 targets" (p. 3.8-42).

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As demonstrated above, the DEIR estimates that the Project would achieve emissions reductions beyond the ARB 2020 21.7% target and the SJVAPCD 29% reduction from business-as-usual ("BAU") emissions requirements. Specifically, the DEIR accounts for reductions from the following regulations (see excerpt below) (p. 3.8-29 – 3.8-30, Table 3.8-5).

Table 3.8-5: Summary of Applicable Greenhouse Gas Regulations

Regulation	Project Applicability
Pavley Low Emission Vehicle Standards	Nitrous oxide (laughing gas) is a colorless GHG. It has a lifetime of 114 years. Its global warming potential is 310.
Truck and Bus Regulation	Heavy-duty trucks accessing the site for deliveries and services are subject to the regulation.
Low Carbon Fuel Standard	Vehicles accessing the site would use fuel subject to the LCFS.
Title 24 Energy Efficiency Standards	Project buildings would be required to be constructed to meet the latest version of Title 24 (currently 2019). Reduction applies only to energy consumption subject to the regulation.
Green Building Code Standards	The project would be required to include water conservation features mandated by the standard.
Water Efficient Land Use Ordinance	The project landscaping would be required to comply with the regulation.
Renewable Portfolio Standard	Electricity purchased for use at the project site is subject to the 33 percent RPS mandate.
Solid waste	The solid waste service provider would be required to provide programs to increase diversion and recycling to meet the 75 percent mandate, to which the project would be required to adhere.

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However, due to the sheer size of the proposed warehouse development, we recommend that the DEIR incorporate additional project design features ("PDFs") or formal mitigation measures to address the Project's expected GHG emissions. Furthermore, as it is policy of the State that eligible renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045, we emphasize the applicability of incorporating a solar power system into the Project design. Until the feasibility of incorporating on-site renewable energy production is considered to reduce the Project's GHG emissions, the DEIR should not be approved.

Feasible Mitigation Measures Available to Reduce Emissions

The DEIR's analysis demonstrates that the Project would result in significant air quality and health risk impacts that should be mitigated further. Furthermore, our updated analysis indicates that the Project would result in a significant health risk impact. In an effort to reduce the Project's emissions, we identified several mitigation measures that are applicable to the proposed Project. Feasible mitigation measures can be found in the Department of Justice Warehouse Project Best Practices document.[1] Therefore, to reduce the Project's emissions, consideration of the following measures should be made:

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[1] "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." State of California Department of Justice.

- Prohibiting off-road diesel-powered equipment from being in the “on” position for more than 10 hours per day.
- Requiring on-road heavy-duty haul trucks to be model year 2010 or newer if diesel-fueled.
- Providing electrical hook ups to the power grid, rather than use of diesel-fueled generators, for electric construction tools, such as saws, drills and compressors, and using electric tools whenever feasible.
- Limiting the amount of daily grading disturbance area.
- Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.
- Forbidding idling of heavy equipment for more than two minutes.
- Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.
- Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.
- Providing information on transit and ridesharing programs and services to construction employees.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.
- Requiring that all facility-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site meet or exceed 2010 model-year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025. Facility operators shall maintain records on-site demonstrating compliance with this requirement and shall make records available for inspection by the local jurisdiction, air district, and state upon request.
- Requiring all heavy-duty vehicles entering or operated on the project site to be zero-emission beginning in 2030.
- Requiring on-site equipment, such as forklifts and yard trucks, to be electric with the necessary electrical charging stations provided.
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- Forbidding trucks from idling for more than two minutes and requiring operators to turn off engines when not in use.
- Posting both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the air district, and the building manager.
- Installing and maintaining, at the manufacturer’s recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.
- Installing and maintaining, at the manufacturer’s recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project,

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CONT

and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.

- Constructing electric truck charging stations proportional to the number of dock doors at the project.
- Constructing electric plugs for electric transport refrigeration units at every dock door, if the warehouse use could include refrigeration.
- Constructing electric light-duty vehicle charging stations proportional to the number of parking spaces at the project.
- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity, such as equal to the building's projected energy needs.
- Requiring all stand-by emergency generators to be powered by a non-diesel fuel.
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.
- Requiring operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.
- Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.
- Achieving certification of compliance with LEED green building standards.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations.
- Posting signs at every truck exit driveway providing directional information to the truck route.
- Improving and maintaining vegetation and tree canopy for residents in and around the project area.
- Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.
- Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants to use carriers that are SmartWay carriers.
- Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

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Furthermore, to reduce the Project's criteria air pollutant and GHG emissions, we recommend consideration of SCAG's 2020 *RTP/SCS* PEIR's Air Quality Project Level Mitigation Measures ("PMM-AQ-1") and Greenhouse Gas Project Level Mitigation Measures ("PMM-GHG-1"), as described below: [2]

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[2] "4.0 Mitigation Measures." Connect SoCal Program Environmental Impact Report Addendum #1, September 2020, available at: https://scag.ca.gov/sites/main/files/file-attachments/fpeir_connectsocal_addendum_4_mitigationmeasures.pdf?1606004420, p. 4.0-2 – 4.0-10; 4.0-19 –

SCAG RTP/SCS 2020-2045
Air Quality Project Level Mitigation Measures – PMM-AQ-1: In accordance with provisions of sections 15091(a)(2) and 15126.4(a)(1)(B) of the *State CEQA Guidelines*, a Lead Agency for a project can and should consider mitigation measures to reduce substantial adverse effects related to violating air quality standards. Such measures may include the following or other comparable measures identified by the Lead Agency:
a) Minimize land disturbance.
b) Suspend grading and earth moving when wind gusts exceed 25 miles per hour unless the soil is wet enough to prevent dust plumes.
c) Cover trucks when hauling dirt.
d) Stabilize the surface of dirt piles if not removed immediately.
e) Limit vehicular paths on unpaved surfaces and stabilize any temporary roads.
f) Minimize unnecessary vehicular and machinery activities.
g) Sweep paved streets at least once per day where there is evidence of dirt that has been carried on to the roadway.
h) Revegetate disturbed land, including vehicular paths created during construction to avoid future off-road vehicular activities.
k) Ensure that all construction equipment is properly tuned and maintained.
l) Minimize idling time to 5 minutes—saves fuel and reduces emissions.
m) Provide an operational water truck on-site at all times. Use watering trucks to minimize dust; watering should be sufficient to confine dust plumes to the project work areas. Sweep paved streets at least once per day where there is evidence of dirt that has been carried on to the roadway.
n) Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators.
o) Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.
p) As appropriate require that portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, obtain CARB Portable Equipment Registration with the state or a local district permit. Arrange appropriate consultations with the CARB or the District to determine registration and permitting requirements prior to equipment operation at the site.
q) Require projects within 500 feet of residences, hospitals, or schools to use Tier 4 equipment for all engines above 50 horsepower (hp) unless the individual project can demonstrate that Tier 4 engines would not be required to mitigate emissions below significance thresholds.
s) Where applicable, projects should provide information about air quality related programs to schools, including the Environmental Justice Community Partnerships (EJCP), Clean Air Ranger Education (CARE), and Why Air Quality Matters programs.
t) Projects should work with local cities and counties to install adequate signage that prohibits truck idling in certain locations (e.g., near schools and sensitive receptors).

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4.0-23; See also: "Certified Final Connect SoCal Program Environmental Impact Report." Southern California Association of Governments (SCAG), May 2020, *available at:* https://scag.ca.gov/peir.

u) Projects that will introduce sensitive receptors within 500 feet of freeways and other sources should consider installing high efficiency of enhanced filtration units, such as Minimum Efficiency Reporting Value (MERV) 13 or better. Installation of enhanced filtration units can be verified during occupancy inspection prior to the issuance of an occupancy permit.

v) Develop an ongoing monitoring, inspection, and maintenance program for the MERV filters.

w) The following criteria related to diesel emissions shall be implemented on by individual project sponsors as appropriate and feasible:

- Diesel nonroad vehicles on site for more than 10 total days shall have either (1) engines that meet EPA on road emissions standards or (2) emission control technology verified by EPA or CARB to reduce PM emissions by a minimum of 85%
- Diesel generators on site for more than 10 total days shall be equipped with emission control technology verified by EPA or CARB to reduce PM emissions by a minimum of 85%.
- Nonroad diesel engines on site shall be Tier 2 or higher.
- Diesel nonroad construction equipment on site for more than 10 total days shall have either (1) engines meeting EPA Tier 4 nonroad emissions standards or (2) emission control technology verified by EPA or CARB for use with nonroad engines to reduce PM emissions by a minimum of 85% for engines for 50 hp and greater and by a minimum of 20% for engines less than 50 hp.
- Emission control technology shall be operated, maintained, and serviced as recommended by the emission control technology manufacturer.
- Diesel vehicles, construction equipment, and generators on site shall be fueled with ultra-low sulfur diesel fuel (ULSD) or a biodiesel blend approved by the original engine manufacturer with sulfur content of 15 ppm or less.
- The construction contractor shall maintain a list of all diesel vehicles, construction equipment, and generators to be used on site. The list shall include the following:
    i. Contractor and subcontractor name and address, plus contact person responsible for the vehicles or equipment.
    ii. Equipment type, equipment manufacturer, equipment serial number, engine manufacturer, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation.
    iii. For the emission control technology installed: technology type, serial number, make, model, manufacturer, EPA/CARB verification number/level, and installation date and hour-meter reading on installation date.
- The contractor shall establish generator sites and truck-staging zones for vehicles waiting to load or unload material on site. Such zones shall be located where diesel emissions have the least impact on abutters, the general public, and especially sensitive receptors such as hospitals, schools, daycare facilities, elderly housing, and convalescent facilities.
- The contractor shall maintain a monthly report that, for each on road diesel vehicle, nonroad construction equipment, or generator onsite, includes:
    i. Hour-meter readings on arrival on-site, the first and last day of every month, and on off-site date.
    ii. Any problems with the equipment or emission controls.
    iii. Certified copies of fuel deliveries for the time period that identify:
        1. Source of supply
        2. Quantity of fuel
        3. Quantity of fuel, including sulfur content (percent by weight)

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x) Project should exceed Title-24 Building Envelope Energy Efficiency Standards (California Building Standards Code). The following measures can be used to increase energy efficiency:

- Provide pedestrian network improvements, such as interconnected street network, narrower roadways and shorter block lengths, sidewalks, accessibility to transit and transit shelters, traffic calming measures, parks and public spaces, minimize pedestrian barriers.
- Provide traffic calming measures, such as:
    i. Marked crosswalks

ii. Count-down signal timers
iii. Curb extensions iv. Speed tables
iv. Raised crosswalks
v. Raised intersections
vi. Median islands
vii. Tight corner radii
viii. Roundabouts or mini-circles
ix. On-street parking
x. Chicanes/chokers

- Create urban non-motorized zones
- Provide bike parking in non-residential and multi-unit residential projects
- Dedicate land for bike trails
- Limit parking supply through:
  i. Elimination (or reduction) of minimum parking requirements
  ii. Creation of maximum parking requirements
  iii. Provision of shared parking
- Require residential area parking permit.
- Provide ride-sharing programs
  i. Designate a certain percentage of parking spacing for ride sharing vehicles
  ii. Designating adequate passenger loading and unloading and waiting areas for ride-sharing vehicles
  iii. Providing a web site or messaging board for coordinating rides
  iv. Permanent transportation management association membership and finding requirement.

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Greenhouse Gas Project Level Mitigation Measures – PMM-GHG-1

In accordance with provisions of sections 15091(a)(2) and 15126.4(a)(1)(B) of the *State CEQA Guidelines*, a Lead Agency for a project can and should consider mitigation measures to reduce substantial adverse effects related to violating air quality standards. Such measures may include the following or other comparable measures identified by the Lead Agency:

b) Reduce emissions resulting from projects through implementation of project features, project design, or other measures, such as those described in Appendix F of the State CEQA Guidelines.

c) Include off-site measures to mitigate a project's emissions.

d) Measures that consider incorporation of Best Available Control Technology (BACT) during design, construction and operation of projects to minimize GHG emissions, including but not limited to:

i. Use energy and fuel-efficient vehicles and equipment;
ii. Deployment of zero- and/or near zero emission technologies;
iii. Use lighting systems that are energy efficient, such as LED technology;
iv. Use the minimum feasible amount of GHG-emitting construction materials;
v. Use cement blended with the maximum feasible amount of flash or other materials that reduce GHG emissions from cement production;
vi. Incorporate design measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse;
vii. Incorporate design measures to reduce energy consumption and increase use of renewable energy;
viii. Incorporate design measures to reduce water consumption;
ix. Use lighter-colored pavement where feasible;
x. Recycle construction debris to maximum extent feasible;
xi. Plant shade trees in or near construction projects where feasible; and

xii. Solicit bids that include concepts listed above.	
e) Measures that encourage transit use, carpooling, bike-share and car-share programs, active transportation, and parking strategies, including, but not limited to the following: i. Promote transit-active transportation coordinated strategies; ii. Increase bicycle carrying capacity on transit and rail vehicles; iii. Improve or increase access to transit; iv. Increase access to common goods and services, such as groceries, schools, and day care; v. Incorporate affordable housing into the project; vi. Incorporate the neighborhood electric vehicle network; vii. Orient the project toward transit, bicycle and pedestrian facilities; viii. Improve pedestrian or bicycle networks, or transit service; ix. Provide traffic calming measures; x. Provide bicycle parking; xi. Limit or eliminate park supply; xii. Unbundle parking costs; xiii. Provide parking cash-out programs; xiv. Implement or provide access to commute reduction program;	35 CONT
f) Incorporate bicycle and pedestrian facilities into project designs, maintaining these facilities, and providing amenities incentivizing their use; and planning for and building local bicycle projects that connect with the regional network;	
g) Improving transit access to rail and bus routes by incentives for construction and transit facilities within developments, and/or providing dedicated shuttle service to transit stations; and	
h) Adopting employer trip reduction measures to reduce employee trips such as vanpool and carpool programs, providing end-of-trip facilities, and telecommuting programs including but not limited to measures that: i. Provide car-sharing, bike sharing, and ride-sharing programs; ii. Provide transit passes; iii. Shift single occupancy vehicle trips to carpooling or vanpooling, for example providing ride-matching services; iv. Provide incentives or subsidies that increase that use of modes other than single-occupancy vehicle; v. Provide on-site amenities at places of work, such as priority parking for carpools and vanpools, secure bike parking, and showers and locker rooms; vi. Provide employee transportation coordinators at employment sites; vii. Provide a guaranteed ride home service to users of non-auto modes.	
i) Designate a percentage of parking spaces for ride-sharing vehicles or high-occupancy vehicles, and provide adequate passenger loading and unloading for those vehicles;	
j) Land use siting and design measures that reduce GHG emissions, including: i. Developing on infill and brownfields sites; ii. Building compact and mixed-use developments near transit; iii. Retaining on-site mature trees and vegetation, and planting new canopy trees; iv. Measures that increase vehicle efficiency, encourage use of zero and low emissions vehicles, or reduce the carbon content of fuels, including constructing or encouraging construction of electric vehicle charging stations or neighborhood electric vehicle networks, or charging for electric bicycles; and v. Measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse.	

l) Require at least five percent of all vehicle parking spaces include electric vehicle charging stations, or at a minimum, require the appropriate infrastructure to facilitate sufficient electric charging for passenger vehicles and trucks to plug-in.
m) Encourage telecommuting and alternative work schedules, such as: i. Staggered starting times ii. Flexible schedules iii. Compressed work weeks
n) Implement commute trip reduction marketing, such as: i. New employee orientation of trip reduction and alternative mode options ii. Event promotions iii. Publications
o) Implement preferential parking permit program
q) Price workplace parking, such as: i. Explicitly charging for parking for its employees; ii. Implementing above market rate pricing; iii. Validating parking only for invited guests; iv. Not providing employee parking and transportation allowances; and v. Educating employees about available alternatives.

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These measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduce emissions released during Project construction and operation. An updated EIR should be prepared to include all feasible mitigation measures, as well as include updated air quality, health risk, and GHG analyses to ensure that the necessary mitigation measures are implemented to reduce emissions to below thresholds. The updated EIR should also demonstrate a commitment to the implementation of these measures prior to Project approval, to ensure that the Project's significant emissions are reduced to the maximum extent possible.

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Disclaimer

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

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Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

Attachment A: Matt Hagemann CV
Attachment B: Paul E. Rosenfeld CV

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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Investigation and Remediation Strategies
Litigation Support and Testifying Expert
Industrial Stormwater Compliance
CEQA Review

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist
California Certified Hydrogeologist
Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring. For the past 15 years, as a founding partner with SWAPE, Matt has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2104, 2017;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 300 environmental impact reports and negative declarations since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at more than 100 industrial facilities.
- Expert witness on numerous cases including, for example, perfluorooctanoic acid (PFOA) contamination of groundwater, MTBE litigation, air toxins at hazards at a school, CERCLA compliance in assessment and remediation, and industrial stormwater contamination.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted

public hearings, and responded to public comments from residents who were very concerned about the impact of designation.
- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:
- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:
- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9.

Activities included the following:
- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific

principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt is currently a part time geology instructor at Golden West College in Huntington Beach, California where he taught from 2010 to 2014 and in 2017.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Coloradao.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal repesentatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F**. 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examinations, 2009-2011.

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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Email: prosenfeld@swape.com

Paul Rosenfeld, Ph.D.

Chemical Fate and Transport & Air Dispersion Modeling

Principal Environmental Chemist

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, industrial, military and agricultural sources, unconventional oil drilling operations, and locomotive and construction engines. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities. Dr. Rosenfeld has also successfully modeled exposure to contaminants distributed by water systems and via vapor intrusion.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, creosote, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at sites and has testified as an expert witness on numerous cases involving exposure to soil, water and air contaminants from industrial, railroad, agricultural, and military sources.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H_2O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health.* 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P**., (2015) Modeling the Effect of Refinery Emission On Residential Property Value. Journal of Real Estate Research. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.,** Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermod and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

Rosenfeld, P.E. & Feng, L. (2011). *The Risks of Hazardous Waste.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution,* 123 (17), 319-327.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

Rosenfeld, P.E., J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

Rosenfeld, P. E., M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities.* Boston Massachusetts: Elsevier Publishing

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

Rosenfeld P. E., J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004.* New Orleans, October 2-6, 2004.

Rosenfeld, P.E., and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49(9), 171-178.

Rosenfeld, P. E., Grey, M. A., Sellew, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

Rosenfeld, P.E., Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS–6), Sacramento, CA Publication #442-02-008.

Rosenfeld, P.E., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

Rosenfeld, P.E., and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality.* 29, 1662-1668.

Rosenfeld, P.E., C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

Rosenfeld, P.E., and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

Rosenfeld, P.E., and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

Chollack, T. and **P. Rosenfeld. (**1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

Rosenfeld, P. E. (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

Rosenfeld, P. E. (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

Presentations:

Rosenfeld, P.E., "The science for Perfluorinated Chemicals (PFAS): What makes remediation so hard?" Law Seminars International, (May 9-10, 2018) 800 Fifth Avenue, Suite 101 Seattle, WA.

Rosenfeld, P.E., Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society.* Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution.* Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluoroctanoic Acid (PFOA) and Perfluoroactane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water.* Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International*

Conferences on Soils Sediment and Water. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The *23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting.* Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition.* Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference.* Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference.* Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference.* Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference.* Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants*.. Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conferenc*e. Lecture conducted from Indianapolis, Maryland.

Rosenfeld. P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation.* Lecture conducted from Anaheim California.

Rosenfeld. P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest.* Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell.* Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest.* Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E, C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. $41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: $10,000 grant awarded to San Diego State University.
Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. $100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. $20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: $10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: $15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. $500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition, 5-14-2021
Trial, October 8-4-2021

In the Circuit Court of Cook County Illinois
Joseph Rafferty, Plaintiff vs. Consolidated Rail Corporation and National Railroad Passenger Corporation d/b/a AMTRAK,
Case No.: No. 18-L-6845
Rosenfeld Deposition, 6-28-2021

In the United States District Court For the Northern District of Illinois
Theresa Romcoe, Plaintiff vs. Northeast Illinois Regional Commuter Railroad Corporation d/b/a METRA Rail, Defendants
Case No.: No. 17-cv-8517
Rosenfeld Deposition, 5-25-2021

In the Superior Court of the State of Arizona In and For the Cunty of Maricopa
Mary Tryon et al., Plaintiff vs. The City of Pheonix v. Cox Cactus Farm, L.L.C., Utah Shelter Systems, Inc.
Case Number CV20127-094749
Rosenfeld Deposition: 5-7-2021

In the United States District Court for the Eastern District of Texas Beaumont Division
Robinson, Jeremy et al *Plaintiffs*, vs. CNA Insurance Company et al.
Case Number 1:17-cv-000508
Rosenfeld Deposition: 3-25-2021

In the Superior Court of the State of California, County of San Bernardino
Gary Garner, Personal Representative for the Estate of Melvin Garner vs. BNSF Railway Company.
Case No. 1720288
Rosenfeld Deposition 2-23-2021

In the Superior Court of the State of California, County of Los Angeles, Spring Street Courthouse
Benny M Rodriguez vs. Union Pacific Railroad, A Corporation, et al.
Case No. 18STCV01162
Rosenfeld Deposition 12-23-2020

In the Circuit Court of Jackson County, Missouri
Karen Cornwell, *Plaintiff,* vs. Marathon Petroleum, LP, *Defendant.*
Case No.: 1716-CV10006
Rosenfeld Deposition. 8-30-2019

In the United States District Court For The District of New Jersey
Duarte et al, *Plaintiffs,* vs. United States Metals Refining Company et. al. *Defendant.*
Case No.: 2:17-cv-01624-ES-SCM
Rosenfeld Deposition. 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk, *Plaintiffs,* vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS "Conti Perdido" *Defendant.*
Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition. 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No.: No. BC615636
Rosenfeld Deposition, 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No.: No. BC646857
Rosenfeld Deposition, 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado
Bells et al. Plaintiff vs. The 3M Company et al., Defendants
Case No.: 1:16-cv-02531-RBJ
Rosenfeld Deposition, 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosciences, LLC, et al., Defendants
Cause No.: 1923
Rosenfeld Deposition, 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants
Cause No C12-01481
Rosenfeld Deposition, 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition, 8-23-2017

In United States District Court For The Southern District of Mississippi
Guy Manuel vs. The BP Exploration et al., Defendants
Case: No 1:19-cv-00315-RHW
Rosenfeld Deposition, 4-22-2020

In The Superior Court of the State of California, For The County of Los Angeles
Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No.: LC102019 (c/w BC582154)
Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., *Plaintiffs,* vs. Meritor Inc., et al., *Defendants*
Case Number: 4:16-cv-52-DMB-JVM
Rosenfeld Deposition: July 2017

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No.: No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial, March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No.: RG14711115
Rosenfeld Deposition, September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No.: LALA002187
Rosenfeld Deposition, August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action N0. 14-C-30000
Rosenfeld Deposition, June 2015

In The Iowa District Court For Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No 4980
Rosenfeld Deposition: May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case Number CACE07030358 (26)
Rosenfeld Deposition: December 2014

In the County Court of Dallas County Texas
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant.*
Case Number cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., *Plaintiffs,* vs. Republic Services, Inc., et al., *Defendants*
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition: October 2012

In the United States District Court for the Middle District of Alabama, Northern Division
James K. Benefield, et al., *Plaintiffs*, vs. International Paper Company, *Defendant*.
Civil Action Number 2:09-cv-232-WHA-TFM
Rosenfeld Deposition: July 2010, June 2011

In the Circuit Court of Jefferson County Alabama
Jaeanette Moss Anthony, et al., *Plaintiffs*, vs. Drummond Company Inc., et al., *Defendants*
Civil Action No. CV 2008-2076
Rosenfeld Deposition: September 2010

In the United States District Court, Western District Lafayette Division
Ackle et al., *Plaintiffs*, vs. Citgo Petroleum Corporation, et al., *Defendants*.
Case Number 2:07CV1052
Rosenfeld Deposition: July 2009

Organization

Blum Collins and Ho, Attorneys at Law (on behalf of Golden State Environmental Justice Alliance [GSEJA])

Response to GSEJA-1
The commenter provides introductory statements and requests to be added to the public interest list. The City will include GSEJA on the public interest list for notification purposes.

It does not raise any specific project-related environmental issues under CEQA, and therefore no further response is required.

Response to GSEJA-2
The commenter describes the proposed project objectives, design, and background information such as anticipated approvals.

It does not raise any specific project-related environmental issues under CEQA, and therefore no further response is required.

Response to GSEJA-3
The commenter states that the Draft EIR did not include an analysis of the Environmental Justice impacts to nearby communities such as unincorporated Banta, which are overly burdened by and especially burdened by existing sources of pollution as identified by CalEnvironScreen, California Environmental Protection Agency (Cal/EPA's) screening tool. Additionally, the commenter states that the project's census tract and the census tracts adjacent to the project site are identified as SB 535 Disadvantaged Communities, which is not discussed or presented for analysis in the EIR.

The comments are noted and acknowledged. CEQA does not require consideration of Environmental Justice considerations in this Draft EIR. Of relevance here, neither the ARB nor the Valley Air District has recommended significance thresholds be adjusted for Environmental Justice considerations, and thus neither entity recommends the evaluation of same as part of the CEQA process. As discussed in more detail in Section 3.3, Air Quality, of the Draft EIR, it utilized the currently recommended Valley Air District significance thresholds to determine health risk impacts resulting from the proposed project in accordance with the mandates of CEQA. The Draft EIR evaluated potential impacts to the Banta community in Section 3.3, Air Quality, through the analysis of cumulatively considerable criteria pollutant emissions and health risks under Impacts AIR-2 and AIR-3. The Draft EIR acknowledged that the project site is adjacent to the existing sensitive receptors identified by the commenter, and therefore the Draft EIR identifies the potential health risk impacts that could occur as a result of project construction and operation and includes feasible mitigation to reduce these impacts.

For purposes of conducting the health risk impact analysis, the Draft EIR's analysis properly identified the closest sensitive receptors to the proposed project in the dispersion modeling; it also identified the MIR during each construction phase of the proposed project, which may be different since the MIR during pollutant-generating activity is influenced by the distance of that receptor to the pollutant source(s), the amount and type of pollutants generated by each source, the topography and direction of the MIR as it relates to the pollutant source(s), and the prevailing

meteorological conditions. As discussed in Section 3.3, Air Quality, using the Valley Air District's threshold of 20 cancer cases per one million people, Phase I of the project representing approximately 55 percent of total trucking activities could result in up to 11 excess cancer cases per one million people (i.e., 55 percent of 20 cancer cases per one million people). The Draft EIR recognized the foregoing as representative of and thus adequately identifying and disclosing operational impacts at full buildout. It conservatively analyzed and disclosed the potential health risks associated with the proposed project by identifying up to 13.13 excess cancer cases per one million people from Phase 1, and concluded that the proposed project has the potential to result in significant health impacts to nearby sensitive receptors during project operation (see Impact AIR-3 in Section 3.3, Air Quality). Because the health risk impacts analyzed for Phase 1 of the proposed project illustrate that the whole proposed project could result in potentially significant health impacts and the efficacy of implementation of MM AIR-1d for DPM emission reductions cannot be quantified, Impact AIR-3 of the Draft EIR was determined to be significant and unavoidable. See also Response to Valley Air District-2-5. Nonetheless, to further reduce potential health impacts to the nearest sensitive receptors to the project site (the residences and school along Grant Line Road and El Rancho Road), the City has agreed to adopt and the applicants have agreed to implement a new MM AIR-1e, which was added to Section 3.3, Air Quality, of the Draft EIR to require that trucks accessing the project site be prohibited from using Grant Line Road east of the project site. These changes can be seen in Section 3.1 of the Errata.

Response to GSEJA-4

The commenter notes that the State of California lists three approved energy compliance modeling software for nonresidential buildings: CBECC-Com, EnergyPro, and IES VE, and that CalEEMod is not listed as an approved software. The commenter also states that the spreadsheet-based and CalEEMod modeling in Appendix E do not comply with the 2019 Building Energy Efficiency Standards and under reports the project's potentially significant greenhouse gas (GHG) emissions and Energy impacts to the public and decision-makers. The commenter states that because the Draft EIR did not utilize an approved energy compliance modeling software, and that the GHG emissions and energy impacts in the Draft EIR are invalid, a revised EIR with modeling in one of the approved software types is required. Furthermore, the commenter states that Draft EIR Appendix E is incorrectly titled Sunnyvale FCII Project Energy Use Summary.

As detailed more fully in Section 3.3, Air Quality, of the Draft EIR, the City, in its discretion, has determined to utilize the applicable Valley Air District thresholds and methodologies, which are contained under each impact statement in Section 3.3 and which are based on scientific and factual data. As discussed therein, the Draft EIR utilized an approved emissions estimating model in CalEEMod based on the Valley Air District guidance contained in Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI). The GAMAQI provides technical guidance for the review of air quality impacts from proposed projects within the boundaries of the Valley Air District. the Valley Air District has not explicitly approved the use of the CBECC-Com, Energy-Pro, or IES VE, for CEQA analysis of projects within the GAMAQI; furthermore, these models are not alternatives to CalEEMod for estimating emissions and would not be appropriate to estimate GHG or energy impacts. The Draft EIR reflects a robust Air Quality Analysis in accordance with the requirements of CEQA, and no revised modeling is necessary.

The energy calculation summary page in Appendix E has been edited in Section 4.1 of the Errata to correctly show the proposed project title. Contrary to the commenter's statement, this minor typographical error does not impair the Draft EIR as an informational document. As shown in Appendix E, the correct CalEEMod modeling files were used to estimate project energy consumption; a revised EIR is not warranted.

Response to GSEJA-5

The commenter states that the City is not listed as a jurisdiction with local energy standards approved by the California Energy Commission (CEC). The commenter notes that for this reason, compliance with the City's General Plan and/or Sustainability Action Plan does not comply with CEC standards or AB 32/SB 32, and a revised EIR must be prepared. The CEC approves local energy standards in the following circumstances: when a local jurisdiction wishes to enforce a locally adopted energy standard that is more stringent than Statewide Energy Code requirements. CEC approval is not required in order for local jurisdictions to adopt local standards consistent with CEC energy standards. The City has adopted by reference the State energy code as part of Municipal Code Chapter 9.64–Energy Code. Moreover, the fact that the City is not listed as a jurisdiction with local energy standards approved by the CEC does not preclude a project from being consistent with applicable CEC standards or Assembly Bill (AB) 32/SB 32. As stated in Section 3.6 Energy, proposed project buildings would be required to be designed in accordance with all applicable laws and regulations including the provisions of Title 24, California's Energy Efficiency Standards for Nonresidential Buildings and Title 24, Green Building Code Standards. As stated on the CEC website,[5] the CEC regularly updates the building energy efficiency standards (for example, Title 24) and as such, compliance with then-current Title 24 and Green Building Code standards ensures compliance with CEC standards and AB 32/SB 32. As described in Impact ENER-2, these standards are some of the most stringent in the nation and include minimum energy efficiency for which the proposed project must comply, and ensure the proposed project would not conflict with or obstruct the applicable State plans and policies for renewable energy and energy efficiency.

Response to GSEJA-6

The commenter states that the Draft EIR does not provide any consistency analysis with the SJCOG-adopted 2018 RTP/SCS and is not consistent with several strategies set forth in the SJCOG adopted 2018 RTP/SCS. The commenter then concludes that the Draft EIR must be revised to include accurate Air Quality/HRA modeling results, energy, and GHG impact analyses and to provide an analysis of potential inconsistency with the 2018 RTP/SCS document.

For a discussion of modeling and modeling results, please see Responses to GSEJA-4, GSEJA-30, and GSEJA-31 through GSEJA-36.

State CEQA Guidelines Section 15125 requires an EIR to discuss "any inconsistencies" with plans; no analysis is required if the project is consistent. The Draft EIR discusses consistency with the RTP/SCS as part of the impact analysis in Chapter 3.6 Greenhouse Gas Emissions and summarizes that compliance with VMT targets adopted by the City to comply with SB 375 and the RTP/SCS would adequately address GHG emissions from passenger cars and light-duty trucks. In addition, Chapter

[5] California Energy Commission (CEC). 2022. Website: https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards. Accessed July 14, 2022.

3.6 also discusses the relationship between SB 375 and the RTP/SCS in the context of consistency with California's post 2020 GHG reduction targets. The Draft EIR describes that the RTP/SCS implements the goals of SB 375 and anticipates an increase in development density that would result in shorter vehicle, transit, bicycle, and pedestrian trips.

With respect to the 2018 RTP/SCS, significant and unavoidable impacts related to air quality and VMT do not necessarily equate to the proposed project conflicting with the policies and strategies outlined in the 2018 RTP/SCS. Furthermore, the policies and strategies listed by the commenter would only be possible for the City of Tracy and other cities within San Joaquin County to initiate and complete, and are not possible for an individual development project to do so. However, the proposed project would support these policies and strategies to the maximum extent feasible at the project level. For example, Strategy 1 is to enhance the environment for existing and future generations and conserve energy. The Draft EIR evaluates the proposed project's impacts on the environment and provides feasible mitigation to address identified significant impacts. As analyzed in Section 3.6, Energy, the proposed project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation (Impact ENER-1) or conflict with or obstruct a State or local plan for renewable energy of energy efficiency (Impact ENER-2). Strategy 3 is to improve air quality by reducing transportation-related emissions. Though the proposed project would result in significant and unavoidable impacts with respect to air quality and VMT, the project would be required to implement feasible mitigation (MM AIR-1d, MM AIR-1e, MM AIR-1f, MM AIR-1i, MM TRANS-1a, MM TRANS-1b), which would reduce transportation-related emissions to the maximum extent feasible thereby improving air quality, consistent with Strategy 3. Strategy 4 is to improve the regional transportation system efficiency. As described in Chapter 2, Project Description, and throughout the Draft EIR, among other things, the proposed project would set aside approximately 12.51 acres in the northwest corner of the project site, which would be sufficient to accommodate improvements to the City's expressway system, as well as a future I-205/Paradise Road/Chrisman Road interchange as shown in Exhibit 2-7c in Chapter 2, Project Description of the Draft EIR, consistent with the City of Tracy TMP. The TMP provides a comprehensive review of the City's transportation system and serves as a blueprint that can be utilized to identify and implement required improvements to the existing roadway system, as well as expand upon the system to accommodate future development consistent with the General Plan.[6] As an interstate, I-205 serves the region, and, therefore, the future I-205/Paradise Road/Chrisman Road interchange would improve the regional transportation system and support Strategy 4. Similarly, Strategy 8 requires the improvement of major transportation corridors to minimize impacts on rural roads. While the interchange project is not part of the proposed project, the 12.51 acres of land set aside would facilitate opportunities for the City and Caltrans to move forward with these planned improvements to the City's expressway system and the future I-205/Paradise Road/Chrisman Road interchange would result in such improvements, by providing regionally-focused infrastructure for automobiles and trucks entering and exiting the site and the vicinity. For clarification purposes, the above text

[6] City of Tracy. 2022. Citywide Roadway and Transportation Master Plan. Website: https://www.cityoftracy.org/home/showpublisheddocument/13757. Accessed September 6, 2022.

and discussions regarding project consistency with the RTP/SCS have been added to Section 3.8, Greenhouse Gas Emissions, Impact GHG-2 of the Draft EIR, see Section 4, Errata of this document.

Response to GSEJA-7

The commenter states that the Draft EIR should have included the City of Tracy Municipal Services Review (MSR) as an attachment for public review pursuant to CEQA Guidelines Section 15150(f) and not simply have incorporated this document by reference, and for this reason, the commenter concludes that the Draft EIR must be revised and recirculated. The commenter also states that the Draft EIR includes a footnote reference to the MSR that no longer is valid. Pursuant to applicable provisions of LAFCo law, in 2019, the City prepared and San Joaquin LAFCo approved the MSR, which is a comprehensive study designed to better inform LAFCo, the City, other local agencies, and the community about the provision of municipal services. MSRs attempt to capture and analyze information about the governance structures and efficiencies of service providers, and to identify opportunities for greater coordination and cooperation between providers.[7] The City of Tracy MSR covers all lands within its municipal boundaries as well as its sphere of influence. Similar to other planning documents, the MSR is a long, technical document that provides general background information regarding the foregoing topics. Therefore, it is appropriate for the MSR to be incorporated by reference. The Draft EIR briefly described the MSR and its relationship to the analysis contained in the Draft EIR in accordance with Section 15150(c). CEQA requires that all documents incorporated by reference in an EIR be available for inspection together with the EIR; Section 15148 does not contain such a requirement for documents that are cited in an EIR. Section 1.5 of Chapter 1, Introduction, indicates a number of documents incorporated by reference, and also confirms where the incorporated documents will be available for inspection. While the MSR was not expressly referenced in Section 1.5, it, along with other documents incorporated by reference, have been and will continue to be available for inspection. In addition, the MSR is easily accessible to the public online at the following link: https://www.sjgov.org/commission/lafco/municipal-service under "Cities." For purposes of clarification, Section 4, Errata updates the footnote and provides a live link to the MSR. No revision to or recirculation of the EIR is required under CEQA.

Response to GSEJA-8

The commenter asserts that Table 3.11-3 in the Draft EIR contains a misleading consistency analysis and includes Objective LU-8.1, Policy 3 as an example. For this reason, the commenter states that a revised EIR should be prepared.

The law gives deference to the City's interpretation of its General Plan. The City and its consultants, based on substantial evidence in the record, provided a thoughtful and robust consistency analysis, as set forth in detail in Impact LAND-2. As explained therein, the site is designated as A/UR by San Joaquin County, which is designed to identify existing agricultural land intended for future urban development, and therefore the proposed project is consistent in this regard. In addition, this is consistent with the existing City of Tracy General Plan land use designation of Industrial for the project site; this reflects the long-planned urban development vision for the project site, which contemplates a variety of light industrial uses including warehousing and distribution. Once the site

[7] California Association of Local Agency Formation Commission (CalLAFCo). What are Municipal Service Reviews? Website: https://calafco.org/lafco-law/faq/what-are-municipal-service-reviews#:~:text=Service%20reviews%20attempt%20to%20capture,coordination%20and%20cooperation%20between%20providers.

is annexed into the City of Tracy upon the required Local Agency Formation Commission approval, the current San Joaquin County General Plan designation would no longer apply to the site as described in Chapter 2, Project Description. One of the factors LAFCo must consider when reviewing a proposal for reorganization is the effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Government Code Section 56016. Although the proposed project would result in a reduction of agricultural land, it is consistent with the City of Tracy General Plan land use designation of Industrial for the project site and reflects the planned urban development vision for the project site as set forth in both the City's and County's respective General Plans.

Response to GSEJA-9
The commenter describes analysis from Table 3.11-3 related to Goal AQ1 and how the analysis is incorrect because the proposed project would result in a significant and unavoidable impact related to a cumulatively considerable increase in ROGs and CO during construction.

The law gives deference to the City's interpretation of its General Plan. The City and its consultants, based on substantial evidence in the record, provided a thoughtful and robust consistency analysis, as set forth in detail in Impact LAND-2. As explained therein, the proposed project would be subject to applicable regulatory measures adopted to ensure ambient air quality standards are met to the extent feasible. The proposed project would be required to implement MMs AIR-1a through AIR-1i to directly reduce pollutant emissions, such as ROG and CO generated during construction and operation to the extent feasible. The proposed project would not be a source of significant toxic or hazardous air pollutants and odors and was not found to have a significant impact with respect to GHG. Refer to Section 3.3, Air Quality and Section 3.8, Greenhouse Gas, of the Draft EIR, and Section 4, Errata of this Final EIR for further discussion.

Response to GSEJA-10
The commenter states that a revised EIR must be prepared to address the inconsistencies identified in Table 3.11-3.

See Response to GSEJA-9.

Response to GSEJA-11
The commenter lists other General Plan goals and policies that the Draft EIR did not evaluate in the project's consistency analysis.

The law gives deference to the City's interpretation of its General Plan, which often involves a balancing of competing interests. The City and its consultants, based on substantial evidence in the record, provided a thoughtful and robust consistency analysis, as set forth in detail in Impact LAND-2. This is sufficient for purposes of satisfying CEQA. For purposes of further clarifying and amplifying the analysis, the following provides additional information as to the City's determination of the proposed project's consistency with the goals, objectives, and action items noted by the commenter. The following discussion has been added to Section 4, Errata.

AQ-1.2 P3 Developers shall implement best management practices to reduce air pollutant emissions associated with the construction and operation of development projects:

Consistent Section 3.3, Air Quality, in the Draft EIR and Section 4, Errata, include mitigation measures that the proposed project would be required to implement to reduce air pollutant emissions to the extent feasible. In addition, as described in Section 3.3, Air Quality, the proposed project would adhere to the applicable federal, State, and local laws and regulations, which include BMPs to reduce air pollutant emissions associated with the construction and operation of the proposed project.

AQ-1.2 P6 Installation of solar voltaic panels on new homes and businesses shall be encouraged.

Consistent The installation of solar voltaic panels is not a City of Tracy requirement for industrial development. As described in Chapter 6 Energy page 24, the proposed project would be required to design the proposed buildings according to Subchapter 6, Part 6 of the Title 24 standards, to structurally accommodate future installation of a rooftop solar system. As such, the design of the proposed project would facilitate the future commitment to renewable energy resources. The Draft EIR was prepared based on Valley Air District guidance and, with the implementation of BMPs and MMs AIR-1a through 1i, the proposed project would reduce air quality and GHG emissions to the maximum amount feasible.

AQ-1.2 P12 New sources of toxic air pollutants shall prepare a Health Risk Assessment as required under the Air Toxics "Hot Spots" Act and based on the results of the Assessment, establish appropriate land use buffer zones around those areas posing substantial health risks.

Consistent A Health Risk Assessment is provided in Section 3.3, Air Quality, of the Draft EIR, and the Draft EIR concluded that the proposed project would exceed the San Joaquin Valley Air Pollution Control District's (Valley Air District's) significance thresholds, resulting in significant and unavoidable impacts. However, with the implementation of BMPs and MMs AIR-1a through 1i, the proposed project would reduce air quality and GHG emissions to the maximum amount feasible. For purposes of clarification and amplification, in terms of a land use buffer zone, MM AIR-1h, as provided in Section 4, Errata of the Final EIR, requires a vegetated project site buffer in the area of the sensitive receptors in compliance with this policy. The City has agreed to adopt and the project applicants have agreed to implement this additional mitigation measure.

AQ-1.2 P13 Dust control measures consistent with the San Joaquin Valley Air Pollution Control District rules shall be required as a condition of approval for subdivision maps, site plans, and grading permits.

Consistent Valley Air District Rule 8021 includes basic dust control measures as noted in Section 3.3, Air Quality in the Draft EIR. In compliance with this policy, these measures would be included as an enforceable condition of approval for the proposed project.

AQ-1.2 P14 Developments that significantly impact air quality shall only be approved if all feasible mitigation measures to avoid, minimize or offset the impact are implemented.

Consistent As described in Section 3,3, Air Quality, of the Draft EIR there are several significant, unavoidable air quality impacts. However, the proposed project would be required to implement all feasible MM AIR-1a through MM AIR-1i. The basis for these determinations is detailed more fully in Section 3.3, Air Quality.

AQ-1.2 P15 Encourage businesses to electrify loading docks or implement idling-reduction systems so that trucks transporting refrigerated goods can continue to power cab cooling elements during loading, layovers, and rest periods.

Consistent The proposed project would not include refrigerated units. Therefore, no trucks transporting refrigerated goods would be accessing the site. In addition, the City has agreed to adopt and the project applicants have agreed to implement MM AIR-1f, which would restrict on-site vehicle idling in any event to no greater than 3 minutes.

Response to GSEJA-12

The commenter states that due to errors in the modeling and the significant and unavoidable impacts related to air quality and VMT, the proposed project would conflict with the listed General Plan goals and policies. The commenter requests that a revised EIR include a consistency analysis with all General Plan goals, policies, and objectives.

The commenter does not present specific errors in the modeling; see also Response to GSEJA-4. Additionally, the fact that there may be significant and unavoidable impacts under CEQA does not necessarily result in a local agency's finding of General Plan inconsistency. As described in Responses to GSEJA-8, GSEJA-9, GSEJA-10, and GSEJA-11, the law provides the City with substantial deference in making consistency determinations. There is substantial evidence in the record supporting the City's determination that the proposed project would be consistent with relevant General Plan provisions. No revision to the EIR or recirculation is required.

Response to GSEJA-13
The commenter states that the NEI Specific Plan analysis contained in the Draft EIR does not analyze the Project Description statement that the project requires an amendment to the NEI Specific Plan boundaries in order to incorporate the proposed project. The commenter states that the EIR must be revised to detail the project's proposed development standards, the applicable standards within the NEI SP, and amendments proposed to the NEI SP in order to accommodate the proposed project.

Chapter 2, Project Description, of the Draft EIR provides a detailed project description, and confirms that an NEI Specific Plan Amendment is being requested (see Section 2.5). As described on page 3.11-29 of the Draft EIR, when a project seeks a plan amendment as a component of the project itself, to rectify inconsistency with the existing designation or other provisions therein, or in this case the boundary of the NEI Specific Plan as well as other conforming revisions, the amendment necessitates a legislative policy decision by the City and does not signify a potential environmental effect. As such, the proposed Specific Plan Amendment and pre-zoning, if approved, constitute a self-mitigating aspect of the proposed project that would serve to correct what would otherwise be a conflict.

In addition, the proposed project has been designed to be fully consistent with all applicable development standards and design guidelines in the NEI Specific Plan, and would be required to comply with these provisions. This information has been fully analyzed in the Draft EIR. For example, as described in Section 3.11, Land Use, of the Draft EIR, each individual development proposal for the project site would be required to adhere to the following development standards: a maximum floor area ratio (FAR) of 0.5; a maximum height of 60 feet; and a minimum setback of 10 feet. No revisions to the EIR are required.

Response to GSEJA-14
The commenter states that footnote 5 and the methodology used to determine the number of employees the proposed project would generate is not adequate, accurate or reliable. The commenter also asserts it was improper not to provide the conversations with City staff for public review. The commenter notes an alternative method to calculate the number of employees during operations, and asserts that the EIR must be revised to utilize the commenter's methodology.

The City, in its discretion as the Lead Agency, has the authority in the context of an EIR to choose the methodologies and assumptions to be utilized in the analysis, as well as to choose which experts it will rely upon in conducting the CEQA review, so long as these decisions are based on substantial evidence in the record. The City, as Lead Agency, has discretion to determine the appropriate method to analyze environmental impacts in an EIR. Disagreements with an EIR's impact analysis will be resolved in favor of the Lead Agency if there is any substantial evidence in the record supporting the approach used. *See Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal*. (1988) 47 C3d 376, 409; *City of Hayward v. Board of Trustees of Cal. State Univ*. (2015) 242 CA4th 833, 840; *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 CA4th 899; *Eureka Citizens for Responsible Gov't v. City of Eureka* (2007) 147 CA4th 357, 372; *State Water Resources Control Bd. Cases* (2006) 136 CA4th 674, 795; *Anderson First Coalition v. City of Anderson* (2005) 130 CA4th 1173.

Here, the City utilized a methodology which determined that the proposed project would generate a total of approximately 1,871 employees during operations. The estimated employment was calculated using the employment amount of these existing industrial and their building square footage data. This figure is used consistently throughout the Draft EIR as the most accurate employee projection based on the best available data. As described in the Project Description and as otherwise reflected in the administrative record, the City of Tracy determined reasonable assumptions as to the estimated employment that would be generated by the proposed project by surveying various industrial businesses, including warehousing, manufacturing, and distribution centers. The Draft EIR used the appropriate employment generation factor based on project-specific characteristics and assumed one employee for every 1,792 square feet resulting in 1,871 employees at buildout.

For the purpose of transportation analysis, the City has adopted the TMP and the associated City travel demand model that contain employee generation factors to analyze transportation impacts, which does not account for project-specific characteristics such as the type of industrial uses. Therefore, the transportation analysis and technical analyses that rely on the transportation report utilized a different set of employee generation factor in accordance with the TMP guidelines, and represents a more conservative estimation of impacts. Based on data provided by the City, the Draft EIR clarifies these assumptions to provide the most accurate evaluation of environmental impacts. Therefore, the analysis provided in the Draft EIR is internally consistent.

Response to GSEJA-15
The commenter states that the proposed project's employment would exceed the amount planned for in the 10-year horizon from the MSR. The commenter requests that this information be discussed in a revised EIR, and that a finding of significance be made in this regard.

As discussed in Response to GSEJA-14, it is anticipated that the proposed project would employ a total of approximately 1,871 employees at buildout. Therefore, the anticipated employment projections associated with the proposed project are within the projections provided in Table 2-7 of the MSR for 2029 to 2049. The commenter notes the construction schedule provided in the Draft EIR assumes project operation in 2025. However, this schedule was utilized to provide a conservative analysis, and, given that demolition has not occurred by April 28, 2022 as provided in the schedule, it is unlikely that the proposed project would be operational by 2025. Moreover, see Response to GSEJA-7, which explains the purpose of the MSR (which relates to LAFCo decisions about boundary changes). For example, there is a note included under Table 2-7 that states "this table is intended to demonstrate the potential pace of growth in the City and Sphere of Influence (SOI) and is not intended to place limitations on growth or otherwise be used to control the rate, type, or location of growth."

The Draft EIR properly evaluated the potential impacts of this growth utilizing the planning and land use assumptions reflected in the City's General Plan. As discussed in more detail in Section 4, Effects Found not to be Significant, of the Draft EIR, the industrial uses on the project site were anticipated by the City in the General Plan, and thus, the City anticipated this number of employees needed for such a project. Therefore, the proposed project would not result in a significant, unplanned change to the population of the City.

Response to GSEJA-16

The commenter states that the proposed project's estimate of 3,354 employees exceeds the capacity of the 2019 MSR, which indicates that the proposed project would result in a significant, unplanned change to the population of the City resulting in a significant and potentially cumulatively significant impact. For this reason, the commenter states that the EIR must be revised. See Responses to GSEJA-14 and GSEJA-15. The City, in its discretion as the Lead Agency, utilized 1,871 employees consistently throughout the Draft EIR as the most accurate employee projection based on the best available data, and as explained in GSEJA-15, the proposed project would not result in unplanned growth. Though the proposed project would generate employment, as explained in Chapter 4, Effects Found not to be Significant, the proposed project is industrial in nature (consistent with the long-planned vision for the project site and vicinity as reflected in the Industrial land use designation) and would not develop single-family or multi-family residential uses, and no direct population growth would be expected. With respect to indirect population growth, the project would create substantial employment opportunities, and therefore, could lead to indirect growth inducement. As discussed in Section 4 of the Draft EIR, according to the U.S. Census data, it is estimated that approximately 45,000 of the City's labor force is employed.[8] In addition, the average travel time to work for Tracy's employed residents is 44.5 minutes, which strongly suggests that most residents travel a significant distance out of the City to work.

As detailed more fully in Section 4 of the Draft EIR, the General Plan assumes employment growth to improve the jobs-to-housing balance and provide more employment opportunities for the City's residents. Therefore, it is reasonably foreseeable that many of the employees of the project would come from the labor pool within Tracy, and the proposed project would not induce unplanned indirect population growth.

Response to GSEJA-17

The commenter requests that the Draft EIR should provide an analysis of the projects approved since 2020 and in the pipeline to determine consistency with the SJCOG employment growth forecast. The commenter then provides examples of planned projects as of May 2022 and requests that a revised EIR determine whether the proposed project employees would exceed growth forecasts in the General Plan or NEI Specific Plan. CEQA Guidelines Section 15125, Environmental Setting, requires that an EIR include a description of the physical environmental conditions in the vicinity of the project site viewed from a "local and regional perspective." This environmental setting will normally constitute the baseline physical conditions by which a lead agency measures the changes to the environment that would result from a project and for determining whether those environmental effects would be significant. The purpose of this requirement is to give the public and the decision-makers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts. In general, consistency in the description of the environmental setting is critical to ensure an accurate evaluation of environmental impacts. In other words, to provide the impact assessment that is a fundamental purpose of an EIR, the EIR must delineate environmental conditions absent the project, thereby defining a "baseline" against which predicted effects can be described and quantified.[9] An EIR's description of this environmental setting should

[8] United States Census. 2020. Tracy, CA, Employment Data. Accessed: September 15, 2022.

[9] See, e.g., *Neighbors For Smart Rail v. Exposition Metro Line Constr. Auth*. (2013) 57 Cal.4th 439, 447.

be sufficiently comprehensive to allow the project's significant impacts "to be considered in the full environmental context" (CEQA Guidelines *§* 15125(c)). However, the description should be no longer than necessary to provide an understanding of the significant effects of the project and of the alternatives analyzed in the EIR (CEQA Guidelines *§* 15125(a)). CEQA provides the lead agency with significant discretion in determining the appropriate "existing conditions" baseline.[10] As indicated in CEQA Guidelines Section 15125(a)(1), generally, the lead agency should describe the physical environmental conditions as they exist at the time the notice of preparation is published. This is consistent with the related CEQA provision addressing the evaluation of a project's environmental effects. Under CEQA Guidelines Section 15126.2(a), in assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published.

The Draft EIR is consistent with the foregoing requirements. The Draft EIR's notice of preparation was published on August 28, 2020, and thus the environmental setting reflected in the Draft EIR includes a sufficiently comprehensive description of the physical environmental conditions in the vicinity of the project as of August 28, 2020.

See also Responses to GSEJA-14 through GSEJA-16.

The commenter also notes that the cumulative analysis discussion should determine whether the proposed project, in conjunction with cumulative development, would exceed SJCOG's employment growth forecasts for the City. As explained in the MSR, the SJCOG projection for jobs within the City is well below the City's employment levels and below the U.S. Census jobs data for the City. As the governing body, the City's General Plan provides the most accurate assessment and for purposes of this proposed project, and the population projections in the General Plan are used in the analysis. The General Plan is the City's basic planning document and establishes the blueprint for development. Accordingly, the California Supreme Court has held the General Plan to be "the constitution for all future development." (*Lesher Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 540.) Other land use documents, such as zoning ordinances, tentative maps, and development agreements are all subordinate to the General Plan.

Response to GSEJA-18
The commenter states that the proposed project in combination with current pipeline industrial development as of May 2022 exceeds SJCOG's projected employment growth for the City, utilizing the commenter's methodology in calculating employees, and would account for a significant portion of the City's population growth, which warrants the preparation of a revised EIR.

See Response to GSEJA-17 regarding the proper point in time to be used for purposes of conducting the analysis.

See also Responses to GSEJA-14 through GSEJA-16. No further response is required.

[10] See, e.g., *Communities for a Better Env't v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 336.

For informational purposes, the following is noted.

As described in Response to GSEJA-14, the proposed project would employ approximately 1,871 people. Therefore, the proposed project would represent approximately 30 percent of the employment growth between 2020-2045. As shown in Response to GSEJA-16, the amount of employment within the City of Tracy for the proposed project would be well below the amount anticipated in the General Plan and would help improve the jobs-to-housing ratio within the City.

The commenter states that the proposed project represents 7.8 percent of the City's population growth from 2020-2045. However, this assumes that the proposed project would result in direct population growth and that 100 percent of the employees for the project would originate from outside the City of Tracy. As described in Response to GSEJA-16, the proposed project would not result in direct population growth and would not induce unplanned indirect population growth.

The commenter states that the cumulative projects included in the May 2022 Industrial and Commercial Development Pipeline Report in conjunction with the proposed project would vastly exceed the City's projected employment growth and a significant portion of its population growth. The commenter's calculations do not accurately reflect the project-specific characteristics of the proposed project. For the reasons described in GSEJA-17, the proposed project, in combination with the current industrial development pipeline would be within the City employment projections as included in the General Plan.

Response to GSEJA-19
The commenter disagrees with the Draft EIR's assertion that the proposed project would be staffed primarily by local employees and states that a revised EIR should be prepared to provide demographic and geographic information about the prospective workers such as the local population's interest or qualifications to work in the industrial sector.

As described in Response to GSEJA-14, the proposed project would employ approximately 1,871 people, representing approximately 30 percent of the employment growth between 2020-2045. Further, as explained in Response to GSEJA-16, the proposed project's contribution to employment in the City is consistent with the forecasted employment anticipated in the General Plan.

The City has the discretion, under CEQA, to weigh the evidence relating to the accuracy and sufficiency of the information in the Draft EIR and to decide whether to accept it. The City may adopt the environmental conclusions reached by the experts who prepared the Draft EIR even though others may disagree with the underlying data, analysis, or conclusions. (*Laurel Heights Improvement Ass'n v*. *Regents of Univ. of Cal*. (1988) 47 C3d 376, 408; State Water Resources Control Board Cases (2006) 136 CA4th 674, 795). Disagreements or discrepancies in results arising from different methods for assessing environmental issues do not undermine the validity of the Draft EIR's analysis as long as a reasonable explanation supporting the Draft EIR's analysis is provided. (*Planning and Conserv. League v. Castaic Lake Water Agency* (2009) 180 CA4th 210, 243). The commenter's implication that local employees would not be sufficient to staff the proposed project is not based on a different method for assessing impacts. It is conclusory and not supported by any evidence. No revisions to the EIR are required.

Response to GSEJA-20
The commenter claims that the proposed project would exacerbate an oversupply of jobs within the City, utilizing the commenter's proposed method of calculating the number of employees. The commenter asserts that the EIR should be revised accordingly.

See Responses to GSEJA-14 and GSEJA-16.

As discussed in Chapter 4, Effects Found not to be Significant, of the Draft EIR, the City has a jobs-to-housing ratio goal of 1.5 but currently only has a jobs-to-housing ratio of 1.3. This means there are not enough jobs within the City to meet the jobs-to-housing ratio goal of 1.5. Therefore, many employees must commute outside of the City for employment, which is further supported by the average commute time for the City's employed residents of over 40 minutes. The proposed project would generate approximately 1,871 jobs within the City and would help the City achieve its jobs-to-housing ratio goal.

Contrary to the assertion this is "nonsensical," the Draft EIR was correct in its conclusion that the proposed project would help provide more jobs for the employed residents of the City and thus assist the City in meeting its goal with respect to the jobs-housing balance.

Response to GSEJA-21
The commenter states that the VMT analysis mischaracterizes the term "automobiles" by not including medium/heavy-duty trucks and freight trips; asserts that the City should not rely on OPR guidance on this point characterizing it as "purely advisory" and its interpretation being "speculative," and asserts that a revised EIR and VMT analysis should be prepared that include all trucks, tractor trailers, and freight activity.

The comment is noted and acknowledged. However, the State of California's guidance specifically specifies the term "automobile" used in CEQA Section 15063.2, subdivision (a) as on-road passenger vehicles, specifically cars and light trucks.[13]

Pursuant to Public Resources Code Section 21099(b)(1), CEQA directed the OPR to propose revisions to the CEQA Guidelines to reflect the goals of SB 743. The criteria to be used by the OPR "shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. In developing the criteria, [OPR] shall recommend potential metrics to measure transportation impacts that may include, but are not limited to, vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated. [OPR] may also establish criteria for models used to analyze transportation impacts to ensure the models are accurate, reliable, and consistent with the intent of this section."

As noted in the comment, the OPR guidance states that, "the purpose of this document is to provide advice and recommendations, which agencies and other entities may use at their discretion. This document does not alter Lead Agency discretion in preparing environmental documents subject to CEQA." This means that the City of Tracy has discretion in setting VMT analysis methodologies and in

[13] California Governor's Office of Planning and Research (OPR). 2018. Technical Advisory on Evaluating Transportation Impacts in CEQA. April. Website: https://opr.ca.gov/docs/20180416-743_Technical_Advisory_4.16.18.pdf. Accessed January 12, 2023.

this instance, the City has chosen in its draft guidelines to exclude heavy vehicles, consistent with OPR's guidance in this regard. In addition, consistent with the guidance and the industry standard methodology for analyzing VMT, there is a like-for-like comparison between industrial uses for both threshold setting and project analysis.

It should be noted that while heavy vehicles are excluded from a VMT analysis for CEQA purposes, this does not preclude the City from considering heavy vehicles when reviewing potential non-CEQA operational deficiencies to the surrounding roadway network. Moreover, while medium/heavy trucks/freight trips are not considered in the VMT analysis, they are not excluded from consideration from an environmental perspective with respect to their potential impacts on air quality, noise, and greenhouse gas emissions are analyzed. No revisions to the EIR are required.

Response to GSEJA-22
The commenter states that the inclusion of the I-205 interchange in the Cumulative Condition is not appropriate because there is no "meaningful evidence" that the improvement will be completed by the date of the cumulative conditions analysis. Therefore, the commenter asserts that this results in an erroneous and misleading representative of the transportation impacts of the proposed project and the EIR must be revised. The Paradise Road/I-205 Interchange is a planned improvement in SJCOG's Regional Transportation Plan; therefore, it is both reasonable and customary based on industry standards to include Regional Transportation Plan improvements in the Cumulative Conditions scenario for CEQA purposes. Also, LOS is no longer a CEQA transportation impact evaluation metric. The VMT analysis is based on existing vehicle-miles traveled thresholds and using the existing road network; therefore, the future implementation of the Paradise Road/I-205 Interchange does not affect the proposed project's VMT analysis. No revisions to the EIR are required.

Response to GSEJA-23
The commenter states that a revised EIR should be prepared because the conclusions set forth in the Other CEQA Considerations section of the Draft EIR are incorrect because the proposed project would exceed 10-year horizon growth projections considered by the MSR, is inconsistent with the General Plan and NEI Specific Plan, and would negatively exacerbate the existing jobs/housing balance by adding to the oversupply of jobs. The commenter asserts that the EIR must be revised to provide this information for analysis and include a finding of significance. With respect to assertions related to purported inconsistencies with the growth projections included the MSR, please refer to Response to GSEJA-15. With respect to issues related to the jobs/housing balance, please refer to GSEJA-20; regarding claims of inconsistency with the General Plan, please refer to Response to GSEJA-11. With respect to inconsistency with the NEI Specific Plan, please see Response to GSEJA-13.

Response to GSEJA-24
The commenter repeats its prior comment regarding how the proposed project would not exacerbate the oversupply of jobs and states that a revised EIR must be prepared.

Please refer to Response to GSEJA-20.

Response to GSEJA-25
The commenter repeats its prior comment regarding the need to modify the cumulatives analysis to reflect additional cumulative developments because the commenter asserts that a significant cumulative impact would occur due to employment increases and population growth.

With respect to a cumulative analysis in Chapter 5, Other CEQA, please see Responses to GSEJA-17 and GSEJA-18.

Response to GSEJA-26
The commenter repeats its prior comment regarding the need to revise the Draft EIR to analyze the cumulatively significant impacts to Agriculture, Air Quality, and Transportation, especially with respect to nearby disadvantaged communities.

For discussions related to disadvantaged communities and sensitive receptors, please see Responses to GSEJA-3 and MCINTOSH-3-3.

It is also noted that as set forth in Chapter 5, Other CEQA Considerations, of the Draft EIR, the analysis discloses that the proposed project would result in significant and unavoidable impacts with respect to the following:

- Project-level conversion of Prime Farmland.
- Cumulative conversion of Prime Farmland.
- Project-level impact related to Implementation of the applicable Air Quality Plan.
- Project-level impact related to cumulatively considerable net increase of ROG and carbon monoxide during construction, and ROG and NO_X during operation.
- Project-level impact related to exposing sensitive receptors to substantial pollutant concentrations.
- Cumulative air quality impact.
- Project-level VMT impact.
- Cumulative VMT impact.

Those significant and unavoidable impacts are discussed in further detail in the applicable topical sections in the Draft EIR and related appendices. As discussed in Response to GSEJA-3, neither the ARB nor the Valley Air District has recommended significance thresholds adjusted for Environmental Justice considerations; therefore, the Draft EIR utilized the currently recommended Valley Air District significance thresholds to determine health risk impacts resulting from the proposed project. The City, in its authority as Lead Agency, is utilizing the questions in Appendix G of the State CEQA Guidelines to establish thresholds of significance for the proposed project. There are no recommended significance thresholds for these analyses with respect to Environmental Justice. Therefore, the Draft EIR correctly evaluated the proposed project based on existing thresholds.

As described in Section 3.1, Air Quality, the development of the Air Quality Plan (AQP) is based in part on the land use General Plan projections of the various cities and counties that constitute the

Air Basin. The City's General Plan designates the project site as Industrial, which is intended to accommodate flex/office space, manufacturing, warehousing and distribution, and ancillary uses for workers' needs. Therefore, the proposed project, which involves the development of light industrial, warehouse and distribution and related uses is considered consistent with the site's General Plan land use designation and its traffic would be included in volumes projected for analysis of the General Plan. Therefore, the inconsistency with the AQP is not due to unplanned growth.

As part of the certification of the EIR and prior to approval of the proposed project, the City would need to adopt a Statement of Overriding Considerations that identifies the benefits of the proposed project that outweigh its unavoidable environmental risks.

Response to GSEJA-27
The commenter states that the Draft EIR does not evaluate a reasonable range of alternatives because it did not include an alternative that meets all the project objectives and eliminates all of the project's significant and unavoidable impacts. The comment states that a revised EIR should be prepared to address this alternative.

The commenter states that the alternatives analysis only provides two alternatives beyond the no project alternatives. However, the alternatives analysis includes an initial consideration of two other alternatives (including a maximum decreased intensity reduction and alternative location), which were both eliminated from further consideration for the reasons described in Chapter 6, Alternatives in the Draft EIR.

The commenter also states that the alternatives analysis should include an alternative that meets all of the project objectives and also eliminates all of the project's significant and unavoidable impacts. While the commenter incorrectly posits that such an alternative exists, it does not provide such an alternative. There is no evidence in the record that such a feasible alternative satisfying both of the foregoing criteria exists. For example, the maximum decreased intensity reduction was initially considered to reduce air quality impacts to less than significant levels. However, to result in less than significant air quality impacts, an extreme reduction in NO_X emissions during operation would be required, from a maximum 35.83 annual tons to a level below the applicable threshold of 10 annual tons, which would require a building square footage reduction of 72.9 percent. Given the substantial decrease in intensity, such an alternative would not be feasible, would not accomplish any of the project objectives, and was therefore rejected from further consideration.

As described in Chapter 6, Alternatives, of the Draft EIR, analysis of alternatives to the proposed project provides full disclosure and allows decision-makers to consider the proposed project in light of hypothetical alternative development scenarios. This analysis is guided by the following considerations set forth under CEQA Guidelines Section 15126.6:

- An EIR need not consider every conceivable alternative to a project.
- An EIR should identify alternatives that were considered by the lead agency, but rejected as infeasible during the scoping process.

- Reasons for rejecting an alternative include:
  - Failure to meet most of the basic project objectives;
  - Infeasibility; or
  - Inability to avoid significant environmental effects.

Consistent with the foregoing requirements, the Draft EIR evaluates two alternatives (aside from the No Project Alternative) that meet at least some of the basic objectives of the proposed project while lessening one or more of its significant impacts, consisting of the Outside Storage Allowable Use Alternative and the Agricultural Protection Alternative. It should be noted that both alternatives include a reduction in building footprint. Pursuant to CEQA Guidelines Section 15126.6(e)(2), a Draft EIR must identify an environmentally superior alternative aside from the No Project Alternative. The Draft EIR identifies the Outside Storage Allowable Use Alternative as the environmentally superior alternative because it has the potential to yield the greatest reductions in the severity of the proposed significant and unavoidable impacts because it would preserve approximately 48 acres of the existing agricultural operations including Prime Farmland. However, this alternative would not achieve the project objective of developing approximately 3.3 million square feet of employment-generating industrial uses. It also would not: be as effective at achieving the employment-generating opportunity objective, as it would not provide as many local and regional employment opportunities and take advantage of the proposed project area's high level of accessibility; allow for the expansion of the City's economic base; help improve the jobs/housing balance; or reduce the commute for regional residents.

Response to GSEJA-28
The commenter (as reflected in a report attached to the comment letter prepared by a consultant, SWAPE) provides conclusionary statements and reaffirms the request to be added to the public interest list.

The comment is noted and acknowledged. See Response to GSEJA-1. No further response is required.

Response to GSEJA-29
The commenter provides introductory statements and describes the project. It does not raise any specific project-related environmental issues under CEQA, and therefore no further response if required.

Response to GSEJA-30
The commenter states that a revised EIR should be prepared because the Draft EIR did not adequately evaluate the air quality, health risk, and greenhouse gas impacts of the proposed project.

The comment is noted and acknowledged. Because it is conclusory in nature and does not identify any specific project-related environmental issues under CEQA, no further response is required.

For informational purposes, the following is noted.

The Air Quality, GHG, and Energy analyses in the Draft EIR were prepared according to the City of Tracy and Valley Air District requirements and followed the guidance described in the GAMAQI, the

Valley Air District's recommended set of modeling, and analysis guidance for CEQA land use projects. This comment does not specifically indicate how the Draft EIR underrepresents emissions and health risk impacts. In addition, as shown in Responses to Valley Air District-1 through Valley Air District-21, and as presented in the Errata, the proposed project would include additional mitigation measures requested by the Valley Air District aimed at reducing air pollutant emissions and associated health risks.

Response to GSEJA-31

The commenter presents Table 3.3-9, Table 3.3-12, and Table 3.3-14 from the Draft EIR and summarizes the Draft EIR impacts related to construction ROG emissions, annual operational ROG and NO_X emissions, and daily operational NO_X emissions, respectively. The commenter states that the Draft EIR's conclusion that air quality impacts associated with construction-related ROG emissions and operational-related ROG and NO_x emissions cannot be fully mitigated is inadequate because it did not consider all feasible mitigation measures to reduce impacts from construction ROG emissions, annual operational ROG and NO_X emissions, and daily operational NO_X emissions. The commenter suggests additional mitigation measures as provided in GSEJA-34.

As detailed more fully in Section 3.3, Air Quality, the Draft EIR has considered all feasible mitigation based on project proponent-provided information and in some cases already includes some of the mitigation measures suggested by the commenter. See the table below for a comparison of which mitigation measures the commenter suggests, which mitigation measures the proposed project's EIR includes, and reasons for why commenter-suggested mitigation would not be able to be feasibly implemented and/or would not clearly lessen any identified significant impact, as applicable. See also Errata.

Commenter-Suggested Mitigation Measure	Which EIR Mitigation Measure addresses the Commenter's request?	Explanation
Prohibiting off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day.	None.	This measure would not result in overall construction emissions reductions. Should the construction contractor be limited to utilizing equipment for only 10 hours per day, that contractor could instead rent multiple pieces of equipment for concurrent operation or lengthened construction schedules and times, resulting in the same or greater construction emissions than was analyzed. The suggested mitigation would not clearly lessen any significant environmental impact.
Requiring on-road heavy-duty haul trucks to be model year 2010 or newer if diesel-fueled.	None.	On-road heavy-duty haul trucks are regulated under the California State On-Road Heavy-Duty Vehicle Program. As described in Section 3.3, Air Quality, by January 1, 2023,

Commenter-Suggested Mitigation Measure	Which EIR Mitigation Measure addresses the Commenter's request?	Explanation
		nearly all trucks and buses will need to have 2010 model year engines or equivalent. The suggested mitigation would not clearly lessen any significant environmental impacts.
Providing electrical hook ups to the power grid, rather than use of diesel-fueled generators, for electric construction tools, such as saws, drills and compressors, and using electric tools whenever feasible.	MM AIR-1a.	MM AIR-1a regulates the use of diesel-powered generators and limits the use of such generators. The suggested mitigation would not clearly lessen any significant environmental impacts, nor is the suggested mitigation considerably different from the mitigation measure already evaluated in the Draft EIR.
Limiting the amount of daily grading disturbance area.	None.	This measure is not specific enough to include as a MM in the Draft EIR, and as such would not be feasible. In addition, limiting the daily grading area would not reduce overall emissions. This measure would only limit the progress of construction on a daily basis and extend the construction period, resulting in air quality impacts over a longer period.
Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.	MM AIR-1b.	MM AIR-1b would significantly reduce the generation of ozone precursor pollutants, such as ROGs, during project construction. In addition, the incorporation of MM AIR-1a would reduce another ozone precursor pollutant, NO_X, generated during construction. These two measures combined would significantly prevent the generation of particulates or ozone generating pollutants. Moreover, as illustrated in Section 3.3, Air Quality, project construction would not result in an exceedance of particulate emissions. The suggested mitigation would not clearly lessen any significant environmental impacts, nor is the suggested mitigation considerably different from the mitigation

Commenter-Suggested Mitigation Measure	Which EIR Mitigation Measure addresses the Commenter's request?	Explanation
		measure already evaluated in the Draft EIR.
Forbidding idling of heavy equipment for more than two minutes.	MM AIR-1f.	MM AIR-1f would require on-site trucks to limit idling to no greater than 3 minutes. The suggested mitigation would not clearly lessen any significant environmental impacts, nor is the suggested mitigation considerably different from the additional mitigation measure already incorporated in the Final EIR (see Errata).
Keeping on-site and furnishing to the Lead Agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.	MM AIR-1a.	MM AIR-1 would require the construction contractor to maintain equipment records for the construction fleet utilized for project construction. The suggested mitigation would not clearly lessen any significant environmental impacts, nor is the suggested mitigation considerably different from the mitigation measure already evaluated in the Draft EIR.
Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.	MMs AIR-1 and AIR-1b.	This would be required by the Lead Agency prior to issuance of grading permits. The suggested mitigation is not considerably different from the mitigation measure already evaluated in the Draft EIR.
Providing information on transit and ridesharing programs and services to construction employees.	None.	The information that the commenter is referencing is available on the City of Tracy's website. Moreover, as it would be difficult to assess the effectiveness of this type of temporary TDM measure or confirm any quantifiable emission reductions that could reasonably be expected to occur, the suggested mitigation would not clearly lessen any significant environmental impacts. Moreover, the feasibility of effectively implementing this type of temporary TDM measure is questionable.
Requiring that all facility-owned and operated fleet equipment with	None.	On-road heavy-duty trucks are regulated under the California

Commenter-Suggested Mitigation Measure	Which EIR Mitigation Measure addresses the Commenter's request?	Explanation
a gross vehicle weight rating greater than 14,000 pounds accessing the site meet or exceed 2010 model year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025. Facility operators shall maintain records on-site demonstrating compliance with this requirement and shall make records available for inspection by the local jurisdiction, air district, and State upon request.		State On-Road Heavy-Duty Vehicle Program. As described in Section 3.3 Air Quality, by January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. The suggested mitigation would not clearly lessen any significant environmental impacts.
Requiring all heavy-duty vehicles entering or operated on the project site to be zero-emission beginning in 2030.	MMs AIR-1g and AIR-1i.	MM AIR-1g would require future on-site on- and off-road equipment to be electric powered, and MM AIR-1i would require the installation of Tier 2 EV charging infrastructure, facilitating the future use of electric trucks and vehicles. Because of the volume of trucks anticipated to access the site, practical limitations on the owner's ability to regulate this item, and the current cost and availability of electric trucks, the suggested mitigation is not feasible.
Requiring on-site equipment, such as forklifts and yard trucks, to be electric with the necessary electrical charging stations provided.	MM AIR-1g.	MM AIR-1g would require all on-site off-road and on-road equipment to be electric powered, including but not limited to forklifts and pallet jacks. The suggested mitigation is not considerably different from the additional mitigation measure already incorporated in the Final EIR (see Errata).
Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.	MMs AIR-1g.	MM AIR-1g would require future on-site on- and off-road equipment to be electric powered. The suggested mitigation would not clearly lessen any environmental impacts, nor is the suggested mitigation considerably different from the mitigation measure already evaluated in the Draft EIR.

Commenter-Suggested Mitigation Measure	Which EIR Mitigation Measure addresses the Commenter's request?	Explanation
		Finally, given the volume of light- and medium-duty vehicles that would be involved as part of the tenants' business operations, practical limitations on the owner's ability to regulate this item, and the current cost and availability of electric vehicles, the suggested mitigation is not feasible.
Forbidding trucks from idling for more than two minutes and requiring operators to turn off engines when not in use.	MM AIR-1f.	MM AIR-1f would require on-site trucks to limit idling to no greater than 3 minutes. The suggested mitigation would not clearly lessen any significant environmental impacts, nor is the suggested mitigation considerably different from the additional mitigation measure already incorporated in the Final EIR (see Errata).
Posting both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to California Air Resources Board (ARB), the air district, and the building manager.	MM AIR-1f.	MM AIR-1f would require on-site trucks to limit idling to no greater than 3 minutes and would require the installation of signage throughout the site regarding the idling limitation. The suggested mitigation would not clearly lessen any significant environmental impacts, nor is the suggested mitigation considerably different from the additional mitigation measure already incorporated in the Final EIR (see Errata).
Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.	None.	The operations of private homes surrounding the project site are not under the purview of the owner or operator of the proposed project; therefore, there is no mechanism available to ensure that filtration systems would be installed and maintained at sensitive receptor locations near the project site. In addition, the effectiveness of air filtration systems heavily relies on continued maintenance and replacing filters. The suggested mitigation is not feasible.

Commenter-Suggested Mitigation Measure	Which EIR Mitigation Measure addresses the Commenter's request?	Explanation
Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.	None.	Monitoring air quality at or near the project site would not result in any emissions reductions resulting from implementation of the proposed project. The suggested mitigation would not clearly lessen any significant environmental impact.
Constructing electric truck charging stations proportional to the number of dock doors at the project.	MM AIR-1i.	MM AIR-1i would require the installation of EV chargers to support the future use of electric trucks and vehicles. The suggested mitigation is not considerably different from the additional mitigation measure already incorporated in the Final EIR (see Errata).
Constructing electric plugs for electric transport refrigeration units at every dock door, if the warehouse use could include refrigeration.	None.	The proposed project would not include cold storage uses; therefore, the suggested mitigation is not applicable and would not clearly lessen any significant environmental impact.
Constructing electric light-duty vehicle charging stations proportional to the number of parking spaces at the project.	MM AIR-1i.	MM AIR-1i would require the installation of EV chargers to support the future use of electric trucks and vehicles. The suggested mitigation is not considerably different from the additional mitigation measure already incorporated in the Final EIR (see Errata).
Installing solar photovoltaic systems on the project site of a specified electrical generation capacity, such as equal to the building's projected energy needs.	None.	Energy source emissions in the Air Quality Analysis (see Section 3.3 of the Draft EIR) are limited to those generated from the on-site combustion of natural gas due to the inter-regional relationship between land use development projects and the facility generating the electricity. As such, the

Commenter-Suggested Mitigation Measure	Which EIR Mitigation Measure addresses the Commenter's request?	Explanation
		consideration of electricity-related energy source emissions is limited to GHGs. Moreover, the proposed project would not result in any significant impact related to GHG emissions, as discussed in Section 3.8 of the Draft EIR. Therefore, the suggested mitigation would not clearly lessen any significant environmental impact.
Requiring all stand-by emergency generators to be powered by a non-diesel fuel.	None.	The proposed project would not include stand-by emergency generators. Accordingly, the proposed mitigation is not applicable and would not clearly lessen any significant environmental impact.
Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queueing and idling of trucks.	None.	It is reasonable to assume that in the ordinary course of business, tenant managers would need to train facility operators to minimize queueing, to the extent feasible, as part of running a successful business, which would financially incentivize the efficient scheduling and loading of goods. The suggested mitigation would not clearly lessen any significant environmental impacts.
Requiring operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.	MM TRANS-1a and TRANS-1b.	MM TRANS-1a and TRANS-1b of the Draft EIR would establish a TDM plan, which would establish similar measures that the commenter is requesting. The suggested mitigation is not considerably different from the mitigation measures already evaluated in the Draft EIR.
Meeting CALGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, EV charging, and bicycle parking.	MM AIR-1i.	MM AIR-1i would require the installation of EV chargers to support the future use of electric trucks and vehicles, consistent with Tier 2 voluntary CALGreen standards. The suggested mitigation is not considerably different from the additional mitigation measure already

Commenter-Suggested Mitigation Measure	Which EIR Mitigation Measure addresses the Commenter's request?	Explanation
		incorporated in the Final EIR (see Errata).
Achieving certification of compliance with LEED® green building standards.	None.	The suggested mitigation would not clearly lessen any significant environmental impacts. Furthermore, the proposed project would adhere to existing Green Building Code requirements contained in City of Tracy Municipal Code Article 6.
Providing meal options on-site or shuttles between the facility and nearby meal destinations.	None.	The suggested mitigation would not clearly lessen any significant environmental impacts. In addition, the proposed project's TDM program as part of MM TRANS-1a would reduce passenger vehicle trips during operation.
Posting signs at every truck exit driveway providing directional information to the truck route.	MM AIR-1e	The suggested mitigation would be included as part of MM AIR-1e Operational Truck Fleet Routing contained in Section 4: Errata. MM AIR-1e would prohibit trucks from accessing Grant Line Road east of the project site. In addition, the project applicants have agreed to voluntarily implement a signage program along project frontage on Grant Line Road to deter trucks from accessing Grant Line Road east of the project site.
Improving and maintaining vegetation and tree canopy for residents in and around the project area.	MM AIR-1h.	The suggested mitigation would not lessen any significant environmental impacts. However, the proposed project includes MM AIR-1h-Vegetated Project Site Buffer which would include a vegetative buffer along the project boundary to the east. The addition of MM AIR-1h can be seen in Section 3.1 of the Errata as well as the updated MMRP.
Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with ARB regulations, by attending ARB-approved courses. Also require facility operators to maintain	None.	As discussed at length in Section 3.3, the project applicants would be required to adhere to all applicable laws and regulations, including those set forth by ARB and Valley Air District. The suggested mitigation would not

Commenter-Suggested Mitigation Measure	Which EIR Mitigation Measure addresses the Commenter's request?	Explanation
records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and State upon request.		clearly lessen any significant environmental impacts.
Requiring tenants to enroll in the EPA's SmartWay program, and requiring tenants to use carriers that are SmartWay carriers.	None.	The suggested mitigation would not clearly lessen any significant environmental impacts.
Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.	None.	Providing tenants with information on incentive programs with goals to reduce emissions from heavy-duty trucks would not ensure that the tenants could or would apply for any of the programs, as applying for programs would be a voluntary action. In addition, the information would not be relevant to tenants that use third-party carriers, further limiting the potential benefit of including this suggestion mitigation. The suggested mitigation would not clearly lessen any significant environmental impacts.

Response to GSEJA-32

The commenter disagrees with the Draft EIR's determination that impacts related to a significant health risk impact, specifically DPM emissions, would be significant and unavoidable. Therefore, the commenter asserts that additional mitigation measures should be incorporated and the EIR be revised accordingly. The comment is noted and acknowledged. The Draft EIR considered potential mitigation measures when the analysis was prepared; however, based on known project information, many of these measures would be neither feasible nor enforceable, such as, for example, the use of a zero-emission trucking fleet. Furthermore, as described in the Response to GSEJA-31, the proposed project includes additional new mitigation measures that would further reduce DPM emissions; these new measures are substantially similar to or the same as many of the measures noted in the list shown in the comment letter.

Response to GSEJA-33

The commenter asserts that due to the large size of the proposed project, the Draft EIR should incorporate additional project design features that reduce GHG emissions, such as the use of zero-carbon resource electricity supplies and an on-site renewable energy production system, such as solar. Until the feasibility of incorporating on-site renewable energy production is considered to reduce the proposed project's GHG emissions, the commenter claims that the Draft EIR should not be approved.

The comment is noted and acknowledged. The commenter does not question the GHG impact analysis or less than significant conclusions referenced in its comment letter. The City is not permitted under CEQA to impose mitigation measures or require applicants to incorporate project design features for impacts that have been determined to be less than significant. Chapter 2, Project Description, of the Draft EIR sets forth a detailed description of the proposed project. Evaluating the feasibility of incorporating on-site renewable energy production is not required under CEQA. No further response is required.

For informational purposes, the following is noted. The Draft EIR was prepared based on Valley Air District guidance and as such, by achieving a 29 percent reduction from Business as Usual (BAU) threshold and the ARB 2020 21.7 percent threshold, the Draft EIR's determination is valid. In additon, the inclusion of new MM AIR-1f, MM AIR-1g, and MM AIR-1i (for which the City has agreed to adopt and the applicants have agreed to implement) would further reduce GHG emissions by reducing truck idling, requiring all-electric on-site equipment, and installing EV charging stations consistent with the voluntary Tier 2 CALGreen standards.

Response to GSEJA-34
The commenter states that the Draft EIR's analysis related to air quality and health risk impacts should be mitigated and suggests certain mitigation measures from the California Department of Justice Warehouse Best Practices document (see pgs. 6-8 of the comment letter).

See Responses to GSEJA-31 and -GSEJA-32.

Response to GSEJA-35
The commenter recommends the Draft EIR consider the Southern California Association of Governments (SCAG) 2020 RTP/SCS PEIR Air Quality-level mitigation measures and greenhouse gas project-level mitigation measures.

See Responses to GSEJA-31, -GSEJA-32, and GSEJA-36.

Response to GSEJA-36
The commenter states that SCAG's 2020 RTP/SCS PEIR Air Quality-level mitigation measures and GHG project-level mitigation measures would be a feasible way to reduce the proposed project's pollutant and GHG emissions. The commenter states that a revised EIR should be provided that demonstrates the inclusion of these measures.

As described in Response to GSEJA-31, the Draft EIR already includes mitigation similar to measures that are presented in this comment. See also the Table below for further discussion in this regard with respect to SCAG's 2020 RTP/SCS PEIR measures. Moreover, the Draft EIR now includes new mitigation measures recommended by Valley Air District in its comment letter. This new mitigation, as shown in Section 4, Errata, includes measures identical or similar to measures that the commenter presents. For example, new MM AIR-1f and -1g require signage to be posted limiting idling times to 3 minutes or less and the use of all-electric on-road and off-road equipment. See also Response to GSEJA-33 related to the less than significant GHG impacts. No revisions to the EIR are required.

SCAG 2020 RTP/SCS PEIR GHG Project Level Mitigation Measure	Which EIR Mitigation Measure addresses the Commenter's request?	Explanation
PMM GHG-1: In accordance with provisions of sections 15091(a)(2) and 15126.4(a)(1)(B) of the State CEQA Guidelines, a Lead Agency for a project can and should consider mitigation measures to reduce substantial adverse effects related to greenhouse gas emissions. Such measures may include the following or other comparable measures identified by the Lead Agency: a) Integrate green building measures consistent with CALGreen (California Building Code Title 24), local building codes and other applicable laws, into project design including: i) Use energy-efficient materials in building design, construction, rehabilitation, and retrofit. ii) Install energy-efficient lighting, heating, and cooling systems (cogeneration); water heaters; appliances; equipment; and control systems. iii) Reduce lighting, heating, and cooling needs by taking advantage of light-colored roofs, trees for shade, and sunlight. iv) Incorporate passive environmental control systems that account for the characteristics of the natural environment. v) Use high-efficiency lighting and cooking devices. vi) Incorporate passive solar design. vii) Use high-reflectivity building materials and multiple glazing. viii) Prohibit gas-powered landscape maintenance equipment. ix) Install electric vehicle charging stations. x) Reduce wood burning stoves or fireplaces. xi) Provide bike lanes accessibility and parking at residential developments. b) Reduce emissions resulting from projects through implementation of project features, project design, or other measures, such as those described in Appendix F of the State CEQA Guidelines c) Include off-site measures to mitigate a project's emissions. d) Measures that consider incorporation of Best Available Control Technology (BACT) during design, construction and operation of projects to minimize GHG emissions, including but not limited to: i) Use energy and fuel-efficient vehicles and equipment; ii) Deployment of zero- and/or near zero-emission technologies;	MM AIR-1e through -1i	The proposed project would be designed according to CALGreen standards as well as the City of Tracy Building Code standards, which is required for all development projects. Project design features such as drought tolerant landscaping and bicycle parking would further ensure the proposed project would reduce operational GHG emissions. In addition, MM AIR-1e through -1i, while not required to reduce a GHG impact, would provide a co-benefit of reducing operational GHG emissions. For example, the inclusion of EV charging infrastructure consistent with Tier 2 CALGreen standards would facilitate the use of EVs and reduce the use of fossil fuel-powered vehicles. Furthermore, the MM AIR-1g would require zero-emission on-site equipment, which would be consistent with the SCAG measure. In conclusion, the adherence to Title 24 and existing City standards along with project design features and mitigation measures would ensure the proposed project would be consistent with SCAG PEIR project-level mitigation measure PMM GHG-1.

SCAG 2020 RTP/SCS PEIR GHG Project Level Mitigation Measure	Which EIR Mitigation Measure addresses the Commenter's request?	Explanation
iii) Use lighting systems that are energy-efficient, such as LED technology; iv) Use the minimum feasible amount of GHG-emitting construction materials; v) Use cement blended with the maximum feasible amount of flash or other materials that reduce GHG emissions from cement production; vi) Incorporate design measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse; vii) Incorporate design measures to reduce energy consumption and increase use of renewable energy; viii) Incorporate design measures to reduce water consumption; ix) Use lighter-colored pavement where feasible; x) Recycle construction debris to maximum extent feasible; xi) Plant shade trees in or near construction projects where feasible; and xii) Solicit bids that include concepts listed above. e) Measures that encourage transit use, carpooling, bike-share and car-share programs, active transportation, and parking strategies, including, but not limited to the following: i) Promote transit-active transportation coordinated strategies; ii) Increase bicycle carrying capacity on transit and rail vehicles; iii) Improve or increase access to transit; iv) Increase access to common goods and services, such as groceries, schools, and day care; v) Incorporate affordable housing into the project; vi) Incorporate the neighborhood electric vehicle network; vii) Orient the project toward transit, bicycle and pedestrian facilities; viii) Improve pedestrian or bicycle networks, or transit service; ix) Provide traffic calming measures; x) Provide bicycle parking; xi) Limit or eliminate park supply; xii) Unbundle parking costs; xiii) Provide parking cash-out programs; xiv) Implement or provide access to commute reduction program;		

SCAG 2020 RTP/SCS PEIR GHG Project Level Mitigation Measure	Which EIR Mitigation Measure addresses the Commenter's request?	Explanation
f) Incorporate bicycle and pedestrian facilities into project designs, maintaining these facilities, and providing amenities incentivizing their use; and planning for and building local bicycle projects that connect with the regional network; g) Improving transit access to rail and bus routes by incentives for construction of transit facilities within developments, and/or providing dedicated shuttle service to transit stations; and h) Adopting employer trip reduction measures to reduce employee trips such as vanpool and carpool programs, providing end-of-trip facilities, and telecommuting programs including but not limited to measures that: i) Provide car-sharing, bike sharing, and ridesharing programs; ii) Provide transit passes; iii) Shift single-occupancy vehicle trips to carpooling or vanpooling, for example providing ride-matching services; iv) Provide incentives or subsidies that increase that use of modes other than single-occupancy vehicle; v) Provide on-site amenities at places of work, such as priority parking for carpools and vanpools, secure bike parking, and showers and locker rooms; vi) Provide employee transportation coordinators at employment sites; vii) Provide a guaranteed ride home service to users of non-auto modes. i) Designate a percentage of parking spaces for ridesharing vehicles or high-occupancy vehicles, and provide adequate passenger loading and unloading for those vehicles; j) Land use siting and design measures that reduce GHG emissions, including: i) Developing on infill and brownfields sites; ii) Building compact and mixed-use developments near transit; iii) Retaining on-site mature trees and vegetation, and planting new canopy trees; iv) Measures that increase vehicle efficiency, encourage use of zero and low emissions vehicles, or reduce the carbon content of fuels, including constructing or encouraging construction of electric vehicle charging stations		

SCAG 2020 RTP/SCS PEIR GHG Project Level Mitigation Measure	Which EIR Mitigation Measure addresses the Commenter's request?	Explanation
or neighborhood electric vehicle networks, or charging for electric bicycles; and v) Measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse		

Response to GSEJA-37
The commenter provides legal and conclusionary statements.

The commenter does not raise any project-specific CEQA issues, and therefore no further response is required.

From: Genna McIntosh <gennamcintosh15@gmail.com>
Sent: Friday, June 3, 2022 5:03 PM
To: Victoria Lombardo <Victoria.Lombardo@cityoftracy.org>
Subject: DEIR comment

I believe the amount of farmland that would be lost to this project is too great to justify continuing. I noticed that Tracy's logo has an agricultural aspect to it, I would assume that the City of Tracy highly values it's agricultural community and will do whatever It can to support it. And taking away almost 191 acres of farmland doesn't seem to be in line with those views. Our farmland is precious resource, especially California farmland, and we should be doing everything we can to maintain these resources, this project seems to unnecessarily take away from that. 1

The air quality impacts are also greatly concerning, especially for the people who live on California Avenue. We already have the freeway behind us and all the air quality issues that come with that. To put warehouses on the other side of our homes would significantly and negatively change the air quality. In addition to the homes, there is a school less than a mile away where children play outside daily, those children do not deserve to have their air quality reduced. 2

The traffic is also a major concern, the small community of Banta has so much traffic from commuters and warehouse employees already, in addition to the large trucks that pass through illegally. This community does not deserve to have all of that increased. 3

Something that I didn't notice on the DEIR is the amount of water that would be used. As I'm sure we all know, California is in a drought, we have our governor talking about aggressive water conservation, how much water would be used on the construction of this project? 4

These issues are too great to ignore and do not justify moving forward with this project, and I strongly encourage the City of Tracy to consider the impacts of this project, and negative strongly outnumber any benefit this would bring. 5

Thank you,
Genna McIntosh

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Individuals

Genna McIntosh (MCINTOSH)

Response to MCINTOSH-1

This comment is related to the loss of 191 acres of farmland, and the commenter states that the City should support and maintain agricultural uses and thus not approve the conversion of these 191 acres.

The comment sets forth a personal opinion on the merits of the proposed project. The commenter's opinion is noted and will be included in the administrative record for consideration by the City decision-makers. No further response is required.

For informational purposes, the following is provided. The proposed project's potential impacts on agricultural resources are discussed at length in Section 3.2, Agriculture and Forestry Resources, of the Draft EIR. Among other things, Section 3.2 acknowledges that the project site contains approximately 188 acres of Prime Farmland and approximately 4 acres of Semi-Agricultural and Rural Commercial Land, as classified by the Farmland Mapping and Monitoring Program (FMMP). The Draft EIR details in the Regulatory Framework the relevant laws and regulations, including relevant City General Plan goals and policies, the City's local Agricultural Mitigation Fee Program, as well as those under LAFCo law. The analysis also analyzes the impacts of the proposed conversion of Important Farmland to industrial uses. As detailed more fully therein, the conversion of the project site from agricultural land to industrial uses is consistent with the City's long-term planning vision. The proposed project is consistent with the land use designation and densities established by the General Plan and conversion of the project site to industrial use was envisioned as part of buildout under the General Plan. Nevertheless, for purposes of a conservative analysis, this Draft EIR acknowledges that the proposed project would result in the loss of Prime Farmland as a result of its conversion of Prime Farmland to urban uses, and discloses this as a significant and unavoidable impact. The City addresses the need to balance agricultural resource and open space preservation goals with urban development needs by focusing industrial development in the NEI Specific Plan area, for which the project site is adjacent. In so doing, this helps to ensure the preservation of other agricultural resources and open space. In addition, in accordance with Chapter 13.28 of the Municipal Code, Agricultural Mitigation Fee, the developers of the Suvik Farms, Zuriakat, and Tracy Alliance parcels would each be required to pay applicable Agricultural Mitigation fees in connection with their respective individual development proposals, as implemented by MM AG-1. In addition, the SJMSCP works at a regional level to promote the permanent preservation of agricultural lands in San Joaquin County. The SJMSCP calls for the preservation of about 100,000 acres, including 57,000 agricultural acres, over a 50-year period for the protection of a variety of biological species. Most agricultural conservation easements in the County are the product of the SJMSCP. The proposed project would be required to comply with applicable provisions of the SJMSCP (see Section 3.4, Biological Resources, of the Draft EIR for more information), which may include payment of development fees for conversion of lands. See also Section 3.2.6 for the Draft EIR's cumulative analysis with respect to agricultural resources.

Response to MCINTOSH-2
The comment is related to air quality impacts, especially to residents who live on California Avenue, adjacent to an existing air pollution source, like I-205. The commenter states that the proposed project would further impact air quality of nearby sensitive land uses including homes and a school that is less than a mile away.

The comment sets forth a personal opinion on the merits of the proposed project. The commenter's opinion is noted and will be included in the administrative record for consideration by the City decision-makers. No further response is required.

For informational purposes, the following is provided. The Draft EIR fully analyzed the potential air quality and health risk impacts resulting from construction and operation of the proposed project, which was performed consistent with the guidance and methodologies provided by the Valley Air District's GAMAQI. Potential impacts on sensitive uses, including nearby homes and Banta Elementary School, were specifically evaluated (see, e.g., Impact AIR-3). As discussed in Section 3.3, Air Quality, of the Draft EIR, the project site has been long planned for industrial uses and is located adjacent to the NEI Specific Plan area. The proposed project would be required to incorporate technically and financially feasible mitigation measures (MM AIR-1a through MM AIR-1d) to reduce emissions generated during project construction and operation. In addition, the project applicants have agreed to incorporate additional measures (see MM AIR-1e, MM AIR-1f, MM AIR-1g, MM AIR-1h, and MM AIR-1i), which have been included in the Final EIR and which would result in additional emission reductions during project operation. See Response to Response to Valley Air District-2-5 for additional information in this regard.

Response to MCINTOSH-3
This comment is related to project traffic impacts to the Banta community, which currently experiences traffic impacts from commuters, warehouse employees, and illegal truck traffic.

The comment sets forth a personal opinion on the merits of the proposed project. The commenter's opinion is noted and will be included in the administrative record for consideration by the City decision-makers. No further response is required.

For informational purposes, the following is provided. Section 3.14, Transportation, of the Draft EIR evaluates the proposed project's potential transportation-related impacts as required under CEQA. As detailed more fully therein, the analysis considers and discloses any potentially significant impacts with respect to VMT; any conflicts relating to alternative transportation, bicycle facilities, pedestrian facilities, and transit facilities; any design hazard features; and any impairment on emergency access. The Draft EIR also identifies feasible mitigation measures to reduce identified impacts (i.e., MM TRANS-1a, MM TRANS-1b). In addition, the Draft EIR includes (for informational purposes) a non-CEQA operational analysis, utilizing a level-of-service evaluation of the study area identified by the City.

Specifically, with respect to truck traffic during operations, the Draft EIR evaluated this issue and acknowledged that the proposed project would result in new truck trips both to and from the project site. The Draft EIR discussed the relevance of Section 3.08.290 of the Tracy Municipal Code,

which establishes truck routes throughout the City, restricting vehicle routes within the City for vehicles with a gross vehicle weight of 5 tons or more or that are licensed commercially as a truck in the state of origin and used for carrying goods for pickup and delivery. Vehicles meeting this requirement would be restricted to specific truck routes and designated streets, except when necessary for egress and ingress by direct route to and from restricted streets for the purpose of loading or unloading. The Draft EIR also detailed the findings of a relevant STAA truck route study. Specifically, an NEI Truck Route Map defines STAA truck routing (both interim and ultimate) and identifies new improvements (e.g., truck route signage, conversion of existing roads to STAA routes), which would further improve roadway safety by providing appropriate and adequate roadway infrastructure for the trucks that would access the project site. As a result, existing and planned roadways would be able to support proposed STAA trucks that would access the project site consistent with applicable provisions of the Municipal Code. Therefore, trucks trips during operation would result in less than significant impacts.

Furthermore, the City has agreed to adopt and the project applicants have agreed to implement MM AIR-1e to require that trucks accessing the project site are prohibited from using Grant Line Road east of the project site. See Section 3, Errata.

Nevertheless and although not required as mitigation for any impact, in an effort to further address concerns about truck traffic through the Banta community, the project applicants are willing to voluntarily implement signage along project frontage on Grant Line Road to deter trucks from traveling on Grant Line Road east of the project site, and voluntarily implement routine communications between property managers and tenants to ensure tenant understanding that trucks accessing the project site are prohibited from using Grant Line Road east of the project site. These measures will be incorporated as conditions of approval.

Response to MCINTOSH-4
The commenter notes that California is in a drought and questions the amount of water use during construction.

The comment sets forth a personal opinion on the merits of the proposed project but does not raise any specific significant environmental issues. The commenter's opinion is noted and will be included in the administrative record for consideration by the City decision-makers. No further response is required.

For informational purposes, the following is provided. Section 3.16 of the Draft EIR contains the water impact analysis required under CEQA (see, e.g., Impacts UTIL-1, UTIL-2, MM UTIL-1a). In connection therewith and pursuant to SB 610, a Water Supply Assessment (WSA), consistent with the City's recently adopted 2020 Urban Water Management Plan (UWMP), was prepared for the proposed project (Appendix K of the Draft EIR). The WSA evaluates the adequacy of the total project water supplies of the City (as the water purveyor to the proposed project), including existing water supplies and future planned water supplies, to meet the City's existing and projected future water demands, including those future water demands associated with the proposed project, under all hydrological conditions (Normal Years, Single Dry Years, and Multiple Dry Years). As detailed more fully therein, sufficient water supplies are available to serve the proposed project, as well as other

existing and reasonably foreseeable future uses, during normal, dry, and multiple dry year scenarios with reliance on existing and additional supplies from future planned projects, including Aquifer Storage and Recovery Program Expansion, Recycled Water Distribution Network and Exchange Program for additional Central Valley Project water supplies, and recycled water distribution for non-potable use. The Draft EIR also considered construction-related impacts on water supply. Construction of the proposed project would result in a relatively nominal amount of water use for dust control, mixing concrete, washing equipment and vehicles, and other activities, such as personal consumption. Because construction would require a minimal, limited quantity of water, it is reasonable to conclude that the City would have adequate water supply capacity to serve construction demands in addition to its other existing commitments, and new or expanded entitlements would not be necessary. Therefore, construction impacts in this regard would be less than significant.

Response to MCINTOSH-5
The commenter states that the City should consider the issues reflected in the comment letter, and states an opinion that such issues outnumber any benefits of the proposed project.

The comment sets forth a personal opinion on the merits of the proposed project but does not raise any specific significant environmental issues. The commenter's opinion is noted and will be included in the administrative record for consideration by the City decision-makers. No further response is required.

Comments provided at public hearing held May 25, 2022

MCINTOSH-2

Response to MCINTOSH-2-1

The commenter resides on California Avenue and expressed concern about project impacts such as air pollution, light, traffic, and loss of farmland. The commenter noted that the Draft EIR is very large and that there did not seem to be enough time to allow for review. The commenter also noted that there is a school very close to the project site, and that many properties already exist for industrial warehouses. The commenter stated that there are many Tesla and Amazon (industrial) jobs nearby, and does not think there is a need for more jobs. The commenter is concerned about farmland impacts.

The comments are noted and acknowledged. To the extent the commenter is expressing an opinion on the merits of the proposed project, the comment will be noted and included in the administrative record for consideration by the City's decision-makers.

The City published a Notice of Availability/Notice of Completion of the Draft EIR on April 20, 2022. The 45-day public comment period extended from April 20, 2022 to June 3, 2022. In addition, although not required to do so under the law, the City accepted late comment letters, including one submitted more than two months after the close of the comment period the commenter, and responded to those comments. (See Responses to MCINTOSH-3-1 through MCINTOSH 3-5.)

The Draft EIR included a careful analysis of the proposed project's potential effects related to Air Quality (Section 3.3, Air Quality), Light pollution (Section 3.1, Aesthetics), traffic (Section 3.14, Transportation), and farmland (Section 3.2, Agricultural Resources). Chapter ES, Executive Summary, provides an abbreviated summary of all of the potential impacts of the proposed project along with the recommended mitigation measures.

Regarding air quality, as discussed in Section 3.3, Air Quality, of the Draft EIR, the proposed project would incorporate technically and financially feasible mitigation measures to reduce emissions generated during project operation. In addition, MM AIR-1e, MM AIR-1f, MM AIR-1g, MM AIR-1h, and MM AIR-1i have been added to the Draft EIR and would result in additional emission reductions during project operation beyond what was identified in the Draft EIR. Nonetheless, the quantified emission reductions from these new mitigation measures cannot be identified with certainty at this time. Therefore, the impact conclusions of Section 3.3, Air Quality, of the Draft EIR remain appropriate under CEQA.

Regarding light pollution, as discussed in Section 3.1, Aesthetics, of the Draft EIR, light and glare during the construction phase would be temporary and limited to the duration of construction. The proposed project would be required to comply with Section 4.12.820 of the Municipal Code, which limits construction activities to the 7:00 a.m. and 10:00 p.m. on weekdays or between the hours of 7:00 a.m. and 10:00 p.m. on weekends and federal holidays.

The Draft EIR discloses that the proposed project would increase the amount of light and glare on the project site. However, the light fixtures used for the proposed project would be required to meet all applicable standards pursuant to the latest adopted edition of the California Building Code and all

applicable development standards and design guidelines provided in the NEI Specific Plan to reduce daytime glare and nighttime lighting.

Any window glare would be partially obscured by landscaping. Glare may also occur from on-site vehicles; however, such glare would be transient. Because of the proposed project's location adjacent to other existing urban development, the proposed project would not be adding significant nighttime lighting or glare in an area with no existing lighting impacts. As such and as detailed more fully in Section 3.1, Aesthetics, of the Draft EIR, project impacts related to light and glare were found to be less than significant.

Regarding transportation, the Draft EIR contains a detailed analysis of the proposed project's potential transportation-related impacts and identified feasible mitigation measures. As discussed therein, the proposed project is anticipated to add approximately 96 passenger cars during the morning peak-hour and approximately 142 passenger cars during the evening peak-hour along Grant Line Road through Banta. All trucks would be directed to use the existing or future truck route to the west of the proposed project and not east on Grant Line Road. Furthermore, the City has agreed to adopt and the applicants have agreed to implement MM AIR-1e, which would require that trucks accessing the project site be prohibited from using Grant Line Road east of the project site. See Section 3, Errata. Nevertheless and although not required as mitigation for any identified impact, in an effort to further address concerns about truck traffic through the Banta community, the project applicants are willing to voluntarily implement signage along project frontage on Grant Line Road to deter trucks from traveling on Grant Line Road east of the project site, and voluntarily implement routine communications between property managers and tenants to ensure tenant understanding that trucks accessing the project site are prohibited from using Grant Line Road east of the project site. These measures will be incorporated as conditions of approval. Finally, the City of Tracy is currently implementing STAA truck routes in the NEI Specific Plan area that connect to the I-205 and MacArthur Interchange. The City of Tracy is actively coordinating with the SJCOG and the County of San Joaquin on truck route planning.

Regarding loss of farmland, the Draft EIR contains a detailed analysis of the proposed project's potential impacts to agricultural resources as well as identified mitigation measures. As discussed therein, conversion of the project site to industrial use has long been envisioned by the City as part of buildout under the General Plan and evaluated and disclosed under the General Plan EIR; this is reflected in the project site's existing Industrial General Plan land use designation. Nevertheless, for purposes of a comprehensive conservative analysis, the Draft EIR acknowledged that the proposed project would result in the loss of Important Farmland as a result of its conversion of Prime Farmland to urban uses. On June 7, 2005, the City Council adopted Chapter 13.28 Agricultural Mitigation Fee to its Municipal Code. In addition, the City Council adopted a resolution approving the Central Valley Farmland Trust as a qualifying agency to receive funds for purposes of preserving identified areas of Important Farmland. This program serves as mitigation to the extent feasible for the conversion of Prime Farmland. In accordance with Chapter 13.28 of the Municipal Code, Agricultural Mitigation Fee, the developers of the Suvik Farms, Zuriakat, and Tracy Alliance parcels would each be required to pay applicable Agricultural Mitigation fees in connection with individual development proposals as implemented by MM AG-1. In addition, the proposed project would be required to comply with applicable provisions of the SJMSCP. Even with the payment of City mitigation fees and adherence to

the SJMSCP, the proposed project would result in significant and unavoidable impacts related to the conversion of Farmland as identified by the FMMP mapping to nonagricultural use, since the foregoing would not fully avoid the impacts of this conversion (Draft EIR, Page 3.2-8–9).

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Late Comments

Under CEQA Guidelines Section 15105, the City of Tracy was legally required to provide a 45-day public review period on the Draft EIR. The public comment period for the Draft EIR began on April 20, 2022, and ended on June 3, 2022. All comment letters received after expiration of the public review and comment period ending on June 3, 2022 are considered late comments.

A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period (PRC § 21091(d); CEQA Guidelines § 15088). When a comment letter is received after the close of the public comment period; however, a lead agency does not have an obligation to respond (PRC § 21091(d)(1); PRC § 21092.5(c)). Accordingly, the City of Tracy is not required to provide a written response to late comment letters, including the letter from Advocates for the Environment received on August 16, 2022, and the letter from Genna McIntosh on August 29, 2022 (See CEQA Guidelines § 15088(a)).

Accordingly, the following comment letters are considered late letters that do not require a written response. Nonetheless, for information purposes, the City of Tracy has elected to respond to these late letters, but without waiving its position that written responses to late comment letters are not required by law.

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August 16, 2022

Advocates for the Environment
A non-profit public-interest law firm
and environmental advocacy organization



Victoria Lombardo, Planner
City of Tracy
Development Services Department
333 Civic Center Plaza
Tracy, CA 95376

Via U.S. Mail and email to victorialombardo@cityoftracy.org

re: Comments on Tracy Alliance Project, SCH Number 2020080524

Dear Ms. Lombardo:

Advocates for the Environment submits the comments in this letter regarding the Draft Environmental Impact Report (**DEIR**) for the proposed Comments on Tracy Alliance Project (**Project**). The Project site is located on undeveloped prime farmland, but it is zoned for industrial development and located at the northeast corner of Grant Line Road and Paradise Road. The site is within unincorporated San Joaquin County, adjacent to the northeastern city limits and within the City of Tracy's Sphere of Influence (**SOI**). The project site is directly east of the City's NEI Specific Plan boundary. The site is bound by I-205 to the north, California Avenue to the northeast, Grant Line Road to the south, and Paradise Road to the west. The Project proposes to construct up to 3,352,320 square feet of warehouse and distribution and related uses on a total of approximately 191.18 acres, 98% of which would be converted farmland.[1] 1

Advocates for the Environment is a public interest law firm and advocacy organization with the mission to educate the public about the law as it pertains to the environment and provide legal services in support of environmental causes. Therefore, it is within the scope of Advocates for the Environment's mission to provide comments on the development of this project, especially because the DEIR reflects potential issues of non-compliance with CEQA.

Greenhouse Gases

The Project anticipates employing 1,871 people and creating operational emissions of 19,672 MTCO2e annually, starting in the year 2030.[2] The DEIR quantified greenhouse gas (**GHG**) emissions in three phases, corresponding to the three Phases of the Project 2

[1] 188 acres of farmland ÷191.18 acres of Project = 0.9834 = approximately 98%
[2] Total Emissions Estimates taken from DEIR P. 3.8-43 to 3.8-45
10,962 MTCO2e (Phase 1) + 5,964 MTCO2e (Phase 2) + 2,746 MTCO2e (Phase 3) = 19,672 MTCO2e

development. Phase 1 is planned to start in 2023 and contribute to 10,962 MTCO2e; Phase 2 in 2024 with 5,964 MTCO2e; and Phase 3 in 2025 with 2,746 MTCO2e. 2 CONT

The City Should Require the Project to be Net-Zero

Greenhouse gas emissions from buildings, including indirect emissions from offsite generation of electricity, direct emissions produced onsite, and from construction with cement and steel, amounted to 21% of global GHG emissions in 2019. (IPCC Sixth Assessment Report, Climate Change 2022, WGIII, Mitigation of Climate Change, p. 9-4.) This is a very large portion of global GHG emissions. It is much less expensive to construct new building projects to be net-zero than to obtain the same level of GHG reductions by retrofitting older buildings. Climate damages will keep increasing until we reach net zero GHG emissions, and there is a California state policy requiring the state to be net-zero by 2045. It therefore makes no sense to construct new buildings that are not net-zero. 3

Two of the largest mixed-use development projects in the history of California, Newhall Ranch (now FivePoint Valencia), and Centennial (part of Tejon Ranch) decided, after environmental groups sued and won under CEQA, to move forward as net-zero communities. This proves it is feasible. The Applicant for this project should do the same. We urge the City to adopt net-zero as the GHG significance threshold for this project, and require full fair-share litigation. The CARB 2017 Scoping Plan states that "achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development." (p. 101.)

Moving this Project forward as a net-zero project would be the right thing for the City to do, and would also protect the City and the Applicant from CEQA GHG litigation.

The EIR's GHG Analysis

The City analyzed GHG significance using the Appendix G guidelines as the thresholds, determining, under the first threshold, that the Project would not contribute to any significant direct or indirect GHG emissions, given 43.3 to 44 percent reduction from business as usual. Analyzing consistency with the 2008 and 2017 Scoping Plans under the second threshold, the DEIR concluded that the Project would not conflict with any applicable GHG-reduction plan, policy, or regulation. As discussed below, both these conclusions are unsupported by substantial evidence. 4

Significance Finding Violates Newhall

In analyzing the Project's GHG impacts under the first threshold, the DEIR made no attempt to reconcile the percent reduction below business-as-usual (**BAU**) with Statewide goals. Simply allowing a margin for error, and nothing more, is not sufficient to be compliant

with the holding in *Center for Biological Diversity v. Dept. of Fish and Wildlife* (2015) 62 Cal.4th 204 (***Newhall***), which held that, when using a reduction from BAU as a significance threshold, lead agencies must affirmatively provide some demonstration that the reduction is consistent with the required statewide reductions, not just that it is "likely" to be consistent, as the DEIR suggests. In fact, the DEIR suffers the same problem as in *Newhall*, which is that despite making a demonstration of adherence to the 40% reduction goal, there was no substantial evidence to support the claim that the statewide emissions goal of 40% would necessarily translate to the equivalent goal in the local regime. 4 CONT

Inconsistent with Applicable Plans

The DEIR incorrectly assumes that the only applicable plans, policies, and regulations are the CARB Scoping Plans. The Project is not only inconsistent with the 2017 Scoping Plan, but also conflicts with other applicable plans, policies, and regulations adopted for the purposes of reducing GHGs.

The EIR's analysis of consistency with the 2017 CARB Scoping Plan is highly flawed. The threshold used in the analysis appears to be 22% below BAU. (EIR p. 3.8-34.) The BAU is the 2017 CARB Scoping Plan is called the "Reference Scenario" and represents "what GHG emissions look like if we did nothing beyond the existing policies that are required and already in place to achieve the 2020 limit. BAU includes the existing renewables requirements, advanced clean cars, the 10 percent reduction in carbon intensity Low Carbon Fuel Standard, and the SB 375 program for sustainable communities, among others." BAU thus represents the emissions path that would occur of no new regulations were adopted after 2017. But the EIR for this Project uses a contrived BAU, apparently based on 2005 levels and the 2008 CARB Scoping Plan. Since the 2008 Scoping Plan was developed to implement AB 32, which required emissions to be reduced to 1990 levels by 2020, and that goal has been achieved, it is irrelevant to GHG analysis now. The Project must be consistent with the 2017 CARB Scoping Plan, not the 2008 CARB Scoping Plan, and a contrived BAU based on 2005 levels is not appropriate for that analysis. The portion of the EIR analyzing consistency with SB 32 and the CARB 2017 Scoping Plan should be rewritten to use the correct BAU baseline. The Project is also inconsistent with the CARB 2017 Scoping Plan in several other ways. 5

First, the Project would be inconsistent with the emissions targets laid out by the 2017 CARB Scoping Plan, including annual emissions of 6 MTCO2e/capita by 2030, and 2 MTCO2e/capita by 2050 (CARB Scoping Plan, p. 99). Here, the Project anticipates 1,871 employees, resulting in per-capita emissions of about 10.51 MTCO2e/capita each operating year.[3] As this is nearly double the 2030 goal of 6 MTCO2e/capita, there is an inconsistency. 6

[3] 19,672 MTCO2e ÷ 1,871 people = 10.51 MTCO2e/capita

Second, the GHG significance analysis compared the Project with AB32 and the CARB 2008 Scoping Plan, but these policies cannot be applicable because the AB32 goal was for 2020 and it has already passed; the goal has been achieved, so that policy is irrelevant. Likewise, the San Joaquin Valley Air District Climate Change Action Plan (**CCAP**) is not applicable to the project, because the goals have been achieved. 7

Third, for the Project's impacts to be insignificant, the Project must be consistent with B-55-18, because it is an applicable policy which aims to achieve carbon neutrality by 2045. As this Project requires industrial storage and transportation using large vehicles, with no plans of reducing or offsetting emissions to zero by 2045, the Project is inconsistent with B-55-18. 8

Since the Project is inconsistent with applicable policies to reduce GHG emissions, its GHG impacts are significant.

Fair Share Mitigation

The Project's GHG emissions are significant and, because those emissions must be analyzed as a cumulative impact, the heightened requirement of "fair share" mitigation applies. (*Napa Citizens for Honest Gov't v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 364.) For this Project, the fair share is the entirety of the Project's emissions. The City must 9

Because the DEIR concluded that the Project will have less-than-significant GHG impacts, no mitigation measures were identified. Yet, once the analysis is updated according to the above comments, the agency will need to analyze all feasible mitigation to reduce to the fair share level.

Here are some ideas for feasible mitigation measures for GHG emissions: install solar panels on the entire available roof space, prohibit natural-gas appliances, install energy-efficient lighting and temperature controls, require zero-emission vehicles, purchase offsets or sponsor local-energy projects, and utilize low-GHG construction materials. There are many more options for feasible mitigation to reduce the Project's significant GHG impact. 10

CalEEMod Deficiencies

The criteria air pollutant and GHG emissions generated by the operational land uses on the Project site were estimated using the California Emissions Estimator Model (**CalEEMod**). CalEEMod provides recommended default values based on site specific information, such as land use type, meteorological data, total lot acreage, project type, and typical equipment associated with a particular project type. If more specific project information is known, the user can change the default values and input project-specific values, but CEQA requires that such changes be justified by substantial evidence. 11

Here, the population parameter is not supported by substantial evidence. Although the Project intends to employ 1,871 people on the premises, the inputs indicate a population size of zero for all CalEEMod runs. CalEEMod should be re-run to reflect an accurate population size for the project. 11 CONT

Additionally, certain runs changed the default land use parameters to zero. For example, Phase 3 changed from the default of 422,967.60 square feet to a user-inputted value of 0 square feet. This parameter is not supported by substantial evidence, because the Project to be built on the Zuriakat Parcel is predicted to use 479,160 square feet of space. The model should be re-run to reflect the accurate square footage of Phase 3. 12

And the Project-associated vehicle miles traveled (**VMT**) as analyzed in the DEIR is not accurately reflected in the CalEEMod parameters. The DEIR indicated a VMT of 16.9 per employee, which amounts to 11,541,263.5 annual miles of vehicle travel associated with the Project.[5] However, CalEEMod Trip Summary Information (4.2), indicates that the total VMT for all three phases amounts to 7,343,938 annual miles, or an average of 10.75 per employee.[6] This is roughly 36% less VMT than indicated in the DEIR, and no justification has been made regarding the CalEEMod parameters. Therefore, this estimate lacks substantial evidence and contributes to an underestimation of GHG significance due to the resulting reduced quantification of emissions. 13

Additionally, the various assumptions, user-inputted values, and modifications in the CalEEMod simulation should be explained such that a decision-makers and the public can adequately assess the environmental impact, because without such analysis, the CalEEMod summaries are confusing and misleading. 14

Air Quality Significance Analysis

The DEIR concluded that the Project may have potentially significant air-quality impacts, and identifies four mitigation measures. The EIR states that the Project may have significant and unavoidable air quality impacts even after mitigation, because there are no guarantees that the identified air quality mitigation measures will be implemented due to technical or financial feasibility (DEIR ES-4). But these are not the only feasible mitigation measures, so the conclusion that the air quality impact would be unavoidable is without merit. There are several mitigation strategies, in addition to the ones proposed, that could ensure air quality emissions reductions regarding the Project operations, which the lead agency should consider adopting as part of its mitigation efforts to reduce air quality significance. 15

[5] 16.9 × 1,871 employees × 365 days = 11,541,263.5 annual miles
[6] 2,483,351 (Phase 1) + 2,510,413 (Phase 2) + 2,350,174 (Phase 3) = 7,343,944 annual VMT

First, the Project could require that any machinery (including but not limited to: forklifts, dock equipment, conveyors, and carousels) to be used during the operation of the Project is powered by rechargeable battery or otherwise powered by electricity. Second, the Project could encourage future tenants to adopt incentives for carpools and alternative transportation such as public transport, bicycling, and zero emission vehicles, to reduce the amount of vehicle trips per person, and likewise reduce the associated air quality pollutants that are emitted by conventional vehicles. Third, the Project could require and enforce a strict no-idling policy on the premises. Fourth, the Project could require future tenants' vehicle fleet to be maintained with zero-emission or hybrid vehicles to the extent feasible, as zero-emission and hybrid heavy-duty vehicles and semi-trucks are already available for consumer purchase and use. 15 CONT

The DEIR also contemplates a scenario in which all three project phases were constructed concurrently, in which case the impact would exceed significant levels even with all mitigation incorporated (DEIR ES-4). Therefore, to avoid this consequence, one mitigation measure could be the implementation of a plan which specifically precludes the development of multiple project phases simultaneously. 16

Agriculture Resources

The City adopted Appendix G guidelines to determine whether agricultural and forestry impact was significant. Threshold a asks whether the Project would 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. Threshold b asks whether the Project would conflict with existing zoning for agricultural use or a Williamson Act Contract. The DEIR concluded significant unavoidable impact as to agricultural resources, based on significant impact under Threshold a, despite a finding of insignificance as to Threshold b. This analysis is inaccurate because the Project would be significant under Threshold b, and there are feasible mitigation strategies beyond those identified to reduce the significant impact of conversion of agricultural land. 17

Inconsistent with the Williamson Act Contract

The EIR concluded the Project would have a less than significant impact under Threshold b, although Agricultural and Forestry Resources in its entirety was deemed to have a significant and unavoidable impact. 46.61 acres of land located on the three Suvik Farms parcels are currently under Williamson Act contracts (DEIR p. 3.2-3). In 2017, Suvik Farms landowners initiated a Notice of Nonrenewal for the contract, beginning a nine-year process to formally expire the contract. Based on the date of the Notice of Nonrenewal, the contract will expire on August 21, 2026 (DEIR 3.2-10). Yet, "since the contract term automatically renews 18

annually, the actual term is essentially indefinite" (DEIR p. 3.2-2). The DEIR made no showing that the process for expiring the contract guarantees that the contract will expire in 2026.

Even if it will expire in 2026, the Project anticipates that the Suvik parcels will be developed before the term is set to expire: "Phase 2 is the Suvik Farms parcels, with construction assumed to occur in 2023 through 2024 and operation assumed to begin in 2024." (DEIR 3.8-35). The Williamson Act Contract provides that the covered land is not to be used for non-agricultural purposes for "the duration of the contract" (Gov. Code Section 51243 (a).) Further, the existing contract remains in effect for the entire period after the notice of intent to not renew (Gov. Code Section 51246 (a).) Thus, if the plan to develop the Suvik Farms parcels is carried out before the Williamson Act contract expiration date, it would amount to a material breach of the Williamson Act Contract pursuant to Gov. Code Section 51250. 18 CONT

The lead agency argues that the applicant can avoid such a breach by requesting cancellation of the contract if they are to build it before the contract ends; but the cancellation of a Williamson Act contract is inconsistent with the Williamson Act if the "objectives to be served by cancellation should have been predicted and served by nonrenewal at an earlier time" (*Sierra Club v. City of Hayward* (1981) 28 Cal. 3d 840, 855.) This is the precise situation here, because the objectives served by cancellation (i.e., the development of projects such as this one), was anticipated in 2017, which is when the landowners initiated a Notice of Nonrenewal for the Suvik Farms Williamson Act Contract. Therefore, it is not appropriate here for an applicant to request cancellation of contract simply because they want to develop the land before the contractual term is scheduled to end. Therefore, the Project, if carried out as set forth in the EIR, would violate the Williamson Act and therefore be inconsistent with it, demonstrating significant impact under Threshold b.

Mitigation to Reduce Agricultural Impact to Less Than Significant

There are three mitigation strategies that could reduce the significance of agricultural impact. First, the Project should modify its plans so that Phase 2 (involving the development of the Suvik Farms parcels) is not initiated until after the Williamson Act contract expires. Second, in addition to the proposed agricultural mitigation fee program, the Project could develop a plan to restore agricultural land after the lifespan of the Project, which was upheld as a valid mitigation measure (*e.g., King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 876.) Third, the Project could limit the size of the warehouse to reduce the amount of conversion of agricultural land. 19

Inadequate Discussion of Alternatives

To be compliant with CEQA, "the EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." 20

(CEQA Guidelines § 15126.6 (c)). Here the City discussed two alternatives, the No Project Alternative and the Agricultural Protection Alternative, which proposes preserving 11 acres of farmland. Here, the range of alternatives is unreasonable, and there are several suggestions for alternatives to analyze. 20 CONT

Range of Alternatives Is Unreasonable

The DEIR did not include a reasonable range of feasible alternatives. (See *Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1988) 47 Cal. 3d 376, 407; CEQA Guidelines § 15126.6(a)). The standard for determining reasonability is "whether the alternatives discussion encourages informed decision-making and public participation" (Cal. Oak Found. v. Regents of Univ. of Cal. (2010) 188 Cal.App.4th 227, 276).

The DEIR contemplated two project alternatives, including a "No Project Alternative" and an "Agricultural Protection Alternative," would result in protecting 11 acres of prime agricultural land. This is insufficient because there are other feasible alternatives that would be able to achieve certain project goals while also reducing the impact on the environment. Particularly, several unique resources exist on the site which are identified but not accounted for to the feasible extent in the range of alternatives, including wetland habitat and prime farmland, discussed below.

Wetland Preservation Alternative

21

There is a 0.07 acre ditch wetland/cattail marsh that supports Northern Pacific tree frogs. The alternatives discussion should include an alternative that aims to preserve wetland and riparian habitat, to the extent feasible. Most project objectives could still be met in an alternative that aimed to achieve habitat preservation goals or otherwise avoided to develop on the wetland portions of the Project site. Not only would this reduce biological impact, potentially below significant impact, it could also reduce GHG impact because healthy wetlands have the ability to sequester GHGs.

Farmland Preservation Alternative

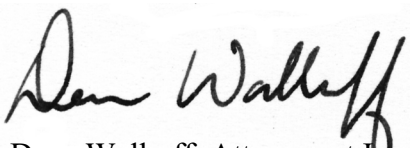
The Project would result in the loss of 188 acres of Prime Farmland. The DEIR concluded that this was a significant and unavoidable impact, but this does not necessarily mean that an alternative is infeasible. Given this unique environmental resource, and the vast extent of Prime Farmland on the Project Site, it would be reasonable and feasible to have more than one alternative that accounts for the loss of farmland, especially because the only alternative proposed, Agricultural Protection Alternative, only sets aside about 5% of farmland. The Outside Storage Allowable Use Alternative was deemed infeasible but this infeasibility determination lacks substantial evidence because it would be reasonable to analyze another

Farmland Preservation Alternative which could propose to reserve more farmland, perhaps by reducing the Project size, to ensure that the Project is contributing to California's long-term agricultural production and soil health stability, as well as consistency with the General Plan's goal of preserving and protecting significant agricultural resources. 21 CONT

Conclusion

To conclude, the DEIR should be updated to reflect a finding of significant GHG impact, and mitigated to the "fair share" extent (*Napa Citizens for Honest Gov't v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 364). Please put Advocates for the Environment on the list of interested parties to receive updates about the progress of this potential project approval. 22

Sincerely,



Dean Wallraff, Attorney at Law
Executive Director, Advocates for the Environment

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Organization

Advocates for the Environment (AENV)

Response to AENV-1
This comment summarizes the proposed project and provides introductory statements.

The comment is noted and acknowledged. The commenter does not raise any project-specific issues related to CEQA, and therefore no further response is required.

Response to AENV-2
This comment describes the proposed project's estimated employees and amount of GHGs that would be generated.

The comment is noted and acknowledged. The commenter does not raise any project-specific issues related to CEQA, and therefore no further response is required.

Response to AENV-3
This comment describes the benefits of net-zero construction and states that the proposed project should be built to result in net-zero GHG emissions. The commenter cites two Southern California projects that have purportedly implemented "net-zero communities" as a basis for the commenter's claim of feasibility.

The comment is noted and acknowledged. The commenter does not question the GHG impact analysis or less than significant conclusions referenced in its comment letter. The City is not permitted under CEQA to impose mitigation measures or require applicants to incorporate project design features for impacts that have been determined to be less than significant. Chapter 2, Project Description, of the Draft EIR sets forth a detailed description of the proposed project. Imposing an obligation to be "net-zero" would not be permitted under the law. Therefore, no further response is required.

For informational purposes, the following is noted. Section 3.8, Greenhouse Gas Emissions, of the Draft EIR robustly evaluates the proposed project's GHG impacts, both from a quantitative and qualitative perspective. Section 3.8.4 describes the significance criteria, assumptions and methodologies used by the City, in its discretion, to conduct this impact analysis. CEQA does not require the City to utilize achieving net-zero GHG emissions as a significance threshold to evaluate the proposed project. Moreover, as described in the ARB 2017 Scoping Plan, "achieving net-zero increases in GHG emissions, resulting in no contribution to GHG impacts, may not be feasible or appropriate for every project, however, and the inability of a project to mitigate its GHG emissions to net-zero does not imply the project results in a substantial contribution to the cumulatively significant environmental impact of climate change under CEQA. Lead agencies have the discretion to develop evidence-based numeric thresholds (mass emissions, per capita, or per service population) consistent with this Scoping Plan, the State's long-term GHG goals, and climate change science."

As discussed in Section 3.6 Greenhouse Gas Emissions, under CEQA and as held in the California Supreme Court's decision in *Center for Biological Diversity v. California Department of Fish and Wildlife*, GHG impacts would be considered significant if the proposed project would:

- Conflict with a compliant GHG Reduction Plan if adopted by the lead agency;
- Exceed the San Joaquin Valley Air Pollution Control District (Valley Air District) GHG Reduction Threshold; or
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of GHGs.

These thresholds are consistent with the Appendix G Environmental Checklist questions of the CEQA Guidelines. The City of Tracy does not currently have a formal GHG emissions reduction plan or recommended emissions thresholds for determining significance associated with GHG emissions from development projects. Therefore, the Draft EIR used the most appropriate thresholds to evaluate GHG impacts as determined by the City in its discretion. No revisions to the EIR are required.

Response to AENV-4
This comment states the Draft EIR's significance determination related to GHGs and that these conclusions are not supported by substantial evidence. This comment states that the Draft EIR did not analyze the proposed project's GHG emissions against the percent reduction below BAU consistent with Statewide goals. This comment further states that the Draft EIR did not provide substantial evidence that the Statewide emissions goal of 40 percent would translate to the equivalent local goal.

As discussed in Section 3.6 Greenhouse Gas Emissions, under CEQA and as held in the California Supreme Court's decision in *Center for Biological Diversity v. California Department of Fish and Wildlife* (the "*Newhall Ranch*" decision) GHG impacts would be considered significant if the proposed project would:

- Conflict with a compliant GHG Reduction Plan if adopted by the lead agency;
- Exceed the San Joaquin Air Pollution Control District (Valley Air District) GHG Reduction Threshold; or
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of GHGs.

These thresholds are consistent with the Appendix G Environmental Checklist questions of the CEQA Guidelines. The City of Tracy does not currently have a formal GHG emissions reduction plan or recommended emissions thresholds for determining significance associated with GHG emissions from development projects. Therefore, the first impact criterion, "conflict with a compliant GHG Reduction Plan if adopted by the lead agency," cannot be applied to the proposed project. Moreover, the other two impact criteria presented closely align with the two Appendix G Environmental Checklist questions for GHG emissions. Therefore, the City, in its discretion and consistent with the

Newhall Ranch decision, is utilizing Appendix G of the State CEQA Guidelines as thresholds for the proposed project.

The City of Tracy has not adopted its own GHG thresholds or prepared a Climate Action Plan that can be used as a basis for determining project significance, although it has adopted a Sustainability Action Plan, which is a non-qualifying GHG Reduction Plan. The Valley Air District Guidance for Valley Land use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA includes thresholds based on whether the project would reduce or mitigate GHG levels by 29 percent from BAU levels compared with 2005 levels. This level of GHG reduction is based on the target established by ARB's AB 32 Scoping Plan, approved in 2008.

Consistent with the *Newhall Ranch* court decision and as further detailed in the robust analysis set forth in Section 3.8, Greenhouse Gas Emissions, a project BAU analysis based on substantial evidence in the record was prepared for the proposed project, which assesses "consistency with AB 32's goal in whole or part by looking to compliance with regulatory programs designed to reduce greenhouse gas emissions from particular activities." Therefore, the Draft EIR evaluated project GHG emissions against an appropriate threshold that also evaluates consistency with Statewide GHG emissions reduction goals. No revisions to the EIR are required.

Response to AENV-5
This comment states that the Draft EIR did not analyze consistency with the correct applicable plans, policies, and regulations related to GHG emissions, and in addition it criticizes the analysis with the 2017 ARB Scoping Plan as being flawed. The comment also states that the Draft EIR used an incorrect threshold of 22 percent below BAU, consistent with the 2008 ARB Scoping Plan, which the commenter states is incorrect and instead the Draft EIR should have utilized the 2017 ARB Scoping Plan.

See Response to AENV-4. As explained in more detail in Section 3.8, Greenhouse Gas Emissions, of the Draft EIR, the proposed project is expected to become operational in phases beginning in 2023 and assumes full buildout in 2025, which is beyond the AB 32 target year. As a result, until a new threshold is identified for projects constructed after-2020, the only threshold to address significance is based on making continued progress toward the SB 32 2030 goal.

As discussed more fully in Section 3.8, Greenhouse Gas Emissions, the Valley Air District "Guidance for Valley Land use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA," includes thresholds based on whether the project will reduce or mitigate GHG levels by 29 percent from BAU levels compared with 2005 levels. This level of GHG reduction is based on the target established by ARB's AB 32 Scoping Plan, which was approved in 2008. The ARB recognizes that AB 32 establishes an emissions reduction trajectory that will allow California to achieve the more stringent 2050 target: "These [greenhouse gas emission reduction] measures also put the State on a path to meet the long-term 2050 goal of reducing California's GHG emissions to 80 percent below 1990 levels." The Valley Air District guidance recommends using emissions in 2002–2004 in the baseline scenario to represent conditions—as if regulations had not been adopted—to allow the effect of projected growth on achieving reduction targets to be clearly defined. Thus, the BAU scenario is based on 2005 levels.

The Draft EIR analyzed the proposed project's consistency with SB 32 and the 2017 ARB Scoping Plan as described in the impact analysis for Impact GHG-1 and GHG-2. As described in Impact GHG-2, Executive Order B-30-15 establishes an interim goal to reduce GHG emissions to 40 percent below 1990 levels by 2030. The 2030 goal was codified under SB 32 and is now addressed by the 2017 Scoping Plan Update.

With respect to the 21.7 percent reduction threshold referenced by the commenter, as explained more fully in Section 3.8.4, the 2010 Cap and Trade Inventory Update provided revised inventory projections to reflect slower growth in emissions during the recession and lower future year projections. The State's 2020 BAU inventory was reduced from 596 million metric tons (MMT) carbon dioxide equivalent (CO_2e) to 545 MMT CO_2e. The new GHG reduction level for the State to reach 1990 emission levels by 2020 is 21.7 percent from BAU in 2020. The First Update to the Climate Change Scoping Plan confirmed that the State is on track to achieve the 2020 target and to maintain and continue reductions beyond 2020 as required by AB 32. In addition, the State has reported that the 2016 greenhouse gas inventory was below the 2020 target for the first time. Furthermore, the 2017 Scoping Plan states that California is on track to achieve the 2020 target.

In summary, the project analysis also addresses consistency with the SB 32 targets and the 2017 Scoping Plan Update with an assessment of the project's reduction from BAU levels based on emissions in 2030 compared with the 21.7 percent reduction. The Valley Air District's *Guidance for Valley Land use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* includes thresholds based on whether the project will reduce or mitigate GHG levels by 29 percent from BAU levels compared with 2005 levels.

In conclusion, each of the project phases would achieve reductions beyond the ARB 2020 21.7 percent target and the Valley Air District 29 percent reduction from BAU requirements from adopted regulations in their respective operational years. The emission estimates presented in Table 3.8-9 through 3.8-11 demonstrate that the proposed project would achieve greater reductions than the Valley Air District-established threshold of 29 percent, resulting in annual reductions ranging from 43.3 to 44 percent. Based on this progress and the 2017 Scoping Plan Update, it is reasonable to conclude that the proposed project would be consistent with the 2017 Scoping Plan and would make a reasonable fair share contribution to achieving the 2030 target. Furthermore, Table 3.8-12 describes how the proposed project would be consistent with the 2017 Scoping Plan Update measures. The GHG analysis in the Draft EIR complies with CEQA, and therefore no revisions are required.

Response to AENV-6
This comment states that the Draft EIR should use the 2017 ARB Scoping Plan threshold of 6 metric tons of carbon dioxide equivalent (MT CO_2e)/capita by 2030 and 2 MT CO_2e/capita by 2050. The comment states that the proposed project would result in an estimate 10.51 MT CO_2e/capita each operating year and would conflict with the 2017 ARB Scoping Plan.

The thresholds that the commenter is suggesting are intended for Plan-level Greenhouse Gas Emissions reduction goals, such as a Climate Action Plan, not project-specific thresholds. As such, this threshold would not apply to the proposed project. See Responses to AENV-4 and AEVN-5 for

additional discussion as to the methodologies used in, and the adequacy of, the GHG impact analysis.

Response to AENV-7
This comment states that the Draft EIR incorrectly compared the project with AB 32, the 2008 Scoping Plan, and the San Joaquin Valley Air District Climate Change Action Plan, because the goals of these policies have already been achieved.

As described in Section 3.8, Greenhouse Gas Emissions, since no other local or regional Climate Action Plan is in place, the proposed project is assessed for its consistency with ARB's adopted Scoping Plans: the 2008 Scoping Plan and the 2017 Scoping Plan Update. In addition, See Responses to AENV-4 and AENV-5.

Response to AENV-8
This comment states that the proposed project would not be consistent with B-55-18 because the proposed project would not plan to reduce or offset emissions to zero by 2045 and impacts would be significant.

As described in Response to AENV-3, CEQA does not require an evaluation of impacts against a threshold that requires net-zero GHG emissions. The Draft EIR evaluated GHG impacts against the appropriate threshold as required by CEQA. See Responses to AENV-4 and AENV-5. Moreover, as detailed in Section 3.8, Greenhouse Gas Emissions, each of the project phases would achieve reductions beyond the ARB 2020 21.7 percent target and the Valley Air District 29 percent reduction from BAU requirements from adopted regulations in their respective operational years. The emission estimates presented in Tables 3.8-9 through 3.8-11 demonstrate that the proposed project would achieve greater reductions than the Valley Air District-established threshold of 29 percent, resulting in annual reductions ranging from 43.3 to 44 percent. Based on this progress and the 2017 Scoping Plan Update, it is reasonable to conclude that the proposed project would be consistent with the 2017 Scoping Plan and would make a reasonable fair share contribution to achieving the 2030 target. Furthermore, Table 3.8-12 describes how the proposed project would be consistent with the 2017 Scoping Plan Update measures. Therefore, the City has properly determined that the proposed project would not prohibit or prevent the State of California from achieving the goals set in Executive Order B-55-18 because it would not result in barriers to achieving net-zero emissions.

Response to AENV-9
This comment states that the proposed project GHG emissions are significant and must be mitigated with fair share mitigation consistent with the findings of *Napa Citizens for Honest Gov't v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 364.

As described in Section 3.8 Greenhouse Gas Emissions, as shown in Tables 3.8-6 through 3.8-8, Phase 1 of the proposed project would achieve a reduction in GHG emissions of 49.7 percent from BAU by the year 2023 with regulations and design features incorporated, Phase 2 would achieve a 48.7 percent reduction by 2024, and Phase 3 would achieve a 31.6 percent reduction by 2025. Each phase would achieve more than the 29 percent GHG emission reductions required by the Valley Air District threshold, and also more than the 21.7 percent average reduction from all sources of GHG emissions now required to achieve AB 32 targets. Therefore, the Draft EIR demonstrates that the

proposed project would not exceed applicable thresholds set by the Valley Air District and mitigation would not be required. The City is not permitted under CEQA to impose mitigation measures or require applicants to incorporate project design features for impacts that have been determined to be less than significant. Chapter 2, Project Description, of the Draft EIR sets forth a detailed description of the proposed project.

See also Responses to AENV-4 and AENV-5.

Response to AENV-10
This comment presents potential mitigation measures to include in the Draft EIR with the purpose of reducing GHG emissions. The commenter suggested the following GHG reduction measures: install solar panels on the entire available roof space, prohibit natural gas appliances, install energy-efficient lighting and temperature controls, require zero-emission vehicles, purchase offsets or sponsor local energy projects, and utilize low-GHG construction materials.

As described in Response to AENV-9, the Draft EIR describes that the proposed project would not exceed GHG emission thresholds set by the Valley Air District and mitigation would not be required. The City is not permitted under CEQA to impose mitigation measures or require applicants to incorporate project design features for impacts that have been determined to be less than significant. Chapter 2, Project Description, of the Draft EIR sets forth a detailed description of the proposed project. Evaluating the feasibility of incorporating on-site renewable energy production is not required under CEQA. The commenter's proposed mitigation measures are discussed below along with why each of them would not be feasible or result in significant GHG emissions reductions.

The proposed project would comply with existing City and Title 24 requirements to include solar-ready rooftop infrastructure, which would allow for the future installation of solar panels. The proposed project would not preclude the use of natural gas appliances, but the overall GHG emissions during project operation from energy sources, such as natural gas appliance, would be very minimal. The proposed project would include the use of energy-efficient lighting and heating, ventilation, and air conditioning (HVAC) systems consistent with City building code and Title 24 standards. As part of MM AIR-1i, the proposed project would include EV charging infrastructure consistent with Tier 2 CALGreen requirements, which would allow for future EV vehicles to use the site for vehicle recharging. The proposed project would not exceed GHG threshold set by the applicable Air District, the San Joaquin Valley Air District, and as such would not need to purchase carbon offsets or fund local energy projects. The proposed project's construction activity would not need to utilize low GHG construction materials, because no significant impact would occur during construction. Furthermore, as described in Section 4: Errata, the proposed project would include MM AIR-1a, -1f, and -1g that would require a clean truck fleet, limit truck idling, and zero-emission on-site equipment. These mitigation measures, while not intended to reduce GHG emissions, would substantially reduce GHG emissions because they would address the primary project source of GHG emissions, HHD trucks and on-site off-road equipment that utilize diesel fuel.

No further response is required. Also, see Response to AENV-15 for a description of mitigation measures the Draft EIR includes that reduce GHG emissions.

Response to AENV-11
This comment states the purpose of CalEEMod and how default values can be replaced by project-specific information. No further response is required.

This comment describes that the population parameter in CalEEMod was changed to 0 but the total project population would be 1,871 employees and should be changed to the total project buildout population. Therefore, the commenter asserts that CalEEMod should be re-run to reflect an accurate population size for the project.

The Draft EIR's modeling is accurate for the purposes of this analysis. The population parameter is associated with permanent residents that would inhabit residential land uses, such as apartments. As described in the CalEEMod Guidance Manual Appendix D, the population data is used to estimate emissions associated with solid waste generation for residential land uses. However, the population parameter is not appropriate for this proposed project's modeling because it would not include residential uses. Therefore, no changes to the modeling approach or evaluation are required.

Response to AENV-12
This comment states that certain CalEEMod modeling files had the default land use parameters changed to 0 but should be changed to show the project land use sizes. In particular, the comment points to the Phase 3 CalEEMod operational model.

The Draft EIR's modeling is accurate for the purposes of this analysis. The CalEEMod Notes Document contained in Appendix B of the Draft EIR explains the adjustments made to the CalEEMod modeling files. The operational runs were adjusted to include the following two land uses: Commercial > User Defined Commercial > 1 x User Defined Metric and Industrial > User Defined Industrial > 4 x User Defined Metric. The reason the operational runs include these land uses with 0 square feet of building space is to separately model the mobile emissions associated with the use of passenger vehicles and HHD trucks. CalEEMod emissions results do not identify the source of emissions except for general sources such as Area, Energy, and Mobile. By modeling the two types of mobile sources separately it allows the City's technical consultant to better differentiate types of mobile sources from the building sources of emissions (Area, Energy, Waste, and Water). Furthermore, as shown in the CalEEMod Notes Document, the correct land use parameters were included in the CalEEMod modeling runs. Therefore, no changes to the modeling approach or evaluation are required.

Response to AENV-13
This comment states that the operational CalEEMod results show a reduction in VMT compared to the VMT estimated in the Draft EIR. The comment states that the Draft EIR indicated a VMT of 16.9 per employee with a total VMT of 11,541,263 whereas the CalEEMod file indicated a total VMT of 7,343,938 and an average employee VMT of 10.75.

The Draft EIR's modeling is accurate for the purposes of this analysis. As explained in the CalEEMod Notes Document, Note 7, Kimley-Horn and Associates produced a TIA for the proposed project (Appendix J of the Draft EIR), that analyzes the trip generation rates for the proposed project. As contained therein, Project Phase 1 (Tracy Alliance Parcel) would generate an estimated 1,775 daily passenger vehicle trips and 836 daily truck trips. Project Phase 2 (Suvik Farms Parcels) would

generate an estimated 974 daily passenger vehicle trips and 459 daily truck trips. Project Phase 3 (Zuriakat Parcels) would generate an estimated 456 daily passenger vehicle trips and 215 daily truck trips. Therefore, the vehicle trips generated by the proposed project were adjusted in the operational models to match the estimated daily vehicle trips disclosed in the TIA.

As shown in Appendix B of the Draft EIR, each of the three phases of development would result in a total of 19,529,323 VMT. See Section 4.2 in Phase 1 Unmitigated 2023 Passenger Vehicle Mobile Emissions; Phase 1 Unmitigated 2023 Truck Mobile Emissions; Phase 2 Unmitigated 2024 Passenger Vehicle Mobile Emissions; Phase 2 Unmitigated 2024 Truck Mobile Emissions; Phase 3 Unmitigated 2025 Passenger Vehicle Mobile Emissions; and Phase 3 Unmitigated 2025 Truck Mobile Emissions.

The VMT that the commenter identified is from the Phase 1 Passenger Vehicles Only results file shown on page B-506. As a result, the CalEEMod modeling prepared for the Draft EIR overestimates the VMT generated by the proposed project and presents a conservative analysis. Therefore, the adjustments made to the CalEEMod operational modeling files were based on substantial evidence and the estimated VMT is consistent. Thus, no changes to the modeling approach or evaluation are required.

Response to AENV-14
This comment states that the adjustments to the default CalEEMod values are not explained adequately.

The comment is noted and acknowledged. The CalEEMod Notes Document contained in Appendix B of the Draft EIR explains the adjustments made to the CalEEMod modeling files.

Response to AENV-15
This comment states that the Air Quality Analysis did not fully consider all feasible mitigation measures to reduce impacts.

This comment states that the Draft EIR should include new mitigation such as: requiring on-site machinery be all-electric, encourage tenants to incentivize carpools and alternative transportation, require a no-idling vehicle policy, and require future tenants' vehicle fleet be zero-emission.

As discussed in more detail in Section 3.4, Air Quality, of the Draft EIR, there are numerous mitigation measures that would be imposed on the proposed project. In addition, as described in Response to GSEJA-31, the City has agreed to adopt, and the project applicants have agreed to implement, additional mitigation measures, such as, among others, MM AIR-1g that requires all on-site off-road equipment and on-road equipment be electric powered. This equipment includes types of equipment the commenter mentions, such as forklifts. Furthermore, as described in Section 3.14 Transportation, the Draft EIR includes MM TRANS-1a, which requires the implementation of TDM measures to reduce operational vehicle trips. The first such measure requires future tenants to communicate information and strategies to employees about reducing vehicle trips. MM TRANS-1a also includes the encouragement of telecommuting for administrative staff, as well as the provision of designated parking spaces for carpool vehicles, a transit stop along the project frontage with Grant Line Road, bicycle lanes and sidewalks along the project frontages, and on-site bicycle racks

and showers for employees to use. MM TRANS-1a already includes measures that the commenter requests, such as incentivizing carpools.

As described in Section 3.3 Air Quality, the Draft EIR includes MM AIR-1d, which requires the use of a clean truck fleet that meets the ARB's adopted 2013 Optional Low-NOX Standard of 0.02 gram of nitrogen oxide (NO_X) per brake horsepower-hour for all heavy-duty trucks during operation of the proposed project. Moreover, existing regulations already govern idling restrictions for heavy-duty vehicles. For example, the ARB On-Road Heavy-Duty Vehicle Program would require heavy-duty truck owners to limit idling to five minutes. In addition, the new ARB Advanced Clean Cars II Regulations Resolution 22-12 would require new gasoline powered cars purchased in the State to be zero-emission, which would lead to future tenants' vehicle fleets containing some zero-emission vehicles. See also Response to AENV-3 regarding the commenter's proposed net-zero emissions requirement. Therefore, the Draft EIR includes many of the mitigation measures the author is calling for and provides the most feasible and applicable mitigation. In addition, the City has agreed to adopt, and the project applicants have agreed to implement, additional mitigation measures that would further reduce emissions in this regard. No revisions to the EIR are required.

Response to AENV-16
This comment suggests mitigation that limits the amount of construction that could occur at one time to just one phase of the project to limit air quality emission impacts.

As described in Section 3.4, Air Quality, the analysis presents a reasonable worst-case scenario where all development occurs concurrently and overlaps; this is consistent with the project description and related project objectives, and is particularly necessary and relevant here given there are three different property owners/applicants, each of which would develop its respective specific individual development proposal with timing based on numerous considerations. Restricting other property owners from developing their respective portions of the project site in the manner suggested by the commenter would not be feasible, practically, economically or legally.

Response to AENV-17
This comment opines that the impact conclusions in Impact AG-1 and Impact AG-2 are inconsistent and then states that the proposed project would have significant impacts related to conflict with existing zoning for agricultural use or a Williamson Act Contract (Impact AG-2).

Impacts related to conflict with existing zoning for agricultural use or a Williamson Act Contract were thoroughly analyzed in Section 3.2, Agricultural Resources, Impact AG-2. See Response to AENV-18. No revisions to the EIR are required.

Response to AENV-18
This comment claims the proposed project would violate the Williamson Act Contract and would therefore result in significant and unavoidable impacts. This is based on the assertion that although the Notice of Nonrenewal of Suvik Farm parcels' Williamson Act Contract was initiated in 2017, since the contract term automatically renews annually, the actual term is essentially indefinite. The comment then states that even if the contract expires in 2026, the Suvik Farm parcels would be developed by 2024, before contract expiration, which would violate the Williamson Act Contract. Lastly, the comment states that requesting to cancel the Williamson Act Contract would be

inconsistent with the Williamson Act if the "objectives to be served by cancellation should have been predicted and served by nonrenewal at an earlier time."

The Draft EIR's analysis of impacts to agricultural resources, including any potential conflicts with Williamson Act Contracts, is discussed at length in Section 3.2 and the Draft EIR's modeling is accurate for purposes of this analysis. The comment cited selected texts from Section 3.2, Agricultural Resources, out of context. As presented in Section 3.2, a Notice of Nonrenewal was initiated in 2017, and the contract will expire on August 21, 2026. The nonrenewal process is provided for under the enabling statute for the Williamson Act.

Section 3.2 also presents analysis that, should development of the Suvik Farms parcels be pursued prior to the Williamson Act Contract expiration date, then pursuant to applicable provisions of the Williamson Act, the applicant for the development of the Suvik Farms parcels would be required to take specific steps to cancel the contract (rather than waiting for the contract to expire as a result of the nonrenewal) to petition the City Council for cancellation consistent with the requirements of Government Code Section 51282(a), or agree to the imposition of a condition of approval such that no permit for development on the Suvik Farms parcels would be issued prior to the August 21, 2026 expiration date. Accordingly, because the Suvik Farms parcels applicant would be required to follow applicable provisions of State law related to Williamson Act Contracts, the proposed project would not result in any conflicts with the Williamson Act Contract and impacts would be less than significant.

The landowners of the Suvik Farm parcels properly initiated a Notice of Nonrenewal in 2017, anticipating future development of the parcels. Because a Notice of Nonrenewal was already initiated, if the landowners need to request cancellation in advance of the contract's expiration date (August 21, 2026), the cancellation request would be consistent with the Williamson Act.

As demonstrated thoroughly in Section 3.2, Agricultural Resources, the proposed project would comply with all relevant Williamson Act regulations related to nonrenewal cancellation, and impacts related to Williamson Act Contract would be less than significant. Accordingly, the Draft EIR's conclusions were accurate and no revisions are required.

Response to AENV-19

This comment includes three mitigation strategies the commenter suggests would reduce impacts to agricultural resources: (1) modify development plans so that development of the Suvik Farm parcels would not occur until after the Williamson Act Contract expires, (2) restore the agricultural land after the lifespan of the project, and (3) limit the size of the warehouses to reduce the amount of agricultural land conversion.

Section 3.2, Agricultural Resources, contains a detailed discussion of impacts and feasible mitigation, as required under CEQA. In terms of the mitigation measures suggested by the commenter:

1. As discussed in Impact AG-2 of the Draft EIR, in order for development of the Suvik Farms parcels to occur prior to the August 21, 2026, expiration date of the Williamson Act Contract, the applicant would be required to petition the City Council for cancellation, or agree to the

imposition of a condition of approval such that no permit for development on the Suvik Farms parcels would be issued prior to the August 21, 2026, expiration date. These requirements would ensure consistency with the Williamson Act Contract and would avoid related project impacts. Satisfaction of these requirements would be assured by the applicable statutory and regulatory framework. Therefore, the suggested mitigation of modifying development plans to delay development of the Suvik Farms parcels is not necessary and would not clearly result in a lessening of significant impacts.

2. Regarding the suggestion that agricultural use of the land be required to be restored after the lifespan of the project, as a general matter, nothing prevents this transition from occurring (at least in theory). The court in *King and Gardiner Farms v. County of Kern* (2020) 45 Ca.App.5th 814, 876-77, found that restoration of farmland to productive use could be mitigation; however, as suggested by the court in its discussion, such a mitigation measure is feasible when the project is temporary or has an identified lifespan. For a large industrial project such as the one at hand, which involves significant economic investment from the property owners/applicants to develop and operate substantial public and private infrastructure and improvements with no inherent lifespans, the commenter's suggested mitigation measure is not feasible. There is no specified end date for the industrial land uses that would be approved in the requested entitlements that would provide the basis for this type of restoration measure; moreover, given the intensity of proposed urban industrial uses, an ability to restore the project site to Important Farmland appears speculative at best.

3. Reduction of the proposed development in order to reduce agriculture impacts was analyzed as one of the project alternatives. The Draft EIR provided two alternatives (aside from the No Project Alternative) that would meet at least some of the basic objectives of the proposed project while lessening impacts to agricultural land conversion, including the Outside Storage Allowable Use Alternative and the Agricultural Protection Alternative. It should be noted that both alternatives include a reduction in building footprint. Pursuant to CEQA Guidelines Section 15126I(2), a Draft EIR must identify an environmentally superior alternative aside from the No Project Alternative. The Draft EIR identifies the Outside Storage Allowable Use Alternative as the environmentally superior alternative because it has the potential to yield the greatest reductions in the severity of the proposed significant and unavoidable impacts because it would preserve approximately 48 acres of the existing agricultural operations including Prime Farmland. However, this alternative would not meet the project objectives to the same extent of the proposed project; e.g., it would not achieve the project objective of improving local and regional employment opportunities by taking advantage of the project site's high level of accessibility to the same degree as the proposed project. Nor would this alternative allow for the expansion of the City's economic base and help improve the jobs/housing balance to the same degree. (The proposed project quantifiably achieves the City's project objectives by developing a maximum of 3,352,210 square feet of employment-generating industrial uses.) This alternative also would not be as effective at achieving the employment-generating opportunity objective as it would not provide as many local and regional employment opportunities or reduce the commute for regional residents.

Prior to approving the proposed project, the City, as the Lead Agency, would be required to adopt a Statement of Overriding Consideration explaining its reasoning to approve the proposed project.

Response to AENV-20
This comment claims that the Draft EIR did not analyze a range of reasonable alternatives.

See Response to GSEJA-27.

Response to AENV-21
This comment states the Draft EIR should include an alternative with the aim of preserving the on-site cattail marsh.

Impacts related to riparian habitat were thoroughly analyzed in Section 3.4, Biological Resources, of the Draft EIR. Impacts to potentially jurisdictional features were found to be less than significant with the implementation of MM BIO-3 (Conduct Delineation of Potentially Jurisdictional Aquatic Resources [Channels and Wetlands]). Therefore, it is not necessary to analyze a project alternative that would reduce such impacts. See also Response to GSEJA-27.

This comment claims that the Draft EIR only analyzed one project alternative (aside from the No Project Alternative) that would reduce agricultural land impacts. The comment claims that the Draft EIR found the Outside Storage Allowable Use to be infeasible without providing justification.

The Draft EIR provided two alternatives (aside from the No Project Alternative) that meet most of the basic objectives of the proposed project while lessening impacts to agricultural land conversion, including the Outside Storage Allowable Use Alternative and the Agricultural Protection Alternative. It should be noted that both alternatives include a reduction in building footprint. Contrary to the commenter's claims, the Draft EIR fully analyzed the Outside Storage Allowable Use Alternative and determined it to be the environmentally superior alternative because it has the potential to yield the greatest reductions in the severity of the proposed significant and unavoidable impacts because it would preserve approximately 48 acres of the existing agricultural operations including Prime Farmland.

As discussed in Section 6, Alternatives, of the Draft EIR, the Outside Storage Allowable Use Alternative would have a lower level of impacts for aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, energy, GHG emissions, hydrology and water quality, noise, public services, tribal cultural resources, utilities and service systems, and wildfire. Overall, the impacts would be reduced due to a smaller square footage of the buildings and the reduced number of employees. However, the proposed project's mitigation measures would still be required under this alternative. Furthermore, this alternative would not meet quantitative objectives for employment-generating industrial uses, and would also not meet the other project objectives at all and/or to the same degree as the proposed project, and would therefore not meet the project objectives related to employment opportunities.

Therefore, the Draft EIR evaluated a reasonable range of project alternatives that would reduce agricultural impacts. Even then, impacts to agricultural land conversion are still found to be significant and unavoidable.

See also Response to GSEJA-27.

Response to AENV-22
This comment claims that the Draft EIR should be updated to reflect the author's finding of a significant GHG impact and mitigated as such. The commenter provides closing statements.

The comment is noted and acknowledged. Because no project-specific CEQA issues were raised, no further response is required.

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From: Genna McIntosh <gennamcintosh15@gmail.com>
Sent: Monday, August 29, 2022 6:18 PM
To: Victoria Lombardo <Victoria.Lombardo@cityoftracy.org>
Subject: Comments on Tracy Alliance Project EIR (SCH NO. 20200805524)

August 29, 2022

Victoria Lombardo, Senior Planner
CIty of Tracy Development Services
333 Civic Center Plaza
Tracy, California 95376

Subject: Comments on Tracy Alliance Project EIR (SCH NO. 20200805524)

Dear Ms. Lombardo,
During the May 25th 2022 Planning Commission meeting, I spoke about the project on the north east corner of our city, the Tracy Alliance Project. Since that meeting some things have come to my attention.
What is concerning is the lack of addressing an Environmental Justice element. 1

In 2016, Senate Bill 1000 signed in 2016, requires all cities and counties in California to include environmental justice goals and policies to their General Plan. https://oag.ca.gov/environment/sb1000

SB 1000 references that in local land use planning, cities are required to update their General Plan to include an Environmental Justice element when 2 or more elements have been amended/updated which would have occurred with our land use and housing general plan element updates.
https://www.cityoftracy.org/home/showpublisheddocument/906/637451218789130000

When I spoke at that May 25th meeting I was unaware of how my community is considered a Disadvantaged Community on Calenviroscreen and it raises the following questions: 2

Where are the environmental justice elements to this EIR?
Has the City reviewed and or adopted any of the AG Warehouse Project Best Practices?
https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/warehouse-best-practices.pdf

Is the city utilizing the CalEnviroScreen to identify Disadvantaged Communities? (CalEPA's SB 535 "Disadvantaged Communities" Mapping Tool). 3

Did the public comment period reflect the OAG best practice of community engagement? 4
https://oag.ca.gov/system/files/media/warehouse-best-practices.pd

As Tracy strives to build an economically, diverse, healthy and robust community the residents expect full transparency, accountability and communication to be more actively engaged. Concerned Citizens for Tracy Alliance Project, Concerned Citizens for TAP, requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to ConcernedCitizensforTAP@gmail.org 5

Respectfully,
Genna McIntosh

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Individual

Genna McIntosh (MCINTOSH-3)

Response to MCINTOSH-3-1
The commenter notes participation at a May 25, 2022 Planning Commission meeting, and notes a lack of an Environmental Justice Element.

This comment does not raise any specific project-related environmental issues under CEQA and therefore no further response is required. However, for informational purposes, the following is noted.

A General Plan must include an Environmental Justice element when the local jurisdiction proposes to adopt or revise at least two elements concurrently, pursuant to SB 1000.

Since SB 1000 went into effect, the City of Tracy has updated only the Land Use Element of its General Plan. The Housing Element was updated in 2016, prior to SB 1000. Therefore, because the City has not updated more than one element concurrently since SB 1000 went into effect on January 1, 2018, the requirement to include an Environmental Justice element has not been triggered. If and to the extent such requirement is triggered in the future, the City will be required to comply with applicable law.

Response to MCINTOSH-3-2
The commenter noted a previous lack of awareness that her community (unincorporated Banta) is identified as a Disadvantaged Community on CalEnviroScreen. The commenter also noted that this raises several questions regarding inclusion of an Environmental Justice analysis in the Draft EIR, and whether the City has reviewed and/or adopted the "AG Warehouse Project Best Practices."

This comment is noted and acknowledged, but because it does not raise any specific project-related environmental issues under CEQA, no further response is required. However, for informational purposes, the following is noted.

While the Banta community may experience some existing pollution burden, the Banta community is not identified as part of an area which has different significance thresholds from those recommended by the Valley Air District. Refer to Response to GSEJA-3 and GSEJA-26 regarding Environmental Justice; see also Response to Mcintosh 3-3. Regarding the California Attorney General's *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act*, the Attorney General's letter provides examples of the AG's position with respect to best practices for siting warehouses but does not constitute legally enforceable requirements on facility siting. The Draft EIR, Section 3.3, Air Quality, included feasible mitigation measures to reduce potential air quality impacts. Furthermore, as discussed in Response to Valley Air District-2-5, to further reduce potential health impacts to the nearest sensitive receptors, new MM AIR-1e is added to Section 3.3, Air Quality, of the Draft EIR. These changes can be seen in Section 3.1 of the Errata. No further analysis or mitigation measures are required under CEQA.

Response to MCINTOSH-3-3
The commenter raises the question whether the City is utilizing the CalEnviroScreen to identify disadvantaged communities (Cal/EPA's SB 535 "Disadvantaged Communities" Mapping Tool).

This comment is noted and acknowledged, but because it does not raise any specific project-related environmental issues under CEQA, no further response is required. However, for informational purposes, the following is noted.

CalEnviroScreen is a general mapping tool developed by the California Office of Environmental Health Hazard Assessment (OEHHA) to help identify California communities that are most affected by sources of pollution.

The environmental effects of the proposed project are fully evaluated in the Draft EIR, and feasible mitigation measures are identified to reduce identified significant impacts. An adjacent area (Banta) is designated by Cal/EPA as being part of a disadvantaged community for the purpose of SB 535; however, Banta is outside of the City's SOI. The City of Tracy does not have any disadvantaged communities within its SOI. SB 535 targets disadvantaged communities in California for investment of proceeds from the State's Cap and Trade Program to improve public health, quality of life, and economic opportunity in California's most burdened communities, while also reducing pollution. The CalEnviroScreen general mapping tool was not developed for use in evaluating potential impacts under CEQA, and utilizing this tool is not required under CEQA.

The proposed project entails the development of three industrial warehouse and distribution buildings and related improvements, which would bring jobs and other economic opportunities to the local area without State assistance. The environmental effects of the proposed project are fully evaluated in the Draft EIR, and feasible mitigation measures are identified for the identified significant impacts that are within the City of Tracy's jurisdictional authority to impose and enforce as required by CEQA. The Draft EIR provides a disclosure of localized impacts. As described in the methodology section under Section 3.3, Air Quality, the Draft EIR's analysis was based on the applicable Valley Air District guidelines and thresholds and is supported by substantial evidence based, in part, on project-specific information. Furthermore, as discussed in Response to Valley Air District-2-5, to further reduce potential health impacts to the nearest sensitive receptors, new MM AIR-1e is added to Section 3.3, Air Quality, of the Draft EIR. These changes can be seen in Section 3.1 of the Errata. Additionally, refer to Response to GSEJA-3.

Response to MCINTOSH-3-4
The commenter raises the question whether community engagement occurred during the public comment period as recommended by the OAG.

This comment is noted and acknowledged, but because it does not raise any specific project-related environmental issues under CEQA, no further response is required. However, for informational purposes, the following is noted.

Opportunities for public participation is a mandated and essential part of the CEQA process. Pursuant to CEQA, the City held a duly noticed public scoping meeting on September 9, 2020, at which no public comments were submitted, Additionally, the City's Planning Commission held a duly

noticed public meeting on May 25, 2022 for the purpose of receiving oral and written comments on the Draft EIR, and opportunities to review and comment on the Draft EIR and related appendices were provided both electronically and via hard copies. Therefore, the environmental review process for the proposed project exceeds CEQA's requirements for public participation.

Response to MCINTOSH-3-5

The commenter requested that Concerned Citizens for Tracy Alliance Project (TAP) be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project.

Comment is noted and acknowledged. Concerned Citizens for TAP will be included in future notices for the proposed project. No further response is required.

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SECTION 4: ERRATA

The following are revisions to the Draft EIR for the Tracy Alliance Project. These revisions are minor refinements and revisions to the document that merely amplify and clarify the analysis herein, and do not change the significance of any of the environmental issue conclusions within the Draft EIR or otherwise require recirculation of the Draft EIR. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

4.1 - Changes in Response to Specific Comments

Revisions to Sources

The footnote sources for the Tracy Municipal Services Review are updated to the following to provide a working link:

> De Novo Planning Group. 2019. Tracy Municipal Services Review. Website: https://www.sjgov.org/docs/default-source/local-agency-formation-commission-documents/municipal-services-and-spheres-of-influence/cities/tracy---july-2019.pdf?sfvrsn=aa988a63_2. Accessed: July 25, 2022.

Executive Summary

Page ES-3-4

Significant Unavoidable Adverse Impacts

- **Project-Level Impact Related to Implementation of the Applicable Air Quality Plan:** The proposed project is consistent with the site's General Plan designation which means the proposed industrial use was accounted for in the Air Quality Plan (AQP) land use projections. However, the proposed project could create a localized violation of State or federal air quality standards, significantly contribute to cumulative non-attainment pollutant violations, and expose sensitive receptors to substantial pollutant concentrations. The proposed project would be required to implement MM AIR-1a through MM AIR-~~4~~1i; however, because full implementation of the mitigation cannot be guaranteed due to potential technical and/or financial infeasibility, the proposed project's potentially significant impact is conservatively identified as significant and unavoidable. Therefore, the proposed project is inconsistent with Criterion 1 of the AQP even after the incorporation of mitigation. The impact would be significant and unavoidable.

- **Project-Level Impact Related to Cumulatively Considerable Net Increase of reactive organic gases (ROG) and carbon monoxide (CO) During Construction, and ROG and oxides of nitrogen (NOX) During Operation:** The construction schedule for the proposed project assumed that none of the three project phases would overlap. In this scenario, after the incorporation of MMs AIR-1a and AIR-1b, construction of the proposed project would not exceed the San Joaquin Valley Air Pollution Control District (Valley Air District) daily emission screening levels for an Ambient Air Quality Analysis (AAQA), pursuant to District Rule 2201.

However, the potential remains for project phases to be constructed concurrently. If the three phases of construction occur concurrently, emissions of ROG and CO would exceed the Valley Air District's significance thresholds if all three project phases were constructed concurrently. As such, this impact would remain significant and unavoidable after implementation of identified mitigation.

During operation, unmitigated emissions would exceed Valley Air District thresholds of significance for ROGs and NO_X. Therefore, MM AIR-1c through MM AIR-1i~~and MM AIR-1d~~ would be required to mitigate operational emissions to below Valley Air District thresholds. However, the full implementation of MM AIR-1c through MM AIR-1i~~and MM AIR-1d~~ cannot be guaranteed during project operation; therefore, the reasonable worst-case operational emissions would exceed the Valley Air District's significance thresholds for ROG and NO_X and this impact would remain significant and unavoidable.

- **Project-Level Impact Related to Exposing Sensitive Receptors to Substantial Pollutant Concentrations:** During construction, if all three project phases were constructed concurrently, the proposed project would expose sensitive receptors to CO and diesel particulate matter (DPM) emissions that exceed applicable thresholds even with mitigation incorporated. During operation, the proposed project would expose sensitive receptors to ROGs, NO_X, and DPM levels that exceed applicable thresholds even after incorporation of identified mitigation resulting in a significant and unavoidable impact.

Page ES-50, Table ES-1: Executive Summary Matrix

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact AIR-1: The proposed project could conflict with or obstruct implementation of the applicable air quality plan.	Potentially Significant	**MM AIR-1a**: **NO_X Reduction Measures** Prior to the issuance of grading ~~or building~~ permits for each individual development proposal within the project site, the relevant applicant for each development proposal shall provide documentation to the City of Tracy demonstrating the following NO_X reduction measures would be adhered to during construction activities for the relevant development proposal: • For all construction equipment and vehicles used during project construction that are equal to or greater than 250 horsepower, the contractor shall use construction equipment and vehicles that meet the United States Environmental Protection Agency (EPA) Tier 4 Final engine standards; • For all construction equipment and vehicles used during project construction that are less than 250 horsepower, the contractor shall use electric construction equipment and vehicles to the extent feasible, with the exception of handheld generator sets; and	Significant and Unavoidable

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		• All generator sets utilized during project construction shall be limited to 5 horsepower and shall only be used to power handheld power tools. The construction contractor shall maintain reasonable records concerning its efforts to comply with this requirement, including equipment lists. Documentation that each relevant applicant provides to the City shall include, but is not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number. **MM AIR-1b: "Super-Compliant" Architectural Coatings** Prior to the issuance of grading ~~or building~~ permits for each individual development proposal within the project site, the relevant applicant for each development shall provide the City with documentation demonstrating the use of "Super-Compliant" architectural coatings, as defined by the South Coast Air Quality Management District (South Coast AQMD), during construction of the proposed project. "Super-Compliant" architectural coatings, as defined by the South Coast AQMD, are paints which do not exceed 10 grams of reactive organic gas (ROG) per liter of paint. **MM AIR-1c**: **"Zero-VOC" Consumer Products** Prior to issuance of building permits for each individual development proposal within the project site, the relevant applicant for each development shall provide the City with documentation requiring the consumer products purchased by the building occupant(s) or by the cleaning business contracted by the building occupant(s) for on-site use shall consist of water-based or "zero volatile organic compound [VOC]" consumer products, to the maximum extent feasible. "Consumer products," as referred to in this mitigation measure, shall include detergents, cleaning compounds, polishes, and floor finishes. "Consumer products," as referred to in this mitigation measure, shall not include parking lot degreasers, architectural coatings, pesticides, or fertilizers. **MM AIR-1d**: **Clean Truck Fleet** Prior to the issuance of the certificate of occupancy for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall provide the City with reasonable documentation demonstrating the use of a clean truck fleet that meets the California Air Resources	

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		Board's adopted 2013 Optional Low-NO_X Standard of 0.02 gram of nitrogen oxide (NO_X) per brake horsepower hour for all heavy-duty trucks during operation of the proposed project, to the maximum extent feasible. If the relevant applicant does not own the truck fleet that will be used during operation of the subject individual development, the relevant applicant shall provide the City with reasonable documentation from the truck fleet owner demonstrating that trucks utilized for operation of the subject individual development will meet the California 2013 Optional Low-NO_X Standard, to the maximum extent feasible. If any change occurs where a new truck fleet is utilized during operation of the subject individual development, the relevant applicant shall provide the City with reasonable documentation demonstrating that the new truck fleet meets the California 2013 Optional Low-NO_X Standard of 0.02 gram per brake horsepower hour, to the maximum extent feasible. Prior to the issuance of the certificate of occupancy for each phase of the proposed project, the relevant applicant for the individual development proposal within the project site shall provide the City with reasonable documentation demonstrating the use of a clean truck fleet that meets the California Air Resources Board's adopted 2013 Optional Low-NO_X Standard of 0.02 gram of nitrogen oxide (NO_X) per brake horsepower hour for all heavy-duty trucks during operation of the proposed project, to the maximum extent feasible. If the relevant applicant does not own the truck fleet that will be used during operation of each phase of the proposed project, the relevant applicant shall provide the City with reasonable documentation from the truck fleet owner demonstrating that trucks utilized for operation of the individual development at issue will meet the California 2013 Optional Low-NO_X Standard, to the maximum extent feasible. If any change occurs where a new truck fleet is utilized during operation of the individual development at issue, the relevant applicant shall provide the City with reasonable documentation demonstrating that the new truck fleet meets the California 2013 Optional Low-NO_X Standard of 0.02 gram per brake horsepower hour, to the maximum extent feasible. MM AIR-1e<u>:</u> Operational Truck Fleet Routing <u>Prior to the issuance of the certificate of occupancy for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall provide the City with reasonable documentation demonstrating that trucks</u>	

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		used during project operation for the subject individual development proposal will be prohibited from accessing Grant Line Road east of the project site, such as plans illustrating intended truck routes. All trucks used during project operation shall use routes that circumvent the use of Grant Line Road east of the project site. **MM AIR-1f: Idling Limitation** Prior to the issuance of the certificate of occupancy for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall provide the City with reasonable documentation demonstrating that on-site truck idling during project operation for the subject individual development proposal shall be limited to no greater than 3 minutes. The documentation provided to the City shall include photos or a map of signage posted in strategic locations on-site identifying that truck idling does not exceed 3 minutes. The signage shall include a phone number to contact at the facility regarding idling violation complaints, and corrective action shall occur within 48 hours of receipt of the complaint. **MM AIR-1g: Electric On-site Off-Road and On-Road Equipment** Prior to the issuance of the certificate of occupancy for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall provide the City with reasonable documentation demonstrating that all on-site off-road and on-road equipment to be used during project operation of the subject individual development proposal will be electric-powered. On-site off-road and on-road equipment shall include, but are not limited to, forklifts and pallet jacks. **MM AIR-1h: Vegetated Project Site Buffer** Prior to the issuance of building permit(s) for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall demonstrate on their site plans the inclusion of a vegetative buffer along the eastern property line of the project site adjacent to sensitive receptors. Examples of vegetative buffers may include, but are not limited to, trees, bushes, shrubs, or a mix thereof. **MM AIR-1i: Tier 2 CALGreen Electric Vehicle Charging Infrastructure** Prior to the issuance of building permit(s) for each individual development proposal within the project site,	

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		the relevant applicant for the subject individual development proposal shall provide the City with reasonable documentation (e.g., shown on-site plans) showing that the proposed parking areas for passenger automobiles and trucks for project operation of the subject individual development proposal are designed and will be built to include electric vehicle (EV) charging stations. At a minimum, the parking shall be designed to include a number of EV charging stations equal to the Tier 2 Nonresidential Voluntary Measures of the California Green Building Standards Code, Section A5.106.5.3.2.	
Impact AIR-2: The proposed project could result in a cumulatively considerable net increase of any criteria pollutant for which the region is in nonattainment under an applicable federal or State ambient air quality standard.	Potentially Significant	MM AIR-1a through ~~MM AIR-1d~~MM AIR-1i	Significant and Unavoidable
Impact AIR-3: The proposed project could expose sensitive receptors to substantial pollutant concentrations.	Potentially Significant	MMs AIR-1d through AIR-1i.	Significant and Unavoidable
Cumulative Impact	Potentially Significant	MM AIR-1a through MM AIR-1~~d~~i	Significant and Unavoidable
Impact TRANS-1: The proposed project would result in a substantial increase in vehicle miles travelled.	Potentially Significant	**MM TRANS-1: Transportation Demand Management Measures** **MM TRANS-1(a)**: Transportation Demand Management Measures Prior to issuance of the first building permit for the relevant individual development proposal, the relevant applicant for the individual development proposal at issue shall submit to the City of Tracy Planning Department a transportation demand management (TDM) program that	Significant and Unavoidable

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		incorporates all of the following six measures (as explained further in Table 3.14-6 of the Draft EIR): 1. Communication and Information Strategies–4 percent reduction; 2. Telecommuting for administrative staff (5 percent of staff population)–1 percent reduction; 3. Designated parking spaces for carpool vehicles–1 percent reduction; 4. Provide a transit stop along the project frontage on Grant Line Road, if agreed to by the City–2 percent reduction; 5. Provide bike lanes and sidewalks along the project frontage–1 percent reduction; and 6. Provide on-site bike racks and showers–1 percent reduction. Provided, however, that if the relevant applicant determines that one of more of the foregoing six TDM measures is not feasible in connection with the individual development proposal at issue, then the relevant applicant may obtain approval from the City of Tracy Planning Department of acceptable substitute TDM measure(s) pursuant to Table 3.14-6 of the Draft EIR. The relevant applicant's TDM program, as described above, shall reflect a 10 percent reduction in VMT for the relevant individual development proposal. **MM TRANS-1(b): Payment of Applicable Banking Fee.** In addition to the TDM program required in MM TRANS-1(a), each applicant for an individual development proposal shall pay <u>its fair share of</u> the applicable fee as set forth in the adopted VMT Mitigation Banking Fee in place and effective at the time the relevant applicant seeks to obtain building permits for its individual development proposal. Provided, however, that if the City Council has not adopted the Mitigation Banking Fee Program such that it is effective and in place at the time an applicant for an individual development proposal seeks to obtain a building permit, <u>then the relevant applicant shall implement additional VMT reduction measures in order to meet the total minimum VMT reduction requirement of 15 percent.</u> ~~then payment of $633.11 (cost per VMT reduction for the relevant individual development proposal) shall constitute compliance with this MM TRANS-1(b) then the relevant applicant shall implement additional VMT reduction measures in order to meet the minimum VMT reduction requirement of 15 percent.~~	

Section 3.3 Air Quality

Page 3.3-20

San Joaquin Valley Air Pollution Control District Rules and Regulations

The following Valley Air District rules and regulations are relevant to this analysis:

Rule 2010—Permits Required. This rule requires operators of emission sources to obtain an Authority to Construct and Permit to Operate from the District.

Rule 2201—New and Modified Stationary Source Review. This rule requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology, such as requiring a backup generator to meet Tier 4 emission standards.

Rule 2520—Federally Mandated Operating Permits. The purpose of this rule is to issue operating permits for new and modified sources of air contaminants pursuant to the requirements of 40 Code of Federal Regulations, Part 70.

Rule 4002—National Emissions Standards for Hazardous Air Pollutants. The purpose of this rule is to protect the public from uncontrolled emissions of asbestos by requiring a thorough inspection for asbestos before any demolition or renovation activities occur.

Rule 4102—Nuisance. The purpose of this rule is to protect the health and safety of the public and applies to any source operation that emits or may emit air contaminants or other materials.

Page 3.3-20

Regulation VIII—Fugitive PM_{10} Prohibitions. Rules 8011-8081 are designed to reduce PM_{10} emissions (predominantly dust/dirt) generated by human activity, including construction and demolition activities, road construction, bulk materials storage, paved and unpaved roads, carryout and trackout, etc. All development projects that involve soil disturbance are subject to at least one provision of the Regulation VIII series of rules.

Rule 9410—Employer Based Trip Reduction. This rule applies to projects that result in the employment of 100 or more "eligible" employees and requires the employer to establish an Employer Trip Reduction Implementation Plan that encourages employees to reduce single-occupancy vehicle trips.

Rule 9510—Indirect Source Review. This rule reduces the impact of NO_X and PM_{10} emissions from growth within the Air Basin. The rule places application and emission reduction requirements on development projects meeting applicability criteria in order to reduce emissions through on-site mitigation, off-site Valley Air District-administered projects, or a combination of the two. The proposed project must comply with Rule 9510 because it would develop more than 25,000 square feet of light industrial uses.

Page 3.3-30

MM AIR-1e Operational Truck Fleet Routing

Prior to the issuance of the certificate of occupancy for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall provide the City with reasonable documentation demonstrating that trucks used during project operation for the subject individual development proposal will be prohibited from accessing Grant Line Road east of the project site, such as plans illustrating intended truck routes. All trucks used during project operation shall use routes that circumvent the use of Grant Line Road east of the project site.

MM AIR-1f Idling Limitation

Prior to the issuance of the certificate of occupancy for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall provide the City with reasonable documentation demonstrating that on-site truck idling during project operation for the subject individual development proposal shall be limited to no greater than 3 minutes. The documentation provided to the City shall include photos or a map of signage posted in strategic locations on-site identifying that truck idling does not exceed 3 minutes. The signage shall include a phone number to contact at the facility regarding idling violation complaints, and corrective action shall occur within 48 hours of receipt of the complaint.

MM AIR-1g Electric On-site Off-Road and On-Road Equipment

Prior to the issuance of the certificate of occupancy for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall provide the City with reasonable documentation demonstrating that all on-site off-road and on-road equipment to be used during project operation of the subject individual development proposal will be electric-powered. On-site off-road and on-road equipment shall include, but are not limited to, forklifts and pallet jacks.

MM AIR-1h Vegetated Project Site Buffer

Prior to the issuance of building permit(s) for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall demonstrate on their site plans the inclusion of a vegetative buffer along the eastern property line of the project site adjacent to sensitive receptors. Examples of vegetative buffers may include, but are not limited to, trees, bushes, shrubs, or a mix thereof.

MM AIR-1i Tier 2 CALGreen Electric Vehicle Charging Infrastructure

Prior to the issuance of building permit(s) for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall provide the City with reasonable documentation (e.g., shown on-site plans) showing that the proposed parking areas for passenger automobiles and trucks for project operation of the subject individual development proposal are designed and will be built to include electric vehicle (EV) charging stations. At a minimum, the parking shall be designed to include a number of EV charging stations equal to the Tier 2 Nonresidential Voluntary Measures of the California Green Building Standards Code, Section A5.106.5.3.2.

Level of Significance After Mitigation

Significant and unavoidable impact.

Page 3.3-39

As shown in Table 3.3-12, unmitigated operational emissions would exceed Valley Air District thresholds of significance for ROG and NO_X. Therefore, MMs AIR-1c, ~~and~~ AIR-1d, AIR-1e, AIR-1f, AIR-1g, AIR-1h, and AIR-1i would be required to mitigate operational emissions to the extent feasible ~~to below Valley Air District thresholds~~.

Page 3.3-41

Nonetheless, the full implementation of MM AIR-1c and MM AIR-1d cannot be guaranteed during project operation; therefore, the emission estimates provided in Table 3.3-14 demonstrate a reasonable worst-case scenario for project operation after incorporation of identified mitigation. In addition, MM AIR-1f would restrict on-site vehicle idling to no greater than 3 minutes. MM AIR-1g would require the use of electric on-site on- and off-road equipment in place of non-electric alternatives. MM AIR-1i would require the installation of EV charging stations which meet the Tier 2 standards set forth in Section A5.106.5.3 of Appendix A5 – Nonresidential Voluntary Measures of CALGreen of the 2019 California Building Code. The inclusion of MMs AIR-1f, AIR-1g, and AIR-1i would help further incrementally reduce emissions below those disclosed in this Draft EIR; however, the quantified reductions from these measures cannot be accurately identified and guaranteed at this time. Because the operational emissions shown ~~therein~~ above would exceed the Valley Air District's significance thresholds for ROG and NO_X, ~~and~~ this impact would remain significant and unavoidable.

Operational Ambient Air Quality Analysis

Valley Air District Rule 2201 requires that an AAQA be conducted for a project when that project's maximum daily emissions exceed 100 pounds for any single criteria or precursor pollutant after incorporation of all mitigation. As shown in Table 3.3-14, due to the uncertainty of full implementation of MM AIR-1c and MM AIR-1d, and the uncertain extent and efficacy of quantified reductions resulting from MM AIR-1f, MM AIR-1g, MM AIR-1i, the potential emission reductions resulting from ~~MM AIR-1c and MM AIR-1d~~ identified mitigation are not considered in the proposed project's mitigated operational emissions. As such, maximum daily operational emissions generated by all phases of the proposed project would exceed the Valley Air District's screening threshold for

an AAQA for NO_X emissions. As a result, this impact would remain significant and unavoidable after mitigation is incorporated.

Page 3.3-42

Mitigation Measures

Implement MMS AIR-1a, AIR-1b, AIR-1c, ~~to~~ AIR-1d, AIR-1f, AIR-1g, and AIR-1i.

Page 3.3-49

The implementation of MM AIR-1d would contribute to the minimization of DPM emissions generated from trucking emissions; however, full implementation of MM AIR-1d cannot be guaranteed. In addition, MM AIR-1e would restrict truck traffic from accessing Grant Line Road east of the project site, where many sensitive receptors are located. MM AIR-1f would restrict on-site vehicle idling to no greater than 3 minutes. MM AIR-1g would require the use of electric on-site on- and off-road equipment in place of non-electric alternatives. MM AIR-1h would require the installation of a vegetated buffer around specified portions of the project site to reduce the potential off-site dispersion of TACs generated at the project site during operation. MM AIR-1i would require the installation of EV charging stations which meet the Tier 2 standards set forth in Section A5.106.5.3 of Appendix A5 – Nonresidential Voluntary Measures of CALGreen of the 2019 California Building Code. The inclusion of MMs AIR-1f, AIR-1g, and AIR-1i would help incrementally reduce emissions below those disclosed in this Draft EIR; however, the quantified reductions from these measures cannot be accurately identified and guaranteed at this time. As a result, this impact would be significant and unavoidable after the incorporation of mitigation.

Level of Significance Before Mitigation

Potentially Significant Impact

Mitigation Measures

MMs AIR-1d through AIR-1i.

Page 3.3-52

…constructed concurrently. In addition, because the full implementation of MMs AIR-1c and AIR-1d cannot be guaranteed during project operation, and the potential emission reduction from inclusion of MMs AIR-1f, AIR-1g, and AIR-1i cannot be accurately identified and guaranteed at this time, the proposed project could result in potentially significant impacts related to regional emissions significance thresholds for ROGs and NO_X, both ozone precursor pollutants, during project operation.

Page 3.3-55

Mitigation Measures

MMs AIR-1a to AIR-1i ~~and MM AIR-3~~

Section 3.8 Greenhouse Gas Emissions

Page 3.8-40

Table 3.8-5: Summary of Applicable Greenhouse Gas Regulations

Regulation	Project Applicability
Title 24 Energy Efficiency Standards	Project buildings would be required to be constructed to meet the latest version of Title 24 (currently 2019), which, among other standards, requires that nonresidential projects construct their roofs to be solar-ready to accommodate the future installation of solar panels. Reduction applies only to energy consumption subject to the regulation.
Green Building Code Standards	The project would be required to include water conservation features mandated by the standard.
Water Efficient Land Use Ordinance	The project landscaping would be required to comply with the regulation.
Renewable Portfolio Standard	Electricity purchased for use at the project site is subject to the 33 percent RPS mandate.
Solid waste	The solid waste service provider would be required to provide programs to increase diversion and recycling to meet the 75 percent mandate, to which the project would be required to adhere.

Page 3.8-52

Accordingly, taking into account the proposed project's emissions, and the progress being made by the State toward reducing emissions in key sectors such as transportation, industry, and electricity, the project would be consistent with State GHG Plans and would further the State's goals of reducing GHG emissions 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050, and does not obstruct their attainment.

Consistency with RTP/SCS

The SJCOG 2018 RTP establishes regional transportation policy for San Joaquin County based on specific transportation goals and objectives. The RTP focuses on achieving a coordinated and balanced multimodal transportation system, while maintaining the integrity of the existing system. The RTP includes projects located throughout San Joaquin County for all forms or modes of transportation, including automobiles, transit, nonmotorized (including bicycle), passenger rail, freight, and aviation facilities. The goals and objective contained in the RTP are focused on transportation initiatives, infrastructure, planning, and funding on the regional level. The proposed project would support these policies and strategies.

Policy 1 of the RTP/SCS would enhance the environment for existing and future generations and conserve energy. The EIR evaluates the proposed project's impacts on the environment and provides feasible mitigation to address these potential impacts. As analyzed in Section 3.6, Energy, the proposed project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation (Impact ENER-1) or conflict with or obstruct a State or local plan for renewable energy of

energy efficiency (Impact ENER-2). The proposed project site has a land use designation of "Industrial" in the City of Tracy General Plan, and the proposed project, which consists of the buildout of warehousing and other industrial space, is consistent with this land use designation. The RTP/SCS accounts for growth in the project site and vicinity, including industrial developments such as the proposed project. Strategy 3 is to improve air quality by reducing transportation-related emissions. Though the proposed project would result in significant and unavoidable impacts with respect to air quality and VMT, the project would be required to implement feasible mitigation (MM AIR-1d, MM AIR-1e, MM AIR-1f, MM AIR-1i, MM TRANS-1a, MM TRANS-1b), which would reduce transportation-related emissions to the maximum extent feasible thereby improving air quality, consistent with Strategy 3. Strategy 4 is to improve the regional transportation system efficiency. As described in Chapter 2, Project Description, and throughout the EIR, the proposed project would set aside approximately 12.51 acres in the northwest corner of the project site, which would be sufficient to accommodate improvements to the City's expressway system, as well as a future I-205/Paradise Road/Chrisman Road interchange as shown in Exhibit 2-7c in Chapter 2, Project Description of the EIR, consistent with the City of Tracy Transportation Master Plan (TMP). As noted in the TMP, it provides a comprehensive review of the City's transportation system and serves as a blueprint that can be utilized to identify and implement required improvements to the existing roadway system as well as expand upon the system to accommodate future development consistent with the General Plan. As an interstate, I-205 serves the region, and, therefore, the future I-205/Paradise Road/Chrisman Road interchange would improve the regional transportation system and support Strategy 4. Similarly, Strategy 8 requires the improvement of major transportation corridors to minimize impacts on rural roads. While these specific future regional transportation improvements would be considered and implemented as part of a separate process subsequent to approval of the proposed project, the approximately 12.51 acres of land set aside that would facilitate the improvements to the City's expressway system and the future I-205/Paradise Road/Chrisman Road interchange would result in such improvements by providing infrastructure for automobiles and trucks entering and exiting the site. Furthermore, as discussed in Section 14, Transportation, of the EIR, the proposed project would implement the following travel demand measures to reduce project VMT as is required by MM TRANS-1(a).

1. Utilize communication and information strategies–4 percent reduction;
2. Offer telecommuting for administrative staff (5 percent of staff population)–1 percent reduction;
3. Designate parking spaces for carpool vehicles–1 percent reduction;
4. Provide a transit stop along the project frontage on Grant Line Road, if agreed to by the City–2 percent reduction;
5. Provide bike lanes and sidewalks along the project frontage–1 percent reduction;

   and
6. Provide on-site bike racks and showers–1 percent reduction.

Through the implementation of project design features and required mitigation measures, as discussed above, the proposed project is considered to be consistent with the RTP/SCS.

Section 3.11 Land Use and Planning

Page 3.11-27 and -28, Table 3.11-3

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
10—Air Quality	Goal AQ-1	Improved air quality and reduced greenhouse gas emissions.	**Consistent:** The proposed project would be subject to various regulatory measures adopted to ensure ambient air quality standards are met to the extent feasible. The proposed project would implement MMs AIR-1a through AIR-1i to reduce emissions generated during construction and operation to the extent feasible ~~not be a source of significant toxic or hazardous air pollutants and odors~~, and was not found to have a significant impact with respect to GHG or odors. Refer to Section 3.3, Air Quality and Section 3.8, Greenhouse Gas, for further discussion.
	AQ-1.2 P1	The City shall assess air quality impacts using the latest version of the CEQA Guidelines and guidelines prepared by the San Joaquin Valley Air Pollution Control District.	**Consistent:** The proposed project would be subject to various regulatory measures adopted to ensure ambient air quality standards are met. This Draft EIR evaluated the proposed project's potential air quality impacts pursuant to CEQA and San Joaquin Valley Air Pollution Control District (Valley Air District) Guidelines. Refer to Section 3.3, Air Quality, for further discussion.
	AQ-1.2 P3	Developers shall implement best management practices to reduce air pollutant emissions associated with the construction and operation of development projects.	**Consistent.** Section 3.3, Air Quality, in the Draft EIR and Section 4, Errata, include mitigation measures that the proposed project would be required to implement to reduce air pollutant emissions to the extent feasible. In addition, as described in Section 3.3, Air Quality, the proposed project would adhere to the applicable federal, State, and local laws and regulations, which include BMPs to reduce air pollutant emissions associated with the construction and operation of the proposed project.
	AQ-1.2 P4	New development projects should incorporate energy efficient design features for HVAC, lighting systems and insulation that exceed Title 24.	**Consistent:** The proposed project's buildings, including the HVAC, lighting systems, and insulation, would be designed and constructed in accordance with the City's latest adopted energy efficiency standards, which are based on the State's Building Energy Efficiency Standards. These are widely regarded as the most advanced and stringent building energy efficiency standards and compliance would ensure that building energy consumption would not be wasteful, inefficient, or unnecessary.

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
	AQ-1.2 P6	Installation of solar voltaic panels on new homes and businesses shall be encouraged.	**Consistent.** The installation of solar voltaic panels is not a City of Tracy requirement for industrial development. As described in Draft EIR Section 3.6, Energy page 24, the proposed project would be required to design the proposed buildings according to Subchapter 6, Part 6 of the Title 24 standards, to structurally accommodate future installation of a rooftop solar system. As such, the design of the proposed project would facilitate the future commitment to renewable energy resources. The Draft EIR was prepared based on Valley Air District guidance and, with the implementation of BMPs and MMs AIR-1a through 1i, the proposed project would reduce air quality and GHG emissions to the maximum amount feasible.
	AQ-1.2 P7	Trees should be planted on the south- and west-facing sides of new buildings or building undergoing substantial renovation in order to reduce energy usage.	**Consistent.** Project landscaping trees are included in the project design and would be consistent with the NEI Specific Plan requirements for placing one tree per five parking spaces, and otherwise would comply with all applicable landscaping requirements.
	AQ-1.2 P12	New sources of toxic air pollutants shall prepare a Health Risk Assessment as required under the Air Toxics "Hot Spots" Act and based on the results of the Assessment, establish appropriate land use buffer zones around those areas posing substantial health risks.	**Consistent.** A Health Risk Assessment is provided in Section 3.3, Air Quality, of the Draft EIR, and the Draft EIR concluded that the proposed project would exceed the San Joaquin Valley Air Pollution Control District's (Valley Air District's) significance thresholds, resulting in significant and unavoidable impacts. However, with the implementation of BMPs and MMs AIR-1a through 1i, the proposed project would reduce air quality and GHG emissions to the maximum amount feasible. For purposes of clarification and amplification, in terms of a land use buffer zone, MM AIR-1h, as provided in Section 4, Errata of the Final EIR, requires a vegetated project site buffer along the east property boundary near the sensitive receptors in compliance with this policy. The City has agreed to adopt, and the project applicants have agreed to implement this additional mitigation measure.
	AQ-1.2 P13	Dust control measures consistent with the San Joaquin Valley Air Pollution Control District rules shall be required as a condition of approval for subdivision maps,	**Consistent.** Valley Air District Rule 8021 includes basic dust control measures as noted in Section 3.3, Air Quality in the Draft EIR. In compliance with this policy, these measures would be included as an enforceable condition of approval for the proposed project.

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
		site plans, and grading permits.	
	AQ-1.2 P14	Developments that significantly impact air quality shall only be approved if all feasible mitigation measures to avoid, minimize or offset the impact are implemented.	**Consistent.** As described in Section 3.3, Air Quality, of the Draft EIR there are several significant, unavoidable air quality impacts. However, the proposed project would be required to implement all feasible MMs AIR-1a through MM AIR-1i. The basis for these determinations is detailed more fully in Section 3.3, Air Quality.
	AQ-1.2 P15	Encourage businesses to electrify loading docks or implement idling-reduction systems so that trucks transporting refrigerated goods can continue to power cab cooling elements during loading, layovers, and rest periods.	**Consistent.** The proposed project would not include refrigerated units. Therefore, no trucks transporting refrigerated goods would be accessing the site. In addition, the City has agreed to adopt, and the project applicants have agreed to implement MM AIR-1f, which would restrict on-site vehicle idling in any event to no greater than 3 minutes.

Section 3.14 Transportation

Page 3.14-29

As noted above, the City is currently pursuing a VMT Mitigation Banking Fee Program; the draft program currently calculates the cost per one (1) VMT reduction as $633.11. However, the VMT Mitigation Banking Fee Program has not yet been finalized and adopted; accordingly, the applicable fee would be the amount provided for under the Mitigation Banking Fee Program adopted by the City Council and effective at the time the relevant applicant for an individual development proposal within the project site obtained building permits. Provided, however, that if the Council has not adopted the Mitigation Banking Fee Program such that it is effective and in place at the time an applicant for an individual development proposal seeks to obtain a building permit, ~~then payment of $633.11 (cost per one (1) VMT reduction) shall constitute compliance for the payment component of MM TRANS-1(b)~~ then the relevant applicant shall implement additional VMT reduction measures in order to meet the minimum VMT reduction requirement of 15 percent.

Page 3.14-33

MM TRANS-1(b) Payment of Applicable Banking Fee

In addition to the Transportation Demand Management (TDM) program required in MM TRANS-1(a), each applicant for an individual development proposal shall pay its fair share of the applicable fee as set forth in the adopted Vehicle Miles Traveled (VMT) Mitigation Banking Fee in place and effective at the time the relevant applicant seeks to obtain building permits for its individual development proposal.

Provided, however, that if the City Council has not adopted the Mitigation Banking Fee Program such that it is effective and in place at the time an applicant for an individual development proposal seeks to obtain a building permit, ~~then payment of $633.11 (cost per VMT reduction for the relevant individual development proposal) shall constitute compliance with this MM TRANS-1(b)~~ then the relevant applicant shall implement additional VMT reduction measures in order to meet the total minimum VMT reduction requirement of 15 percent.

Section 6 Alternatives

Page 6-1 6.2–Significant Unavoidable Impacts

- **Project-Level Impact Related to Implementation of the Applicable Air Quality Plan:** The proposed project is consistent with the site's General Plan designation which means the proposed industrial use was accounted for in the Air Quality Plan (AQP) land use projections. However, the proposed project could create a localized violation of State or federal air quality standards, significantly contribute to cumulative non-attainment pollutant violations, and expose sensitive receptors to substantial pollutant concentrations. The proposed project would be required to implement MM AIR-1a through MM AIR-~~4~~1i; however, because full implementation of the mitigation cannot be guaranteed due to potential technical and/or financial infeasibility, the proposed project's potentially significant impact is conservatively identified as significant and unavoidable. Therefore, the proposed project is inconsistent with Criterion 1 of the AQP even after the incorporation of mitigation. The impact would be significant and unavoidable.
- **Project-Level Impact Related to Cumulatively Considerable Net Increase of reactive organic gases (ROG) and carbon monoxide (CO) During Construction, and ROG and oxides of nitrogen (NOX) During Operation:** The construction schedule for the proposed project assumed that none of the three project phases would overlap. In this scenario, after the incorporation of MMs AIR-1a and AIR-1b, construction of the proposed project would not exceed the San Joaquin Valley Air Pollution Control District (Valley Air District) daily emission screening levels for an Ambient Air Quality Analysis (AAQA), pursuant to District Rule 2201. However, the potential remains for project phases to be constructed concurrently. If the three phases of construction occur concurrently, emissions of ROG and CO would exceed the Valley Air District's significance thresholds if all three project phases were constructed concurrently. As such, this impact would remain significant and unavoidable after implementation of identified mitigation.

  During operation, unmitigated emissions would exceed Valley Air District thresholds of significance for ROGs and NO_X. Therefore, MM AIR-1c through MM AIR-1i~~and MM AIR-1d~~ would be required to mitigate operational emissions to below Valley Air District thresholds. However, the full implementation of MM AIR-1c through MM AIR-1i~~and MM AIR-1d~~ cannot be guaranteed during project operation; therefore, the reasonable worst-case operational emissions would exceed the Valley Air District's significance thresholds for ROG and NO_X and this impact would remain significant and unavoidable.

Appendix E

Page E-1

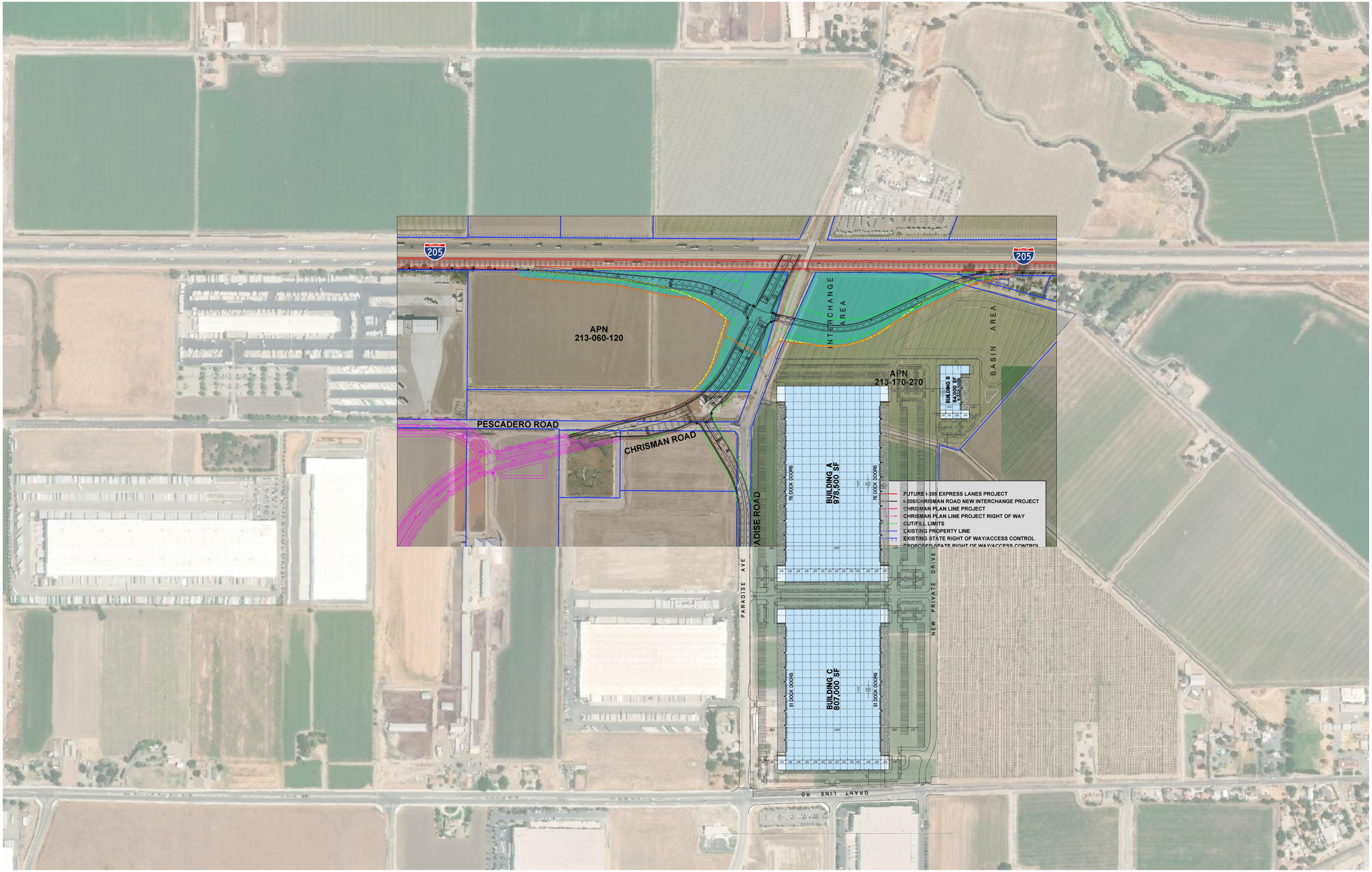
Tracy Alliance ~~Sunnyvale FCII~~ Project Energy Use Summary

Appendix A: Exhibit

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APPENDIX 4

Attachment E



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Appendix B:
Tracy Alliance Full Project I-205 MacArthur Interchange Ramp Queuing Analysis

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Kimley»Horn

MEMORANDUM

From: Frederik Venter, PE and Colin Ogilvie | Kimley-Horn and Associates

To: Tom Dumas, Office of Metropolitan Planning Chief | Caltrans

Date: November 4, 2022

Re: **Tracy Alliance: I-205 & MacArthur Drive Interchange Ramp Queuing Analysis**

---

1. Introduction

This memorandum presents the findings of the I-205 & MacArthur Drive Interchange ramp queuing analysis for the Tracy Alliance project requested by Caltrans in their Draft Environmental Impact Report (DEIR) comments. The queuing analysis is based on the updated I-205 and MacArthur Drive Interchange geometry, traffic counts collected in 2022, and signal timings requested from Caltrans.

The following scenarios were analyzed:

- Exisiting Conditions
- Existing Plus Project (Full Project) Conditions

All Project trips at the I-205 & MacArthur Interchange under Background Conditions are anticipated to move to the future I-205 & Chrisman Interchange under Cumulative Conditions and are assumed to be included in the TOAR. Therefore, the Project will not cause a queuing deficiency at the MacArthur interchange in the Cumulative Conditions.

This analysis is supplemental to the Kimley-Horn *Tracy Alliance and Northeast Area Annexation* report dated April 2022.

2. Queuing Analysis

The I-205 & MacArthur Drive Interchange ramp queuing analysis was completed for the off-ramps only per Caltrans's *Traffic Safety Bulletin 20-02-R1: Interim Local Development Intergovernmental Review Safety Review Practitioners Guidance* to determine safety impacts to the freeway mainline. The following analysis scenarios were analyzed:

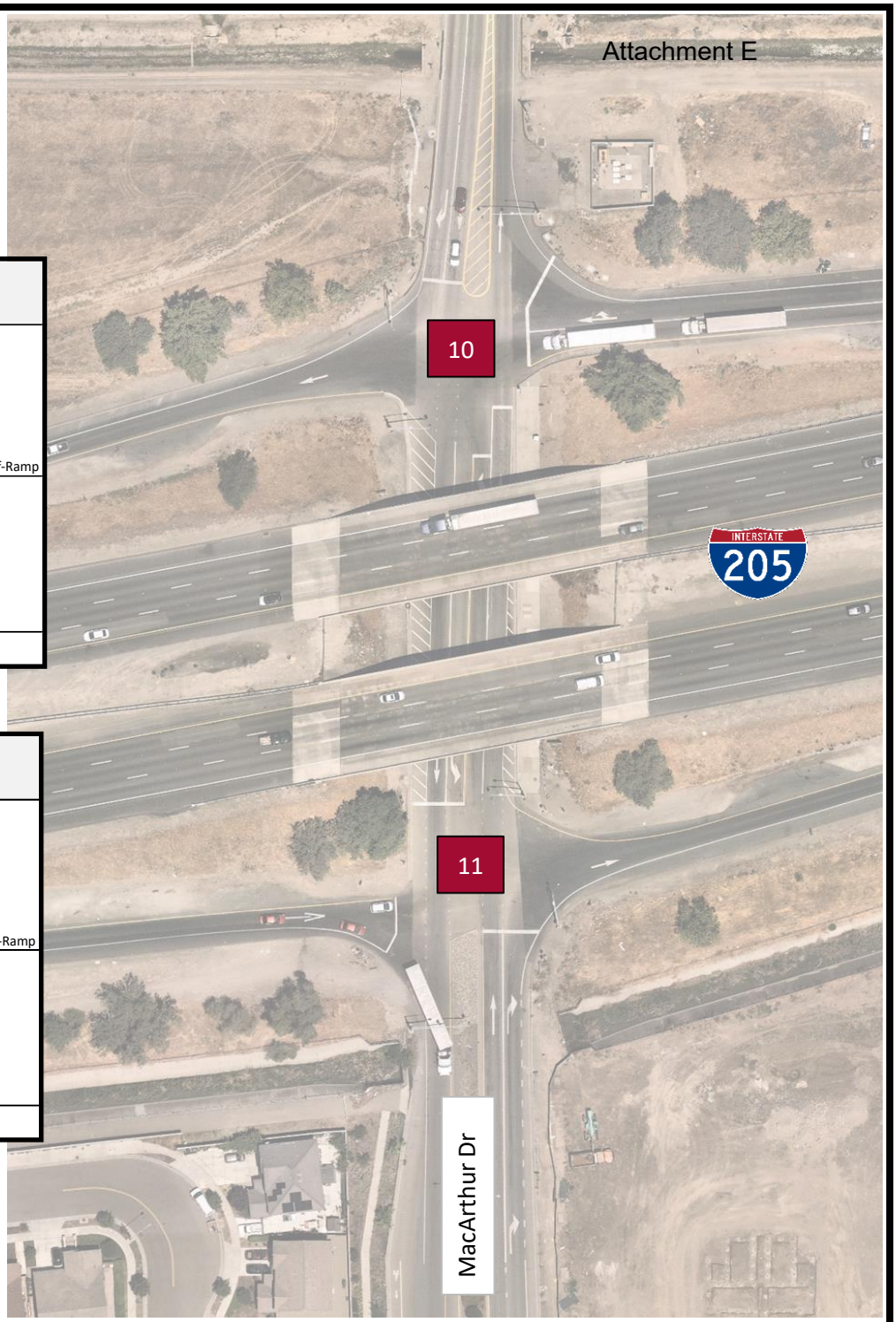
- Exisiting Conditions
- Existing Plus Project (Full Project) Conditions

Existing traffic counts are illustrated in **Figure 1**. Analysis volumes represent the peak hour volumes per intersection and were balanced as necessary between intersections. Existing signal timings were obtain from Caltrans and no modifications were made between Existing Conditions and Existing Plus Project (Full Project) Conditions.

Existing Plus Project (Full Project) volumes are provided in **Figure 2**. All Project trips at the I-205 & MacArthur Interchange under Background Conditions are anticipated to move to the future I-205 & Chrisman Interchange under Cumulative Conditions and are assumed to be included in the TOAR. Therefore, the Project will not cause a queuing deficiency at the MacArthur interchange in the Cumulative Conditions.

The analysis utilized SimTraffic 11 with a 10-minute seeding period, four 15-minute periods and 10 runs. The average and 95th-percentile queues for each of the ten runs was averaged and shown in **Table 1** and **Table 2**. The Existing Conditions queues were calibrated based on field-verified queuing.

All ramp queuing under Existing Conditions and Existing Plus Project Conditions is within each ramp's storage capacity and does not extend to the freeway mainline. Therefore, no Project safety mitigations are required.



10 MacArthur Dr & I-205 WB Off-Ramp

MacArthur Dr	75 (76)	62 (119)
I-205 WB Off-Ramp	205 (37)	2 (7)
I-205 WB On-Ramp	373 (323)	
MacArthur Dr	132 (227)	107 (296)

Overall: ***956 (1085)***

11 MacArthur Dr & I-205 EB Off-Ramp

MacArthur Dr	399 (381)	36 (61)
I-205 EB Off-Ramp	49 (170)	
	2 (3)	
	232 (205)	
MacArthur Dr	190 (353)	320 (457)
I-205 EB On-Ramp		

Overall: ***1228 (1630)***

LEGEND

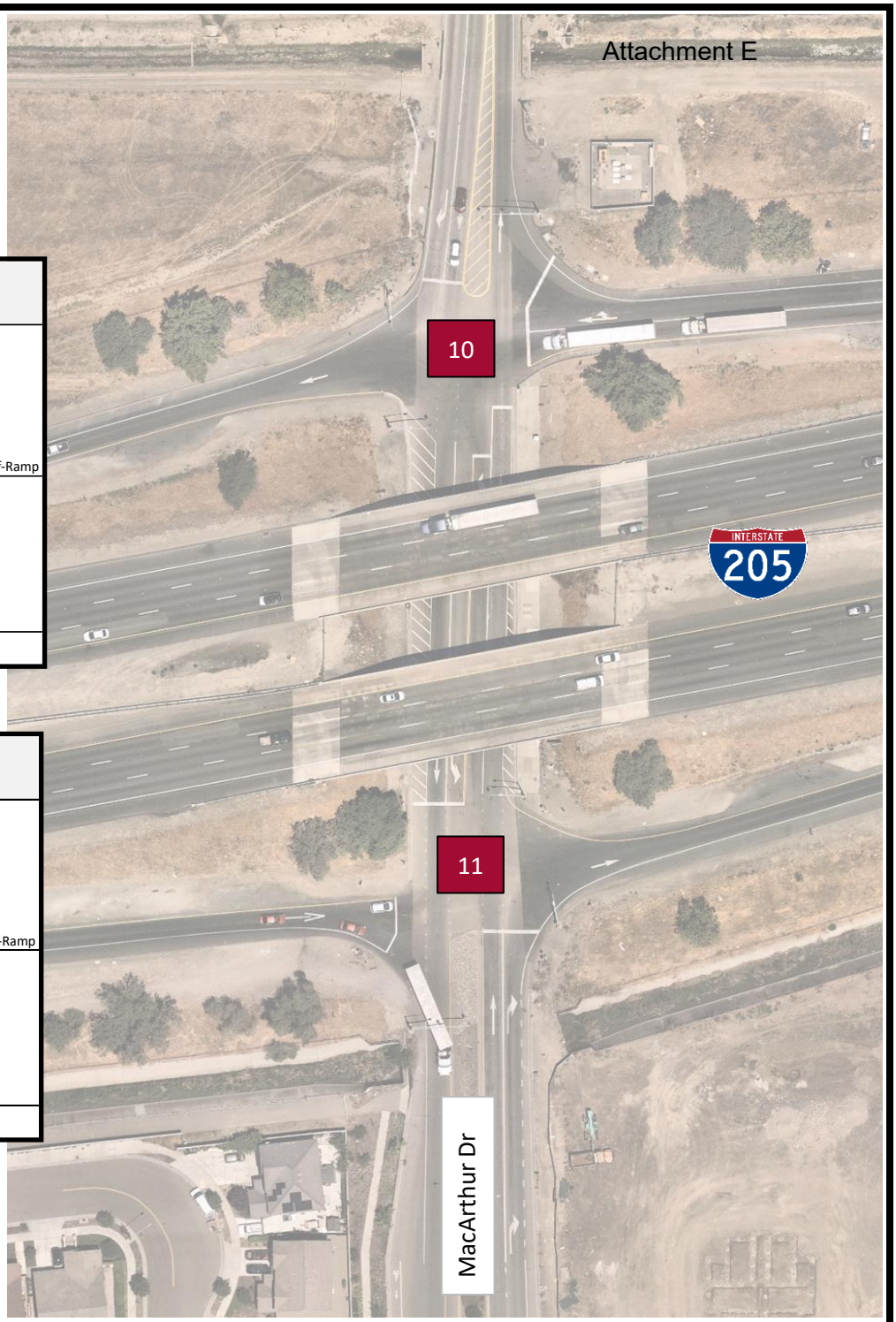
*Intersection ID*

Signal

XX (XX) AM (PM) Volumes

Kimley»Horn

Figure 1
Existing Conditions



10 MacArthur Dr & I-205 WB Off-Ramp

	MacArthur Dr	
75 (76)		205 (37)
62 (119)		2 (7)
		423 (348)
I-205 WB On-Ramp		I-205 WB Off-Ramp
	MacArthur Dr	
	158 (289)	107 (296)

Overall: ***1032 (1172)***

11 MacArthur Dr & I-205 EB Off-Ramp

	MacArthur Dr	
449 (406)		
36 (61)		I-205 EB On-Ramp
I-205 EB Off-Ramp		
49 (170)		
2 (3)		
289 (232)		
	MacArthur Dr	
	216 (415)	341 (509)

Overall: ***1382 (1796)***

LEGEND

*Intersection ID*

Signal

XX (XX) AM (PM) Volumes

Kimley»Horn

Figure 2
Existing Plus Project Conditions

Table 1 – Existing Conditions

Intersection		Movement	Storage Length (ft)	Average Queue (ft)		95th Percentile Queue (ft)	
				AM Peak	PM Peak	AM Peak	PM Peak
10	I-205 WB Ramps & MacArthur Dr	WBL	500	149	129	252	236
		WBT/R	1,020	46	22	79	57
		NBL	200	102	108	184	189
		NBT	230	47	72	97	142
		SBT	1,400	54	43	116	86
		SBR	450	22	24	42	52
11	I-205 EB Ramps & Macarthur Dr	EBL/T/R	1,000	104	155	194	278
		NBT	750	54	101	118	187
		NBR	750	110	75	197	140
		SBL	220	43	44	98	86
		SBT	220	111	101	230	200

Notes:

1. Movements highlighted in blue represent I-205 off-ramp movements.

Table 2 – Exisiting Plus Project (Full Project) Conditions

Intersection		Movement	Storage Length (ft)	Average Queue (ft)		95th Percentile Queue (ft)	
				AM Peak	PM Peak	AM Peak	PM Peak
10	I-205 WB Ramps & MacArthur Dr	WBL	500	174	152	324	259
		WBT/R	1,020	48	22	151	60
		NBL	200	109	150	193	249
		NBT	230	41	78	85	143
		SBT	1,400	46	51	107	105
		SBR	450	21	23	44	50
11	I-205 EB Ramps & Macarthur Dr	EBL/T/R	1,000	118	217	229	410
		NBT	750	69	154	157	283
		NBR	750	117	91	226	171
		SBL	220	38	48	94	99
		SBT	220	129	112	253	234

Notes:

1. Movements highlighted in blue represent I-205 off-ramp movements.

3. Appendix

A. Traffic Counts

B. SimTraffic Reports

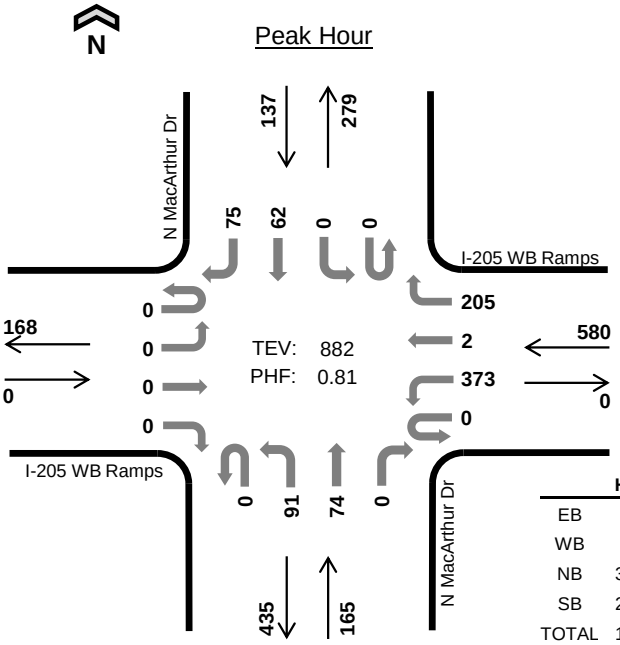
C. Caltrans DEIR Comment Letter

A. Traffic Counts

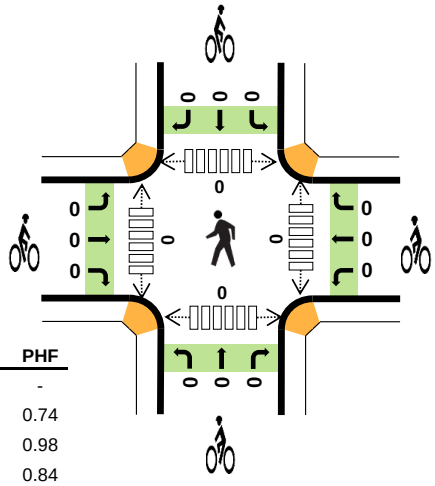
N MacArthur Dr
I-205 WB Ramps

Peak Hour

Date: 08/30/2022
Count Period: 5:30 AM to 8:30 AM
Peak Hour: 5:30 AM to 6:30 AM



	HV %:	PHF
EB	-	-
WB	9.1%	0.74
NB	30.3%	0.98
SB	25.5%	0.84
TOTAL	15.6%	0.81



Three-Hour Count Summaries

Interval Start		I-205 WB Ramps Eastbound				I-205 WB Ramps Westbound				N MacArthur Dr Northbound				N MacArthur Dr Southbound				15-min Total	Rolling One Hour
		UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
5:30 AM		0	0	0	0	0	107	1	56	0	21	21	0	0	0	16	17	239	0
5:45 AM		0	0	0	0	0	106	1	90	0	23	18	0	0	0	16	18	272	0
6:00 AM		0	0	0	0	0	81	0	31	0	26	16	0	0	0	19	22	195	0
6:15 AM		0	0	0	0	0	79	0	28	0	21	19	0	0	0	11	18	176	882
Peak Hour	All	0	0	0	0	0	373	2	205	0	91	74	0	0	0	62	75	882	0
	HV	0	0	0	0	0	49	0	4	0	42	8	0	0	0	33	2	138	0
	HV%	-	-	-	-	-	13%	0%	2%	-	46%	11%	-	-	-	53%	3%	16%	0

Note: For all three-hour count summary, see next page.

Interval Start	Heavy Vehicle Totals					Bicycles					Pedestrians (Crossing Leg)				
	EB	WB	NB	SB	Total	EB	WB	NB	SB	Total	East	West	North	South	Total
5:30 AM	0	12	13	8	*33*	0	0	0	0	*0*	0	0	0	0	*0*
5:45 AM	0	10	14	10	*34*	0	0	0	0	*0*	0	0	0	0	*0*
6:00 AM	0	14	13	10	*37*	0	0	0	0	*0*	0	0	0	0	*0*
6:15 AM	0	17	10	7	*34*	0	0	0	0	*0*	0	0	0	0	*0*
Peak Hour	0	53	50	35	*138*	0	0	0	0	*0*	0	0	0	0	*0*

Three-Hour Count Summaries

Interval Start	I-205 WB Ramps				I-205 WB Ramps				N MacArthur Dr				N MacArthur Dr				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
5:30 AM	**0**	**0**	**0**	**0**	**0**	**107**	**1**	**56**	**0**	**21**	**21**	**0**	**0**	**0**	**16**	**17**	**239**	0
5:45 AM	**0**	**0**	**0**	**0**	**0**	**106**	**1**	**90**	**0**	**23**	**18**	**0**	**0**	**0**	**16**	**18**	**272**	0
6:00 AM	**0**	**0**	**0**	**0**	**0**	**81**	**0**	**31**	**0**	**26**	**16**	**0**	**0**	**0**	**19**	**22**	**195**	0
6:15 AM	**0**	**0**	**0**	**0**	**0**	**79**	**0**	**28**	**0**	**21**	**19**	**0**	**0**	**0**	**11**	**18**	**176**	**882**
6:30 AM	0	0	0	0	0	86	1	16	0	20	32	0	0	0	17	26	198	841
6:45 AM	0	0	0	0	0	103	1	27	0	28	36	0	0	0	12	31	238	807
7:00 AM	0	0	0	0	0	82	0	14	0	44	20	0	0	0	19	18	197	809
7:15 AM	0	0	0	0	0	90	0	16	0	38	34	0	0	0	20	22	220	853
7:30 AM	0	0	0	0	0	94	0	14	0	29	14	0	0	0	17	20	188	843
7:45 AM	0	0	0	0	0	95	0	12	0	37	24	0	0	0	14	28	210	815
8:00 AM	0	0	0	0	0	73	0	14	0	41	22	0	0	0	24	19	193	811
8:15 AM	0	0	0	0	0	74	0	11	0	45	25	0	0	0	9	23	187	778
Count Total	0	0	0	0	0	1,070	4	329	0	373	281	0	0	0	194	262	2,513	0
Peak Hour All	**0**	**0**	**0**	**0**	**0**	**373**	**2**	**205**	**0**	**91**	**74**	**0**	**0**	**0**	**62**	**75**	**882**	**0**
Peak Hour HV	**0**	**0**	**0**	**0**	**0**	**49**	**0**	**4**	**0**	**42**	**8**	**0**	**0**	**0**	**33**	**2**	**138**	**0**
Peak Hour HV%	**-**	**-**	**-**	**-**	**-**	**13%**	**0%**	**2%**	**-**	**46%**	**11%**	**-**	**-**	**-**	**53%**	**3%**	**16%**	**0**

Note: Three-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals					Bicycles					Pedestrians (Crossing Leg)				
	EB	WB	NB	SB	Total	EB	WB	NB	SB	Total	East	West	North	South	Total
5:30 AM	**0**	**12**	**13**	**8**	***33***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
5:45 AM	**0**	**10**	**14**	**10**	***34***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
6:00 AM	**0**	**14**	**13**	**10**	***37***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
6:15 AM	**0**	**17**	**10**	**7**	***34***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***
6:30 AM	0	22	11	8	*41*	0	0	0	0	*0*	0	0	0	0	*0*
6:45 AM	0	22	19	9	*50*	0	0	0	0	*0*	1	0	0	0	*1*
7:00 AM	0	17	23	4	*44*	0	0	0	0	*0*	0	0	0	0	*0*
7:15 AM	0	23	19	10	*52*	0	0	0	0	*0*	1	0	0	0	*1*
7:30 AM	0	19	13	10	*42*	0	0	0	0	*0*	0	0	0	0	*0*
7:45 AM	0	13	19	3	*35*	0	0	0	0	*0*	0	0	0	0	*0*
8:00 AM	0	18	14	12	*44*	0	0	0	0	*0*	0	0	0	0	*0*
8:15 AM	0	21	14	4	*39*	0	0	0	0	*0*	0	0	0	0	*0*
Count Total	0	208	182	95	*485*	0	0	0	0	*0*	2	0	0	0	*2*
Peak Hour	**0**	**53**	**50**	**35**	***138***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***

Three-Hour Count Summaries - Heavy Vehicles

Interval Start	I-205 WB Ramps				I-205 WB Ramps				N MacArthur Dr				N MacArthur Dr				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
5:30 AM	**0**	**0**	**0**	**0**	**0**	**12**	**0**	**0**	**0**	**10**	**3**	**0**	**0**	**0**	**7**	**1**	**33**	0
5:45 AM	**0**	**0**	**0**	**0**	**0**	**9**	**0**	**1**	**0**	**13**	**1**	**0**	**0**	**0**	**10**	**0**	**34**	0
6:00 AM	**0**	**0**	**0**	**0**	**0**	**13**	**0**	**1**	**0**	**11**	**2**	**0**	**0**	**0**	**9**	**1**	**37**	0
6:15 AM	**0**	**0**	**0**	**0**	**0**	**15**	**0**	**2**	**0**	**8**	**2**	**0**	**0**	**0**	**7**	**0**	**34**	**138**
6:30 AM	0	0	0	0	0	17	1	4	0	7	4	0	0	0	5	3	41	146
6:45 AM	0	0	0	0	0	17	0	5	0	14	5	0	0	0	4	5	50	162
7:00 AM	0	0	0	0	0	12	0	5	0	20	3	0	0	0	3	1	44	169
7:15 AM	0	0	0	0	0	20	0	3	0	13	6	0	0	0	9	1	52	187
7:30 AM	0	0	0	0	0	15	0	4	0	12	1	0	0	0	7	3	42	188
7:45 AM	0	0	0	0	0	13	0	0	0	17	2	0	0	0	3	0	35	173
8:00 AM	0	0	0	0	0	18	0	0	0	11	3	0	0	0	9	3	44	173
8:15 AM	0	0	0	0	0	18	0	3	0	13	1	0	0	0	2	2	39	160
Count Total	0	0	0	0	0	179	1	28	0	149	33	0	0	0	75	20	485	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**49**	**0**	**4**	**0**	**42**	**8**	**0**	**0**	**0**	**33**	**2**	**138**	**0**

Three-Hour Count Summaries - Bikes

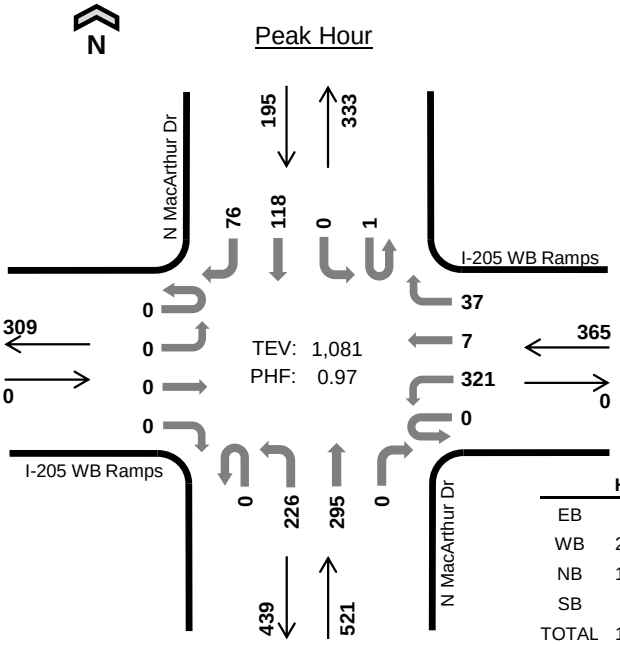
Interval Start	I-205 WB Ramps			I-205 WB Ramps			N MacArthur Dr			N MacArthur Dr			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
5:30 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
5:45 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
6:00 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
6:15 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
6:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

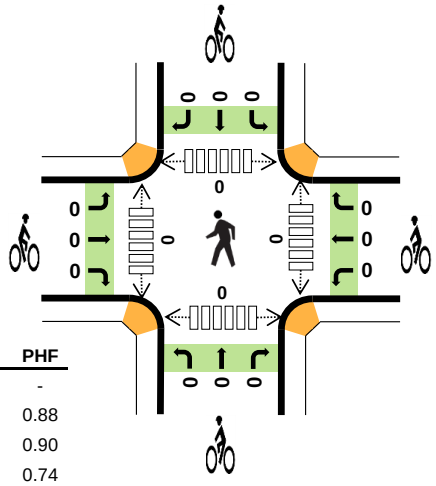
Note: U-Turn volumes for bikes are included in Left-Turn, if any.

N MacArthur Dr
I-205 WB Ramps

Peak Hour

Date: 08/30/2022
Count Period: 3:00 PM to 6:00 PM
Peak Hour: 3:30 PM to 4:30 PM





	HV %:	PHF
EB	-	-
WB	23.3%	0.88
NB	10.0%	0.90
SB	8.7%	0.74
TOTAL	14.2%	0.97

Three-Hour Count Summaries

Interval Start		I-205 WB Ramps Eastbound				I-205 WB Ramps Westbound				N MacArthur Dr Northbound				N MacArthur Dr Southbound				15-min Total	Rolling One Hour
		UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
3:30 PM		0	0	0	0	0	90	2	8	0	50	64	0	0	0	41	25	280	0
3:45 PM		0	0	0	0	0	90	4	10	0	54	68	0	0	0	29	22	277	0
4:00 PM		0	0	0	0	0	71	0	6	0	64	80	0	0	0	27	16	264	0
4:15 PM		0	0	0	0	0	70	1	13	0	58	83	0	1	0	21	13	260	1,081
Peak Hour	All	0	0	0	0	0	321	7	37	0	226	295	0	1	0	118	76	1,081	0
	HV	0	0	0	0	0	70	1	14	0	36	16	0	0	0	15	2	154	0
	HV%	-	-	-	-	-	22%	14%	38%	-	16%	5%	-	0%	-	13%	3%	14%	0

Note: For all three-hour count summary, see next page.

Interval Start	Heavy Vehicle Totals					Bicycles					Pedestrians (Crossing Leg)				
	EB	WB	NB	SB	Total	EB	WB	NB	SB	Total	East	West	North	South	Total
3:30 PM	0	22	11	4	*37*	0	0	0	0	*0*	0	0	0	0	*0*
3:45 PM	0	27	13	3	*43*	0	0	0	0	*0*	0	0	0	0	*0*
4:00 PM	0	21	16	6	*43*	0	0	0	0	*0*	0	0	0	0	*0*
4:15 PM	0	15	12	4	*31*	0	0	0	0	*0*	0	0	0	0	*0*
Peak Hour	0	85	52	17	*154*	0	0	0	0	*0*	0	0	0	0	*0*

Three-Hour Count Summaries

Interval Start	I-205 WB Ramps				I-205 WB Ramps				N MacArthur Dr				N MacArthur Dr				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
3:00 PM	0	0	0	0	0	87	1	18	0	35	45	0	0	0	33	24	243	0
3:15 PM	0	0	0	0	0	81	0	22	0	53	52	0	0	0	23	16	247	0
3:30 PM	**0**	**0**	**0**	**0**	**0**	**90**	**2**	**8**	**0**	**50**	**64**	**0**	**0**	**0**	**41**	**25**	**280**	0
3:45 PM	**0**	**0**	**0**	**0**	**0**	**90**	**4**	**10**	**0**	**54**	**68**	**0**	**0**	**0**	**29**	**22**	**277**	1,047
4:00 PM	**0**	**0**	**0**	**0**	**0**	**71**	**0**	**6**	**0**	**64**	**80**	**0**	**0**	**0**	**27**	**16**	**264**	1,068
4:15 PM	**0**	**0**	**0**	**0**	**0**	**70**	**1**	**13**	**0**	**58**	**83**	**0**	**1**	**0**	**21**	**13**	**260**	**1,081**
4:30 PM	0	0	0	0	0	61	1	8	0	57	56	0	0	0	29	20	232	1,033
4:45 PM	0	0	0	0	0	48	0	18	0	65	46	0	0	0	19	17	213	969
5:00 PM	0	0	0	0	0	59	0	3	0	55	47	0	0	0	12	17	193	898
5:15 PM	0	0	0	0	0	61	0	11	0	65	49	0	0	0	18	11	215	853
5:30 PM	0	0	0	0	0	71	1	5	0	39	45	0	0	0	27	10	198	819
5:45 PM	0	0	0	0	0	53	0	4	1	53	38	0	0	0	18	19	186	792
Count Total	0	0	0	0	0	842	10	126	1	648	673	0	1	0	297	210	2,808	0
Peak Hour All	**0**	**0**	**0**	**0**	**0**	**321**	**7**	**37**	**0**	**226**	**295**	**0**	**1**	**0**	**118**	**76**	**1,081**	**0**
Peak Hour HV	**0**	**0**	**0**	**0**	**0**	**70**	**1**	**14**	**0**	**36**	**16**	**0**	**0**	**0**	**15**	**2**	**154**	**0**
Peak Hour HV%	**-**	**-**	**-**	**-**	**-**	**22%**	**14%**	**38%**	**-**	**16%**	**5%**	**-**	**0%**	**-**	**13%**	**3%**	**14%**	**0**

Note: Three-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals					Bicycles					Pedestrians (Crossing Leg)				
	EB	WB	NB	SB	Total	EB	WB	NB	SB	Total	East	West	North	South	Total
3:00 PM	0	23	13	1	*37*	0	0	0	0	*0*	0	0	0	0	*0*
3:15 PM	0	19	14	5	*38*	0	0	0	0	*0*	0	0	0	0	*0*
3:30 PM	**0**	**22**	**11**	**4**	***37***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
3:45 PM	**0**	**27**	**13**	**3**	***43***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
4:00 PM	**0**	**21**	**16**	**6**	***43***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
4:15 PM	**0**	**15**	**12**	**4**	***31***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***
4:30 PM	0	15	7	2	*24*	0	0	0	0	*0*	0	0	0	0	*0*
4:45 PM	0	11	15	4	*30*	0	0	0	0	*0*	0	2	0	0	*2*
5:00 PM	0	16	8	1	*25*	0	0	0	0	*0*	0	2	0	0	*2*
5:15 PM	0	18	6	4	*28*	0	0	0	0	*0*	0	1	0	0	*1*
5:30 PM	0	16	6	2	*24*	0	0	0	0	*0*	0	0	0	0	*0*
5:45 PM	0	9	0	3	*12*	0	0	0	0	*0*	0	0	0	0	*0*
Count Total	0	212	121	39	*372*	0	0	0	0	*0*	0	5	0	0	*5*
Peak Hour	**0**	**85**	**52**	**17**	***154***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***

Three-Hour Count Summaries - Heavy Vehicles

Interval Start	I-205 WB Ramps				I-205 WB Ramps				N MacArthur Dr				N MacArthur Dr				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
3:00 PM	0	0	0	0	0	18	0	5	0	5	8	0	0	0	0	1	37	0
3:15 PM	0	0	0	0	0	16	0	3	0	11	3	0	0	0	5	0	38	0
3:30 PM	**0**	**0**	**0**	**0**	**0**	**17**	**0**	**5**	**0**	**9**	**2**	**0**	**0**	**0**	**4**	**0**	**37**	0
3:45 PM	**0**	**0**	**0**	**0**	**0**	**22**	**1**	**4**	**0**	**9**	**4**	**0**	**0**	**0**	**2**	**1**	**43**	155
4:00 PM	**0**	**0**	**0**	**0**	**0**	**20**	**0**	**1**	**0**	**11**	**5**	**0**	**0**	**0**	**6**	**0**	**43**	161
4:15 PM	**0**	**0**	**0**	**0**	**0**	**11**	**0**	**4**	**0**	**7**	**5**	**0**	**0**	**0**	**3**	**1**	**31**	**154**
4:30 PM	0	0	0	0	0	12	1	2	0	7	0	0	0	0	2	0	24	141
4:45 PM	0	0	0	0	0	6	0	5	0	12	3	0	0	0	3	1	30	128
5:00 PM	0	0	0	0	0	15	0	1	0	7	1	0	0	0	1	0	25	110
5:15 PM	0	0	0	0	0	16	0	2	0	4	2	0	0	0	4	0	28	107
5:30 PM	0	0	0	0	0	14	0	2	0	5	1	0	0	0	2	0	24	107
5:45 PM	0	0	0	0	0	9	0	0	0	0	0	0	0	0	2	1	12	89
Count Total	0	0	0	0	0	176	2	34	0	87	34	0	0	0	34	5	372	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**70**	**1**	**14**	**0**	**36**	**16**	**0**	**0**	**0**	**15**	**2**	**154**	**0**

Three-Hour Count Summaries - Bikes

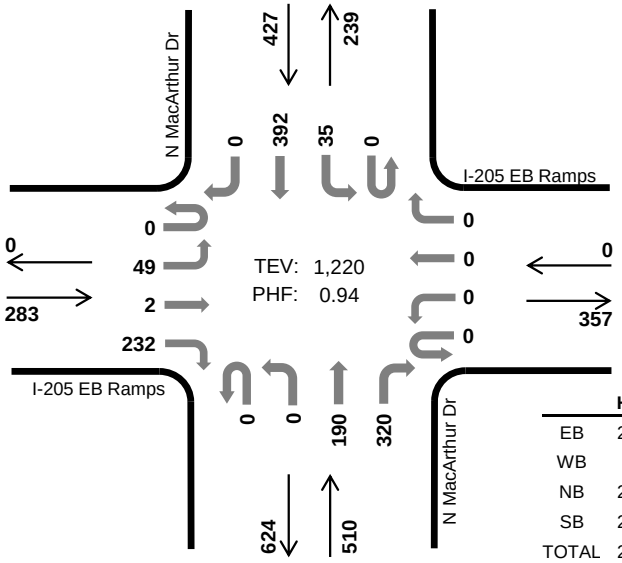
Interval Start	I-205 WB Ramps			I-205 WB Ramps			N MacArthur Dr			N MacArthur Dr			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
3:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:30 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
3:45 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
4:00 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
4:15 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Note: U-Turn volumes for bikes are included in Left-Turn, if any.

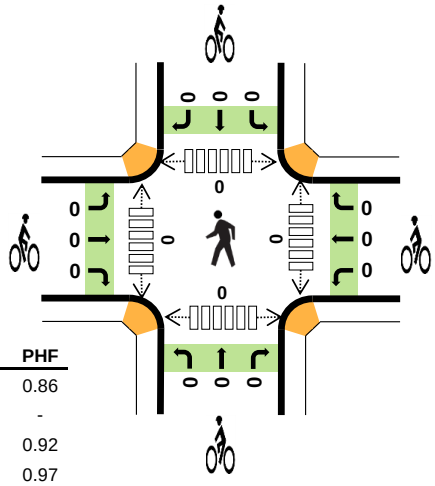
N MacArthur Dr
I-205 EB Ramps

Date: 08/30/2022
Count Period: 5:30 AM to 8:30 AM
Peak Hour: 7:15 AM to 8:15 AM

Peak Hour



	HV %:	PHF
EB	23.0%	0.86
WB	-	-
NB	26.7%	0.92
SB	22.2%	0.97
TOTAL	24.3%	0.94



Three-Hour Count Summaries

Interval Start		I-205 EB Ramps Eastbound				I-205 EB Ramps Westbound				N MacArthur Dr Northbound				N MacArthur Dr Southbound				15-min Total	Rolling One Hour
		UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
7:15 AM		0	17	1	57	0	0	0	0	0	0	55	84	0	12	98	0	324	0
7:30 AM		0	8	0	49	0	0	0	0	0	0	36	86	0	5	105	0	289	0
7:45 AM		0	14	0	68	0	0	0	0	0	0	48	72	0	5	105	0	312	0
8:00 AM		0	10	1	58	0	0	0	0	0	0	51	78	0	13	84	0	295	1,220
Peak Hour	All	0	49	2	232	0	0	0	0	0	0	190	320	0	35	392	0	1,220	0
	HV	0	5	1	59	0	0	0	0	0	0	60	76	0	20	75	0	296	0
	HV%	-	10%	50%	25%	-	-	-	-	-	-	32%	24%	-	57%	19%	-	24%	0

Note: For all three-hour count summary, see next page.

Interval Start	Heavy Vehicle Totals					Bicycles					Pedestrians (Crossing Leg)				
	EB	WB	NB	SB	Total	EB	WB	NB	SB	Total	East	West	North	South	Total
7:15 AM	13	0	37	30	*80*	0	0	0	0	*0*	0	0	0	0	*0*
7:30 AM	16	0	32	22	*70*	0	0	0	0	*0*	0	0	0	0	*0*
7:45 AM	16	0	35	16	*67*	0	0	0	0	*0*	0	0	0	0	*0*
8:00 AM	20	0	32	27	*79*	0	0	0	0	*0*	0	0	0	0	*0*
Peak Hour	65	0	136	95	*296*	0	0	0	0	*0*	0	0	0	0	*0*

Three-Hour Count Summaries

Interval Start	I-205 EB Ramps				I-205 EB Ramps				N MacArthur Dr				N MacArthur Dr				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
5:30 AM	0	15	1	38	0	0	0	0	0	0	28	51	0	3	117	0	253	0
5:45 AM	0	8	1	50	0	0	0	0	0	0	35	40	0	5	120	0	259	0
6:00 AM	0	7	2	33	0	0	0	0	0	0	36	40	0	10	88	0	216	0
6:15 AM	0	11	0	28	0	0	0	0	0	0	28	42	0	5	86	0	200	928
6:30 AM	0	22	0	43	0	0	0	0	0	0	30	84	0	8	95	0	282	957
6:45 AM	0	22	2	47	0	0	0	0	0	0	43	54	0	6	105	0	279	977
7:00 AM	0	15	0	49	0	0	0	0	0	0	48	58	0	14	92	0	276	1,037
7:15 AM	**0**	**17**	**1**	**57**	**0**	**0**	**0**	**0**	**0**	**0**	**55**	**84**	**0**	**12**	**98**	**0**	**324**	1,161
7:30 AM	**0**	**8**	**0**	**49**	**0**	**0**	**0**	**0**	**0**	**0**	**36**	**86**	**0**	**5**	**105**	**0**	**289**	1,168
7:45 AM	**0**	**14**	**0**	**68**	**0**	**0**	**0**	**0**	**0**	**0**	**48**	**72**	**0**	**5**	**105**	**0**	**312**	1,201
8:00 AM	**0**	**10**	**1**	**58**	**0**	**0**	**0**	**0**	**0**	**0**	**51**	**78**	**0**	**13**	**84**	**0**	**295**	**1,220**
8:15 AM	0	12	1	42	0	0	0	0	0	0	56	63	0	3	80	0	257	1,153
Count Total	0	161	9	562	0	0	0	0	0	0	494	752	0	89	1,175	0	3,242	0
Peak Hour All	**0**	**49**	**2**	**232**	**0**	**0**	**0**	**0**	**0**	**0**	**190**	**320**	**0**	**35**	**392**	**0**	**1,220**	**0**
Peak Hour HV	**0**	**5**	**1**	**59**	**0**	**0**	**0**	**0**	**0**	**0**	**60**	**76**	**0**	**20**	**75**	**0**	**296**	**0**
Peak Hour HV%	**-**	**10%**	**50%**	**25%**	**-**	**-**	**-**	**-**	**-**	**-**	**32%**	**24%**	**-**	**57%**	**19%**	**-**	**24%**	**0**

Note: Three-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals					Bicycles					Pedestrians (Crossing Leg)				
	EB	WB	NB	SB	Total	EB	WB	NB	SB	Total	East	West	North	South	Total
5:30 AM	11	0	22	18	*51*	0	0	0	0	*0*	0	0	0	0	*0*
5:45 AM	8	0	29	20	*57*	0	0	0	0	*0*	0	0	0	0	*0*
6:00 AM	10	0	21	20	*51*	0	0	0	0	*0*	0	0	0	0	*0*
6:15 AM	10	0	18	24	*52*	0	0	0	0	*0*	0	0	0	0	*0*
6:30 AM	11	0	19	23	*53*	0	0	0	0	*0*	0	0	0	0	*0*
6:45 AM	18	0	41	20	*79*	0	0	0	0	*0*	0	0	0	0	*0*
7:00 AM	10	0	38	15	*63*	0	0	0	0	*0*	0	0	0	0	*0*
7:15 AM	**13**	**0**	**37**	**30**	***80***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
7:30 AM	**16**	**0**	**32**	**22**	***70***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
7:45 AM	**16**	**0**	**35**	**16**	***67***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
8:00 AM	**20**	**0**	**32**	**27**	***79***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***
8:15 AM	11	0	33	19	*63*	0	0	0	0	*0*	0	0	0	0	*0*
Count Total	154	0	357	254	*765*	0	0	0	0	*0*	0	0	0	0	*0*
Peak Hour	**65**	**0**	**136**	**95**	***296***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***

Three-Hour Count Summaries - Heavy Vehicles

Interval Start	I-205 EB Ramps				I-205 EB Ramps				N MacArthur Dr				N MacArthur Dr				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
5:30 AM	0	2	0	9	0	0	0	0	0	0	12	10	0	1	17	0	51	0
5:45 AM	0	0	1	7	0	0	0	0	0	0	15	14	0	2	18	0	57	0
6:00 AM	0	1	0	9	0	0	0	0	0	0	12	9	0	3	17	0	51	0
6:15 AM	0	1	0	9	0	0	0	0	0	0	9	9	0	5	19	0	52	211
6:30 AM	0	4	0	7	0	0	0	0	0	0	6	13	0	5	18	0	53	213
6:45 AM	0	1	2	15	0	0	0	0	0	0	18	23	0	3	17	0	79	235
7:00 AM	0	1	0	9	0	0	0	0	0	0	21	17	0	3	12	0	63	247
7:15 AM	**0**	**1**	**1**	**11**	**0**	**0**	**0**	**0**	**0**	**0**	**16**	**21**	**0**	**7**	**23**	**0**	**80**	275
7:30 AM	**0**	**0**	**0**	**16**	**0**	**0**	**0**	**0**	**0**	**0**	**14**	**18**	**0**	**2**	**20**	**0**	**70**	292
7:45 AM	**0**	**1**	**0**	**15**	**0**	**0**	**0**	**0**	**0**	**0**	**18**	**17**	**0**	**2**	**14**	**0**	**67**	280
8:00 AM	**0**	**3**	**0**	**17**	**0**	**0**	**0**	**0**	**0**	**0**	**12**	**20**	**0**	**9**	**18**	**0**	**79**	**296**
8:15 AM	0	0	1	10	0	0	0	0	0	0	15	18	0	1	18	0	63	279
Count Total	0	15	5	134	0	0	0	0	0	0	168	189	0	43	211	0	765	0
Peak Hour	**0**	**5**	**1**	**59**	**0**	**0**	**0**	**0**	**0**	**0**	**60**	**76**	**0**	**20**	**75**	**0**	**296**	**0**

Three-Hour Count Summaries - Bikes

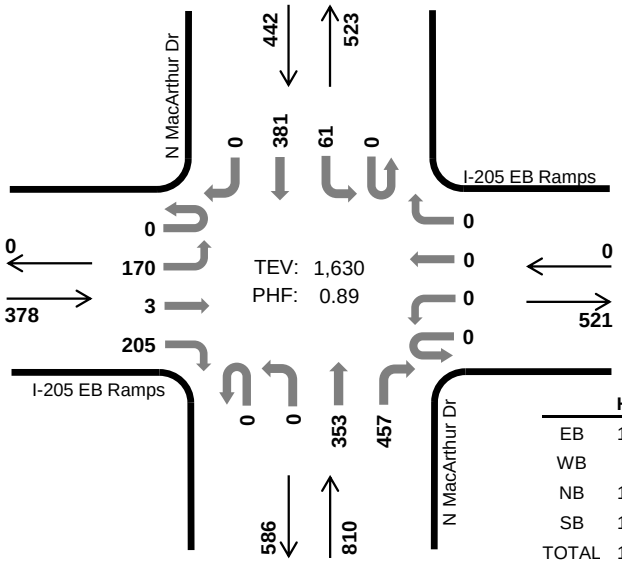
Interval Start	I-205 EB Ramps			I-205 EB Ramps			N MacArthur Dr			N MacArthur Dr			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
5:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
7:30 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
7:45 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
8:00 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
8:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

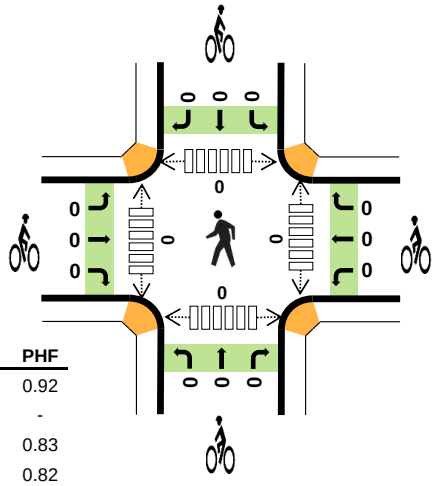
Note: U-Turn volumes for bikes are included in Left-Turn, if any.

N MacArthur Dr
I-205 EB Ramps

Peak Hour

Date: 08/30/2022
Count Period: 3:00 PM to 6:00 PM
Peak Hour: 3:30 PM to 4:30 PM





	HV %:	PHF
EB	16.9%	0.92
WB	-	-
NB	11.1%	0.83
SB	19.2%	0.82
TOTAL	14.7%	0.89

Three-Hour Count Summaries

Interval Start		I-205 EB Ramps Eastbound				I-205 EB Ramps Westbound				N MacArthur Dr Northbound				N MacArthur Dr Southbound				15-min Total	Rolling One Hour
		UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
3:30 PM		0	34	2	43	0	0	0	0	0	0	86	158	0	28	106	0	457	0
3:45 PM		0	44	0	54	0	0	0	0	0	0	74	89	0	17	102	0	380	0
4:00 PM		0	42	1	55	0	0	0	0	0	0	101	110	0	7	91	0	407	0
4:15 PM		0	50	0	53	0	0	0	0	0	0	92	100	0	9	82	0	386	1,630
Peak Hour	All	0	170	3	205	0	0	0	0	0	0	353	457	0	61	381	0	1,630	0
	HV	0	11	0	53	0	0	0	0	0	0	41	49	0	7	78	0	239	0
	HV%	-	6%	0%	26%	-	-	-	-	-	-	12%	11%	-	11%	20%	-	15%	0

Note: For all three-hour count summary, see next page.

Interval Start	Heavy Vehicle Totals					Bicycles					Pedestrians (Crossing Leg)				
	EB	WB	NB	SB	Total	EB	WB	NB	SB	Total	East	West	North	South	Total
3:30 PM	12	0	20	21	*53*	0	0	0	0	*0*	0	0	0	0	*0*
3:45 PM	20	0	21	24	*65*	0	0	0	0	*0*	0	0	0	0	*0*
4:00 PM	18	0	28	26	*72*	0	0	0	0	*0*	0	0	0	0	*0*
4:15 PM	14	0	21	14	*49*	0	0	0	0	*0*	0	0	0	0	*0*
Peak Hour	64	0	90	85	*239*	0	0	0	0	*0*	0	0	0	0	*0*

Three-Hour Count Summaries

Interval Start	I-205 EB Ramps				I-205 EB Ramps				N MacArthur Dr				N MacArthur Dr				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
3:00 PM	0	27	1	48	0	0	0	0	0	0	54	97	0	15	105	0	347	0
3:15 PM	0	32	2	41	0	0	0	0	0	0	69	83	0	6	97	0	330	0
3:30 PM	**0**	**34**	**2**	**43**	**0**	**0**	**0**	**0**	**0**	**0**	**86**	**158**	**0**	**28**	**106**	**0**	**457**	0
3:45 PM	**0**	**44**	**0**	**54**	**0**	**0**	**0**	**0**	**0**	**0**	**74**	**89**	**0**	**17**	**102**	**0**	**380**	1,514
4:00 PM	**0**	**42**	**1**	**55**	**0**	**0**	**0**	**0**	**0**	**0**	**101**	**110**	**0**	**7**	**91**	**0**	**407**	1,574
4:15 PM	**0**	**50**	**0**	**53**	**0**	**0**	**0**	**0**	**0**	**0**	**92**	**100**	**0**	**9**	**82**	**0**	**386**	**1,630**
4:30 PM	0	41	1	47	0	0	0	0	0	0	74	75	0	17	72	0	327	1,500
4:45 PM	0	32	0	48	0	0	0	0	0	0	78	74	0	10	59	0	301	1,421
5:00 PM	0	41	0	35	0	0	0	0	0	0	65	101	0	2	70	0	314	1,328
5:15 PM	0	33	0	38	0	0	0	0	0	0	77	77	0	7	72	0	304	1,246
5:30 PM	0	32	2	48	0	0	0	0	0	0	55	74	0	11	87	0	309	1,228
5:45 PM	0	22	1	35	0	0	0	0	0	0	68	72	0	6	64	0	268	1,195
Count Total	0	430	10	545	0	0	0	0	0	0	893	1,110	0	135	1,007	0	4,130	0
Peak Hour All	**0**	**170**	**3**	**205**	**0**	**0**	**0**	**0**	**0**	**0**	**353**	**457**	**0**	**61**	**381**	**0**	**1,630**	**0**
Peak Hour HV	**0**	**11**	**0**	**53**	**0**	**0**	**0**	**0**	**0**	**0**	**41**	**49**	**0**	**7**	**78**	**0**	**239**	**0**
Peak Hour HV%	**-**	**6%**	**0%**	**26%**	**-**	**-**	**-**	**-**	**-**	**-**	**12%**	**11%**	**-**	**11%**	**20%**	**-**	**15%**	**0**

Note: Three-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals					Bicycles					Pedestrians (Crossing Leg)				
	EB	WB	NB	SB	Total	EB	WB	NB	SB	Total	East	West	North	South	Total
3:00 PM	13	0	33	17	*63*	0	0	0	0	*0*	0	0	0	0	*0*
3:15 PM	15	0	33	22	*70*	0	0	0	0	*0*	0	0	0	0	*0*
3:30 PM	**12**	**0**	**20**	**21**	***53***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
3:45 PM	**20**	**0**	**21**	**24**	***65***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
4:00 PM	**18**	**0**	**28**	**26**	***72***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
4:15 PM	**14**	**0**	**21**	**14**	***49***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***
4:30 PM	13	0	15	14	*42*	0	0	0	0	*0*	0	0	0	0	*0*
4:45 PM	10	0	22	10	*42*	0	0	0	0	*0*	0	2	0	0	*2*
5:00 PM	6	0	19	15	*40*	0	0	0	0	*0*	0	2	0	0	*2*
5:15 PM	3	0	21	20	*44*	0	0	0	0	*0*	1	1	0	0	*2*
5:30 PM	10	0	20	16	*46*	0	0	0	0	*0*	1	0	0	0	*1*
5:45 PM	8	0	15	11	*34*	0	0	0	0	*0*	0	0	0	0	*0*
Count Total	142	0	268	210	*620*	0	0	0	0	*0*	2	5	0	0	*7*
Peak Hour	**64**	**0**	**90**	**85**	***239***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***

Three-Hour Count Summaries - Heavy Vehicles

Interval Start	I-205 EB Ramps				I-205 EB Ramps				N MacArthur Dr				N MacArthur Dr				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
3:00 PM	0	1	0	12	0	0	0	0	0	0	12	21	0	0	17	0	63	0
3:15 PM	0	2	1	12	0	0	0	0	0	0	12	21	0	2	20	0	70	0
3:30 PM	**0**	**2**	**0**	**10**	**0**	**0**	**0**	**0**	**0**	**0**	**9**	**11**	**0**	**3**	**18**	**0**	**53**	0
3:45 PM	**0**	**2**	**0**	**18**	**0**	**0**	**0**	**0**	**0**	**0**	**10**	**11**	**0**	**2**	**22**	**0**	**65**	251
4:00 PM	**0**	**3**	**0**	**15**	**0**	**0**	**0**	**0**	**0**	**0**	**14**	**14**	**0**	**2**	**24**	**0**	**72**	260
4:15 PM	**0**	**4**	**0**	**10**	**0**	**0**	**0**	**0**	**0**	**0**	**8**	**13**	**0**	**0**	**14**	**0**	**49**	**239**
4:30 PM	0	0	0	13	0	0	0	0	0	0	7	8	0	0	14	0	42	228
4:45 PM	0	2	0	8	0	0	0	0	0	0	13	9	0	1	9	0	42	205
5:00 PM	0	1	0	5	0	0	0	0	0	0	7	12	0	0	15	0	40	173
5:15 PM	0	0	0	3	0	0	0	0	0	0	6	15	0	2	18	0	44	168
5:30 PM	0	0	0	10	0	0	0	0	0	0	6	14	0	1	15	0	46	172
5:45 PM	0	0	0	8	0	0	0	0	0	0	0	15	0	1	10	0	34	164
Count Total	0	17	1	124	0	0	0	0	0	0	104	164	0	14	196	0	620	0
Peak Hour	**0**	**11**	**0**	**53**	**0**	**0**	**0**	**0**	**0**	**0**	**41**	**49**	**0**	**7**	**78**	**0**	**239**	**0**

Three-Hour Count Summaries - Bikes

Interval Start	I-205 EB Ramps			I-205 EB Ramps			N MacArthur Dr			N MacArthur Dr			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
3:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:30 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
3:45 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
4:00 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
4:15 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Note: U-Turn volumes for bikes are included in Left-Turn, if any.

B. SimTraffic Reports

Intersection: 1: N MacArthur Dr & I-205 WB Ramps

Movement	WB	WB	NB	NB	SB	SB
Directions Served	L	TR	L	T	T	R
Maximum Queue (ft)	290	102	204	136	139	62
Average Queue (ft)	149	46	102	47	54	22
95th Queue (ft)	252	79	184	97	116	42
Link Distance (ft)		976	228	228	544	
Upstream Blk Time (%)			0			
Queuing Penalty (veh)			0			
Storage Bay Dist (ft)	500					450
Storage Blk Time (%)						
Queuing Penalty (veh)						

Intersection: 2: N MacArthur Dr & I-205 EB Ramps

Movement	EB	EB	NB	NB	SB	SB
Directions Served	LT	R	T	R	L	T
Maximum Queue (ft)	249	78	149	232	112	233
Average Queue (ft)	104	57	54	110	43	111
95th Queue (ft)	194	74	118	197	98	230
Link Distance (ft)	1106		747	747	228	228
Upstream Blk Time (%)						1
Queuing Penalty (veh)						2
Storage Bay Dist (ft)		25				
Storage Blk Time (%)	18	35				
Queuing Penalty (veh)	45	19				

Network Summary

Network wide Queuing Penalty: 66

Intersection: 1: N MacArthur Dr & I-205 WB Ramps

Movement	WB	WB	NB	NB	SB	SB
Directions Served	L	TR	L	T	T	R
Maximum Queue (ft)	275	68	215	194	104	68
Average Queue (ft)	129	22	108	72	43	24
95th Queue (ft)	236	57	189	142	86	52
Link Distance (ft)		976	228	228	544	
Upstream Blk Time (%)			0	0		
Queuing Penalty (veh)			1	0		
Storage Bay Dist (ft)	500					450
Storage Blk Time (%)						
Queuing Penalty (veh)						

Intersection: 2: N MacArthur Dr & I-205 EB Ramps

Movement	EB	EB	NB	NB	SB	SB
Directions Served	LT	R	T	R	L	T
Maximum Queue (ft)	332	78	215	193	111	228
Average Queue (ft)	155	54	101	75	44	101
95th Queue (ft)	278	71	187	140	86	200
Link Distance (ft)	1106		747	747	228	228
Upstream Blk Time (%)						0
Queuing Penalty (veh)						1
Storage Bay Dist (ft)		25				
Storage Blk Time (%)	40	23				
Queuing Penalty (veh)	91	45				

Network Summary

Network wide Queuing Penalty: 138

Intersection: 10: N MacArthur Dr & I-205 WB Ramps

Movement	WB	WB	NB	NB	SB	SB
Directions Served	L	TR	L	T	T	R
Maximum Queue (ft)	401	154	227	103	133	66
Average Queue (ft)	174	48	109	41	46	21
95th Queue (ft)	324	151	193	85	107	44
Link Distance (ft)		976	228	228	544	
Upstream Blk Time (%)			1			
Queuing Penalty (veh)			1			
Storage Bay Dist (ft)	500					450
Storage Blk Time (%)	0	0				
Queuing Penalty (veh)	1	0				

Intersection: 11: N MacArthur Dr & I-205 EB Ramps

Movement	EB	EB	NB	NB	SB	SB
Directions Served	LT	R	T	R	L	T
Maximum Queue (ft)	295	76	212	283	121	241
Average Queue (ft)	118	58	69	117	38	129
95th Queue (ft)	229	74	157	226	94	253
Link Distance (ft)	1106		747	747	228	228
Upstream Blk Time (%)						2
Queuing Penalty (veh)						4
Storage Bay Dist (ft)		25				
Storage Blk Time (%)	17	39				
Queuing Penalty (veh)	49	20				

Network Summary

Network wide Queuing Penalty: 75

Intersection: 10: N MacArthur Dr & I-205 WB Ramps

Movement	WB	WB	NB	NB	SB	SB
Directions Served	L	TR	L	T	T	R
Maximum Queue (ft)	310	76	241	161	139	69
Average Queue (ft)	152	22	150	78	51	23
95th Queue (ft)	259	60	249	143	105	50
Link Distance (ft)		976	228	228	544	
Upstream Blk Time (%)			2	0		
Queuing Penalty (veh)			6	0		
Storage Bay Dist (ft)	500					450
Storage Blk Time (%)						
Queuing Penalty (veh)						

Intersection: 11: N MacArthur Dr & I-205 EB Ramps

Movement	EB	EB	NB	NB	SB	SB
Directions Served	LT	R	T	R	L	T
Maximum Queue (ft)	460	75	342	224	118	238
Average Queue (ft)	217	55	154	91	48	112
95th Queue (ft)	410	71	283	171	99	234
Link Distance (ft)	1106		747	747	228	228
Upstream Blk Time (%)						1
Queuing Penalty (veh)						2
Storage Bay Dist (ft)		25				
Storage Blk Time (%)	46	28				
Queuing Penalty (veh)	120	53				

Network Summary

Network wide Queuing Penalty: 182

C. Caltrans DEIR Comment Letter

CALIFORNIA STATE TRANSPORTATION AGENCY
GAVIN NEWSOM, GOVERNOR

California Department of Transportation

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June 2, 2022

10-SJ-205-PM R009.500
Tracy Alliance Project
Suvik, Zuriakat
SCH#2020080524

Victoria Lombardo
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

Dear Ms. Lombardo:

The California Department of Transportation appreciates the opportunity to review the proposed Mountain House Apartments. The project is located south of Interstate 205, east of Paradise Road, and north of Grant Line Road. The proposed project consists of the development of up to 3,352,320 square feet of warehouse and distribution and related uses on a total of approximately 191.18 acres. The site consists of six parcels under ownership by three separate parties: the Tracy Alliance Group owns two parcels (totaling approx. 122.44 acres), Suvik Farms, LLC owns three parcels (totaling approx. 46.61 acres), and Zuriakat owns one parcel (approx. 22.17 acres). The Department has the following comments: 1

1. There is a future project 205/Chrisman Road interchange currently in PA&ED. Please continue to work with Caltrans to ensure this warehouse proposal will not conflict with the ultimate build out of the 205/Chrisman Road interchange footprint. 2

2. Please submit a revised Traffic Impact Study (TIS) report with the following changes to Caltrans for review and comment prior to project approval. 3
   a. The TIS should include the following Analysis Scenarios.
      i. Existing Conditions.
      ii. Project Only Condition.
      iii. Existing Conditions plus Project.
      iv. Cumulative Conditions (Existing Conditions plus Other Approval and Pending Project without this project).
      v. Cumulative Conditions with this project.

vi. Synchro/Simtraffic version 10 electronic files should be included with the submittal. 3 CONT

b. The TIS shows I-205/MacArthur interchange is the only access from freeway to this facility. At this time the south site of the interchanges is signed for STAA however, with the significant truck use of this facility, the 95th Percentile queue length analysis using Simtraffic (Simtraffic 5 runs, four 15-minute intervals with 10-minute seeding period) is required to review for all scenarios above to ensure no traffic spillback to the mainline. It is the project proponent's responsibility to provide mitigations to avoid negative impacts to the mainline operation. 4

c. Please ensure the revised study clearly explains how the City's draft VMT per employee threshold is developed and is being met. 5

d. The study should explain how all the project trip distributions are derived. 6

e. The study should provide the supporting analysis documenting how the project's VMT per employee is derived. 7

f. Please clarify how the City's travel demand model is utilized in developing the cumulative volumes. 8

g. The revised study should cite the source of the Office of Planning and Research (OPR) guidance which allows the exclusion of truck trips from VMT impact analysis for clarification. 9

3. From the perspective of goods movement there exists concern with the access to the proposed project. The traffic study identifies a daily truck traffic volume of 1510 vehicles to and from the proposed project. This volume is anticipated to access the proposed project by the MacArthur Road / I-205 interchange, then travel south on MacArthur Road to Grant Line Road to the project. MacArthur Road is a terminal access route consistent with the standards of the Surface Transportation Assistance Act (STAA) of 1984. However, Grant Line Road is not, according to a 2019 map of truck routes in Tracy. As the proposed project is a warehouse, it will likely require access by STAA class truck, and the City of Tracy and the project proponent must address this. The applicant will be responsible for making the needed improvements to the highway and acquiring the appropriate STAA Terminal Access approvals. Terminal Access application procedures can be found at the following link: https://dot.ca.gov/programs/traffic-operations/legal-truck-access/ta-process 10

4. Since on-site mitigation measures are not able to significantly reduce the Vehicle Miles Traveled (VMT) impacts, off-site mitigation measures should be considered and implemented as these may be acceptable as an exchange. The City could collect fees and use toward offsite mitigations such as public transit, bicycle, and pedestrian improvements to help reduce VMT impacts. 11

5. The developer needs to ensure that the existing State drainage facilities will not be significantly impacted by the project. If historical undeveloped topography shows drainage from this site flowed into the State Right-of-Way, it may continue to do so with the conditions that peak flows may not be increased from the pre-construction quantity and the site runoff be treated to meet present storm water quality standards. Please submit to Caltrans would for review and comment the pre and post construction runoff calculations, basin calculations, and drainage plans to understand flow patterns prior to project approval. 12

6. An Encroachment Permit will be required for work (if any) done within Caltrans's right of way (ROW). This work is subject to the California Environmental Quality Act. Therefore, environmental studies may be required as part of the encroachment permits application. A qualified professional must conduct any such studies undertaken to satisfy Caltrans' environmental review responsibilities. Ground disturbing activities to the site prior to completion and/or approval of required environmental documents may affect Caltrans' ability to issue a permit for the project. 13

If you have any questions, please contact me at 209-483-2582 or Nicholas Fung at (209) 986-1552.

Sincerely,

Tom Dumas
Chief, Office of Metropolitan Planning

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CEQA Findings of Fact and Statement of Overriding Considerations Tracy Alliance Project City of Tracy, San Joaquin County, California

State Clearinghouse Number 2020080524

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Appendix A: Mitigation Monitoring and Reporting Program

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CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

1.1 - Introduction

The City of Tracy is the lead agency for the Tracy Alliance Project (State Clearinghouse [SCH] No. 2020080524) (proposed project). Having received, reviewed, and considered the EIR (as defined below) and other relevant information in the administrative record of proceedings, the Tracy City Council (City Council) hereby finds and adopts the findings set forth herein (collectively, "Findings") pursuant to the California Environmental Quality Act (CEQA) (California Government Code § 21000 *et seq*.) and the CEQA Guidelines (California Public Resources Code [PRC] § 15000 *et seq*.) (collectively, "CEQA").

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091:

> No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
>
> (a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (hereinafter referred to as "finding (1)").
>
> (b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (hereinafter referred to as "finding (2)").
>
> (c) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR (hereinafter referred to as "finding (3)").

The required findings shall be supported by substantial evidence in the record. (CEQA Guidelines § 15091(b)).

As discussed in more detail below, for those impacts that cannot be mitigated below a level of significance, if the public agency intends to approve the project, the public agency must find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects of the project. (CEQA Guidelines §§ 15092(b)(2)(B), 15093).

1.2 - Overview of the Statement of Findings

Based on the nature and scope of the proposed project, the City of Tracy, as lead agency, determined that the proposed project may have significant effects on the environment even after the application

of all feasible mitigation measures. Therefore, a Draft Environmental Impact Report, including attached appendices (collectively, Draft EIR), was prepared, noticed, published, circulated, reviewed and completed in full compliance with CEQA. The Draft EIR was circulated for public review and comment (as described further below), after which the City of Tracy prepared a Final EIR/Responses to Comments, including attached appendices (collectively, "Final EIR"). References herein to the "EIR" are to the collective documentation contained in the Draft EIR and Final EIR. This City Council has heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including, without limitation, the Draft and Final EIRs, and all oral and written evidence presented to it during the proposed project's entitlement process including, without limitation, evidence presented to it during all meetings and hearings on the matter. The EIR reflects the independent judgment of this City Council and is deemed adequate for purposes of making decisions on the merits of the proposed project.

The EIR for the proposed project identifies the effects on the environment which may occur as a result of the proposed project. Section 1.5 below sets forth the potential environmental effects which are not significant; because it has been determined that impacts would be less than significant, no mitigation is required. Section 1.6 below sets forth the potentially significant environmental effects that can feasibly be mitigated, as well as the feasible mitigation measures that would reduce them to less than significant levels. Section 1.7 below sets forth the potential environmental effects that cannot be mitigated to less than significant levels even after implementing all feasible mitigation measures, and therefore would remain significant and unavoidable. Section 1.8 summarizes the alternatives evaluated in the EIR and makes findings, with respect to each alternative, regarding its feasibility, its ability to achieve the project objectives, including whether and the extent to which it would lessen the significant environmental effects of the proposed project while still achieving most of the project objectives.

The following summarizes all significant effects of the proposed project and with respect to each environmental topic, makes one or more of the findings set forth in the Introduction above and states facts in support of such findings in accordance with CEQA's requirements.

The EIR as well as other documentation and materials set forth in the administrative record for the proposed project provide additional facts in support of these Findings. The mitigation measures set forth in the Mitigation Monitoring and Reporting Program (MMRP) (Attachment A) are incorporated by reference in these Findings, and the Findings in Sections 1.6 through 1.8 refer to individual mitigation measures as appropriate.

1.3 - Project Summary

Project Location

The 122.44-acre project site is located at the northeast corner of Grant Line Road and Paradise Road and consists of five Assessor's Parcel Numbers (APNs) 213-170-27, 213-170-24, -25, -26, and 213-170-14) (project site) held by three different ownership groups: the Tracy Alliance Group, the Suvik Farms Group, and the Zuriakat Group, respectively, in connection with individual development proposals. The entire project site is within unincorporated San Joaquin County, adjacent to the northeastern city

limits and within the City of Tracy's Sphere of Influence (SOI), 10-year planning horizon. The project site is directly east of the City's Northeast Industrial (NEI) Specific Plan boundary. The project site is bound by Interstate 205 (I-205) to the north, California Avenue to the northeast, Grant Line Road to the south, and Paradise Road to the west. In the EIR, and for purposes of these Findings of Fact and Statement of Overriding Considerations, the project site is described as consisting of three parcels: the Tracy Alliance parcel, the Suvik Farms parcel and the Zuriakat parcel, and the term "proposed project" means the development of all three parcels.

Project Description

The Tracy Alliance Group, Suvik Farms, LLC, and Zuriakat (co-applicants) are pursuing the proposed project, which consists, collectively, of the development of up to 3,352,320 square feet of warehouse and distribution and related development on a total of approximately 191.18 acres comprising six parcels. The six parcels consist of two Tracy Alliance parcels (totaling approximately 122.44 acres), three Suvik Farms, LLC parcels (totaling approximately 46.61 acres), and one Zuriakat parcel (approximately 22.17 acres).

The approximately 122 acres of the Tracy Alliance parcels would be developed with three buildings (Building A, Building B, and Building C) consisting of approximately 1,849,500 square feet of warehouse and distribution space (including ancillary office uses), approximately 12.51 acres of the Tracy Alliance land to be reserved to accommodate a portion of a planned interchange at Paradise Road and Interstate 205 (I-205),[1] and an approximately 12.44-acre stormwater detention basin area with pump station.

Development plans for the Suvik Farms, LLC parcels (identified as Suvik Farms parcels) and the Zuriakat parcel are not specified at this time. For the purposes of analysis in the EIR, buildout of these parcels is estimated to consist of a total of approximately 1,502,820 square feet of warehouse and distribution development, consistent with the maximum allowable density per acre identified in the NEI Specific Plan. Specifically, it is assumed that the Suvik Farm parcels would have a maximum building square footage of 1,023,660 square feet on approximately 46.61 acres of land area (50 percent floor area ratio [FAR]) and the Zuriakat parcel would have a maximum building square footage of 479,150 square feet on approximately 22.17 acres of land area (50 percent FAR). These parcels would be required to adhere to all applicable development standards and design guidelines, including those related to landscaping and parking.The entire proposed project includes demolition of 11 existing residential and agricultural structures on approximately four acres located at the southwestern corner of the Tracy Alliance parcels, removal of all crops, and construction of a warehouse facility. The proposed project would include landscaping consistent with all applicable City requirements, including, for example, approximately 110,000 square feet of landscaped areas associated with the site plan for the Tracy Alliance parcel. In connection with the individual development proposal for the Tracy Alliance parcels, the relevant site plan reflects approximately 1,134 automobile parking spaces, and approximately 572 trailer parking spaces. Parking for the

[1] As explained in the EIR, the potential impacts of constructing this future interchange would undergo a separate environmental review process pursuant to CEQA and National Environmental Policy Act (NEPA) once funding is programmed and available and once the ultimate design of the interchange is finalized; accordingly, the construction is not considered part of the proposed project (although the interchange is assumed to be in place as part of the cumulative conditions within the Transportation Impact Analysis prepared by Kimley Horn).

proposed project would be provided pursuant to applicable parking requirements of Tracy Municipal Code Chapter 10.08 Article 26; based on these requirements, the proposed project would be required to provide a total of approximately 1,153 automobile parking spaces. Trailer parking and bike parking spaces would also be provided pursuant to applicable City requirements and standards.

The proposed project would also include off-site roadway improvements, including a westbound right-turn lane at the intersection of Grant Line Road and North MacArthur Drive with a right-turn overlap of the signal phase as well as an additional second westbound left turn lane at the intersection of Chrisman Road and Eleventh Street with the signal timing being modified to allow a lagging phase for the eastbound left turn and northbound left turn. The City of Tracy General Plan designates the project site as Industrial. The project site would be annexed into the City of Tracy upon the Local Agency Formation Commission (LAFCo) approval and detached from the Tracy Rural Fire District; at such time as the reorganization is complete, the current San Joaquin County General Plan designation (A/UR) would no longer apply to the project site. Because the project site is already designated Industrial by the City of Tracy General Plan, no land use re-designation (General Plan Amendment) would be required. The proposed project would be consistent with this City land use designation, for the reasons set forth in the EIR. The proposed project is expected to employ a total of approximately 1,871 people at full buildout. Upon annexation, the Tracy Fire Department and South San Joaquin County Fire Authority (South County Fire) would provide fire protection services to the project site.

Project Objectives

The quantifiable objectives of the proposed project include the following:

- Development of approximately 165 acres of industrial uses (building and parking areas).
- Development of 12.44 acres of public facilities (storm basin).
- Reserve 12.51 acres for future Interchange at Paradise Road and I-205.
- Build a maximum of 3,352,320 square feet of employment-generating industrial uses.

Qualitative objectives for the proposed project are as follows:

- **Employment Opportunities:** Provide for local and regional employment opportunities that take advantage of the proposed project area's high level of accessibility, allow for the expansion of the City's economic base, help improve the jobs/housing balance, and reduce the commute for regional residents.
- **Transportation:** Provide an efficient circulation system, including reserving land for a future interchange at Paradise Road and I-205 (construction of the interchange will not be completed as part of the proposed project).
- **Public Facilities and Services:** Provide infrastructure and services that meet applicable City standards and integrate with existing and planned facilities.
- **Phasing:** Establish a logical phasing plan designed to ensure that each phase of development would include necessary public improvements required to meet applicable City standards.

1.3.3–Required Approvals

The following discretionary approvals and permits are required by the City for implementation of the proposed project:

- EIR Certification
- Prezoning to Northeast Industrial Specific Plan
- Northeast Industrial Specific Plan Amendment
- Development review permit(s)
- Tentative Parcel Map or Lot Line Adjustment as needed to create final development lots
- Resolution of City Initiation of Reorganization Proceedings
- Cancellation of the Williamson Act Contract on the Suvik Farms parcels (if required)

In addition, the following actions would be required by the City for implementation of the proposed project:

- Demolition permits
- Grading permits
- Building permits
- Certificates of occupancy

This list is representative and does not provide an exhaustive list of all subsequent City actions that may be necessary to implement the project.

In addition to the City, several other agencies will serve as Responsible and Trustee Agencies, pursuant to CEQA Guidelines Section 15381 and Section 15386, respectively. The EIR provides environmental information that may be required to grant approvals or to support coordination with other agencies as part of project implementation. These agencies may include, but are not limited to the following:

- United States Army Corps of Engineers
- United States Fish and Wildlife Service
- California Department of Fish and Wildlife
- California Department of Transportation
- California Public Utilities Commission
- Central Valley Regional Water Quality Control Board
- County of San Joaquin
- San Joaquin Local Agency Formation Commission

Actions by other agencies that are necessary to implement the project:

- Annexation of the project site into the City of Tracy (San Joaquin LAFCo)
- Detachment of the project site from Tracy Rural Fire District (San Joaquin LAFCo)
- Coverage under General Construction Stormwater Permit (California State Water Resources Control Board/Central Valley Regional Water Quality Control Board)

- Approval of Indirect Source Review (San Joaquin Valley Air Pollution Control District)
- Issuance of Encroachment Permits for roadway or utility improvements within facilities under the jurisdiction of the California Department of Transportation (Caltrans) or the County of San Joaquin may also be necessary.

1.4 - Procedural Background

The City prepared and published a Notice of Preparation (NOP) for public review and comment by responsible and trustee agencies, as well as other interested agencies, organizations and individuals, from August 28, 2020 to September 30, 2020. The NOP and copies of comments received are included as Appendix A to the EIR.

On September 9, 2020, a scoping meeting was held as a virtual meeting via WebEx. The meeting was held at 7:00 p.m. during which individuals and organizations/agency representatives were provided an opportunity to submit oral and written comments pertaining to environmental concerns related to the proposed project and the proposed scope of the environmental review process.

Pursuant to Public Resources Code Sections 21161 and 21092 as well as CEQA Guidelines Sections 15085 and 15087(b), on April 20, 2022, a Notice of Completion (NOC)/Notice of Availability (NOA) document and copies of the Draft EIR were distributed to the State of California Governor's Office of Planning and Research State Clearinghouse, to those public agencies that have jurisdiction by law with respect to the proposed project, or that exercise authority over resources that may be affected by the proposed project, and to other interested parties and agencies as required by law.

The Draft EIR was publicly available at the City of Tracy Department of Development and Engineering Services at 333 Civic Center Plaza, Tracy, CA, 95376, as well as the Tracy Branch Library at 20 East Eaton Avenue, Tracy, CA 95376. In addition, the Draft EIR was posted on the City of Tracy Department of Development and Engineering Services website at https://www.cityoftracy.org/our-city/departments/planning/specific-plans-environmental-impact-reports-and-initial-studies during the public review period. The Draft EIR was circulated for a public review period between April 20, 2022, and June 3, 2022, for 45 days.

A public meeting was held by the Planning Commission on May 25, 2022, at 333 Civic Center Plaza, which took place both virtually and in person. The meeting was held at 7:00 p.m. and interested individuals, organizations, and agency representatives were invited to provide oral and written comments on the Final EIR.

The City of Tracy received and evaluated numerous comments from other public agencies, as well as other interested organizations and individuals. After the close of the public review period for the Draft EIR, the City of Tracy prepared the Final EIR in accordance with CEQA, consisting of the comments received on significant environmental issues during the 45-day public review period on the Draft EIR, written responses to those comments, revisions to the Draft EIR, and an errata making minor, non-substantive changes to the Final EIR. The Final EIR was prepared and published on January 17, 2023. In accordance with applicable CEQA requirements, the responses to comments

contained in the Final EIR address all written and verbal comments on environmental issues received by the City during the 45-day public review period. In addition, although not required to do so under CEQA, for purposes of providing for full disclosure and to further facilitate the EIR serving as an informational document, the City elected, in its discretion, to respond to written comments received by the City after the close of the 45-day public review period.

As noted above, for purposes of these Findings, the "EIR" shall consist of the Draft EIR, all appendices attached to the Draft EIR, and the Final EIR (consisting of the Introduction, Errata, and Master and Individual Responses to Comments) and all appendices attached to the Final EIR. The conclusions and analyses set forth in the EIR are further supported by other documents and materials included in the administrative record.

1.5 - Statement of Findings

This City Council hereby finds that the EIR was prepared, published, circulated, reviewed and considered in accordance with CEQA and constitutes an accurate, adequate, objective and complete EIR. This City Council has exercised its independent judgment and analysis in evaluating the EIR. In exercising this judgment, this City Council has reviewed and considered the EIR and other relevant information in the administrative record including, without limitation, public testimony.

The City Council further finds, based on all of the evidence presented, including, without limitation, the EIR, written and oral testimony given at public meetings and hearings in connection therewith, and the submission of comments from interested individuals, organizations and other public agencies, as well as all other relevant information in the administrative record, the following environmental impacts associated with the proposed project are: (1) less than significant and do not require mitigation; or (2) potentially significant but will be avoided or reduced to a level of insignificance through the identified mitigation measures; or (3) significant and cannot be fully mitigated to a level of less than significant but will be substantially lessened to the extent feasible by the identified mitigation measures.

This City Council concludes that implementation of the proposed project could result in potentially significant and adverse environmental impacts as described in Section 1.7. As discussed herein, this City Council is required to make certain findings with respect to these impacts pursuant to CEQA Guidelines Section 15091. Accordingly, this City Council hereby makes these required Findings, as set forth in this document. Among other things, these Findings summarize the environmental determinations about the proposed project's significant impacts before and after mitigation, and summarize the proposed project's individual and cumulative impacts. These Findings do not attempt to describe the full analysis of each environmental impact. Instead, they provide a summary description of each significant impact and the applicable mitigation measures identified in the EIR and adopted by this City Council (as reflected in the MMRP) and state the conclusions regarding the significance of each impact after incorporation of the identified mitigation measures. A comprehensive explanation of these environmental impact conclusions can be found in the EIR, as supplemented and explained in staff reports and materials presented by the project applicants, City of Tracy staff, and various project consultants, and other relevant materials in the administrative record.

The EIR contains substantial evidence to support all the conclusions presented in these Findings.

As reflected in certain comments, there is disagreement among various parties regarding particular conclusions in the EIR. CEQA and relevant case law interpreting the CEQA statute and Guidelines provide the standards for the treatment of disagreement among experts in the context of an EIR, as follows: Where evidence and opinions conflict on an issue concerning the environment, and the lead agency knows of these controversies in advance, the EIR and/or related findings must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information on the controversy. In making a decision on a project where there is disagreement among experts, the lead agency is not obligated to select the viewpoint that purports to be the most environmentally sensitive. Instead, in the context of an EIR, such as the case at hand, decision-makers are vested with the discretion to weigh expert opinion and choose which they intend to rely on and are not required to resolve a dispute among experts. In their proceedings, decision-makers must consider comments received concerning the adequacy of the EIR and address any objections raised in these comments pursuant to CEQA's mandate to facilitate disclosure and informed decision-making. However, decision-makers are not obligated to follow any directives, recommendations, or suggestions presented in comments on an EIR, and can certify an EIR without needing to resolve disagreements among experts.

In making its decision to certify the EIR and approve the proposed project, this City Council recognizes that a range of technical and scientific opinion exists with respect to certain environmental issues, including air quality and greenhouse gas (GHG) emissions impacts, among others. This City Council has acquired a comprehensive and well-rounded understanding of the range of this technical and scientific opinion by its review of the EIR; as well as by its review of the information provided by the experts who prepared the EIR; the City's other consultants and its staff; along with testimony, letters, reports, and other relevant materials in the administrative record, as well as its own experience and expertise in these matters. The materials reviewed by this City Council include conflicting expert opinions and conflicting interpretations of facts, as well as other comments on the environmental issues set forth in the EIR. This comprehensive review has enabled this City Council to make its decisions after weighing and considering the various viewpoints on these important issues, and this City Council has made determinations of significant effects based on substantial evidence, not public controversy or speculation. Accordingly, this City Council hereby certifies that its Findings and determinations are based on all of the evidence contained in the EIR, as well as the evidence and other information in the record addressing the environmental impacts of the proposed project, and hereby elects to rely on the analysis and evidence set forth in the EIR.

The EIR is incorporated into these Findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the proposed project despite the potential for associated significant and unavoidable adverse impacts.

This City Council hereby adopts, and incorporates as enforceable conditions of approval of the proposed project, the mitigation measures set forth in the Mitigation, Monitoring and Reporting Program (MMRP) (Attachment A), which has been prepared in accordance with CEQA Guidelines Section 15097. This City Council adopts this MMRP as it pertains to the proposed project and finds

that the mitigation measures set forth in the MMRP will reduce or avoid the potentially significant environmental effects of the proposed project to the extent feasible for the reasons described in the EIR. In the event a mitigation measure recommended in the EIR has inadvertently been omitted from the MMRP, this City Council hereby adopts such mitigation measure(s) as stated in the EIR and hereby incorporates said mitigation measure into these Findings by reference.

The mitigation measures as set forth in the MMRP are being made enforceable as conditions of approval. Accordingly, changes or alterations have been required in, or incorporated into the proposed project, which avoid or substantially lessen the significant environmental effects identified in the EIR. The proposed project has several significant and unavoidable impacts, as discussed further in Section 1.8 below.

Various measures were suggested by commenters as proposed additional mitigation measures or modifications to the mitigation measures identified in the EIR. Other comments requested mitigation measures for impacts that were determined by the City to be less than significant or requested additional mitigation measures for impacts that were already determined by the City to be reduced to a less than significant level by the proposed mitigation measures. These requests are declined as unnecessary except as otherwise set forth in the Final EIR. This City Council adopts the reasons set forth in the EIR and as otherwise further supported by materials and other information in the administrative record as its grounds for rejecting the suggested adoption of new mitigation measures beyond those detailed in the Final EIR.

In addition, certain commenters suggested that additional analyses be completed and/or that analyses be conducted utilizing different modeling, methodologies, thresholds and/or assumptions. These requests are declined as unnecessary except as otherwise set forth in the Final EIR. This City Council adopts the reasons set forth in the EIR and as otherwise further supported by materials and other information in the administrative record as its grounds for rejecting the suggested additional and/or modified analyses beyond that which is detailed in the Final EIR.

Regarding the potential for growth-inducing impacts of the proposed project, this City Council adopts the conclusions set forth in the EIR, including but not limited to the conclusions in Section 5.2 (Growth-Inducing Effects), based upon the evidence and reasoning they reflect, and adopts the findings as set forth in Section 1.10 below.

With respect to the potential significant and irreversible environmental effects of the proposed project, this City Council hereby adopts the conclusions set forth in the EIR, including but not limited to the conclusions in Section 3.16 (Utilities and Service Systems), Section 3.6 (Energy), and Section 5.3 (Significant Irreversible Changes), based upon the evidence and reasoning they reflect, and adopts the findings as set forth in Section 1.11 below.

1.6 - Potential Environmental Effects Which are Not Significant Without Mitigation

Based on the information in the administrative record of proceedings, including the EIR, the following environmental effects are found to be less than significant, and therefore do not trigger the need for any mitigation. (CEQA Guidelines § 15091)

The section numbering used below is the same numbering used in the EIR. In addition to the supporting information presented below, please refer to the EIR, under separate cover, for greater detail.

To provide more meaningful public disclosure, reduce the time and cost required to prepare an environmental impact report, and focus on potentially significant effects on the environment of a proposed project, the EIR focuses on those potential effects on the environment of the proposed project which the City of Tracy has determined are or may be significant. Accordingly, consistent with Public Resources Code Sections 21100 and 21002.1 and CEQA Guidelines Section 15128s, the EIR focused its analysis on potentially significant and significant impacts. For other impacts for which it can be seen with certainty there is no potential for significant adverse environmental impacts, the EIR has limited discussion on these other effects to a brief explanation as to why those effects are not potentially significant.

Accordingly, this City Council, based on the evidence and reasoning set forth in the EIR, finds that there are no mineral resource recovery sites or known mineral resources on or in the vicinity of the project site; therefore, there are no impacts to mineral resources (Draft EIR, Page 4-1). Because the proposed project is industrial in nature and would not develop single-family or multi-family residential uses, no direct population growth would be expected to occur because of the proposed project; therefore, there would be no impacts to Population and Housing (Draft EIR, Page 4-2). Additionally, because the quantity of existing visitors and total facility usage would not likely increase significantly as a result of the proposed project, the City Council finds there would be no impacts to Parks and Recreation (Draft EIR, Page 4-3).

The EIR discusses and analyzes all other environmental topical areas for potential impacts. CEQA Guidelines Section 15091 does not require specific findings to address environmental effects that an EIR identifies as “no impact” or a “less than significant” impact and for which no mitigation is necessary. Nevertheless, based on its independent judgment and the entire administrative record before it, this City Council finds that the following potential environmental effects would not be significant and no mitigation is necessary for the reasons stated below and as further detailed in the EIR.

1.6.1 - Aesthetics

Potential Effect

Impact AES-1: The proposed project would not have a substantial adverse effect on a scenic vista. (Draft EIR, Page 3.1-15).

Findings: Less than significant impact.

Facts in Support of Findings: The General Plan identifies scenic resources, rather than scenic vistas. During construction, views of scenic resources could be impacted because of construction vehicles and dust generated from construction of the proposed project. Scenic resources include views of the Diablo Range, natural landscapes surrounding the Paradise Cut, Old River, Tom Paine Sloughs, expansive agricultural areas and hillside areas, as well as views from the exits on I-205 off MacArthur Drive, Tracy Boulevard, Grant Line Road and Eleventh Street, and exits from I-580 at Lammers Road and Corral Hollow Road. The scenic resources visible from the project site and from adjacent, publicly accessible roadways (Grant Line Road, Paradise Road, and California Avenue) include views of the "entry corridors" from eastbound I-205 off MacArthur Drive, views of expansive agricultural lands, and views of the Diablo Range to the west.

Construction of the proposed project would obstruct, to a certain degree, views of expansive agricultural lands on and adjacent to the project site from these roadways. Though the project site is located far from the Diablo Range (approximately 9 miles to the east of the range), the Diablo Range is still visible from California Avenue. Views of expansive agricultural lands or views of the Diablo Range from California Avenue would only be partially obstructed while the structures of the buildings are being erected. Dust caused by construction would be kicked up intermittently throughout the day but would not obstruct these views for long periods of time, and any such minor impacts would be reduced by dust control measures to which the applicants for individual development proposals would be required to adhere. Therefore, construction of the proposed project would not result in a substantial impact to publicly accessible views from certain roadways of certain scenic resources (expansive agricultural lands and certain views of the Diablo Range) as defined in the General Plan.

The area surrounding the project site is a transition zone between rural and agricultural lands to an urban environment, and the General Plan seeks to enhance the City's identity by creating a soft transition between urban and non-urban uses around the edge of the City. Techniques used to achieve this goal are addressed in Goal CC-4, which recommends the use of buffer zones and landscaping to create appropriate transitions. The proposed project would be required to adhere to this goal and associated policies.

During operation, the buildings would not significantly interrupt views from the entry corridor off MacArthur Drive because of the distance to those corridors as well as intervening development and trees, all of which would remain, and drivers along I-205 are considered to have a relatively low sensitivity because of the speed of travel along the highway.

The proposed project would provide setbacks, and the proposed buildings would be similar in height to the existing industrial development located between the publicly accessible roadways and the Diablo Range. In addition, pursuant to the NEI Specific Plan, the maximum height for the proposed buildings would be 60 feet. Even with the setback and adherence to applicable development standards and design guidelines, given the change in the project site from expansive agriculture land to a large industrial site and the proximity of the project site to Grant Line Road, Paradise Road, and California Avenue, operation of the proposed project would impact views of expansive agricultural

lands on and adjacent to the project site from publicly accessible roadways. However, this type of change was envisioned by the City in the General Plan and is in keeping with the General Plan goals, objectives and policies described above, as well as other surrounding urbanized uses in the general vicinity.

The proposed project would result in further obstruction of views of the Diablo Range from drivers along California Avenue; however, this roadway is considered to have a low sensitivity because of the typical speed of travel. In addition, this type of industrial development would be a continuation of the type of development that was envisioned by the General Plan and the already increasingly urbanized nature of the general vicinity (Draft EIR, Page 3.1-15–17). The proposed project's impacts would be less than significant. No mitigation is necessary.

Potential Effect

Impact AES-2: The proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway. (Draft EIR, Page 3.1-17).

Findings: Less than significant impact.

Facts in Support of Findings: I-580 is officially designated as a State Scenic Highway between I-205 and I-5 and is the nearest State Scenic Highway from the project site. The project site is located approximately 7.2 miles northeast of I-580 and is not visible from that highway. Intervening trees and development, all of which would remain, would obscure the project site from being viewed from this portion of the highway. Therefore, the proposed project would not substantially damage any scenic resources during construction or operation. The proposed project's impacts would be less than significant. No mitigation is necessary.

Potential Effect

Impact AES-3: The proposed project is in an urbanized area. The proposed project would not conflict with applicable zoning and other regulations governing scenic quality. (Draft EIR, Page 3.1-18–19).

Findings: Less than significant impact.

Facts in Support of Findings: The proposed project is in an urbanized area. Primary land uses allowed under this designation consist of flex/office space, manufacturing, warehousing and distribution, and ancillary uses for workers' needs (e.g., restaurants, parks, consumers services, etc.). The maximum allowed FAR is 0.5. The project site is not currently within City limits although it is within the City's current SOI (10-year planning horizon); accordingly, the City of Tracy does not currently provide a zoning designation for the project site, although the City has designated the project site as "Industrial" in its General Plan. The co-applicants are requesting prezoning to a designation of NEI Specific Plan and an amendment to the boundaries of the NEI Specific Plan to include the project site.

Pursuant to the NEI Specific Plan, the maximum height for the proposed project would be 60 feet (similar to other industrial buildings in the area) and the proposed buildings would not be allowed to

exceed this height. This height would also be consistent and thus compatible with adjacent existing industrial uses to the south and west. The proposed project would be required to adhere to General Plan Goal CC-4 and associated policies, including the use of a buffer zone and landscaping, which could be provided by the proposed stormwater detention basin. The proposed buildings would be set back (by at least 10 feet) from California Avenue, which would provide a transition between the residential uses and agricultural lands adjacent to the project site. The proposed project would be required to comply with applicable General Plan and NEI Specific Plan design guidelines, policies and development standards set forth therein to ensure consistency and enhance overall visual compatibility with surrounding existing and planned uses (Draft EIR, Page 3.1-18–19). The proposed project's impacts would be less than significant. No mitigation is necessary.

Potential Effect

Impact AES-4: The proposed project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. (Draft EIR, Page 3.1-19).

Findings: Less than significant impact.

Facts in Support of Findings: Construction-related impacts would include a certain amount of light and glare from construction equipment and machinery as well as nighttime security lighting. However, light and glare during the construction phase would be temporary and limited to the duration of construction. Pursuant to Section 4.12.820 of the Municipal Code, construction activities would be limited to the hours of 7:00 a.m. and 10:00 p.m. on weekdays or between the hours of 7:00 a.m. and 10:00 p.m. on weekends and federal holidays, which would limit the amount of nighttime construction lighting. Though there would be some nighttime lighting, it would not occur during the most sensitive time period (after 10:00 p.m.) when sleeping activities would most likely occur.

The project site contains minimal existing light and glare due to the small amount of existing development on-site. Additional exterior lighting would be located around and within the project site for security and safety reasons. As a result, the proposed project would increase the amount of light and glare on the project site. The light fixtures used for the proposed project would meet all applicable standards pursuant to the latest adopted edition of the California Building Standards Code (CBC) and would be installed throughout the length of the New Private Drive pursuant to applicable provisions of the Municipal Code. The proposed project would be required to adhere to all applicable development standards and design guidelines provided in the NEI Specific Plan intended to reduce daytime glare and nighttime lighting. Project signage would be required to conform to the applicable requirements of Municipal Code Chapter 10.08, Article 35, except as modified by the NEI Specific Plan. A site-specific sign program would be prepared and integrated into the total design concept for each individual development proposal within the proposed project, and all signs would be approved prior to installation. Sign illumination would be confined to the area of the sign except when such illumination is back lighting for an otherwise non-illuminated sign. No sign illumination would cast a glare which is visible from any street. Landscaping would further reduce light spillage off-site and help to block glare from significantly impacting nearby uses to the extent feasible.

Windows installed as part of the proposed project could result in glare, although it would be partially obscured by landscaping. Glare may also occur from on-site vehicles; however, such glare would be transient. Because of the proposed project's location adjacent to other existing urban development, the proposed project would not add significant nighttime lighting or glare in an area with no existing lighting impacts. (Draft EIR, Page 3.1-19–20). The proposed project's impacts would be less than significant. No mitigation is necessary.

Cumulative Impact

The proposed project's cumulative impacts related to aesthetics would be less than significant. (Draft EIR, Page 3.1-21).

Findings: Less than significant impact.

Facts in Support of Findings: The relevant geographic scope of review is within the immediate vicinity surrounding the project site. This is the area within view of the proposed project. The cumulative setting includes relevant past, present and reasonably foreseeable future development. There are three probable future cumulative projects located within 1 mile of the project site. The cumulative projects are subject to applicable City Code provisions, development standards and design policies and guidelines related to building heights, setbacks, undergrounding of utilities, landscaping, signage, and permitted land uses as described in the EIR, which would serve to reduce visual impacts to a certain extent. The past, present and reasonably foreseeable cumulative projects would be consistent with the types of projects envisioned in the General Plan, would reflect the increasingly urbanized nature of this area, and would adhere to all applicable regulations and policies. As described above, the proposed project would not result in significant impacts with respect to visual character and views and would not have a cumulatively considerable contribution to the already less than significant cumulative impact.

Existing and new buildings associated with the existing and foreseeable cumulative projects could result in an increase in light and glare impacts on surrounding uses. Because these cumulative projects would be adjacent to other existing urban development, they would add significant nighttime lighting or glare in an area with relatively limited existing lighting. The cumulative projects are required to adhere to all applicable development standards and design guidelines provided in the NEI Specific Plan intended to reduce daytime glare and nighttime lighting; the City would confirm consistency with these requirements as part of the development review process. Therefore, there is a less than significant cumulative impact to light and glare. As discussed above, the proposed project would have a less than significant impact with respect to light and glare and its contribution to the already less than significant cumulative impact would not be considered cumulatively considerable.

The proposed project combined with the relevant cumulative projects would include sources of daytime glare such as direct beam sunlight and reflections from windows, architectural coatings, glass, and other reflective surfaces. Nighttime illumination would include stationary sources such as structure lighting and decorative landscaping, lighted signs, solar panels, and streetlights. Mobile nighttime sources would primarily be from headlights from motor vehicles. As described above, the proposed project would be adding a certain amount of lighting and glare in an area with relatively

limited existing lighting, but would be required to adhere to all applicable development standards provided in the NEI Specific Plan intended to reduce daytime glare and nighttime lighting. Accordingly, the proposed project would not result in a cumulatively considerable contribution to the already less than significant cumulative impact (Draft EIR, Page 3.1-20–21).

1.6.2 - Agriculture and Forestry Resources

Potential Effect

Impact AG-2: The proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act Contract (Draft EIR, Page 3.2-9).

Findings: Less than significant impact.

Facts in Support of Findings: The existing zoning for the project site is AG-40 under the County's General Plan. However, the co-applicants are requesting prezoning to "Northeast Industrial (NEI) Specific Plan," which would take effect upon annexation into the City. The prezoning allows for the proposed industrial use, and the change in zoning from AG-40 under the County's General Plan to NEI Specific Plan zoning would ensure there is no conflict with existing zoning.

The Suvik Farms parcels are covered by an active Williamson Act Contract; none of the other land within the project site is covered by an active Williamson Act Contract. Pursuant to the applicable provisions of the California Government Code, the Suvik Farms landowners initiated a Notice of Nonrenewal in 2017 for the contract, beginning a 9-year process to formally expire the contract. Based on the date of the Notice of Nonrenewal, the contract will expire on August 21, 2026. Additionally, State law provides a detailed procedure to terminate a Williamson Act Contract. Accordingly, should development of the Suvik Farms parcels be pursued prior to the Williamson Act Contract expiration date, then pursuant to the provisions of the Williamson Act, the applicant for the development of the Suvik Farms parcels would be required to petition the City Council for cancellation, or agree to the imposition of a condition of approval such that no permit for development on the Suvik Farms parcels would be issued prior to the August 21, 2026, expiration date. Accordingly, because the Suvik Farms parcels applicant would be required to follow applicable provisions of State law, the proposed project would not result in any conflicts with a Williamson Act Contract (Draft EIR, Page 3.2-9–10). The proposed project's impacts would be less than significant. No mitigation is necessary.

Potential Effect

Impact AG-3: The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. (Draft EIR, Page 3.2-10).

Findings: No impact.

Facts in Support of Findings: The project site does not contain any forest land or timberland, as defined by Public Resource Code Section 4526, nor does it contain any timberland zoned Timberland Production, as defined by Government Code Section 51104(g). This condition precludes the

possibility of the proposed project conflicting with forest zoning of forest land or timberland (Draft EIR, Page 3.2-10). The proposed project would have no impact. No mitigation is necessary.

Potential Effect

Impact AG-4: The proposed project would not result in the loss of forest land or conversion of forest land to non-forest use. (Draft EIR, Page 3.2-10).

Findings: No impact.

Facts in Support of Findings: The project site is adjacent to urbanized, industrial land uses (with these surrounding uses also not containing any forest land) and does not contain any forest land. This condition precludes the possibility of the proposed project converting forest land to non-forest use (Draft EIR, Page 3.2-10). The proposed project would have no impact. No mitigation is necessary.

Potential Effect

Impact AG-5: The proposed project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to non-forest use. (Draft EIR, Page 3.2-11)

Findings: Less than significant impact.

Facts in Support of Findings: The County of San Joaquin zones areas north, east, and south of the project site (outside City limits) as AG-40, General Agriculture (40 acres), and designates these lands under the County General Plan as General Agriculture (A/G). Similar to the project site, the land directly northwest of the project site (north of I-205) is within the City's SOI and is designated Industrial by the City's General Plan. For this land to be converted to nonagricultural uses, it would need to be annexed into the City of Tracy (or seek the appropriate discretionary approvals from the County to modify the agricultural land use and zoning designations) and would require the completion of CEQA analysis prior to the discretionary approval of any urban development. However, the proposed project does not include the annexation of these lands and, therefore, would not result in a change in the existing environment that could result in conversion of Farmland to nonagricultural use. Though there is a possibility this land would be converted to nonagricultural uses in the future, the proposed project would not be the cause of that conversion. Moreover, the proposed project would be required to adhere to applicable Right-to-Farm provisions described above, which would help to avoid any potential land use incompatibility issues that could otherwise facilitate the eventual conversion of other agricultural lands. The project site is adjacent to urbanized, industrial land uses and does not contain any forest land. This condition precludes the possibility of the proposed project converting forest land to non-forest use (Draft EIR, Page 3.2-11). The proposed project's impacts would be less than significant or no impact. No mitigation is necessary.

1.6.3 - Air Quality

Potential Effect

Impact AIR-4: The proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. (Draft EIR, Page 3.3-52).

Findings: Less than significant impact.

Facts in Support of Findings: Odor impacts occur when a new odor source is located near an existing sensitive receptor or when a new sensitive receptor locates near an existing source of odor. Impacts to new receptors is generally outside the scope of CEQA review but is included in the Draft EIR analysis for informational purposes.

Land uses that are typically identified as sources of objectionable odors include landfills, transfer stations, sewage treatment plants, wastewater pump stations, composting facilities, feed lots, coffee roasters, asphalt batch plants, and rendering plants. The proposed project would not involve any of these or similar activities. Therefore, the proposed project would not be considered to have the potential to expose nearby persons to substantial sources of objectionable odors.

During construction, the various diesel-powered vehicles and equipment in use on-site would create localized odors. These odors would be temporary and would not likely be noticeable for extended periods of time beyond the project's site boundaries. The proposed project would neither constitute a land use which would generate odors affecting a substantial amount of people nor place new sensitive receptors that could be affected by any existing odor sources (Draft EIR, Page 3.3-52–53). The proposed project's impacts would be less than significant. No mitigation is necessary.

1.6.4 - Biological Resources

Potential Effect

Impact BIO-2: The proposed project would not have a substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or United Sates Fish and Wildlife Service. (Draft EIR, Page 3.4-26).

Findings: Less than significant impact.

Facts in Support of Findings: A small portion of the project site contains approximately 0.07 acre of cattail marsh. The majority of the cattails consisted of broadleaf cattails; this vegetation type is not classified as a sensitive natural community, but rather a California Natural Community by the California Department of Fish and Wildlife (CDFW) (Type 52.050.04–Typha [*latifolia, angustifolia*]) and is not applicable to this resource category. The project site does not contain any riparian habitat or sensitive natural communities identified in local or regional plans, policies, or regulations, by the CDFW or United States Fish and Wildlife Service (USFWS) (Draft EIR, Page 3.4-26–27). The proposed project's impacts would be less than significant. No mitigation is necessary.

Potential Effect

Impact BIO-4: The proposed project would not substantially interfere with the movement of 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. (Draft EIR, Page 3.4-29).

Findings: Less than significant impact.

Facts in Support of Findings: The project site is surrounded by industrial developments and is situated in a semi-urban landscape with high amounts of traffic from local industrial operations. Further, I-205 separates the project site from the closest wildlife corridor to the north, and I-5 and Business I-205 preclude non-volant wildlife movement from the east and southeast. The project site is not part of or within a wildlife movement corridor and, for this reason, impacts would be less than significant under CEQA (Draft EIR, Page 3.4-29–30). No mitigation is necessary.

Potential Effect

Impact BIO-5: The proposed project would not conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (Draft EIR, Page 3.4-30).

Findings: No impact.

Facts in Support of Findings: The proposed project would be required to adhere to the relevant provisions of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP ensures that potential impacts for covered species are mitigated below a level of significance in compliance with CEQA as well as the Endangered Species Act and California Endangered Species Act (CESA). Therefore, the proposed project would be subject to compliance to the SJMSCP, which may include payment of development fees and implementation of other identified mitigation measures (Draft EIR, Page 3.4-30–31). The proposed project would have no impact. No mitigation is necessary.

Potential Effect

Impact BIO-6: The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan. (Draft EIR, Page 3.4-30)

Findings: Less than significant impact.

Facts in Support of Findings: Because the project site is located within the SJMSCP Planning Area, and the City is a signatory to the SJMSCP, the proposed project would be required to adhere to the relevant provisions of the SJMSCP. Participation in the SJMSCP ensures that potential impacts for covered species are mitigated below a level of significance in compliance with CEQA as well as the Endangered Species Act and CESA. Therefore, the proposed project would be subject to compliance with the SJMSCP, which may include payment of development fees for the conversion of lands that may provide habitat for covered special-status species as well as implementation of other identified mitigation measures. Implementation of the SJMSCP would ensure that specific impacts to listed

species are less than significant under CEQA. Additionally, any potential conflicts with the SJMSCP would be limited to the construction phase of the proposed project, and construction would need to proceed in accordance with all applicable laws and regulations including those set forth in the SJMSCP. Therefore, no impacts related to conflicts with the SJMSCP would occur. Impacts would be less than significant.

1.6.5 - Energy

Potential Effect

Impact ENER-1: The proposed project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. (Draft EIR, Page 3.6-22).

Findings: Less than significant impact.

Facts in Support of Findings: For purposes of a conservative analysis, the anticipated construction schedule for all three phases of development was assumed to begin in April 2022 and conclude in March 2025. Construction equipment is estimated to consume a total of approximately 446,864 gallons of diesel fuel over the entire construction duration. In total, the proposed project is estimated to generate approximately 2,937,391 Vehicle Miles Traveled (VMT) and a combined approximately 155,123 gallons of gasoline and diesel for vehicle travel during construction. Equipment could include singlewide mobile office trailers, which are commonly used in construction staging areas and generally range in size from 160 square feet to 720 square feet. A typical 720-square-foot office trailer would consume approximately 21,562 kWh during the 3-year construction phase. Limitations on idling of vehicles and equipment along with requirements that equipment be properly maintained would result in fuel savings. Similarly, compliance with applicable State laws and regulations would limit idling from both on-road and off-road diesel-powered equipment and are part of a comprehensive regulatory framework that is implemented by the California Air Resources Control Board (ARB). Additionally, as a practical matter, it is reasonable to assume that the overall construction schedule and process would be designed to be as efficient as feasible in order to avoid excess monetary costs. For example, equipment and fuel are not typically used wastefully due to the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for further future efficiency gains during construction are limited. For the foregoing reasons, it is anticipated that the construction phase of the proposed project would not result in wasteful, inefficient, and unnecessary consumption of energy.

During operation, the proposed project would consume energy as part of building operations and transportation activities. Project energy consumption is summarized in Table 3.6-1 of the Draft EIR (Draft EIR, Page 3.6-23). Operation of the proposed project would consume an estimated 16,056,160 kWh of electricity and an estimated 21,072,650 kBTU of natural gas on an annual basis. The proposed project's buildings would be designed and constructed in accordance with the City's latest adopted energy efficiency standards, which are based on the State's Title 24 Energy Efficiency Standards for Nonresidential Buildings and Green Building Code Standards. The proposed project would be required to incorporate electrical conduit to facilitate future installation of electric vehicle (EV) charging infrastructure, and would be required to design the proposed buildings to structurally

accommodate future installation of a rooftop solar system. As such, the design of the proposed project would facilitate the future commitment to renewable energy resources. Therefore, building energy consumption would not be considered wasteful, inefficient, or unnecessary.

Project-related vehicle trips would consume an estimated 805,478 gallons of gasoline and diesel annually. The proposed project would include the installation of bicycle parking fixtures at 5 percent of the proposed automobile parking spaces, encouraging the use of alternative modes of transportation for worker commutes. Regional access to the project site is provided via US Interstate 205, which borders the project site. Moreover, the proposed project would be required to implement various Transportation Demand Management (TDM) strategies that would contribute to fuel savings through incentives for project staff to utilize nonmotorized transportation modes. Thus, transportation fuel consumption would not be wasteful, inefficient, or unnecessary (Draft EIR, Page 3.6-22–24). The proposed project's impacts would be less than significant or no impact. No mitigation is necessary.

Potential Effect

Impact ENER-2: The proposed project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. (Draft EIR, Page 3.6-24).

Findings: Less than significant impact.

Facts in Support of Findings: The proposed project would be served with electricity provided by Pacific Gas and Electric Company (PG&E). In 2018, PG&E's electricity-generating portfolio contained 39 percent electricity generated from renewable sources. The utility is required to meet the future objective of 60 percent of electricity from renewable energy sources by 2030. The buildings would be required to be designed in accordance with all applicable laws and regulations including the provisions of Title 24, California's Energy Efficiency Standards for Nonresidential Buildings and Title 24, Green Building Code Standards.

The City's Sustainability Action Plan and General Plan contain goals, objectives and policies related to energy conservation. Compliance with applicable Title 24 standards would ensure that the proposed project would not conflict with any of the Sustainability Action Plan energy conservation policies related to the proposed project's building envelope, mechanical systems, and indoor and outdoor lighting. The proposed project would be required to comply with applicable State energy standards and with energy conservation policies contained in the Tracy Sustainability Action Plan. As such, the proposed project would not conflict with or obstruct the applicable State plans and policies for renewable energy and energy efficiency (Draft EIR, Page 3.6-24–25). The proposed project's impacts would be less than significant. No mitigation is necessary.

Cumulative Impact

The proposed project's cumulative impacts related to energy would be less than significant. (Draft EIR, Page 3.6-26).

Findings: Less than significant impact.

Facts in Support of Findings

Electricity and Natural Gas

The geographic scope of the cumulative energy analysis is the portion of PG&E's service area that covers incorporated and unincorporated San Joaquin County. During operation, the buildings and other improvements that would be constructed as part of the various cumulative projects would be required to be designed in accordance with Title 24, California's Energy Efficiency Standards for Residential and Nonresidential Buildings as applicable. Future cumulative development would also be required to meet even more stringent energy efficiency requirements through local and Statewide policy. Furthermore, PG&E, which supplies electricity to the project site and vicinity, would be required by Senate Bill (SB) 100 to incrementally increase the proportion of renewable electricity generation supplying its in-state retail sales until it reaches 100 percent carbon-free electricity generation by 2045. Electricity consumed during construction of the cumulative projects would also be subject to the renewable electricity generation requirements established by SB 100, as PG&E would be the anticipated electricity supplier for the cumulative project areas. Similarly, the proposed project's energy use would be limited to that which is necessary for the construction and operation of the proposed project. As discussed above, the proposed project would be required to comply with applicable Statewide and local policies and standards pertaining to energy efficiency and can reasonably be assumed to pursue greater energy efficiencies to the extent commercially practicable in its operation, in the interest of reducing operating costs.

Fuel

Cumulative projects would be required to comply with California Code of Regulations Title 13, Sections 2449(d)(3) and 2485, which limit idling from both on-road and off-road diesel-powered equipment and are enforced by the ARB. Additionally, various federal and State regulations, including the Low Carbon Fuel Standard (LCFS), Pavley Clean Car Standards, and Low Emission Vehicle (LEV) Program, would serve to reduce the transportation fuel demand of cumulative projects. The proposed project would consume vehicle fuel during both construction and operation. The proposed project would also be required to use fuels which conform to various federal and State regulations, such as the LCFS, Pavley Clean Car Standards, and LEV Program. In addition, the proposed project would consume fuels in an amount necessary to construct and operate the proposed project and it is reasonable to assume that it would not consume excessive amounts of fuel beyond what is necessary in the interest of avoiding unnecessary construction or operation costs. Therefore, the proposed project's incremental contribution to the less than significant cumulative impact would not be cumulatively considerable (Draft EIR, Page 3.6-25–26). The proposed project's impacts would be less than significant. No mitigation is necessary.

1.6.6 - Geology and Soils

Potential Effect

Impact GEO-2: The proposed project would not result in substantial soil erosion or the loss of topsoil. (Draft EIR, Page 3.7-13).

Findings: Less than significant impact.

Facts in Support of Findings: During construction, the proposed project would include grading and excavation that would expose approximately 500,000 cubic yards of soils. The proposed project would disturb at least 1 acre of land and therefore would be required to obtain a Construction General Permit from the State Water Resources Control Board (State Water Board), consistent with the City's General Permit (No. CAS000004) and to comply with its conditions and requirements, which are designed to minimize potential erosion issues. Consistent with Chapter 11.34 of the Municipal Code, compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit would ensure the applicant(s) for individual development proposals within the project site would each obtain and implement a Storm Water Pollution Prevention Plan (SWPPP) in connection with the individual development proposal at issue where BMPs are implemented that would prevent sediments and other pollutants from entering the stormwater system. Additionally, compliance with Municipal Code Chapter 11.28 would ensure that each relevant development proposal would obtain and implement a grading plan during construction, which would prevent significant erosion of soils. Impacts related to soil erosion or loss of topsoil are limited to construction impacts. No respective operational impacts would occur. (Draft EIR, Page 3.7-13–14). The proposed project's impacts would be less than significant. No mitigation is necessary.

Potential Effect

Impact GEO-5: The proposed project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. (Draft EIR, Page 3.7-16).

Findings: Less than significant impact.

Facts in Support of Findings: Impacts related to soil capability of supporting the use of alternative wastewater disposal systems are limited to operational impacts. No respective construction impacts would occur. All development on the project site would connect to the City's wastewater collection system and no alternative wastewater disposal system would be operated. Furthermore, General Plan Objective 7.3 requires that new development within the City demonstrate adequate wastewater treatment for the proposed project. Wastewater treatment capacity impacts are discussed further under Section 3.16, Utilities and Service Systems (Draft EIR, Page 3.7-16). The proposed project's impacts would be less than significant. No mitigation is necessary.

1.6.7 - Greenhouse Gas Emissions

Potential Effect

Impact GHG-1: The proposed project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. (Draft EIR, Page 3.8-35).

Findings: Less than significant impact.

Facts in Support of Findings: Total GHG emissions generated during the three construction phases were estimated using California Emissions Estimator Model (CalEEMod) Version 2016.3.2. To provide a robust and conservative analysis, the City, in its discretion, has determined to include construction emissions, which were quantified for all phases of the development and then amortized over a 30-

year period. Project operation is assumed to begin in 2023 for Phase 1, 2024 for Phase 2 and 2025 for Phase 3. In addition to being required to comply with applicable rules and regulations, the proposed project would provide benefits in terms of its appropriate location and infrastructure that would reduce project VMT compared with default values. The proposed project would locate industrial uses close to major transportation corridors, for example. Results of this analysis for the three phases are presented in the Draft EIR, Table 3.8-6, Table 3.8-7 and Table 3.8-8. A second set of analyses for 2030 is presented in the Draft EIR, Table 3.8-9 through Table 3.8-11.

The City of Tracy has not adopted its own GHG thresholds or prepared a Climate Action Plan that can be used as a basis for determining project significance, although it has adopted a Sustainability Action Plan, which is a non-qualifying GHG Reduction Plan. The San Joaquin Valley Air Pollution Control District (Valley Air District) Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA includes thresholds based on whether the project will reduce or mitigate GHG levels by 29 percent from Business as Usual (BAU) levels compared with 2005 levels. This level of GHG reduction is based on the target established by ARB's AB 32 Scoping Plan, approved in 2008.

As shown in the Draft EIR, with applicable regulations and design features incorporated: Phase 1 would achieve a reduction in GHG emissions of 49.7 percent from the BAU scenario (compared to the threshold of 21.7 percent reduction BAU) by the year 2023, Phase 2 would achieve a 48.7 percent reduction by 2024, and Phase 3 would achieve a 31.6 percent reduction by 2025. Each phase would achieve well above the 21.7 percent average reduction from all sources of GHG emissions now required to achieve Assembly Bill (AB) 32 targets. The ARB originally identified a reduction of 29 percent from BAU as needed to achieve AB 32 targets. The 2008 recession and slower growth in the years since 2008 resulted in a reduction of the growth forecasted for 2020, and the concomitant amount needed to be reduced to achieve 1990 levels as required by AB 32. The California Department of Finance population forecast for 2020 to 2030 predicts growth in the State of 8.1 percent by the 2030 target year or 0.8 percent per year.

The percent reductions from BAU for the three phases are all well in exceedance of the average 21.7 percent reduction required by the State from all sources to achieve the AB 32 2020 target and therefore addresses the concern expressed in the *Newhall Ranch* decision that projects should likely do more than the average to ensure they are providing a fair share of emission reductions. In addition, the percent reductions from BAU for the three phases are all well in exceedance of the average 29 percent reduction recommended by the SJVAPCD. The emission reductions achieved by the proposed project would primarily come from improved building energy efficiency, increasing transportation fuel content standards, and increasing vehicle fuel efficiency standards when compared with a 2005 BAU scenario.

For purposes of a conservative evaluation, the analysis also addresses consistency with the SB 32 targets and the 2017 Scoping Plan Update with an assessment of the proposed project's reduction from BAU levels based on emissions in 2030 compared with the Valley Air District's Guidance for Valley Land Use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA includes thresholds based on whether the project will reduce or mitigate GHG levels by 29 percent from BAU levels compared with 2005 levels. Therefore, because the proposed project's buildout would occur

after 2020, operational emissions from the proposed project beginning in 2030 are summarized in the Draft EIR, Table 3.8-9 through Table 3.8-11 and compared with the applicable Valley Air District's threshold of a 29 percent reduction from BAU emission levels.

As shown in the Draft EIR, with applicable regulations and design features incorporated: Phase 1 would achieve a reduction of 43.9 percent as compared to the Valley Air District-established target of 29 percent reduction from BAU by the year 2030, Phase 2 would achieve a 43.3 percent reduction by 2030, and Phase 3 would achieve a 44 percent reduction by 2030. No new threshold has been adopted by the City of Tracy for the 2030 target, so in the interim the proposed project must make continued progress toward the 2030 goal.

In conclusion, each of the project phases would achieve reductions well in exceedance of both targets: (1) the ARB 2020 21.7 percent target and (2) the Valley Air District 29 percent reduction from BAU requirements from adopted regulations in their respective operational years. No new threshold has been adopted by the City for the SB 32 2030 target; however, the emission estimates presented in the Draft EIR demonstrate that the proposed project would achieve greater reductions than the Valley Air District-established threshold of 29 percent, resulting in annual reductions ranging from 43.3 to 44 percent. Based on this progress and the 2017 Scoping Plan Update, it is reasonable to conclude that the proposed project is consistent with the 2017 Scoping Plan and would make a reasonable fair share contribution to achieving the 2030 target.

In addition, compliance with the VMT targets, to the extent feasible, adopted to comply with SB 375 and implemented through the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and updated VMT guidelines adopted by the Governor's Office of Planning and Research (OPR) and implemented by the City may be considered to appropriately address GHG emissions from passenger cars and light-duty trucks. (See Section 14, Transportation, for additional details of the VMT analysis as well as proposed mitigation measures to reduce impacts to the extent feasible, which would also reduce GHG emissions.) Additionally, the State strategy relies on the Cap-and-Trade Program to make up any shortfalls that may occur from the other regulatory strategies. The costs of Cap-and-Trade emission reductions will ultimately be passed on to the consumers of fuels, electricity and products produced by regulated industries which include future residents of development projects and other purchasers of products and services. Given the above information and that the proposed project would not exceed Valley Air District-established GHG significance thresholds, this impact would be less than significant (Draft EIR, Page 3.8-35–45). The proposed project's impacts would be less than significant. No mitigation is necessary.

Potential Effect

Impact GHG-2: The proposed project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. (Draft EIR, Page 3.8-46).

Findings: Less than significant impact.

Facts in Support of Findings: While the City of Tracy has adopted a Citywide Sustainability Action Plan, it has not adopted a GHG Reduction Plan. In addition, the City has not completed the GHG

inventory, benchmarking, or goalsetting process required to identify a reduction target and take advantage of the streamlining provisions contained in the CEQA Guidelines amendments adopted for SB 97 and clarifications provided in the CEQA Guidelines amendments adopted on December 28, 2018. The Valley Air District has adopted a Climate Action Plan, but it does not contain measures that are applicable to individual development projects such as the proposed project. Therefore, the Valley Air District Climate Change Action Plan (CCAP) cannot be applied to the proposed project for purposes of streamlining under CEQA. Since no other local or regional Climate Action Plan is in place, the proposed project was assessed for its consistency with ARB's adopted Scoping Plans.

Consistency with California's Post-2020 Targets

Executive Order S-3-05 sets goals to reduce emissions to 1990 levels by 2020 and 80 percent below 1990 levels by 2050. The goal of Executive Order S-3-05 to reduce GHG emissions to 1990 levels by 2020 was codified by AB 32. The proposed project, for the reasons summarized above and analyzed in detail in the EIR, is consistent with AB 32. Therefore, the proposed project does not conflict with this component of Executive Order S-3-05. Executive Order B-30-15 establishes an interim goal to reduce GHG emissions to 40 percent below 1990 levels by 2030.

The 2030 goal was codified under SB 32 and is now addressed by the 2017 Scoping Plan Update. The Scoping Plan Update provides a strategy that is capable of reaching the SB 32 target if the measures included in this plan are implemented and achieve reductions within the ranges expected. Under the Scoping Plan Update, each local government plays a supporting role through its land use authority and control over local transportation infrastructure. The 2017 Scoping Plan Update includes reductions from implementation of SB 375 that applies to VMT from passenger vehicles. San Joaquin County targets for SB 375 are a 12 percent per capita reduction by 2020 and a 16 percent per capita reduction by 2035 relative to 2005 levels. SB 375 is implemented with the San Joaquin Council of Governments (San Joaquin COG) RTP/SCS. The RTP/SCS envisions an increase in development density and intensity that would encourage fewer and shorter trips and more trips by transit, walking, and bicycling in amounts sufficient to achieve the SB 375 targets.

The Executive Order S-3-05 2050 target has not been codified by legislation. However, studies have shown that, in order to meet the 2050 target, aggressive pursuit of technologies in the transportation and energy sectors, including electrification and the decarbonization of fuel, will be required. Quantitatively analyzing the proposed project's impacts further relative to the 2050 goal is speculative for purposes of CEQA.

The proposed project's post-2020 emissions trajectory is expected to follow a declining trend, consistent with the 2030 and 2050 targets. Recent studies show that the State's existing and proposed regulatory framework will allow the State to reduce its GHG emissions level to 40 percent below 1990 levels by 2030, and to 80 percent below 1990 levels by 2050. Even though these studies did not provide an exact regulatory and technological roadmap to achieve the 2030 and 2050 goals, they demonstrated that various combinations of policies could allow the Statewide emissions level to remain very low through 2050, suggesting that the combination of new technologies and other regulations not analyzed in the studies could allow the State to meet the 2050 target.

Given the proportional contribution of mobile source-related GHG emissions to the State's inventory, recent studies also show that relatively new trends—such as the increasing importance of web-based shopping, the emergence of different driving patterns, and the increasing effect of web-based applications on transportation choices—are beginning to substantially influence transportation choices and the energy used by transportation modes. These factors have changed the direction of transportation trends in recent years and will require the creation of new models to effectively analyze future transportation patterns and the corresponding effect on GHG emissions. For the reasons summarized above and described more fully in the EIR, the proposed project's post-2020 emissions trajectory is expected to follow a declining trend, consistent with the 2030 and 2050 targets.

Consistency with SB 32

As explained above, the 2017 Scoping Plan Update includes the strategy that the State intends to pursue to achieve the 2030 targets of Executive Order S-3-05 and SB 32. The Draft EIR, Table 3.8-12, provides an analysis of the proposed project's consistency with the 2017 Scoping Plan Update measures. Regarding goals for 2050 under Executive Order S-3-05, at this time it is not possible to quantify the emissions savings from future regulatory measures, as they have not yet been developed; nevertheless, it can be anticipated that operation of the proposed project would be required to comply with whatever measures are enacted that State lawmakers decide would lead to an 80 percent reduction below 1990 levels by 2050. In its 2008 Scoping Plan, the ARB acknowledged that the "measures needed to meet the 2050 are too far in the future to define in detail." In the First Scoping Plan Update; however, the ARB generally described the type of activities required to achieve the 2050 target: "energy demand reduction through efficiency and activity changes; large scale electrification of on-road vehicles, buildings, and industrial machinery; decarbonizing electricity and fuel supplies; and rapid market penetration of efficiency and clean energy technologies that requires significant efforts to deploy and scale markets for the cleanest technologies immediately." The 2017 Scoping Plan Update provides an intermediate target that is intended to achieve reasonable progress toward the 2050 target.

Accordingly, taking into account the nature of the proposed project's use, location and infrastructure, as well as the proposed project's emissions, and the progress being made by the State toward reducing emissions in key sectors such as transportation, industry, and electricity, the proposed project would be consistent with State GHG Plans and would further the State's goals of reducing GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050, and would not obstruct their attainment. (Draft EIR, Page 3.8-46–51).

Consistency with the RTP/SCS

The SJCOG 2018 RTP establishes regional transportation policy for San Joaquin County based on specific regional transportation goals and objectives. The RTP focuses on achieving a coordinated and balanced multimodal transportation system, while maintaining the integrity of the existing system. The RTP includes projects located throughout San Joaquin County for all forms or modes of transportation, including automobiles, transit, nonmotorized (including bicycle), passenger rail, freight, and aviation facilities. The goals and objectives contained in the RTP are focused on

transportation initiatives, infrastructure, planning, and funding on the regional level. The proposed project would support these policies and strategies.

Policy 1 of the RTP/SCS focuses on enhancing the environment for existing and future generations and conserve energy. The EIR evaluates the proposed project's impacts on the environment and provides feasible mitigation to address these potential impacts. As analyzed in Section 3.6, Energy, the proposed project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation (Draft EIR, Page 3.6-22–24) or conflict with or obstruct a State or local plan for renewable energy or energy efficiency (Draft EIR, Page 3.6-24–25). The project site has a land use designation of "Industrial" in the City of Tracy General Plan, and the proposed project, which consists of the buildout of warehousing and industrial space and ancillary office uses and related improvements, is consistent with this land use classification. The RTP/SCS accounts for growth in the project area, including industrial developments such as the proposed project. Strategy 3 is to improve air quality by reducing transportation-related emissions. Though the proposed project would result in significant and unavoidable impacts with respect to air quality and VMT, the proposed project would be required to implement feasible mitigation (Mitigation Measure [MM] AIR-1d, MM AIR-1e, MM AIR-1f, MM AIR-1i, MM TRANS-1(a), and MM TRANS-1(b)), which would reduce transportation-related emissions to the maximum extent feasible thereby improving air quality, consistent with Strategy 3.

Strategy 4 is to improve the regional transportation system efficiency. As noted above, the proposed project involves industrial uses that would be strategically located near major transportation corridors, and as described in Chapter 2 of the Draft EIR, Project Description, and throughout the EIR, the proposed project would provide for an efficient on-site circulation system and off-site public transit, bicycle and pedestrian facilities as well as set aside approximately 12.51 acres in the northwest corner of the project site, which would be sufficient to accommodate improvements to the City's expressway system, as well as a future I-205/Paradise Road/Chrisman Road interchange as shown in Exhibit 2-7c in Chapter 2, Project Description of the EIR, consistent with the City of Tracy Transportation Master Plan (TMP). The TMP provides a comprehensive review of the City's transportation system and serves as a blueprint that can be utilized to identify and implement required improvements to the existing roadway system as well as expand upon the system to accommodate planned development consistent with the General Plan, such as the proposed project. As an interstate, I-205 serves the region, and, therefore, the future I-205/Paradise Road/Chrisman Road interchange would improve the regional transportation system and support Strategy 4. Similarly, Strategy 8 requires the improvement of major transportation corridors to minimize impacts on rural roads. While not part of the proposed project, the 12.51 acres of land set aside that would facilitate the improvements to the City's expressway system and the future I-205/Paradise Road/Chrisman Road interchange would result in such improvements, once constructed by the relevant public agencies, by providing regional infrastructure for automobiles and trucks entering and exiting the site and beyond. Furthermore, as discussed in Section 14, Transportation, of the EIR, the proposed project would be required to implement the following travel demand measures to reduce project VMT as is required by MM TRANS-1(a).

1. Utilize communication and information strategies–4 percent reduction;
2. Offer telecommuting for administrative staff (5 percent of staff population)–1 percent reduction;
3. Designate parking spaces for carpool vehicles–1 percent reduction;
4. Provide a transit stop along the project frontage on Grant Line Road, if agreed to by the City–2 percent reduction;
5. Provide bike lanes and sidewalks along the project frontage–1 percent reduction; and
6. Provide on-site bike racks and showers–1 percent reduction.

Through the implementation of project design features and required mitigation measures, as discussed above, the proposed project is considered to be consistent with the RTP/SCS.

The proposed project's impacts would be less than significant. No mitigation is necessary.

Cumulative Impact

The proposed project's cumulative impacts related to GHGs would be less than significant. (Draft EIR, Page 3.8-51).

Findings: Less than significant impact.

Facts in Support of Findings: GHG emissions and global climate change inherently represent cumulative impacts. GHG emissions cumulatively contribute to the significant adverse environmental impacts of global climate change. No single project could generate enough GHG emissions to noticeably change the global average temperature; instead, the GHG emissions from past, present, and reasonably foreseeable future projects and activities have contributed to and would contribute to global climate change and its associated environmental impacts. According to the Valley Air District, GHG emissions from development projects are inherently cumulative and do not require the estimation of cumulative projects in the region of the project. Thus, the determination of GHG cumulative impacts is based on the State target established by AB 32 to reduce GHG emissions to 1990 levels by 2020 and the project's consistency with the State's post-2020 GHG emission reduction targets. In order to ensure that these goals would be achieved, as discussed above in detail, Air Districts and Lead Agencies developed GHG thresholds to ensure compliance with the State's AB 32 target. Projects with GHG emissions in conformance with these thresholds, therefore, would not be considered significant for purposes of CEQA. In addition, although the emissions from such cumulative projects would add an incremental amount to the overall GHG emissions that cause global climate change impacts, emissions from projects consistent with these thresholds would not be a "cumulatively considerable" contribution under CEQA. Such projects would not be "cumulatively considerable," because they would be helping to solve the cumulative problem as a part of the AB 32 process. Given that it has been determined the proposed project would be consistent with the applicable thresholds as evaluated above in detail, it would result in a less than significant cumulative impact related to generation of GHG emissions (Draft EIR, Page 3.8-51).

1.6.8 - Hazards and Hazardous Materials

Potential Effect

Impact HAZ-2: The proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment. (Draft EIR, Page 3.9-24).

Findings: Less than significant impact.

Facts in Support of Findings: Construction activity would be expected to involve the transport, use, and disposal of hazardous materials, such as diesel fuels, aerosols, and paints, which are typical for this type of light industrial use. Transport, use, and disposal of hazardous materials can increase the risk of upset and accident conditions that could involve the likely release of hazardous materials into the environment. However, the use of these materials would be subject to applicable provisions of the Hazardous Materials Transportation Act, California Public Resources Code, and other State and local laws and regulations that would reduce risks of accident by limiting the use of hazardous materials and thereby reducing the associated risks of exposure. Any handling, transporting, use, or disposal by the proposed project would be required to comply with applicable laws, regulations, policies, and programs set forth by various federal, State, and local agencies, including the United States Environmental Protection Agency (EPA), RCRA, Caltrans, the Hazardous Materials Transportation Act, and the City of Tracy Hazard Mitigation Plan (HMP), which are designed to reduce risk of upset and accident conditions involving the release of hazardous materials into the environment.

During operation, tenants/operators of the proposed project may use potentially hazardous substances that are typical for this type of light industrial use, including lubricants, hydraulic oils, and other substances. Small quantities of hazardous materials would be used on-site during operation of the proposed project, but not in sufficient quantities to create a significant hazard in the unlikely event of upset or accident. These types of materials are common in such light industrial projects and represent a low risk to people and the environment when used and handled as intended and would not be expected to result in the release of hazardous materials into the environment. The handling, transport, and disposal of such substances by the proposed project would be required to comply with all local, State, and federal laws and regulations, which would reduce risks of accident conditions. (Draft EIR, Page 3.9-24–25). The proposed project's impacts would be less than significant. No mitigation is necessary.

Potential Effect

Impact HAZ-3: The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. (Draft EIR, Page 3.9-25).

Findings: Less than significant impact.

Facts in Support of Findings: The project site is not located within 0.25 mile of an existing or proposed school. The closest school, Banta Elementary School, is located approximately 0.35 mile to

the east (Draft EIR, Page 3.9-25–26). The proposed project's impacts would be less than significant. No mitigation is necessary.

Potential Effect

Impact HAZ-5: The proposed project would not be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and result in a safety hazard or excessive noise for people residing or working in the project area. (Draft EIR, Page 3.9-32).

Findings: No impact.

Facts in Support of Findings: The proposed project is located greater than 5 miles northeast from the Tracy Municipal Airport. At this distance, the proposed project would not be located within an airport land use plan or within 2 miles of a public airport. Therefore, no impact related to exposure of people to safety hazards or excessive noise in proximity to an airport would occur. (Draft EIR, Page 3.9-32–33). The proposed project would have no impact. No mitigation is necessary.

Potential Effect

Impact HAZ-6: The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (Draft EIR, Page 3.9-33).

Findings: Less than significant impact.

Facts in Support of Findings: During construction, it is expected that construction equipment and vehicles would be accessing and leaving the project site, which in turn could potentially impede evacuation or EVA. During operation, employee vehicles would need to access and leave the project site. Neither the San Joaquin County Local HMP nor the City of Tracy Local HMP include specific evacuation routes. However, main arterial roads into and out of the project vicinity that would serve as evacuation routes in case of emergency would be Interstate 205 (I-205) in the east–west direction and I-5 in the north–south direction as well as Paradise Road and Grant Line Road. Given the nature of the proposed project and the fact that there are several alternate routes that provide access to these evacuation routes, the proposed project would not impair implementation of or physically interfere with these evacuation routes. With adherence to the applicable procedures of the San Joaquin County Local HMP and the City of Tracy Local HMP, the proposed project would not conflict with the relevant General Plan safety policies (Draft EIR, Page 3.9-33). The proposed project's impacts would be less than significant. No mitigation is necessary.

Potential Effect

Impact HAZ-7: The proposed project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires (Draft EIR, Page 3.9-33).

Findings: Less than significant impact.

Facts in Support of Findings: The project site is surrounded by urban development and managed land without steep terrain or unmanaged open space areas prone to wildfires. The closest open space area is located approximately 7 miles south of the project site. The project site has not previously experienced wildfire. Given that the project site is not located in or near an area of steep terrain or historical wildfire burn, there is a low likelihood that the project site would be prone to greater wildfire risk as compared to existing conditions. Neither the City nor the project site is in a High or Very High Fire Hazard Severity Zone as designated by California Department of Forestry and Fire Protection (CAL FIRE). According to the California Public Utilities Commission (CPUC), there are no Tier 2-Elevated Zones or Tier 3-Extreme Zones within the City of Tracy. The closest fire prone areas located in a designated fire hazard zone are the southwest areas of the City's SOI, over 7 miles southwest of the project site.

The proposed project would be adequately served by fire protection services from the Tracy Fire Department. Furthermore, project structures would be required to comply with applicable provisions of the California Fire Code with respect to emergency access and use of building materials that would limit the spread of wildfire to the greatest extent feasible. Compliance with applicable State and local plans, laws and regulations would decrease the risk of impacts related to wildland fire hazards. Specifically, the General Plan includes goals (Goal SA-3), objectives (Objective SA-3.1), and policies (PI and P3) that incorporate requirements for fire-safe construction into the land use planning process (Draft EIR, Page 3.9-33–34). The proposed project's impacts would be less than significant. No mitigation is necessary.

Potential Effect

The proposed project's cumulative impacts related to hazards and hazardous materials would be less than significant. (Draft EIR, Page 3.9-34).

Findings: Less than significant impact.

Facts in Support of Findings: The geographic scope of the cumulative hazards and hazardous materials cumulative analysis is the City. The types and sizes of cumulative development anticipated in the project vicinity would not be anticipated to involve large quantities of hazardous materials or activities that transport or handle hazardous materials. Cumulative projects would be subject to the Hazardous Materials Transportation Act, California Public Resources Code, and other State and local laws and regulations that would reduce and limit the associated risks. Any handling, transporting, use, or disposal would be required to comply with applicable laws, regulations, policies, and programs set forth by various federal, State, and local agencies, including the EPA, RCRA, Caltrans, and HMP. However, cumulative projects may include demolition of existing structures that have the potential to contain hazardous building materials. Building materials may contain asbestos-containing material (ACM) and lead-based paint (LBP). To address potential release of hazardous materials, the City would require the applicants of cumulative developments to assess structures and comply with standard conditions of approval/ mitigation measures. Additionally, a comprehensive regulatory framework involving regional, State, and federal laws and regulations would apply to these cumulative projects, which would further ensure a less than significant cumulative impact related to exposure to hazardous materials. With respect to the proposed project,

it would similarly be required to adhere to standard conditions of approval and identified mitigation, and otherwise ensure compliance with all applicable laws, regulations, plans and policies related to transport, use, and disposal of hazardous materials.

Planned uses as proposed by the cumulative projects are contemplated in the General Plan, would result in predominantly infill development, and would not significantly increase the need for emergency services, including those related to wildfires. Furthermore, all construction would be required to adhere to all applicable laws and regulations, including those in the California Fire Code, which are designed to minimize the potential for the release of hazardous materials or uncontrolled fires. Once development is proposed, the City would assess the needs for fire protection services and inform efforts to improve or expand needed facilities. Cumulative development would increase the population, as contemplated in the City's General Plan. All cumulative development would, however, be required to comply with emergency access requirements as standard conditions of approval. Furthermore, the cumulative development in the City would be required to ensure no permanent road closures and would not be permitted to impede established emergency access routes, or interfere with emergency response requirements. With respect to the proposed project, it would similarly be required to adhere to standard conditions of approval and identified mitigation, and otherwise ensure compliance with all applicable laws, regulations, plans and policies related to emergency access routes and emergency response requirements (Draft EIR, Page 3.9-34–35). The proposed project's impacts would be less than significant. No mitigation is necessary.

1.6.9 - Hydrology

Potential Effect

Impact HYD-2: The proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. (Draft EIR, Page 3.10-24).

Findings: Less than significant impact.

Facts in Support of Findings: Impacts related to depletion of groundwater supplies or interference with groundwater recharge are limited to operational impacts. Implementation of the proposed project would result in a significant amount of new impervious surfaces, which could interfere with groundwater recharge rates. The Geotechnical Engineering Report determined that stormwater would percolate at a rate of 0.36 inch per hour or 167 minutes per inch. Project site soils contain finely layered, fine-grained alluvial soils (silt) that impede vertical percolation of stormwater. As such, groundwater recharge on the project site is currently limited. Percolation rates could be further reduced if stormwater pollutants are present in the runoff, such as sediment, organic materials, and/or oil residue. However, the design of the proposed project's on-site stormwater detention basin includes filters to remove sediments and organic materials that might otherwise reduce groundwater percolation rates and thus would help facilitate groundwater recharge. Therefore, despite the significant increase in impervious surfaces that would occur with the proposed project, implementation of the proposed project would not significantly impact groundwater recharge rates for the foregoing reasons.

Historically, groundwater accounted for up to 50 percent of the City's water supply. Prior to 2001, groundwater extraction in the City totaled less than 6,000 AFY. Between 2001 and 2004, to meet increased demands for water, the City extracted additional groundwater, ranging from 7,321 to 7,176 AFY. In 2005, the rate of groundwater extraction decreased back to the historic 6,000 AFY, reflecting two key factors: (1) the South County Water Supply Project (SCWSP) was completed and the City began receiving Stanislaus River water, and (2) rainfall was above normal, meaning that the City received a higher percentage of its Delta-Mendota Canal/Central Valley Project contractual entitlements. From 2006 to 2010, groundwater extraction ranged from 2,034 AFY to 498 AFY, declining as more water was used from the South San Joaquin Irrigation District. (Draft EIR, Page 3.10-24). The City's estimated groundwater yield is 9,000 AFY. An assessment of the aquifer beneath the City indicates that there is an average annual operational potential yield of 9,000 AFY. Since the City's groundwater is hard and consists of high TDS levels, the City has scaled back its groundwater extraction in most years, but it is anticipated that the City will continue to rely on groundwater for peaking and drought and emergency water supply. As described in more detail in the EIR, the City anticipates that total extraction during a normal year would be 2,500 AFY through the planning horizon. By reducing groundwater extraction on an average annual basis during normal years, the City would: (1) increase the overall quality of its drinking water, thus increasing customer satisfaction and reducing system maintenance and repair caused by the lower-quality groundwater; and (2) recharge the underlying aquifer, effectively increasing the availability of groundwater during a drought or emergency condition (i.e., effectively "banking" groundwater). At the production volumes shown in the EIR, Table 3.10-3, the City's groundwater supplies are considered to be 100 percent reliable. In the event of a severe water supply shortage or emergency, the City could increase production dramatically, up to 22,000 AFY.

The 2020 UWMP addressed the sufficiency of the City's groundwater supplies, in conjunction with the City's other existing and additional water supplies, to meet the City's existing and planned future uses. Based on the information summarized above, described further in the EIR, and included in the 2020 UWMP, the City's groundwater supply, together with the City's other existing and additional planned future water supplies, are sufficient to meet the water demands of the proposed project, in addition to the City's existing and other planned uses. Although the City can sustainably extract up to 9,000 AFY of groundwater on a continuous basis, the City's use of groundwater under normal hydrologic conditions is anticipated to be lower, as available higher-quality surface water supplies would be utilized first. Assuming normal year hydrologic conditions, annual groundwater use is anticipated to be 2,500 AFY. This anticipated future groundwater pumpage is significantly below the City's maximum historical groundwater pumpage and the average annual operational yield of 9,000 AFY. The proposed project would not significantly decrease groundwater supplies because, among other things, the design of the proposed project's on-site stormwater detention basin includes filters to remove sediments and organic materials that might further reduce groundwater percolation rates. Therefore, the proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge (Draft EIR, Page 3.10-24–30). The proposed project's impacts would be less than significant. No mitigation is necessary.

Cumulative Effect

The proposed project's cumulative impacts related to hydrology and water quality would be less than significant. (Draft EIR, Page 3.10-39–41).

Findings: Less than significant impact.

Facts in Support of Findings

Hydrology

All cumulative developments within the San Joaquin River Basin including those cumulative projects listed in the EIR, Table 3-1, have been considered in the EIR's analysis since they are located within the San Joaquin River Basin which eventually drains into the San Joaquin River and ultimately into the Pacific Ocean. All cumulative projects would be required to comply with applicable laws and regulations implemented by the relevant public agencies including the Central Valley Regional Water Quality Control Board (Central Valley RWQCB), as well as relevant policies in the General Plan and other applicable codes, ordinances, and policies, which prevent a project from increasing off-site surface water flow from existing conditions and further ensures that projects adhere to BMPs during construction to prevent pollutants from being carried off-site. Additionally, cumulative development would be required to comply with applicable regional, State and federal laws and regulations regarding flooding to ensure impacts are less than significant in this regard. These laws and regulations, in combination with implementation of applicable provisions in the General Plan (including, but not limited to, Objective PF-7.3: Policies P1, P2, P3, P4, and P5, Objective PF-7.4: Policy P3, and Objective PF-8.2: Policies, P1, P2, P3, P4), would result in a less than significant cumulative impact related to hydrology.

The proposed project would also be required to comply with applicable laws and regulations implemented by the relevant public agencies including the Central Valley RWQCB, as well as relevant policies in the General Plan and other applicable codes, ordinances, and policies related to preventing pollutants from being conveyed off-site.

Water Quality

The geographic context for consideration of cumulative impacts related to surface water quality is the San Joaquin River Basin. All cumulative project construction would be required to obtain a Construction General Permit from the State Water Board, which would require preparation of a SWPPP that would control potential discharges of contaminants into the San Joaquin River. These cumulative projects would also be required to prepare a Storm Water Management Plan (SWMP) and comply with the applicable General Plan policies and relevant provisions of the Municipal Code during operation. Similarly, the proposed project would also be required to obtain a Construction General Permit from the State Water Board and prepare a SWPPP as well as a SWMP. In addition, the proposed project would be mandated to comply with applicable General Plan policies (including, but not limited to, Objective PF-7.3: Policies P1, P2, P3, P4, and P5, Objective PF-7.4: Policy P3, and Objective PF-8.2: Policies, P1, P2, P3, P4), and applicable provisions of the Municipal Code during operation.

The geographic context for consideration of cumulative impacts related to groundwater quality and management is the Tracy Groundwater Subbasin. Construction of cumulative projects would be required to obtain a Construction General Permit from the State Water Board, which would require preparation of a SWPPP that would control pollutants that could seep into groundwater. Operations of these cumulative projects would be required to comply with all applicable laws and regulations imposed by the relevant public agencies including the Central Valley RWQCB, thereby ensuring that stormwater is pre-treated via bioretention and is otherwise handled pursuant to all applicable standards and requirements to ensure that percolation to the groundwater table would not result in degradation of groundwater quality. In addition, the cumulative projects would include bioretention areas to remove sediments and organic materials that might reduce groundwater percolation rates and other project features that would help facilitate groundwater recharge. Similarly, the proposed project would include these types of features and would otherwise be mandated to comply with applicable General Plan policies and applicable provisions of the Municipal Code, as well as other governing laws and regulations, during operation.

Flooding

The geographic context for consideration of cumulative impacts related to flooding is the NEI Specific Plan area. A small portion of the northern part of the NEI Specific Plan area is within the 100-year flood zone and flooding impacts would affect other parcels in the NEI Specific Plan area. According to the City's General Plan, the City anticipates urban growth in this portion of the City. Flooding occurs mainly near the northern areas of the City closer to I-205. Cumulative development projects in the floodplain would be required to install stormwater facilities pursuant to applicable standards to ensure projects would not be susceptible to flooding. The City would review cumulative development proposals to ensure they are in accordance with applicable guidelines, ordinances, permitting requirements, including, among others, General Plan policies (including, but not limited to, Objective PF-8.1: Policies P1, P2, P3, P4, P5, P6, P7, Objective PF-8.2: Policies P1, P2, P3, and P4, Objective SA-2.1: Policies P1, P2, P3, and P4). Thus, there would be a less than significant cumulative impact related to flooding.

The proposed project would also be required to install stormwater facilities and prepare a Final Drainage Plan in connection with each individual development proposal, which would be required to adhere to the stringent criteria set forth in the City's Design Standards. For example, the proposed project would incorporate an on-site stormwater detention basin into its design that would be required to adhere to all applicable performance standards to ensure no flooding impacts. For these reasons and as further summarized and discussed more fully in the EIR, the proposed project's contribution to the less than significant cumulative impact would not be cumulatively considerable (Draft EIR, Page 3.10-39–41).

1.6.10 - Land Use

Potential Effect

Impact LAND-1: The proposed project would not physically divide an established community. (Draft EIR, Page 3.11-17). The proposed project's impacts would be less than significant. No mitigation is necessary.

Findings: Less than significant impact.

Facts in Support of Findings: Impacts related to physical division of an established community are limited to operational impacts. The development of the proposed project would not involve construction of any type of linear feature that would impair mobility within an existing community, nor would it remove a means of access in a manner that would impede travel or otherwise constitute division of an established community. Rather, the proposed project would be designed in accordance with relevant NEI Specific Plan policies, which would help ensure a cohesive, integrated site and circulation plan, taking into account ready access to nearby transportation corridors (Draft EIR, Page 3.11-17–18).

Potential Effect

Impact LAND-2: The proposed project would not cause a significant environmental impact due to conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (Draft EIR, Page 3.11-18). The proposed project's impacts would be less than significant. No mitigation is necessary.

Findings: Less than significant impact.

Facts in Support of Findings: Impacts related to consistency with applicable land use plans and policies are limited to operational impacts.

Local Agency Formation Commission General Standards for Annexation Consistency

Spheres and Municipal Service Reviews

The project site is within the City's existing SOI (10-year horizon), and therefore has already been contemplated for future inclusion within the City's municipal boundaries. The City's inclusion of the project site via its designation under the City's General Plan as Industrial is consistent with the land use vision for the proposed project and the SOI.

The City's Municipal Services Review (MSR) update determined that the City would have adequate capacity and funds to support expanded services as part of the anticipated development of the SOI (which, as noted above, includes the project site). This included a capital improvement program that identified and planned funds for specific infrastructure improvements and master plans that identified necessary infrastructure upgrades. Accordingly, the proposed project would be consistent with the LAFCo policy requiring a Municipal Service Review and SOI Plan to demonstrate that adequate services can be provided within the timeframe needed by the inhabitants of the annexed area.

Contiguity

The project site is contiguous to the existing City of Tracy limits and the existing NEI Specific Plan area. The boundaries of the proposed reorganization, which would involve the annexation of the project site into the City's municipal boundaries (along with the related detachment from the Fire District) would not create or result in areas that are difficult to serve.

Progressive Urban Pattern

The proposed project would represent a progressive step toward filling in the SOI in this area of the City, consistent with the longtime planning vision of this City for the area as reflected in the City's General Plan. The project site is adjacent to existing City limits and is furthering outward growth that is not isolated and would not constitute "leapfrog" development or otherwise facilitate urban sprawl. Rather, the proposed reorganization would reflect a logical and orderly extension of the City's boundaries.

Piecemeal Annexation Prohibited

The proposed project does not reflect a piecemeal annexation approach. The project site has been included within the City's SOI and designated for urban development under the City's General Plan for the last approximately 29 years. The proposed reorganization reflects a logical and orderly extension of urban growth and the City's boundaries, which would ensure the project site is developed in a comprehensive and thoughtful manner consistent with other nearby lands in the NEI Specific Plan area.

Definite and Certain Boundaries

It is anticipated that project site boundaries that would be presented in the reorganization application would be definite and conform to Assessor's Parcel Number (APN) lines and/or ownership of legal lots and would not contain any split parcels.

Service Requirements

The City has the capacity to adequately serve the areas within its municipal boundaries as well its existing SOI. Moreover, the project site is contiguous to the City's municipal boundaries and other existing urban development, which facilitates the efficient extension of existing utilities. The proposed project would connect to and/or otherwise utilize existing utility lines for service to the proposed project, and would also construct and/or pay applicable development impact fees toward the construction of identified infrastructure and improvements, consistent with the City's Master Plans.

Adverse Impact of Annexation on the Other Agencies

The City has the capacity to adequately serve the areas within its municipal boundaries as well its existing SOI without impairing the City's ability to serve existing and other proposed uses, and the proposed reorganization reflects a logical and orderly extension of service boundaries and would result in the efficient delivery of services. All applicable impact fees would be paid by each co-applicant for individual development proposals within the project site, which would further ensure that new development "pays its own way."

Annexation of Streets

The proposed project would be a logical and orderly extension of the City's boundaries and would include the annexation of territory such that the circulation plan and street network would not fragment governmental responsibility between the City and the County.

Prezoning Required

The project site would be pre-zoned NEI Specific Plan and this zoning designation would not be permitted to be changed within 2 years of the completion of the reorganization.

Airport Land Use Compatibility Plan Consistency

The proposed project is not within the Airport Land Use Compatibility Zone. The proposed project does not reach the standard height and distance from an airport that would require Airport Land Use Commission (ALUC) review and Federal Aviation Administration (FAA) notification.

General Plan Consistency

The County General Plan land use designation for the project site is A/UR. However, with project approval and completion of the related reorganization proposal, the County General Plan would no longer apply to the proposed project, as the project site would be annexed into the City of Tracy. One of the factors LAFCo must consider when reviewing a proposal for reorganization is the effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Government Code Section 56016. Similar to the discussion reflected in the EIR, although the proposed project would result in a reduction of agricultural land, the proposed project is consistent with the City of Tracy General Plan land use designation of Industrial for the project site and reflects the planned urban development vision for the project site. The EIR provides a consistency analysis in Table 3.11-3, finding that the project is consistent.

Northeast Industrial Specific Plan Consistency

Implementation of the proposed project would require an amendment to the NEI Specific Plan to include the project site within its boundaries (and other conforming amendments to ensure consistency). As such, the proposed Specific Plan Amendment and prezoning, if approved, constitute a self-mitigating aspect of the proposed project that would serve to correct what would otherwise be a conflict. The proposed project would be designed to incorporate applicable development standards and design guidelines that comply with relevant provisions in the NEI Specific Plan. Proposed land uses on the project site are currently permitted in the NEI Specific Plan. Accordingly, the proposed project would be consistent with the urban, industrial character of the surrounding NEI Specific Plan area.

Tracy Municipal Code Consistency

Planning and Zoning Code

The project site would be pre-zoned "Northeast Industrial Specific Plan." In connection therewith, the proposed project includes an amendment to the NEI Specific Plan boundaries to incorporate the project site (and other conforming amendments to ensure consistency). With these actions, the provisions of the NEI Specific Plan would serve as zoning for the lands within its boundaries, including the project site. The proposed light industrial, warehouse and distribution and ancillary office uses would be consistent with this zoning. Development of the proposed project would be required to adhere to all applicable development standards and design guidelines set forth in the NEI Specific Plan and the Municipal Code.

Off-Street Parking Code

The proposed project would be required to provide approximately 1,153 automobile spaces and approximately 59 bicycle stalls. The proposed project proposes to meet or exceed these requirements.

Street Tree Ordinance

The applicant of each individual development proposal would be required to submit an application to the Parks and Community Services Department in connection with the proposed removal of any street trees. The Director of Parks and Community Services can authorize or prohibit the tree from being removed and can provide conditions of approval. (Draft EIR, Page 3.11-18–29). The proposed project's impacts would be less than significant. No mitigation is necessary.

Cumulative Impact

The proposed project's cumulative impacts related to land use and planning would be less than significant. (Draft EIR, Page 3.11-30). The proposed project's impacts would be less than significant. No mitigation is necessary.

Findings: Less than significant.

Facts in Support of Findings: The cumulative setting includes past, present and reasonably foreseeable probable future developments within the City and its SOI. Development within the City is governed primarily by the City's General Plan and Municipal Code. These guiding laws and regulations and planning documents set forth the land use vision for the community, facilitate logical and orderly development, and ensure consistency with the General Plan as required under State Planning and Zoning laws. All cumulative developments would be required to be consistent with and conform to these planning documents and governing regulations. For cumulative projects, the relevant land use agency is required to issue findings demonstrating consistency with applicable General Plan and Municipal Code requirements to be approved. Projects listed in Table 3-1 that are within the boundaries of the Tracy Municipal Airport Land Use Compatibility Zone would be required to demonstrate consistency with the applicable airport land use compatibility criteria. For cumulative projects that are within the City's SOI and would be annexed into the City, these would be required to demonstrate consistency with applicable provisions of LAFCo regulations and local LAFCo policies. For the foregoing reasons, there would not be a significant cumulative impact related to division of an established community to a level of less than significant or conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The project would not make a cumulatively considerable contribution to cumulative impacts and no mitigation is required (Draft EIR, Page 3.11-29–30).

1.6.11 - Noise

Potential Effect

Impact NOI-1: The proposed project would not 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. (Draft EIR, Page 3.12-17).

Findings: Less than significant impact.

Facts in Support of Findings: For purposes of determining the existing ambient noise levels, traffic noise is the primary noise source affecting the project site. Background traffic noise levels in the project vicinity range from approximately 63 A-weighted decibel (dBA) to 75 dBA day/night average sound level (L_{dn}) along modeled roadway segments adjacent to the project site as measured at 50 feet from the centerline of the outermost lane. The nearest proposed façade to Grant Line Road would be set back a minimum of 150 feet from the centerline of the outermost travel lane. At this distance, traffic noise levels would attenuate to below 69 dBA $L_{dn.}$ These noise levels are within the City's "normally acceptable" noise land use compatibility range for the relevant type of new industrial land use development (Draft EIR, Page 3.12-18). The proposed project's impacts would be less than significant. No mitigation is necessary.

Potential Effect

Impact NOI-3: The proposed project would not result in generation of excessive groundborne vibration or groundborne noise levels. (Draft EIR, Page 3.12-26).

Findings: Less than significant impact.

Facts in Support of Findings: The City of Tracy has not adopted criteria for construction groundborne vibration impacts or for operational groundborne vibration impacts that would be applicable to the proposed project. Therefore, for purposes of this analysis, as noted above, the City, in its discretion, elects to utilize the Federal Transit Administration (FTA) construction vibration impact criteria. For operational impacts, a significant impact would occur if ongoing project activities would produce groundborne vibrations that are perceptible without instruments by a reasonable person at the property lines of the site.

Construction

The FTA impact assessment criteria for construction is 0.2 in/sec PPV for nonengineered timber and masonry buildings. Table 3.12-3 of the EIR provides approximate vibration levels for various construction activities. Of the variety of equipment used during the construction component of the proposed project, the small vibratory rollers that would be used in the site preparation phase of construction would produce the greatest groundborne vibration levels. Small vibratory rollers produce groundborne vibration levels ranging up to 0.101 in/sec PPV at 25 feet from the operating equipment.

The nearest off-site structure to where the heaviest construction equipment would operate during construction of the proposed structures on the western parcels is the barn structure located west of the project site near the intersection of Grant Line Road and Paradise Avenue. This structure would be located approximately 150 feet from the nearest construction footprint where a small vibratory roller would operate. At this distance, operation of a small vibratory roller could result in groundborne vibration levels up to 0.007 in/sec PPV. This is well below the FTA's damage threshold criteria of 0.2 PPV for nonengineered timber and masonry buildings.

The nearest off-site structure is located over 45 feet from the project site boundary. Therefore, operation of a small vibratory roller at the nearest project boundary could result in groundborne vibration levels up to 0.04 in/sec PPV. This also is well below the FTA's damage threshold criteria of 0.2 PPV for nonengineered timber and masonry buildings. Therefore, construction activities would not result in generation of excessive groundborne vibration levels.

Operation

Implementation of the proposed project would not include any permanent sources of vibration that would expose persons in the project vicinity to groundborne vibration levels that could be perceptible without instruments at any existing sensitive land use in the vicinity of the project site; this is given the nature of the project and the type of proposed on-site operations (parking lot and truck loading/unloading activity) which, due to distance to off-site receptors, would be less than perceptible without instruments as measured at sensitive receptors in the project vicinity (Draft EIR, Page 3.12-26–28). The proposed project's impacts would be less than significant. No mitigation is necessary.

Potential Effect

Impact NOI-4: The proposed project would not expose people residing or working in the project area to excessive noise levels 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. (Draft EIR, Page 3.12-28). The proposed project's impacts would be less than significant. No mitigation is necessary.

Findings: Less than significant impact.

Facts in Support of Findings: The project site is not located within the vicinity of a private airstrip. Additionally, there is not a private airstrip located within a 5 mile radius of the project. The closest public airport is the Tracy Municipal Airport located 5.3 miles southwest of the project site. The project site is also not located within the 55 dBA CNEL airport noise contours of any public or public use airport. As such, operation of the proposed project would not expose people working at the project site to excessive noise levels associated with public airport or public use airport noise (Draft EIR, Page 3.12-28). The proposed project's impacts would be less than significant. No mitigation is necessary.

Cumulative Impact

The proposed project's cumulative noise impacts would be less than significant. (Draft EIR, Page 3.12-28).

Findings: Less than significant impact.

Facts in Support of Findings

Noise Land Use Compatibility Consistency

Cumulative development would be required to comply with all applicable design review and development standards and regulations directing the siting, design, and insulation of new

development and redevelopment and all applicable noise policies, standards and requirements in the General Plan and Municipal Code, which would ensure that noise impacts are less than significant. Combined cumulative year traffic noise levels along modeled roadway segments in the project vicinity would result in noise levels that the City of Tracy considers to be "normally acceptable" for the relevant land use category (with projected traffic noise levels attenuating due to distance to below 70 dBA L_{dn} at the nearest existing or proposed façades). This is the only noise land use compatibility category that would apply to existing and planned development for parcels adjacent to the modeled roadway segments. Cumulative traffic noise impacts would be less than significant. The incremental contribution of project traffic would also not be cumulatively considerable.

Construction Noise

Noise impacts tend to be localized; therefore, the area surrounding the project site (approximately 1,000 feet) would be the area most affected by proposed project activities. Cumulative development would be required to comply with all applicable construction hour requirements and would also be anticipated to incorporate appropriate Best Management Practices (BMPs) to help reduce construction noise. The proposed project would comply with design review and development standards and regulations directing the siting, design, and insulation of new development and redevelopment and all applicable noise policies, standards and requirements in the General Plan and Municipal Code. The incremental contribution of project construction noise would not be cumulatively considerable.

Operational Traffic Noise

Combined cumulative year traffic noise levels along modeled roadway segments in the project vicinity would result in noise levels that the City of Tracy considers to be "normally acceptable" for existing and planned land use development along modeled roadway segments in the project vicinity. Therefore, cumulative traffic noise levels would be a less than significant impact for existing and planned development along modeled roadway segments in the project vicinity. Because there is not a cumulative significant traffic noise impact to existing or planned land uses in the project vicinity, even under Cumulative Plus Project traffic conditions, the incremental contribution of project traffic would also not be cumulatively considerable.

Operational Stationary Noise

The source of operational stationary noise within 1,000 feet of the project site that would produce the highest noise levels would be truck loading activities. Existing truck loading facilities in the project vicinity are set back more than 100 feet from receptors on adjoining properties. Assuming compliance with applicable minimum setback requirements for all parcels within the project site, proposed truck loading areas would also be set back more than 100 feet from receptors on adjoining properties. Assuming a reasonable worst-case scenario of a truck loading event for every proposed truck loading dock within a single hour would result in an hourly average noise level of 67 dBA equivalent sound level (L_{eq}) as measured at a cumulative project's boundary adjoining other properties. These noise levels are well below the City's hourly average noise performance threshold of 75 dBA L_{eq}(h). In addition, these noise levels would not exceed existing background ambient noise levels. Therefore, there is a less than significant cumulative impact related to operational stationary

noise sources in the project vicinity, and the incremental contribution of project operational stationary source noise would not be cumulatively considerable.

Construction Vibration

Construction vibration impacts are very localized; therefore, the area surrounding the project site (approximately 100 feet) would be the area most affected by proposed project construction activities. While there would be cumulative projects undergoing construction in the general vicinity, none of these are within 100 feet of the site and therefore, do not have to potential to create significant cumulative construction vibration impacts that would exceed potential impact criteria as measured at any sensitive receptor in the project vicinity. Thus, there would be a less than significant cumulative impact related to construction vibration, and the incremental contribution of project construction noise would not be cumulatively considerable.

Operational Vibration

The only major source of groundborne vibration in the project vicinity is railroad activity along the rail line located approximately 3,670 feet southeast of the project site. Groundborne vibration levels from these cumulative sources would not be perceptible without instruments at any sensitive receptor in the project vicinity, therefore there is no significant cumulative impact. The proposed project's incremental contribution to these less than significant cumulative operational vibration levels would not be cumulatively considerable. Implementation of the proposed project would not introduce any new permanent sources of vibration to the project vicinity that would result in groundborne vibration levels that would be perceptible without instruments as measured at sensitive receptors in the project vicinity, and would also not increase railroad activity (Draft EIR, Page 3.12-28–31). The proposed project's impacts would be less than significant. No mitigation is necessary.

1.6.12 - Public Services

Potential Effect

Impact PUB-1: The proposed project would not 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 fire protection. (Draft EIR, Page 3.13-8). The proposed project's impacts would be less than significant. No mitigation is necessary.

Findings: Less than significant impact.

Facts in Support of Findings: South San Joaquin County Fire Authority (South County Fire) would provide fire protection for the proposed project. The proposed project would require a detachment from Tracy Rural as part of project approval from the San Joaquin LAFCo of the proposed reorganization. Fire Station 92 is the nearest station approximately 1.4 miles west of the project site. Fire Station 92 is a City-owned fire station; however, South County Fire responds the closest resources to all emergency and non-emergency calls for service. The next closest station is Fire Station 96, approximately 3.6 miles west of the project site. The proposed project would be required

to comply with applicable provisions of the CBC, which is adopted by the Tracy Municipal Code (Chapter 9.04 Building Code), and the California Fire Code, which is adopted by the Tracy Municipal Code (Chapter 9.06 Fire Protection and Prevention). In compliance with the California Fire Code, Part 9 of the CBC, during construction the proposed project would be required to follow fire safety standards related to provision of fire apparatus access and acquisition of building permits. Specifically, CBC Section 105.7.17 requires plans be submitted and a permit to install, improve, modify, or remove public or private roadways, driveways, and bridges for which Fire Department access is required by the Fire Code; this would ensure adequate driveway/entry turning radius, height clearance, and fire hydrant access for fire trucks and engines at the project site during construction. In addition, CBC Section 105.7.18 requires plans be submitted to the Fire Code official for all land developments or for the construction, alteration, or renovation of a building within the jurisdiction where a building permit is required; this would ensure that construction and alteration would not obstruct Tracy Fire Department from delivering adequate levels of fire protection services and otherwise help to ensure that all applicable standards and requirements are satisfied.

Operation

The City has an appropriate process in place to plan and fund fire protection services that would ensure that adequate fire protection staffing, performance levels, and facilities are maintained to serve the City's existing population as well and future growth within the SOI. New industrial uses on the project site would result in new employees, which could result in an increase in calls for fire protection and emergency medical services. However, given the nature of the proposed uses, this increase is not expected to be atypical or substantial. Given that the City has adequate fire protection staffing, performance levels, and facilities, and the proposed use would not require substantial use of hazardous materials, the proposed project would not cause a significant impact to fire protection services. The proposed project would be required to comply with applicable provisions of the Tracy Municipal Code, the CBC, and the California Fire Code. It is not expected that the proposed project would adversely affect response times or increase use of existing fire protection or emergency medical response facilities such that substantial physical deterioration, alteration, or expansion would be required, thereby triggering environmental impacts. Furthermore, the project applicant would be required to pay applicable review and development impact fees toward fire protection facilities and apparatus (Draft EIR, Page 3.13-8–10). The proposed project's impacts would be less than significant. No mitigation is necessary.

Potential Effect

Impact PUB-2: The proposed project would not 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 police protection. (Draft EIR, Page 3.13-10). The proposed project's impacts would be less than significant. No mitigation is necessary.

Findings: Less than significant impact.

Facts in Support of Findings

Construction

The City has an appropriate process in place to plan and fund police protection services to ensure that adequate police staffing, performance levels, and facilities are maintained to serve the City's existing population as well as future growth within the SOI. After annexation, the Tracy Police Department would provide law enforcement services to the project site. Tracy Police Department headquarters is approximately 2.3 miles southwest of the project site; however, response is not likely to originate officers who are consistently patrolling the area. During construction, the proposed project would also implement appropriate security measures such as provision of adequate lighting and a project boundary fence around the subject construction area to prohibit access to unauthorized persons other than construction personnel. With adequate police capacity as noted above and provision of security measures, project construction would not create the need for new or altered police protection facilities, and impacts would be less than significant.

Operation

New industrial uses on the project site would result in new employees, which would result in an increase in calls for police protection services. However, given the nature of the proposed uses, this increase is not expected to be atypical or substantial. Primary access to the project site during operation would be from Grant Line Road and Paradise Road. Responses to calls for service would likely be from patrolling officers. As the Police Department's area of responsibility is increased through the annexation and development, the need may arise to add sectors or beats, which are assigned to officers to patrol. The increase in this responsibility may trigger the need for additional staffing (sworn and professional staff) in order to maintain the response standards and quality of services currently provided by the Tracy Police Department.

A significant increase in vehicle traffic, both personal vehicles and delivery trucks, is expected, consistent with Police Department's experience and observations at other similar sites in its jurisdiction. This would likely trigger another need for increase of personnel involved in traffic enforcement, particularly commercial vehicle regulations. However, this proposed project is part of the anticipated growth contemplated by the City in its General Plan. As new specific plans and development projects within the SOI are considered, the City will review the specific details of each proposal. Prior to approving any new development project (including individual development proposals for the project site), the City will have the opportunity to ensure that any Community Facilities District associated with the subject proposal, any relevant development agreement provisions for funding police services, and the development impact fee schedule are appropriately adjusted, in accordance with applicable laws, to reflect anticipated funding gaps. Each project applicant would be required to pay applicable review and development impact fees to help provide for the costs associated with a police facilities building, equipment, and staffing to serve additional demands for police services (Draft EIR, Page 3.13-10–11). The proposed project's impacts would be less than significant. No mitigation is necessary.

Potential Effect

Impact PUB-3: The proposed project would not 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 or other performance objectives for schools. (Draft EIR, Page 3.13-12). The proposed project's impacts would be less than significant. No mitigation is necessary.

Findings: Less than significant impact.

Facts in Support of Findings: Impacts related to provision of or need for construction of new or expanded school facilities are limited to operational impacts. The proposed project could result in indirect population growth due to the creation of employment opportunities. Based on the light industrial nature of the proposed project, it is expected that approximately 1,871 employees would work on-site at full buildout. Because the population of the City is currently estimated at 95,931, the total number of employees that may work at the proposed project represents a relatively nominal increase of approximately 2 percent of the current population of the City. Moreover, the proposed project would not include residential units that would directly result in new school-aged children or a substantial unplanned increase in population growth (Draft EIR, Page 3.13-12). In addition, the proposed project would be required to pay any applicable school impact fees pursuant to State law. The proposed project's impacts would be less than significant. No mitigation is necessary.

Potential Effect

Impact PUB-4: The proposed project would not 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 or other performance objectives for parks. (Draft EIR, Page 3.13-12). The proposed project's impacts would be less than significant. No mitigation is necessary.

Findings: Less than significant impact.

Facts in Support of Findings: Impacts related to provision of and need for construction of new or expanded park facilities are limited to operational impacts. It is expected that approximately 1,871 employees would work on-site at full buildout. Because the population of the City is currently estimated at 95,931, the total number of employees that may work at the proposed project represents a relatively nominal increase of approximately 2 percent of the current population of the City. While it is reasonable to assume that some employees would utilize park facilities during their workday to a certain degree, this use would be limited given the nature of the industrial use and the location of the project site. The proposed project would not include residential units that would directly result in the creation of additional park demand that would result in a significant increase in population or existing park use. Therefore, the proposed project would not require new or altered park facilities and would not result in significant environmental impacts to existing park facilities. (Draft EIR, Page 3.13-12–13). No mitigation is necessary.

Potential Effect

Impact PUB-5: The proposed project would not 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 or other performance objectives for libraries or other public facilities. (Draft EIR, Page 3.13-13). The proposed project's impacts would be less than significant. No mitigation is necessary.

Findings: Less than significant impact.

Facts in Support of Findings: Impacts related to provision of and need for construction of new or expanded library facilities are limited to operational impacts. Because of the nature of the proposed industrial use and the location of the project site, the proposed project is not expected to result in an increase in use of the Tracy Branch Library. The proposed project would not create a need to construct new or expand existing library facilities and impacts would be less than significant. (Draft EIR, Page 3.13-14). No mitigation is necessary.

Cumulative Impact

The proposed project would not result in cumulative impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for public facilities. (Draft EIR, Page 3.13-14). The proposed project's impacts would be less than significant. No mitigation is necessary.

Findings: Less than significant impact.

Facts in Support of Findings: Cumulative development would result in an increased demand for fire protection facilities. To help offset increased demand, similar to the proposed project, other past, present and reasonably foreseeable future cumulative projects would be required to pay all applicable fees to the Tracy Fire Department and Tracy Rural. All cumulative developments would also be required to adhere to applicable provisions of the California Fire Code, Part 9 of the CBC, in terms of meeting standards for fire safety such as fire flow requirements for buildings, fire hydrant location and distribution criteria, automated sprinkler systems, and fire-resistant building materials. With adherence to the CBC and payment of applicable fees, cumulative projects would not result in additional needs for new or altered fire protection or emergency medical facilities not already analyzed within the City and County General Plans, and cumulative impacts would be less than significant. As summarized above and discussed further in the EIR, the proposed project would have a less than significant impact related to fire protection services, and would not have a cumulatively considerable contribution to the already less than significant cumulative impact.

In addition, to help offset increased demand for police protection, the proposed project and other cumulative projects would be required to pay applicable fees to the Tracy Police Department. Similar to the proposed project, all cumulative developments would also be reviewed for impacts on law

enforcement services and required to address any potentially significant impacts with mitigation. Because demand for law enforcement services varies substantially by project (clientele, hours of operation, crime prevention measures, etc.), it is unlikely that there would be substantial overlap in demand that would result in a cumulatively significant impact such that new or expanded police protection facilities are necessary beyond the City's existing capacity and regular review of service levels for future developments. With payment of applicable fees, cumulative projects would not result in additional need for new or altered police protection facilities not already analyzed within the City General Plan, and impacts would be less than significant. Since the proposed project would have a less than significant impact related to fire protection services, the proposed project would not have a cumulatively considerable contribution to the already less than significant cumulative impact.

Planned projects including cumulative projects would result in residential development, though none include any educational facilities. All approved developments would be required to pay applicable development impact fees toward school district facilities. Pursuant to Government Code Section 65995, payment of adopted development fees is considered "full and complete mitigation" for impacts to school facilities, and local governments are prohibited from assessing additional fees or exactions for school impacts. As part of project entitlement processes, cumulative project applicants would be responsible for paying their fair share of school facility fees. With payment of impact development fees, cumulative projects would not result in additional need for new or altered school facilities not already analyzed within the City General Plan, and impacts would be less than significant. As summarized above and discussed further in the EIR, the proposed project would not include the development of any residences, and therefore, would not increase the population in the area, the proposed project would not contribute to any cumulative impacts associated with schools.

Residential cumulative projects would be required to provide parkland or pay applicable development fees. With payment of applicable park impact fees and/or otherwise satisfying park dedication obligations by cumulative projects, there would be a less than significant cumulative impact related to additional increased use and physical deterioration of existing parks and recreational facilities not already analyzed within the City General Plan. Because the proposed project would not include the development of any residences, and therefore, would not increase the population in the area, the proposed project would not contribute to any cumulative impacts associated with parks.

Cumulative developments would be required to pay applicable development impact fees. With payment of fees by cumulative projects, there would be a less than significant cumulative impact regarding additional need for new or altered library facilities not already analyzed within the City General Plan. As summarized above and discussed further in the EIR, the proposed project would not include the development of any residences, and therefore, would not increase the population in the area, the proposed project would not contribute to any cumulative impacts associated with libraries (Draft EIR, Page 3.13-14–16).

1.6.13 - Transportation

Potential Effect

Impact TRANS-3: The proposed project would not result in inadequate emergency access. (Draft EIR, Page 3.14-36). The proposed project's impacts would be less than significant. No mitigation is necessary.

Findings: Less than significant impact.

Facts in Support of Findings

Construction

During the construction period for each individual development proposal within the project site, it is anticipated that a two-way travel would be maintained on Paradise Road and Grant Line Road. Should Paradise Road or Grant Line Road experience temporary one-way travel restrictions or be closed to travel, there are multiple access routes to I-205 and I-5 which act as the main evacuation routes into and out of the project vicinity. Construction detour signage would be provided.

Operation

Fire Station 92 at 1035 East Grant Line Road is the nearest fire station to the project site, approximately 1.4 miles to the west. Fire Station 92 is a City-owned fire station; however, South County Fire responds the closest resources to all emergency and non-emergency calls for service. The nearest Tracy Fire Station is Station 96, located at 1800 West Grant Line Road, approximately 3.6 miles west of the project site. Primary fire protection access to the project site would occur from existing roadways that would not be changed as part of the proposed project.

The proposed project would be served by eight points of vehicular access (the northerly access point along Paradise Road would be for Emergency Vehicle Access [EVA] only):

- Grant Line Road: four access points to the project site.
- Paradise Road: four access points to the project site (the northerly access point along Paradise Road would be for EVA only).

Since no application for individual development proposal(s) for either the Suvik Farms or Zuriakat parcels has been submitted to the City as of this writing, it is too speculative and uncertain to identify the exact location(s) of access points from the New Private Drive to the Suvik and Zuriakat parcels. Therefore, this evaluation reasonably assumes that a driveway would be placed at the Banta Road intersection and opposite other existing driveways to the south. Thus, the proposed project would provide a total of eight vehicular access points to the project site from surrounding roadways. The provision of these access points would satisfy the applicable California Fire Code's emergency access requirements. Moreover, the width of these access points and internal roadways would need to adhere to all other applicable requirements and standards, including the following. All access points and internal roadways for the project site would be required to be compliant with Section 503, Fire Apparatus Access Roads, of the California Fire Code, as well as Chapter 9.06 of the Tracy Municipal Code, which would ensure that access roadways can accommodate fire apparatus vehicles

via a minimum width of 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches, along with adequate turning radius as determined by the fire code official (Draft EIR, Page 3.14-36). The proposed project's impacts would be less than significant. No mitigation is necessary.

Potential Effect

Impact TRANS-4: The proposed project would not conflict with policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. (Draft EIR, Page 3.14-37). The proposed project's impacts would be less than significant. No mitigation is necessary.

Findings: Less than significant impact.

Facts in Support of Findings

Construction

Because there are no sidewalks currently provided along the proposed project frontage or along California Avenue, construction of the proposed project would not adversely affect or otherwise conflict with existing pedestrian access to TRACER Bus Service or Altamont Corridor Express (ACE) or the service for these transit agencies. Should Paradise Road or Grant Line Road be temporarily shut down during construction, there are alternative roadway connections to these transit facilities and access to these facilities would remain available throughout construction.

No Class I facilities currently exist near the project site. Class II facilities currently exist along Grant Line Road in eastbound and westbound directions, west of Paradise Road. No Class III facilities currently exist near the project site. Because there are no existing bicycle facilities along the frontage of Paradise Road or Grant Line or California Avenue, road construction of the proposed project would not result in the temporary closure of bicycle facilities during construction.

There are no sidewalks currently provided along Grant Line Road or Paradise Road along the proposed project frontage or along California Avenue. Because there are no sidewalks along Grant Line Road or Paradise Road along the proposed project frontage or along California Avenue, construction of the proposed project would not result in temporary closures of sidewalk facilities.

Operation

As part of the proposed project’s frontage improvements, it is anticipated that the proposed project would construct a Class I path (that would accommodate both pedestrians and bicycles) per the TMP for both Grant Line Road and Paradise Road. Therefore, the proposed project would provide a bicycle and pedestrian connection to the Class II bicycle facilities and sidewalks that exist along Grant Line Road in eastbound and westbound directions west of Paradise Road that would ultimately provide access to the nearest transit facility. Additionally, under MM TRANS-1(a), the proposed project would provide a transit stop along project frontage on Grant Line Road, if agreed to by the City. Paradise Road and Grant Line Road would still provide roadway access to these transit facilities. However, given the nature of the proposed project and its location, it is anticipated that many employees would drive to the project site and the proposed project would add a minimal number of additional transit riders and would not exceed existing transit capacity.

As part of the proposed project's frontage improvements, it is anticipated that the proposed project would construct a Class I path per the TMP for both Grant Line Road and Paradise Road. Therefore, the proposed project would provide a bicycle connection to the Class II facilities that exist along Grant Line Road in eastbound and westbound directions west of Paradise Road, which would improve the existing bicycle network. In addition, pursuant to the parking requirements of Tracy Municipal Code Chapter 10.08 Article 26, the proposed project would provide approximately 59 bicycle parking spaces in accordance with applicable City requirements. Bicycle racks (single-sided or double-sided racks or equivalent) would be located near the office entrances of each building to provide for the secured parking of bicycles. The required spaces for bicycle parking would be evenly distributed among the office locations within each building pursuant to applicable standards and requirements. Overall, the proposed project would not conflict with adopted policies, plans, or programs regarding bicycle facilities or otherwise decrease the performance or safety of such facilities.

As part of the proposed project's frontage improvements and as noted above, it is anticipated that the proposed project would construct a Class I path (that would accommodate both pedestrians and bicycles) per the TMP for both Grant Line Road and Paradise Road that would provide access to the existing sidewalk network. Therefore, the proposed project would improve the existing pedestrian network. The proposed project would not impede the use of existing sidewalks, and it is not anticipated that the proposed project would substantially increase pedestrian activity in the project vicinity (Draft EIR, Page 3.14-37–39). The proposed project's impacts would be less than significant. No mitigation is necessary.

1.6.14 - Utilities and Service Systems

Potential Effect

Impact UTIL-4: The proposed project would not 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 reduction goals. (Draft EIR, Page 3.16-58). The proposed project's impacts would be less than significant. No mitigation is necessary.

Findings: Less than significant impact.

Facts in Support of Findings: During construction, the proposed project would generate solid waste from demolition and removal of existing structures on the project site. The EPA estimates 4.34 pounds per square foot for a nonresidential construction project (defined as lodging, office, commercial, health care, educations, religious, public safety, and manufacturing facilities). The proposed industrial buildings and related improvements would cover approximately 191 acres; therefore, at buildout, the proposed project is expected to generate approximately 36,108,800 pounds or 18,054.4 tons of solid waste during construction, equating to approximately 16.48 tons per day. The Foothill Landfill is permitted to receive 1,500 tons of waste per day. As such, the approximately 16.48 tons per day of construction/demolition debris generated by the proposed project represents a nominal percent (approximately 1 percent) of the quantity of solid waste that the landfill currently accepts on a daily basis. In addition, compliance with applicable local and State

laws and regulations would ensure that all construction waste would be conveyed to the appropriate solid waste facility and would be disposed of properly.

During operation at full buildout, the proposed project's approximately 1,871 employees would generate an estimated 16,708.03 pounds of solid waste per day (8.35 tons), and 6,098,430.95 pounds per year (3,049 tons), assuming operation 365 days per year. The Tracy Material Recovery Facility and Solid Waste Transfer (MRF) has a daily intake capacity of 1,500 tons of solid waste per day, and the permitted capacity of the Foothill Landfill is 138 million cubic yards, of which 125 million cubic yards remains available, with an anticipated closure year of 2082. As a result, the proposed project's estimated 8.35 tons of solid waste per day and 3,049 tons per year represent less than 1 percent of daily permitted capacity and overall landfill capacity. Pursuant to AB 939, cities are required to redirect at least 50 percent of municipal waste; as of 2009, the City of Tracy has exceeded this diversion requirement, in accordance with its goal of reaching 75 percent reduction. The proposed project would be required to adhere to the Tracy Municipal Code Section 5.20.250 "Multi-family, commercial and industrial recycling programs," which requires diversion of waste from landfills through recycling. (Draft EIR, Page 3.16-58–59). The proposed project's impacts would be less than significant. No mitigation is necessary.

Potential Effect

Impact UTIL-5: The proposed project would comply with federal, State, and local management and reduction statutes and regulations related to solid waste. (Draft EIR, Page 3.16-59). The proposed project's impacts would be less than significant. No mitigation is necessary.

Findings: Less than significant impact.

Facts in Support of Findings: During construction, the proposed project would be required to comply with Chapter 5.20 of the Tracy Municipal Code related to solid waste reduction and recycling measures. Compliance with this regulation would ensure compliance with AB 939 by ensuring construction waste is transferred to facilities that can adequately recycle solid waste. Thus, the proposed project would be required to comply with applicable solid waste regulations and statutes.

During operation, the proposed project would be required to comply with applicable State and local laws and regulations related to solid waste such as AB 939 and Chapter 5.20 of the Tracy Municipal Code. Adherence to AB 939 and the Tracy Municipal Code would ensure sufficient solid waste collection and transportation is available and would ensure that disposal sites contain sufficient capacity through permit review and inspections and recycling programs are implemented to divert waste. As such, operation of the proposed project would not impede the ability of the City to meet waste diversion requirements or cause the City to violate State and local statutes and regulations related to solid waste. (Draft EIR, Page 3.16-60). The proposed project's impacts would be less than significant. No mitigation is necessary.

Cumulative Impact

The proposed project's cumulative impacts related to utilities and service systems would be less than significant. (Draft EIR, Page 3.16-63). The proposed project's impacts would be less than significant. No mitigation is necessary.

Findings: Less than significant impact.

Facts in Support of Findings

Water

The geographic scope of the cumulative potable water analysis is the service area of the City. Cumulative projects are located within the areas of the City of Tracy, San Joaquin County, and on Caltrans-owned land within 10 miles of the project site for which the City provides water treatment service. Water demand within the City's water service area is not expected to exceed the City's supplies at buildout under normal hydrologic conditions based on the City's existing supplies coupled with the implementation of its additional future planned projects, which include Aquifer Storage and Recovery (ASR) Program Expansion, Recycled Water Distribution Network and Exchange Program for additional Central Valley Project (CVP) water supplies, and recycled water distribution for non-potable use. During a single dry year or a multiple dry year period, the City must depend more heavily on water conservation efforts, groundwater, and the proposed future supply projects to overcome the gap between supply and demand. Investments in wet year water supplies will also be needed to refill storage in Semitropic and expand the City's ASR Program. Developers of the other cumulative projects would be required to pay their proportionate share of required funding to the City for completion of water infrastructure improvements. Cumulative projects would be required to comply with provisions of the applicable laws and regulations in the Municipal Code and CALGreen related to water conservation. The proposed project would also be required to comply with City/County ordinances and General Plan policies, as well as other laws and regulations that address water supply. The proposed project would also be required to pay applicable impact fees.

Wastewater

The geographic scope of the cumulative wastewater analysis is the service area of the City. Cumulative projects located in the City are within the service area and would generate volumes of wastewater conveyed to and treated at the Wastewater Treatment Plant (WWTP). Cumulative projects not located in the City or its service area would convey wastewater to the applicable WWTP and are not included in this cumulative analysis. The City has anticipated planned growth and determined that capacity would exist to service the demand for wastewater treatment facilities given the existing capacity coupled with the upgrades discussed in Impact UTL-3. Projects within the service area would participate in the implementation of the Wastewater Master Plan (WWMP) in effect at the time building permits are applied for through the payment of applicable fees and/or the construction of WWMP facilities with corresponding applicable fee credits/reimbursements, as established by the WWMP in effect at the time building permits are issued. The proposed project's contribution to the less than significant cumulative impact would not be cumulatively considerable. Each applicant for individual development proposals on any of the parcels within the project site would be required to comply with the applicable WWMP requirements and be responsible for the payment of applicable impact fees and/or construction of wastewater facilities.

Storm Drainage

The geographic scope of the cumulative analysis of storm drainage is projects within the East Side Industrial future service area, consisting of areas that drain to the storm drainage system and to the San Joaquin Delta. Consistent with measures in the Tracy Municipal Code and other applicable standards and requirements, all development in the City would be required to incorporate a stormwater control plan and stormwater collection systems into the development that would in turn reduce the volume and velocity of stormwater runoff that cumulative projects would generate to adhere to applicable performance standards. The proposed project would provide sufficient capacity to accommodate stormwater runoff associated with the project and other cumulative projects; the proposed project's contribution would not be cumulatively considerable.

Solid Waste

The geographic scope of the cumulative solid waste analysis is the service area of Tracy Delta Solid Waste Management, Inc. New cumulative development (residential and nonresidential) would increase demand on solid waste facilities to receive, process, and store solid waste. Existing solid waste facilities provide sufficient capacity to serve all development anticipated in the City, as well as existing, planned, and probable future land uses in the City for the foreseeable future. The Foothill Landfill has a permitted capacity of 138 million cubic yards, with 125 million cubic yards of remaining capacity that can meet anticipated demand. Additionally, other cumulative projects within the cumulative geographic context, would be required to comply with applicable federal, State and local laws, regulations and policies to address and mitigate any potentially significant impacts. The proposed project's contribution to this less than significant cumulative impact would not be cumulatively considerable. The anticipated waste volume of development associated with the proposed project represents less than 1 percent of the landfill's permitted daily capacity.

Telecommunications

Cumulative projects would coordinate with telecommunication providers to provide service and would be required to ensure there is sufficient capacity to serve each project, through analysis and adequate mitigation. The proposed project would also coordinate with telecommunication providers to provide service, which has capacity to serve project operations, and the proposed project's contribution to the less than significant cumulative impact would not be cumulatively considerable. (Draft EIR, Page 3.16-60–63). No mitigation is necessary.

1.6.15 - Wildfire

Potential Effect

Impact WILD-1: The proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan. (Draft EIR, Page 3.17-8). The proposed project would have no impact. No mitigation is necessary.

Findings: No impact.

Facts in Support of Findings: Because the project site is not located in a "Fire Hazard Severity Zone," nor is it located in a State Responsibility Area (SRA) or a "Very High Fire Hazard" in a local, State, or federal responsibility area, it does not meet the threshold for a potentially significant impact.

Furthermore, the proposed project would be required to be designed in compliance with applicable provisions of the HMP, ensuring efficient response to emergency incidents associated with emergencies affecting the City. The proposed project would be adequately served by police and fire services and would not create a permanent residential increase in population unaccounted for in the General Plan that could lead to overwhelming calls for emergency services and would not block an emergency evacuation route. The proposed project would be required to be consistent with applicable City standards and would be consistent with all applicable Fire Code requirements and standards. As required by General Plan Policies SA-3-1, Policy 1, and SA-3-1, Policy 2, the proposed project would be required to include the mandated clearance around structures and would be required to incorporate fire-resistant building materials, fire flow and hydrant requirements, and adequate street widths to ensure compliance with applicable General Plan safety goals, and with the applicable requirements of the San Joaquin County Emergency Operations Plan and relevant Fire Code provisions (Draft EIR, Page 3.17-8–9). The proposed project would have no impact. No mitigation is necessary.

Potential Effect

Impact WILD-2: Due to slope, prevailing winds, and other factors, the proposed project would not exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. (Draft EIR, Page 3.17-9). The proposed project would have no impact. No mitigation is necessary.

Findings: No impact.

Facts in Support of Findings: As noted above, the project site is not located in a "Fire Hazard Severity Zone," nor is it located in a SRA or a "Very High Fire Hazard" in a local, State, or federal responsibility area. The project site is relatively flat and surrounded by urban development without steep terrain or unmanaged open space areas that would be prone to wildfires. The closest open space area, the Ohlone Regional Wilderness, is located approximately 7 miles southwest of the project site.

The ARB monitors air quality in the San Joaquin Valley at a number of stations. The closest station to the project site is located at the Tracy Airport, at 5749 South Tracy Boulevard, approximately 5.12 miles southwest of the project site. According to the ARB, the maximum wind speed ranged from approximately 6 to 33 miles per hour (mph) in 2020. In addition, the project site has not previously experienced wildfire. Given that the project site does not experience consistent high winds and it is not located in or near an area of steep terrain or an area experiencing historical wildfire, the project site would not be prone to greater wildfire risk. The proposed project would be adequately served by fire protection and emergency services from the Tracy Fire Department. Furthermore, project structures would be required to comply with applicable provisions of the California Fire Code with regard to emergency access and use of building materials that would limit the spread of wildfire to the greatest extent feasible. (Draft EIR, Page 3.17-9–10). The proposed project would have no impact. No mitigation is necessary.

Potential Effect

Impact WILD-3: The proposed project would not 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. (Draft EIR, Page 3.17-10). The proposed project would have no impact. No mitigation is necessary.

Findings: No impact.

Facts in Support of Findings: As noted above, the project site is not located in a "Fire Hazard Severity Zone," nor is it located in an SRA or a "Very High Fire Hazard" in a local, State, or federal responsibility area. Moreover, the proposed project would be served by eight points of vehicular access. The project site is located in a primarily urbanized area surrounded by existing roadways. The proposed project would not require the installation of firebreaks, because it is in a generally urbanized area surrounded by existing development with little natural vegetation. The proposed project would not require emergency water sources, because potable water would be provided by the City of Tracy, which has adequate water supplies available to serve the proposed project and other existing and planned future development during normal, dry, and multiple dry years as described in Section 3.16, Utilities and Service Systems, Impact UTIL-1. Certain existing overhead lines on the project site (as described more fully in application materials) as well as new electrical power and natural gas lines on and connecting to the project site would be installed below ground, minimizing potential ignition and related fire risk above ground, according to applicable provisions of the CBC and Tracy Municipal Code Chapter 11.08. (Draft EIR, Page 3.17-10–11). The proposed project would have no impact. No mitigation is necessary.

Potential Effect

Impact WILD-4: The proposed project would not 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. (Draft EIR, Page 3.17-11). The proposed project would have no impact. No mitigation is necessary.

Findings: No impact.

Facts in Support of Findings: As noted above, the project site is not located in a "Fire Hazard Severity Zone," nor is it located in an SRA or a "Very High Fire Hazard" in a local, State, or federal responsibility area. The project site is not located on or near steep slopes susceptible to landslides or downstream flooding. The project site has also not been affected by previous wildfires that could have resulted in drainage changes or loss of vegetation. Additionally, the project site is not located in or near fire prone areas, such as unmanaged open space, or a designated fire hazard zone. As a result, the proposed project would not expose people or structures to significant risks due to post-fire slope instability or drainage changes. (Draft EIR, Page 3.17-11–12). The proposed project would have no impact. No mitigation is necessary.

Cumulative Impact

The proposed project would not have any cumulative impacts related to wildfire. (Draft EIR, Page 3.17-13). The proposed project would have no impact. No mitigation is necessary.

Findings: No impact.

Facts in Support of Findings: The geographic scope of the cumulative wildfire analysis is the City of Tracy and southwestern portion of San Joaquin County. Because of the topography and existing urban development (including natural and man-made fire breaks), a fire event beyond this geographic scope is unlikely to affect the proposed project and any fires starting in the project site and vicinity would not likely significantly affect lands beyond this geographic scope. The cumulative setting includes the built development and the wildland areas in the southwestern portion of the County. A combination of federal, State, and local laws and regulations limit or minimize the potential for exposure to wildfires by reducing the amount of development in wildland urban interface (WUI) areas, ensuring new development is developed according to the CBC, and incorporating requirements for fire-safe construction into land use planning. Planned uses proposed by the cumulative projects would not significantly increase the need for emergency services and all development would be required to comply with emergency access requirements, which would be imposed as enforceable, standard conditions of approval. Cumulative development would not result in permanent road closures, nor impede established emergency access routes or interfere with emergency response requirements. Accordingly, cumulative projects would not exacerbate wildfire risk. (Draft EIR, Page 3.17-12–13). The proposed project would have no impact. No mitigation is necessary.

1.7 - Potential Environmental Effects Which are Not Significant After Mitigation

The City of Tracy hereby finds that feasible mitigation measures have been identified in the EIR that would avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. The potentially significant impacts, and the mitigation measures that would reduce them to a less than significant level, are as follows:

1.7.1 - Biological Resources

Potential Effect

Impact BIO-1: The proposed project could have a substantial adverse effect, either directly or through habitat modifications, on 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 Wildlife or United States Fish and Wildlife Service (Draft EIR, Page 3.4-17).

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, Page 3.4-22). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

MM BIO-1a Song Sparrow and Tricolored Blackbird Mitigation

Implementation of the following avoidance and minimization measures would avoid or minimize potential effects to song sparrow and tricolored blackbird as a result of project implementation within the Zuriakat parcel in and adjacent to the project site. These measures shall be implemented for construction work that occurs during the nesting season (February 1 through August 31):

- If construction or habitat removal is proposed during the breeding/nesting season (typically February 1 through August 31), a qualified Biologist shall conduct pre-construction surveys for song sparrow and tricolored blackbird within potential nesting habitat of the construction area, (special attention should be paid to the cattail marsh within the Zuriakat parcel) including a 500-foot survey buffer for tricolored blackbird and a 75-foot survey buffer for song sparrow, no more than 7 days prior to the start of ground-disturbing activities in the construction area. If no active nests are detected within the construction area on the project site or within the relevant buffer survey area, then no additional measures are required.
- If an active nest is located during pre-construction surveys, the California Department of Fish and Wildlife (CDFW) (as appropriate) shall be notified (as appropriate) regarding the status of the nest. A setback of 500 feet (for tricolored blackbird) and 75 feet (for song sparrow) shall be established and maintained during the nesting season for the period encompassing nest building and continuing until fledglings leave nests. This setback applies whenever construction or other ground-disturbing activities must begin during the nesting season in the presence of nests which are known to be occupied. Furthermore, construction activities shall be restricted in the construction area as necessary to avoid disturbance of the nest until it is abandoned, or a qualified Biologist deems disturbance potential to be minimal. Restrictions shall include consultation with a qualified Biologist to determine appropriate buffer zones or alteration relevant area.
  - A qualified Biologist shall delineate the buffer using nest buffer signs, environmentally sensitive area fencing, pin flags, and/or flagging tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently.

MM BIO-1b Swainson's Hawk

Foraging: Prior to any activities that would result in ground disturbance to the project site, the relevant applicant(s) for the subject development on any portion of the project site shall each ensure coverage of the relevant portion(s) of the project site under the SJMSCP and pay the applicable fee purchase adequate mitigation through the SJMSCP for 140.59 acres of potential foraging habitat (recommended) or alternatively provide applicant-responsible compensatory mitigation at a 1:1 ratio

(such as procurement of credits through a mitigation bank or dedicated of a conservation easement).

Nesting: The following measures shall be implemented for construction work during the nesting season (February 1 through August 31):

- Implementation of the following avoidance and minimization measures would avoid or minimize potential effects to Swainson's hawk as a result of project implementation and adjacent to the project site. These measures shall be implemented for construction work that occurs during the nesting season (February 1 through August 31):
  - If construction or habitat removal is proposed during the breeding/nesting season (typically February 1 through August 31), a qualified Biologist shall conduct pre-construction surveys for Swainson's hawk within the construction area, (special attention should be paid to trees with past recorded occurrences) including a 0.5-mile foot survey buffer, no more than 7 days prior to the start of ground-disturbing activities in the construction area. If no active nests are detected within the construction area site or within the buffer survey area, then no additional measures are required.
  - If active Swainson's hawk nests are found within the construction area or the 0.5-mile survey buffer of the project site, a qualified Biologist shall determine what nest avoidance buffers may be necessary so that construction-related activities do not cause nest abandonment. The avoidance buffer shall be submitted to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) for approval. The qualified Biologist shall monitor construction activities to ensure construction activities do not result in adverse effects to the nest, fledglings, or adults. The Biologist shall submit a memorandum documenting construction compliance to the appropriate agencies.

MM BIO-1c Burrowing Owl

- A qualified Biologist shall conduct a pre-construction survey no later than 30 days prior to commencement of any ground-disturbing construction activities on the construction area. The survey shall be conducted in accordance with the Staff report on Burrowing Owl Mitigation. All suitable habitats within the construction area site and adjacent buffer (within 500 feet) shall be surveyed. If no burrowing owl are detected during the surveys, then no additional measures are required.
- If pre-construction surveys during the breeding season (February 1- August 31) detect active burrows within the construction area or near the adjacent buffer survey area site, a qualified Biologist shall establish and delineate an appropriate buffer zone around the nest until the breeding season is over as determined by the Biologist. Buffer areas shall be established using the guidelines within the Staff report on Burrowing Owl Mitigation.

- If pre-construction surveys detect active burrows during the nonbreeding season (September 1- January 31) the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) allows for eviction or passive relocation of owls. A passive relocation plan shall be prepared and submitted to SJMSCP for approval.

MM BIO-1d San Joaquin Kit Fox

Measures to protect San Joaquin kit fox shall consist of the following:

- A qualified Biologist shall conduct a pre-construction survey of the construction area and a 200-foot buffer, between 14 and 30 days prior to the commencement of ground disturbance. If the surveys do not identify any San Joaquin kit fox activity or locate any potential dens, then no further measures are necessary.
- If the survey identifies potential dens (potential dens are defined as burrows at least 4 inches in diameter that open up within 2 feet), den entrances shall be dusted for 3 calendar days to register track of any San Joaquin kit fox present. If no San Joaquin kit fox activity is identified, potential dens may be destroyed. If San Joaquin kit fox activity is identified, then dens shall be monitored by a qualified Biologist to determine whether occupation is by an adult fox only or is a natal den (natal dens usually have multiple openings).
- If the den is occupied by an adult only, the den may be destroyed when the adult fox has moved or is temporarily absent. If the den is a natal den, a buffer zone of 250 feet shall be maintained around the den until the Biologist determines that the den has been vacated. Where San Joaquin kit fox are identified, the provisions of the United States Fish and Wildlife Service's published Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance shall apply (except that pre-construction survey protocols shall remain as established in this paragraph). These standards include provisions for educating construction workers regarding the San Joaquin kit fox and keeping heavy equipment operating at safe speeds.

MM BIO-1e Migratory Birds

- To prevent significant impacts to Migratory Bird Treaty Act (MBTA)-protected birds, nesting raptors, and their nests, removal of trees shall be limited to only those necessary to feasibly construct the proposed project as shown on the individual development plans approved by the City pursuant to the mapping and/or development review process.
- If any tree removal is necessary, then it should occur outside the nesting season between September 1 through January 31 to the extent feasible. If trees cannot feasibly be removed outside the nesting season, pre-construction surveys shall be conducted no more than 7 days prior to tree removal to verify the absence of active nests.

- If an active nest is located during pre-construction surveys, the United States Fish and Wildlife Service (USFWS) and/or the California Department of Fish and Wildlife (CDFW) (as appropriate) shall be notified regarding the status of the nest. Construction activities shall be restricted in the construction area as necessary to avoid disturbance of the nest until it is abandoned, or the agencies deem disturbance potential to be minimal. Restrictions shall consist of the include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 100 feet around an active raptor nest and an appropriate radius around an active migratory bird nest depending on the species) or alteration of the construction schedule.
- A qualified Biologist shall delineate the buffer using nest buffer signs, environmentally sensitive area fencing, pin flags, and/or flagging tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently.

MM BIO-1f Roosting Bats

- A qualified wildlife Biologist shall conduct surveys for special-status bats during the appropriate time of day to maximize detectability to determine whether bat species are roosting near the construction area no less than 7 days and no more than 14 days prior to beginning ground disturbance and/or construction. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat, bat sign (e.g., guano), or use of ultrasonic detectors (Anabat, etc.).
- Visual surveys shall include trees within 0.25 mile of project construction activities. Not more than two weeks prior to building demolition, the Tracy Alliance parcel applicants for development on any project parcel, shall ensure that a qualified Biologist (i.e., one familiar with the identification of bats and signs of bats) survey buildings proposed for demolition for the presence of roosting bats or evidence of bats. If no roosting bats or evidence of bats are found in the structure, demolition may proceed. If the Biologist determines or presumes bats are present (if there are site access issues or structural safety concerns), the Biologist shall exclude the bats from suitable spaces by installing one-way exclusion devices.
- After the bats vacate the space, the Biologist shall close off the space to prevent recolonization. Building demolition of the subject structure shall only commence after the Biologist verifies seven to 10 days later that the exclusion methods have successfully prevented bats from returning. To avoid significant impacts on non-volant (i.e., nonflying) bats, the Biologist shall only conduct bat exclusion and eviction from May 1 through October 1. Exclusion efforts shall also be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young).

Facts in Support of Findings: Special-status plant species or communities are unlikely to occur on-site, based on multiple database searches, literature review, and on-site field survey observations. The project site does not contain suitable habitat components for any special-status plant species, including valley and foothill grasslands, native perennial bunch grass communities, or alkaline soils. None of the six special-status plant species identified in the Special-status Species Table were observed or expected to be present on-site.

Eight special-status wildlife species as well as birds protected under the MBTA have the potential to occur on the project site, including song sparrow, tricolored blackbird, Swainson's hawk, burrowing owl, San Joaquin kit fox, pallid bat, Townsend big-eared bat, and western mastiff bat. Therefore, MM BIO-1a requires a pre-construction survey be conducted to confirm that no song sparrow nest (or nest of other protected bird species) is present, and to implement setbacks if they are present. The presence of a tricolored blackbird nesting colony on the project site before or during construction is highly unlikely, but cannot be ruled out. Therefore, MM BIO-1a requires a pre-construction survey to clear the applicable portion(s) of the project site (and setback area, if applicable) of tricolored blackbird (if any), and minimization measures specific to tricolored blackbird nesting colonies, such as setbacks, would be imposed on applicable areas of project development. Swainson's hawk nests have been observed within the greater project site vicinity; the closest recorded occurrence is across Paradise Street, directly west of the project site and during the field survey. Project construction would result in the loss of foraging habitat, totaling approximately 140.59 acres. Therefore, MM BIO-1b details the requirements to address the loss of foraging habitat and requires a pre-construction survey and further avoidance and minimization measures (if necessary). Multiple recorded occurrences of burrowing owl have been documented in the vicinity of the project site, but habitat has since been developed. The closest record of an active nest that is still suitable habitat is located approximately 1.5 miles to the south. While no suitable burrows or signs of presence of burrowing owls were observed during the field survey, it cannot be ruled out that a burrowing owl may occupy the project site before or during construction. Therefore, MM BIO-1c requires a pre-construction survey and further avoidance and minimization measures (if necessary) to reduce potential impacts to burrowing owl. San Joaquin kit fox has been sporadically reported in the southern areas of Tracy, approximately 4 miles from the project site. While San Joaquin kit fox is unlikely to occur on the project site and no dens or other signs of San Joaquin kit fox were observed during the field survey, it cannot be ruled out that a stray or migrating San Joaquin kit fox may be found on the project site before or during construction. Therefore, MM BIO-1d requires a pre-construction survey and further avoidance and minimization measures (if necessary, based on the survey) to reduce potential impacts to San Joaquin kit fox.

The trees along the southwestern boundary and trees located on-site and within the immediate vicinity may provide suitable nesting habitat for birds protected under the MBTA and other special-status birds. Nesting birds can be impacted by noise, vibrations, and increased activity levels associated with various construction activities. Furthermore, construction activities that occur during the nesting season (generally February 1 to August 31) could disturb nesting sites. Therefore, MM BIO-1e requires the relevant applicant(s) for development on any areas within the project site to each conduct a pre-construction survey and implement further avoidance and minimization measures (if necessary and required by the survey) to reduce potential impacts to nesting birds.

Buildings located within the southwestern portion of the project site may provide suitable nesting habitat for bats. Direct and indirect impacts could occur to roosting bats during project construction due to removal of potential roosting habitat. Therefore, MM BIO-1f requires the relevant applicant(s) for development on any areas within the project site to each conduct a pre-construction survey and further avoidance and minimization measures (if necessary), would reduce potential impacts to roosting bats.

An impact to special-status plant and wildlife species would be considered significant if operation of the proposed project resulted in a substantial, adverse change in ambient noise. As discussed in more detail in Section 12, Noise, the proposed project would increase traffic on local roadways and would introduce stationary noise sources through the operation of new industrial facilities; however, noise emitted from the operation of the proposed project would be required to adhere to applicable established standards and would not result in a significant increase in the ambient noise environment. There is a potential impact related to bird mortality caused from collisions with the glass windows on the buildings. However, the reflective window material used would not pose a greater hazard than any other typical industrial buildings in the project vicinity or in the City. Window elements would not be expansive and would be predominately located at building corners or inset into the buildings. As such, all operational impacts would be considered less than significant (Draft EIR, Page 3.4-17–22).

The City finds that MM BIO-1a through MM BIO-1f are feasible, are adopted, and will further reduce impacts related to biological resources. Accordingly, the City Council finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with biological resources would be less than significant with mitigation incorporated.

Potential Effect

Impact BIO-3: The proposed project could 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. (Draft EIR, Page 3.4-27).

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, Page 3.4-27). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

MM BIO-3 Conduct Delineation of Potentially Jurisdictional Aquatic Resources (Channels and Wetlands)

The applicant(s) for development on any project parcel shall complete a formal jurisdictional delineation to document and quantify the full extent of potentially jurisdictional waters for the relevant project parcel(s) in coordination with the

applicable regulatory agencies. The applicant(s) for development on any project parcel shall also coordinate, to the extent required under applicable laws and regulations, with the applicable regulatory agencies (United States Army Corps of Engineers [USACE], Regional Water Quality Control Board [RWQCB], and/or California Department of Fish and Wildlife [CDFW]) to determine whether the irrigation/drainage channels and/or cattail marsh on the project site is protected under Section 404 and 401 of the Clean Water Act (CWA) and/or Section 1602 of the California Fish and Game Code.

Obtain CWA Sections 401 and 404 Permits Prior to Construction

- Prior to the fill of any potentially jurisdictional waters within the project site, the relevant project applicant(s) for the subject project parcel(s) shall consult with the USACE and Regional Water Quality Control Board, to the extent required under applicable laws and regulations, to determine the extent, if at all, that waters of the United States and State may be impacted by the proposed project.
- If required, the relevant applicant(s) for development of the subject project parcel(s) shall obtain a Section 404 CWA permit for impacts to waters of the United States. That same applicant, for development of the subject project parcel(s), will also obtain a Section 401 Water Quality Certification from the RWQCB, if required. Any such required permit and certification shall be obtained prior to issuance of grading permits for the implementation of the individual development proposal on the subject project parcel(s).
- The applicant(s) for development on any project parcel shall design the project to result in no net loss of functions and values of waters of the United States and State by incorporating impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as set forth in the subject Section 404 permit and 401 water quality certification.
- Compensatory mitigation may consist of (1) obtaining credits from a mitigation bank; (2) making a payment to an in lieu fee program that would conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or reservation activities; and/or (3) providing compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity. This final type of compensatory mitigation may be provided at or adjacent to the impact site (i.e., on-site mitigation) or at another location, usually within the same watershed as the permitted impact (i.e., off-site mitigation). This project/permit applicant shall retain responsibility for the implementation and success of the mitigation approach.

Obtain Approval of and File Notification of Streambed Alteration Agreement Prior to Construction

The applicant(s) for development on any project parcel shall ensure that the cattail marsh is not obstructed and human intrusion into the area is minimized. In

compliance with Section 1600 of the California Fish and Game Code, the relevant applicant(s) of an individual development proposal within the project site shall obtain approval and file a notification of a Streambed Alteration Agreement prior to conducting any construction activities within irrigation/drainage channels that qualify as streams under CDFW jurisdiction (i.e., those having bed and bank and at least periodical flow) if and to the extent required under applicable laws and regulations. Those same applicant(s) shall implement all mitigation measures imposed by the CDFW related to the subject Streambed Alteration Agreement, which may include but not be limited to the implementation of erosion and bank stabilization measures, riparian habitat enhancement, and/or restoration and revegetation of the stream corridor habitat at no less than a 1:1 ratio, as determined by the CDFW.

Facts in Support of Findings: There are aquatic resources located within the project site in the form of irrigation/drainage channels (approximately 10,344 linear feet) and a potential ditch wetland/cattail marsh (approximately 0.07 acre) located on the Zuriakat parcel. The ditch wetland/cattail marsh likely formed due to the drainage patterns created as a result of surrounding agricultural production. This potential wetland feature contained standing water during the field visit, contained dense stands of broadleaf cattail (rated an obligate wetland plant by the USACE and a California Natural Community), and supports Northern Pacific tree frogs. This potentially jurisdictional wetland feature is approximately 300 feet long by 8 feet wide.

The irrigation/drainage channels appear to have a potential hydrological connection to the San Joaquin River, a traditional navigable water of the United States. These features are generally not considered jurisdictional; however, California Water Code Section 13050(a) defines “waters of the State” broadly to include “any surface water or groundwater, including saline waters, within the boundaries of the State,” and the determination whether impacts to parts of the irrigation/drainage ditches and/or the cattail marsh on-site are regulated as waters of the State is be made by the RWQCB. If the proposed project would result in the placement of fill that would potentially result in impacts to these aquatic resources, then implementation of MM BIO-3 would reduce potential impacts (Draft EIR, Page 3.4-27–28).

The City finds that MM BIO-3 is feasible, is adopted, and will further reduce impacts related to wetlands and related biological resources. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with biology would be less than significant with mitigation incorporated.

Cumulative Impact

Define impact: The proposed project’s cumulative impacts related to biological resources would be less than significant with mitigation incorporated. (Draft EIR, Page 3.4-33).

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, Page 3.4-33). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM BIO-1a through MM BIO-1f and MM BIO-3.

Facts in Support of Findings: Planned developments listed in the EIR are predominantly located in areas that have already been built out or are located within highly fragmented habitats with limited potential to support special-status wildlife and plant species. The cumulative geographic context is partially developed and partially agricultural land, and there is a low likelihood of special-status wildlife and plants occurring within the cumulative project areas due to past urban development.

Numerous laws and regulations are in place to protect biological resources within the cumulative project area, including, but not limited to, CESA, Endangered Species Act, and the CWA. Future projects within the cumulative geographic context, would be required to comply with applicable federal, State, and local laws, regulations, and policies and all applicable permitting requirements of the regulatory and oversight agencies intended to address potential impacts. Cumulative development would be required to comply with the above requirements, as well as General Plan and Municipal Code requirements (standard pre-construction surveys and, if necessary, avoidance procedures would be required for cumulative projects with the potential to impact special-status wildlife species (see, e.g., MM BIO-1a through MM BIO-1f). The proposed project's incremental contribution to these less than significant cumulative impacts would not be significant with adherence to the mitigation measures related to special-status wildlife species identified above and compliance with other applicable standards and requirements under the comprehensive regulatory framework.

Aquatic resources are largely found outside the cumulative project areas, which are concentrated south of I-205 and north of West Linne Road within the City of Tracy's SOI, as project activities would only affect the surrounding project areas. The majority of cumulative developments have been designed to address future growth problems and minimize developmental impacts to sensitive natural communities by designing projects, to the extent feasible, to occur in previously developed or highly disturbed areas that lack significant sensitive natural communities.

Within the cumulative project areas, development would not directly and significantly impact sensitive natural communities and/or the aquatic resources outlined above because they are largely sited in previously developed or highly disturbed areas, and they would be required to consult with the applicable regulatory agencies, quantify their potential impacts in a formal jurisdictional delineation, and mitigate accordingly. Moreover, as explained in Impact BIO-2 and Impact BIO-3, the proposed project would implement mitigation measures to address potential impacts. The proposed project's contribution to the less than significant cumulative impact would not be cumulatively considerable.

The City of Tracy regulates the alteration or removal of street trees. While other cumulative projects may result in the removal of street trees, these projects would be governed by the applicable local protection ordinance including relevant General Plan policies. Therefore, development of the proposed project and any related development of private property would not result in any conflicts with local tree policies or ordinances protecting trees or other biological resources. As such, there is a less than significant cumulative impact.

The cumulative project areas contain a variety of aquatic resources that act as potential movement corridors for fish and wildlife, such as Corral Hollow Creek and Tom Paine Slough. Any future development that occurs within the cumulative project areas would have to take into account the potential impact to these corridors and mitigate as required under applicable laws and regulations. The project site is not part of or within a wildlife movement corridor. Therefore, the proposed project's contribution to the less than significant cumulative impact related to fish and wildlife movement would not be cumulatively considerable.

The proposed project, in addition to other cumulative projects, would be subject to compliance with the SJMSCP, which may include payment of development fees for conversion of lands that may provide habitat for covered special-status species and implementation of other identified mitigation measures under the SJMSCP. Compliance by the proposed project and other cumulative projects located within the cumulative project areas to the SJMSCP would fully mitigate any potentially significant impacts in this regard. The proposed project's contribution to the less than significant cumulative impact would not be cumulatively considerable given that it also would be required to comply with all applicable provisions and mitigation requirements under the SJMSCP (Draft EIR, Page 3.4-31–33).

The City finds that MM BIO-1a through MM BIO-1f, and MM BIO-3 are feasible, are adopted, and will further reduce cumulative impacts related to biological resources. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with biological resources would be less than significant with mitigation incorporated.

1.7.2 - Cultural Resources

Potential Effect

Impact CUL-1: The proposed project could cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5. (Draft EIR, Page 3.5-20).

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, Page 3.5-20). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

MM CUL-1 Archaeological Spot-Monitoring and Halt of Construction Upon Encountering Historical or Archaeological Materials

An Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology shall inspect the site once grubbing and clearing are complete for the purpose of determining whether there are any previously undiscovered resources on-site, and prior to any grading or trenching into previously undisturbed soils. This shall be followed by regular periodic or "spotcheck" archaeological monitoring as determined by the Archaeologist. If the Archaeologist believes that a reduction in monitoring activities is prudent, then a letter report detailing the rationale for making such a reduction and summarizing the monitoring results shall be provided to the City of Tracy for concurrence. In the event a potentially significant cultural resource is encountered during subsurface earthwork activities, all construction activities within a 100-foot radius of the find shall cease and workers shall avoid altering the materials until an Archaeologist has evaluated the situation. The applicants for the development of the Tracy Alliance, Suvik Farms, and Zuriakat parcels shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. The Archaeologist shall evaluate any finding(s) and determine whether they are significant, and if so, shall make recommendations concerning appropriate measures that will be implemented to protect the significant resource, including but not limited to excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Any previously undiscovered significant resources found during construction within the project site shall be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and shall be submitted to the City of Tracy, the Northwest Information Center (NWIC), and the California Office of Historic Preservation (OHP), as required.

Facts in Support of Findings: The closest known historical resources are located on the southwest corner of the project site and along the southern boundary of the project site. The southwest corner of project site contains buildings and structures over 50 years old associated with the Mattos Dairy Farm complex. The Mattos Dairy Farm complex was evaluated relative to the four California Register of Historical Resources (CRHR) eligibility criteria and found to be ineligible to meet any of the criteria for historic and/or architectural significance required for listing on the NRHP, CRHR, or at the local level.

While unlikely, subsurface construction activities always have the potential to damage or destroy previously undiscovered historic resources such as wood, stone, foundations, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramic, and other refuse, if encountered. Therefore, MM CUL-1 would require an inspection and spot-monitoring by a qualified

Archaeologist after clearing and grubbing but before digging and trenching, when any historic resources would be visible (Draft EIR, Page 3.5-20).

The City finds that MM CUL-1 is feasible, is adopted, and will further reduce impacts related to historical resources. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with historical resources would be less than significant with mitigation incorporated.

Potential Effect

Impact CUL-2: The proposed project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. (Draft EIR, Page 3.5-21).

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, Page 3.5-21). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM CUL-1.

Facts in Support of Findings: Records search from the Central California Information Center (CCIC) indicated that one prehistoric archaeological resource has previously been recorded within the 0.5-mile radius of the project site and is not located within the project site boundary. The presence of a prehistoric archaeological site within the 0.5-mile radius, coupled with poor soil visibility across the Tracy Alliance and Zuriakat project parcels increases the possibility that undiscovered cultural resources may be encountered during project construction. Such resources could consist of, but are not limited to stone, bone, wood, or shell artifacts or features, including hearths and structural elements. Therefore, MM CUL-1 requires inspection and spot-monitoring by a qualified Archaeologist after clearing and grubbing are complete, but before any digging or trenching begin. (Draft EIR, Page 3.5-21–22).

The City finds that MM CUL-1 is feasible, is adopted, and will further reduce impacts related to archaeological resources. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with archaeological resources would be less than significant with mitigation incorporated.

Potential Effect

Impact CUL-3: The proposed project could disturb human remains, including those interred outside of formal cemeteries. (Draft EIR, Page. 3.5-22).

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, Page. 3.5-22). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines § 15091(a)(1)).

Mitigation Measures:

MM CUL-3 Stop Construction Upon Encountering Human Remains

In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 shall be followed. If during the course of project construction, there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resource Code Section 5097.98.
2. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance:
   - The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission.
   - The descendant identified fails to make a recommendation.
   - The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American Remains:

- When an initial study identifies the existence of, or the probable likelihood of, Native American Remains within a project, a lead agency shall work with the appropriate Native Americans as identified by the NAHC as provided in Public Resources Code Section 5097.98. The applicants for the development of the Tracy

Alliance, Suvik Farms, and Zuriakat parcels may each develop a plan with respect to their individual development proposals for treating or disposing of, with appropriate dignity, the human remains, and any items associated with Native American Burials with the appropriate Native Americans as identified by the NAHC.

Facts in Support of Findings: The potential for human remains to be discovered during ground-disturbing activities is considered low because no human remains have previously been discovered on the project site or in its vicinity. While it is unlikely that the presence of human remains exists within or near the project site, there is always the possibility that subsurface construction activities associated with the proposed project, such as grading or trenching, could potentially damage or destroy previously undiscovered human remains. In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and 5097.98 must be followed. MM CUL-3 further specifies the procedures to follow in the event human remains are uncovered. (Draft EIR, Page. 3.5-22–23).

The City finds that MM CUL-3 is feasible, is adopted, and will further reduce impacts related to accidental discovery of human remains. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts would be less than significant with mitigation incorporated.

Cumulative Impact

The proposed project's cumulative impacts related to cultural resources would be less than significant with mitigation incorporated. (Draft EIR, Page 3.5-25).

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, Page 3.5-25). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM CUL-1 and MM CUL-3.

Facts in Support of Findings: The Mattos Dairy Farm complex located on-site, while of historic age, is ineligible for local listing under City of Tracy Resolution 3232 and was found to be ineligible for listing on the CRHR. The dairy complex therefore does not qualify as a historic resource under CEQA, and its demolition will not contribute to a cumulative impact to cultural resources. Potential cumulative impacts would be mitigated at an individual project level by adherence to applicable current State and federal laws and regulations, as well as other City and County laws, regulations and mitigation, such as adherence to standard conditions of approval that require monitoring of construction sites in proximity to known resources (by implementing similar measures as the proposed project's MM

CUL-1). The combination of these efforts would reduce potential cumulative impacts related to historical resources.

Given that the proposed project would not have a known, direct impact on any known archaeological resources, project impacts are less than significant in this regard. Construction activities associated with the proposed project have the potential to encounter undiscovered cultural resources. The proposed project would be required to mitigate for impacts through compliance with applicable federal and State laws and regulations governing cultural resources. Additionally, the implementation of standard construction mitigation measures (MM CUL-1 and MM CUL-3) would ensure that undiscovered cultural resources are not adversely affected by project-related construction activities, which would prevent the destruction or degradation of potentially significant cultural resources in the project vicinity.

Cumulative projects within an 0.5-mile radius would be subject to applicable current State and federal laws and regulations, as well as other local and City and County laws, regulations, and mitigation, such as adherence to standard conditions of approval that require monitoring of construction sites in proximity to known resources, immediate cessation of construction activity upon discovery of unidentified human remains, and the protection of cultural resources that are discovered. The combination of the above-mentioned efforts and other standard construction conditions and mitigation measures (similar to the proposed project's MM CUL-1 and MM CUL-3) would reduce potential cumulative impacts (Draft EIR, Page 3.5-24–25).

The City finds that MM CUL-1 and MM CUL-3 are feasible, are adopted, and will further reduce cumulative impacts related to cultural resources. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with cultural resources would be less than significant with mitigation incorporated.

1.7.3 - Geology and Soils

Potential Effect

Impact GEO-1: The proposed project could 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.
ii. Strong seismic ground shaking.
iii. Seismic-related ground failure, including liquefaction.
iv. Landslides.

(Draft EIR, Page 3.7-11).

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, Page 3.7-11). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines § 15091(a)(1)).

Mitigation Measures:

MM GEO-1 Prepare Grading and Construction Plans that Incorporate Geotechnical Engineering Report Recommendations

Prior to issuance of the grading permits for the proposed project, development of the final grading, foundation, and construction plans shall incorporate the site-specific earthwork, foundation, floor slab, lateral earth pressure, and pavement design recommendations, as detailed in the Geotechnical Engineering Report prepared by Terracon dated January 30, 2019. The applicant(s) for development of individual development proposal(s) within the project site shall each coordinate with a City-approved Geotechnical Engineer and Engineering Geologist to tailor the grading and foundation plans for the relevant development proposal, as needed, to reduce risk related to known soil and geologic hazards. The final grading and construction plans for the relevant development proposal shall be reviewed by the City-approved Geotechnical Engineer to confirm compliance with this MM GEO-1.

Grading operations shall meet the applicable requirements of the recommendations included in the Geotechnical Engineering Report prepared by Terracon on January 30, 2019. During construction, the City-approved Geotechnical Engineer shall monitor construction of the relevant development proposal to ensure the earthwork operations are properly performed in accordance with the foregoing recommendations.

Facts in Support of Findings: Impacts related to risks associated with seismic-related hazards are limited to operational impacts. No respective construction impacts would occur.

Ground Rupture

Based on Geotechnical Engineering Report, the potential for ground rupture is low. There are no known active faults directly crossing the project site or the City of Tracy, and neither the project site nor the City is located within a designated Alquist-Priolo Earthquake Fault Zone. The closest fault to the project site is the San Joaquin Fault located in the southeast portion of the City approximately 7 miles away, precluding the potential for ground rupture to occur. There would be no impact.

Strong Seismic Ground Shaking

The project site is located in a seismically active region that could experience strong ground shaking during a seismic event. It could experience significant ground shaking from maximum credible earthquakes occurring on the Calaveras, Hayward, San Andreas, or Greenville Faults. Therefore, MM GEO-1 requires implementation of the recommendations contained in the Geotechnical Engineering Report prior to the issuance of grading permits. Additionally, the project is required to implement all applicable seismic safety building standards contained in the CBC including seismic design provisions,

which would reduce the risk of loss, injury or death. Furthermore, compliance with General Plan Policy P2 and Chapter 9.02 of the Municipal Code requires all construction to conform to the most recent edition of the CBC. With adherence to the requirements of MM GEO-1 and all applicable building codes and regulations, impacts would be less than significant.

Seismic-related Ground Failure

The project site is not listed as a liquefaction hazard zone by the California Geologic Survey (CGS); however, the Geotechnical Engineering Report determined that on-site soils are susceptible to liquefaction because of the shallow groundwater depth and soil conditions. The Geotechnical Engineering Report provided liquefaction modeling and determined that the project site could experience up to 1 inch of soil settlement and included earthwork recommendations that contained criteria for grading, excavation, and fill replacement. The recommendations are incorporated into the proposed project and must be fulfilled prior to issuance of grading permits as detailed in MM GEO-1. Therefore, MM GEO-1 would ensure that the recommendations contained in the Geotechnical Engineering Report are incorporated into the proposed project construction and design plans.

As explained in the EIR, the project site does not contain steep slopes, exposed hillsides, or vertical cuts. Because of the gently sloping nature of the project site, it does not contain a significant potential for landslides (Draft EIR, Page 3.7-11–12). Therefore, there is no impact from potential landslides.

The City finds that MM GEO-1 is feasible, is adopted, and will further reduce impacts related to seismic activity. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with geology would be less than significant with mitigation incorporated.

Potential Effect

Impact GEO-3: The proposed project could 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 (Draft EIR, Page 3.7-14).

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, Page 3.7-14). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM GEO-1.

Facts in Support of Findings: Impacts related to risks associated with location on an unstable geologic unit or soil are limited to operational impacts. No respective construction impacts would occur.

The Geotechnical Engineering Report identified soils that could be expected to experience up to 1 inch of liquefaction-induced settlement. Any such settlement across the project site would represent a significant impact. Additionally, project site soils would be corrosive to concrete used in building foundations and slabs, which could result in unstable building conditions leading to building collapse or damage. Recommendations included criteria for grading, excavation, and fill replacement that would prevent significant settlement of soils. In addition, the recommendations included concrete mix specifications that would prevent significant impacts from corrosive soils. MM GEO-1 requires implementation of all recommendations prior to the issuance of grading permits and would ensure that the recommendations contained in the Geotechnical Engineering Report are incorporated into the project construction and design plans (Draft EIR, Page 3.7-14).

The City finds that MM GEO-1 is feasible, is adopted, and will further reduce impacts related to geologic resources. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with geology would be less than significant with mitigation incorporated.

Potential Effect

Impact GEO-4: The proposed project could be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property (Draft EIR, Page 3.7-15).

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, Page 3.7-15). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM GEO-1.

Facts in Support of Findings: The Geotechnical Engineering Report determined that expansive soils exist on-site. Without mitigation, the near-surface stiff to hard medium plasticity lean clay and high plasticity clay could become unstable during construction activity and after precipitation events. The Geotechnical Engineering Report includes recommendations that are incorporated as requirements to be imposed on the proposed project as reflected in MM GEO-1, for site preparation, excavation, and replacement fill that would include ground modifications that would spread out the loads from foundations and reduce the influence of the construction loads on soft soil layers, thus reducing the potential for unacceptable settlements. These requirements must be achieved prior to the issuance of grading permits. In addition, the Geotechnical Engineering Report provides options for providing

stable foundations by including building floor slabs with foundation systems on a minimum of 18 inches of lime treated subgrade, or excavation and replacement with engineered fill or a sand/slurry mixture. Implementation of MM GEO-1 establishes requirements based on the Geotechnical Engineering Report that must be included in the grading plans and design of the proposed project.

Additionally, during operation, these soils have the potential to swell and shrink as they gain and lose moisture, which could cause building foundations to crack or heave, resulting in substantial risks to life or property, which represents a potentially significant impact. However, the Geotechnical Engineering Report includes recommendations for site preparation, excavation, and foundation design that would address the site-specific conditions. Implementation of MM GEO-1 would ensure recommendations contained in the Geotechnical Engineering Report are included in the design of the proposed project (Draft EIR, Page 3.7-15).

The City finds that MM GEO-1 is feasible, is adopted, and will further reduce impacts related to geologic resources. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with geology would be less than significant with mitigation incorporated.

Potential Effect

Impact GEO-6: The proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (Draft EIR, Page 3.7-16).

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, Page 3.7-16). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

MM GEO-6 Inadvertent Discovery of Paleontological Resources During Project Construction

In the event a fossil is discovered during construction for the proposed project, excavations within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist in accordance with Society of Vertebrate Paleontology standards. The applicants for development of individual proposals within the project site shall each include a standard inadvertent discovery clause in every proposed project-related construction contract to inform their respective contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and implement a data recovery plan that is consistent with the applicable Society of Vertebrate Paleontology standards. Any recovered fossil should be deposited in an appropriate repository, such as the UCMP, where it will be properly curated and made accessible for future studies.

Facts in Support of Findings: The project site is located on Holocene alluvium, which is too young to be fossiliferous. The valley fill on the project site is at least hundreds of feet thick; thus, subsurface late Pleistocene or older deposits, which have the potential to be fossiliferous, are located at depths well below any excavation required for project construction. Additionally, the Paleontological Report states that the closest paleontological resources to the project site were microfossils uncovered 7 miles to the east. While it is unlikely that paleontological resources exist within or near the project site, there is always the possibility that subsurface construction activities associated with the proposed project, such as grading or trenching, could potentially damage or destroy previously undiscovered paleontological resources. Therefore, MM GEO-6 specifies the procedures to follow in the event a paleontological resource is uncovered. Impacts related to the potential to cause substantial adverse change in the significance of a unique paleontological resource or unique geologic feature are limited to construction. No respective operational impacts would occur (Draft EIR, Page 3.7-16).

The City finds that MM GEO-6 is feasible, is adopted, and will further reduce impacts related to inadvertent discovery of paleontological resources. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with paleontological resources would be less than significant with mitigation incorporated.

Cumulative Impact

The proposed project's cumulative impacts related to geology and soils would be less than significant with mitigation incorporated (Draft EIR, Page 3.7-18).

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, Page 3.7-18). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM GEO-1 and MM GEO-6.

Facts in Support of Findings: The cumulative setting includes Cumulative Projects No. 19 and No. 35 (Draft EIR, Table 3-1) along with existing agricultural and industrial uses. Cumulative projects have the potential to experience strong ground shaking from earthquakes. Cumulative projects would be required to adhere to the applicable provisions of the CBC, and policies of the General Plan and Tracy Municipal Code reducing potential hazards associated with seismic ground shaking and ground failure.

Soil conditions associated with the proposed project, such as differential settlement, liquefaction, expansive soils, and soil creep, are specific to the project site and generally do not contribute to a cumulative effect. Some or all other cumulative projects may have similar conditions, but they also would not contribute to a general geologic or soil cumulative effect. Therefore, there is no

potentially significant cumulative impact. Furthermore, the proposed project would be subject to all applicable General Plan policies, Municipal Code provisions, and the CBC, as well as being required to implement the required mitigation, all of which would reduce soil-related hazard impacts to a less than significant level. Other cumulative projects would similarly be required to adhere to standards and practices that include stringent geologic and soil-related hazard mitigation.

Construction activities associated with development of cumulative projects within the vicinity of the project site may have the potential to encounter undiscovered geologic resources and paleontological resources. These cumulative projects would be required to mitigate for impacts through compliance with applicable federal and State laws governing geologic resources and paleontological resources and other applicable mitigation measures. Moreover, the likelihood that geologic resources and paleontological resources are present on the cumulative project areas is relatively low, given that the majority of soil disturbance associated with these cumulative projects would take place within Holocene soils too young to be fossiliferous. Although there is the possibility that previously undiscovered resources could be encountered by subsurface earthwork activities, the implementation of standard construction mitigation measures and General Plan Objective CC-3.1 and Policy 5 would ensure that undiscovered geologic and paleontological resources are not adversely affected by cumulative project-related construction activities, which would prevent the destruction or degradation of potentially significant cultural resources in the vicinity of the project site. Therefore, potential cumulative impacts are less than significant. (Draft EIR, Page 3.7-17–18).

The City finds that MM GEO-1 and MM GEO-6 are feasible, are adopted, and will further reduce cumulative impacts related to geologic and paleontological resources. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, cumulative impacts would be less than significant with mitigation incorporated.

1.7.4 - Hazards and Hazardous Materials

Potential Effect

Impact HAZ-1: The proposed project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (Draft EIR, Page 3.9-20).

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, Page 3.9-20). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

MM HAZ-1a Conduct Soil Sampling (Tracy Alliance, Zuriakat, and Suvik Farms parcels)

Prior to the issuance of grading permits, the relevant applicant for an individual development proposal within the project site shall provide evidence of soil testing

within the project boundary to confirm presence or absence of hazardous compounds such as lead and arsenic. The testing shall be conducted pursuant to a San Joaquin Environmental Health-approved sampling plan. If hazardous levels of hazardous compounds are found, excavated soils shall be sent off-site for disposal and any affected soils encountered should be properly characterized, treated and/or disposed of in accordance with applicable local, State, and federal laws and regulations. The relevant applicant shall complete any residual soil remediation in connection with the relevant individual development proposal to the satisfaction of San Joaquin Environmental Health, as evidenced by the submittal of a no further action letter. In addition, if hazardous contaminants related to the former agricultural use of the site (such as lead or arsenic) are found, a construction worker health and safety plan shall be prepared and shall be implemented during construction of the relevant individual development proposal.

MM HAZ-1b Proper Disposal and Decommission of Underground Storage Tanks, Aboveground Storage Tanks, and Unlabeled Drums (Tracy Alliance Parcel only)

If any of the reported underground storage tanks (USTs) or aboveground storage tanks (ASTs) are discovered during excavation activities, the applicant for the development of the Tracy Alliance parcels shall dispose of and decommission the USTs and ASTs in accordance with applicable laws and regulations of the Local Oversight Program (LOP) and the American Petroleum Institute Standards, respectively. The unlabeled drums and containers observed during the site reconnaissance for the Phase I Environmental Site Assessment (Phase I ESA) for the Tracy Alliance parcels shall be characterized and disposed of in accordance with applicable local, State, and federal laws and regulations.

MM HAZ-1c Conduct Asbestos and Lead Surveys Prior to Demolition (Tracy Alliance parcels only)

Prior to the issuance of demolition permits for the existing buildings, the applicant for the development of the Tracy Alliance parcels shall retain a licensed professional to conduct asbestos and lead paint surveys. These surveys shall be conducted prior to the disturbance or removal of any suspect asbestos-containing materials (ACM) and lead-based paint (LBP), and these materials shall be characterized for asbestos and lead by a reliable method. All activities involving ACM and LBP shall be conducted in accordance with applicable laws and regulations, and all removal shall be conducted by properly licensed abatement contractors.

MM HAZ-1d Dust Mitigation and Soil Evaluation (Tracy Alliance, Zuriakat, and Suvik Farms parcels)

During any grading or excavation activities in connection with an individual development proposal within the project site, relevant development personnel shall be made aware to look for unusual conditions suggesting buried debris or other

potential adverse environmental conditions. If any abnormal soils are discovered during development activities, such as stained soils, hydrocarbon odors, or any other unusual odors, all construction activities near the discovery shall be stopped immediately and the applicant for the relevant individual development proposal shall contact a qualified hazardous material consulting firm for further assessment and implementation of any appropriate actions as may be required under applicable laws and regulations before construction of the relevant individual proposal can begin again.

MM HAZ-1e Consultation with Chevron and DigAlert (Suvik Farms parcel only)

Prior to any ground disturbance and construction along the northern side of West Grant Line Road, adjacent to the southern boundary of the Tracy Alliance and Suvik Farms parcels, the relevant applicant(s) for the development of the Tracy Alliance and/or Suvik Farms parcels shall consult with Chevron (www.chevronpipeline.com; 800.762.3404) and DigAlert 811 to determine the location of the existing underground petroleum pipeline to facilitate avoidance during ground disturbance and construction activities.

Facts in Support of Findings: During construction, the proposed project would be expected to involve the routine transport, use, and disposal of hazardous materials, such as diesel fuels, aerosols, and paints, which are typical for this type of industrial construction. The proposed project would be subject to the Hazardous Materials Transportation Act, California Public Resources Code, and other applicable State and local laws and regulations that would reduce and limit the associated risks. Any handling, transporting, use, or disposal would be required to comply with applicable laws, policies, and programs set forth by various federal, State, and local agencies and regulations, including the EPA, RCRA, California Department of Transportation (Caltrans), and HMP.

Tracy Alliance Parcels

The Phase I ESA for the Tracy Alliance parcels noted several RECs including a wastewater pond (western portion of the site), absence of removal records associated with historic UST(s), historical AST fueling areas, petroleum hydrocarbon staining, unlabeled 55-gallon drum storage area, burn disposal areas, and off-site groundwater impacts from an adjoining western open-inactive Leaking Underground Storage Tank (LUST) facility. A Limited Site Investigation did not find a significant contaminant release from historical or current use of the parcels in the immediate area of the investigation. The Limited Site Investigation concluded that no further investigation or remediation was required.

Arsenic-impacted soils are present in the soil samples collected from the site. The arsenic impacts are within regional background concentrations, except for the ASH-2 sample. Therefore, MM HAZ-1a would be implemented to test soils for arsenic and to require remediation and documentation of no further action by the California Department of Toxic Substances Control (DTSC) if site soils contain hazardous levels of arsenic.

Evidence of reported USTs on-site was identified. However, information pertaining to the location of the reported USTs was not identified in the regulatory databases or local agencies inquiries. In addition, three gasoline and/or diesel fueling ASTs ranging between approximately 200 gallons and 500 gallons in size were observed at the southwestern portion of the site. During the site reconnaissance, the ASTs were observed on soil and not within secondary containment. Therefore, if any of the reported USTs or ASTs are discovered during excavation activities, MM HAZ-1b would be implemented, which would require disposal and decommission of the USTs and ASTs in accordance with applicable regulations of the LOP and the American Petroleum Institute Standards, respectively.

Approximately ten 55-gallon unlabeled drums stored on soil were observed south of the cattle storm shed. Staining was not observed beneath the former drum area after removal; however, based on the unknown nature of materials stored in the drums and poor housekeeping practices, the former drum storage area represents a Recognized Environmental Condition (REC). MM HAZ-1b requires that any remaining unlabeled drums and containers be disposed of in accordance with applicable local, State, and federal laws and regulations.

Three domestic groundwater wells were found on-site. Because the wells are not to be used in the planned redevelopment of the project site, they must be properly abandoned, closed, or destroyed in accordance with local, State, and federal laws, regulations and guidelines.

The proposed project would demolish the existing buildings on-site. Given the age of the existing structures on the project site, it is conceivable that ACM and LBP may exist within these structures. MM HAZ-1c would require the applicant for the development of the Tracy Alliance parcels to conduct asbestos and lead paint surveys prior to demolition activities and safely remove and dispose of any such materials in accordance with applicable State standards and other legal requirements.

Standard dust mitigation measures would be implemented during all development and soil handling activities. During any grading or excavation activities of the Tracy Alliance parcels, development personnel must be made aware to look for unusual conditions suggesting buried debris or other potential adverse environmental conditions. In addition, if any abnormal soils are discovered during redevelopment, such as stained soils, hydrocarbon odors, or any other unusual odors, all construction activities would be stopped immediately and a qualified hazardous material consulting firm would be contacted for further assessment and monitoring, pursuant to MM HAZ-1d.

Zuriakat and Suvik Farms Parcels

There is a potential for accumulation of elevated levels of lead and arsenic. On-site soils may contain pesticides/herbicides above actionable levels. Therefore, it is recommended that soil sampling and testing be performed on the Zuriakat and Suvik Farms parcels prior to redevelopment; MM HAZ-1a would be implemented to test soils for lead and arsenic and to require remediation and documentation of no further action by the San Joaquin Environmental Health Department if site soils contain hazardous levels of lead or arsenic.

Because of the nature of the agricultural uses on-site, implementation of standard dust mitigation measures during all redevelopment and soil handling activities would be required by MM HAZ-1d. During any grading or excavation activities of the Zuriakat or Suvik Farms parcels, development

personnel must be made aware to look for unusual conditions suggesting buried debris or other potential adverse environmental conditions. In addition, if any abnormal soils are discovered during development, construction activities would be stopped immediately and a qualified hazardous material consulting firm would be contacted for further assessment and monitoring, pursuant to MM HAZ-1d.

Markers indicating the presence of an underground petroleum pipeline owned by Chevron Pipeline Company were observed along the northern side of West Grant Line Road, adjacent to the Suvik Farms parcels. Pursuant to MM HAZ-1e, the applicant for development of the Suvik Farms parcels shall consult with Chevron and contact DigAlert prior to any ground disturbance and construction in that area.

Two on-site irrigation wells were observed within the unpaved access roads along the western property line (the Suvik Farms parcels). Because the wells are not proposed to be used in the planned development of the project site, they would be required to be properly abandoned/closed or destroyed in accordance with local, State, and federal laws and regulations. This would be applied as a standard condition of approval. Routine inspections of facilities that are subject to Hazardous Materials Business Plan (HMBP) requirements would be performed to ensure compliance with existing laws and regulations concerning HMBP requirements. Any routine storage, handling, transport, use, or disposal of hazardous materials during operation of the proposed project would be required to comply with all applicable laws, regulations, policies, and programs set forth by various federal, State, and local agencies, including the EPA, RCRA, Caltrans, the Hazardous Materials Transportation Act, and the City of Tracy HMP. Removal and disposal of hazardous materials would be conducted by a permitted and licensed contractor. Required compliance with applicable hazardous material laws and regulations would ensure that operation-related hazardous material use would not result in a significant hazard to the public or environment (Draft EIR, Page 3.9-20).

The City finds that MM HAZ-1a through MM HAZ-1e are feasible, are adopted, and will further reduce impacts related to hazards. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with hazards would be less than significant with mitigation incorporated.

Potential Effect

Impact HAZ-4: The proposed project is 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, could create a significant hazard to the public or the environment (Draft EIR, Page 3.9-26).

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, Page 3.9-26). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM HAZ-1a and MM HAZ-1b.

Facts in Support of Findings

Tracy Alliance Parcels

Several facilities are identified on the regulatory databases, and two facilities of interest are discussed below.

Legacy Real Estate (6599 West Grant Line Road) and Mattos Farms (6735 West Grant Line Road)

Legacy Real Estate (6599 West Grant Line Road) and Mattos Farms (6735 West Grant Line Road), which are former users of the Tracy Alliance parcels, are identified on the regulatory database Facility and Manifest Data (HAZNET) and two Hazardous Substance Storage Container Database (HIST UST) listings. Approximately 4.8 tons of ACM was removed from the site in the year 2014 and reported to have been disposed at a landfill. The HAZNET listing corresponds to a building removal identified by the City of Tracy in the year 2014. Two 350-gallon gasoline USTs were installed in the year 1973. During the site reconnaissance, Mr. Mattos pointed out an empty rusting AST located west of the cattle barn which was a former UST. During a telephone conversation on November 26, 2018, Mr. Mattos recalled a UST was located approximately 5 feet south of the residence garage and recalled the UST had a crank pump attached to it. Mr. Mattos did not recall when the UST was removed and was not aware of a second UST on the site. Terracon requested UST removal records on file with the City, State and local agencies; however, information associated with the reported USTs was not found. Based on the absence of UST removal records, the historical USTs represent a significant data gap and REC in connection with these lands. Therefore, if any of the reported USTs are discovered during excavation activities, MM HAZ-1b would be implemented, which would require disposal and decommission of the USTs in accordance with applicable laws and regulations of the LOP.

Haley Flying Service (2395 East Pescadero Avenue, formerly 21000 Paradise Road)

Haley Flying Service (2395 East Pescadero Avenue), located to the adjoining west and hydrogeologically and topographically cross-gradient relative to the site, is identified on the Statewide Spills, Leaks, Investigation and Cleanup (SLIC) Cases GeoTracker (CPS-SLIC) and the California Environmental Reporting System (CERS) databases. The facility is an open and active cleanup case with potential pesticide and herbicide contamination. The facility was a former crop-dusting operation with concerns regarding stormwater runoff and wastewater discharge. Wastewater from aircraft washings discharged to a ditch behind the property which runs parallel to a water district irrigation distribution canal. Low levels of pesticides and herbicides including 2,4-D, diuron, linuron, and endosulfan were identified in the samples collected from an irrigation ditch at the facility. The facility's discharge system, including a sump and evaporation system, were not within regulatory compliance.

The facility was additionally identified at 21000 Paradise Road, a former property address, and was identified on the Superfund Enterprise Management System (SEMS-ARCHIVE), RCRA–Small Quantity Generator (RCRA-SQG), DTSC Envirostor website (ENVIROSTOR), LUSTs, Voluntary Cleanup Program (VCP), Waste Management Unit Database/Solid Waste Disposal Sites (WMUDS/SWAT),

Environmental Liens Listings (LIENS), Facility Index System (FINDS), Enforcement Compliance History Information (ECHO), Hazardous Waste and Substance Site List (HIST CORTESE), SWEEPS UST, HIST UST, CA FID UST, and CERS databases. Based on a review of the listings, the facility was a small quantity hazardous waste generator of industrial waste which treats and/or disposes of liquid or semisolid waste; however, the facility did not have reporting requirements. Based on a review of the LUST listings, in 1988, a gasoline release affecting drinking water was reported and was listed as closed as of 1998. A HIST UST listing indicated two 1,000-gallon gasoline USTs, and two 2,000-gallon waste USTs were reported on the property in the 1970s. The SWEEPS UST listing indicated a 1,000-gallon gasoline UST and 5,000-gallon aviation fuel UST were reported on the property in the 1990s.

Based on a review of the ENVIROSTOR website, the facility was a former agricultural aerial operation which applied herbicides and pesticides to local agricultural fields. Spray tanks and airplanes were rinsed on the property and the tank rinse water was pumped into a concrete lined washout pit. The website noted improper hazardous material handling practices as the probable cause of soil contamination on the property. The website indicated in 1982 an unspecified amount of hazardous material was removed from the property. A site screening was performed in 1987 followed by a preliminary assessment in 1988. The facility entered a Voluntary Cleanup Act (VCP) agreement in 2005 and a Preliminary Endangerment Assessment (PEA) was prepared by Geo-Phase Environmental (Geo-Phase) in 2006. Based on a review of diagrams contained in the Geo-Phase PEA, the facility washdown areas and loading docks were located on the eastern portion of the property approximately 100 feet west of the Tracy Alliance parcels. The PEA indicated elevated levels of pesticides and herbicides were detected in soil and groundwater samples collected from the property. The PEA included a Human Health Hazard Assessment and indicated detected levels of chlordane, DDD, DDE, DDT, dieldrin, endosulfan, endrin, and toxaphene were above California Human Health Screening Levels (CHHSLs). Groundwater was reported at 11 feet below ground surface (bgs). The PEA recommended further site characterization including additional soil and groundwater analysis. A PEA approval letter dated February 9, 2006, from the DTSC to the property owner, indicated the property was “highly contaminated” and concurred with the Geo-Phase PEA recommendations.

Additionally, 1990 soil and groundwater samples identified elevated levels of petroleum hydrocarbons. Soil samples collected from the 5,000-gallon UST tank excavation identified gasoline hydrocarbons (610 mg/kg), benzene (6.5 mg/kg), toluene (62 mg/kg), ethylbenzene (41 mg/kg), and xylene (169 mg/kg) above Tier 1 Environmental Screening Levels (ESLs). Benzene (3.9 ug/L), toluene (19.4 ug/L), ethylbenzene (7.5 ug/L) and xylene (32 ug/L) were identified in a groundwater sample collected from the 5,000-gallon tank excavation of which benzene and xylene were reported above ESLs. The PEA noted mitigation records associated with the petroleum hydrocarbon LUST were misplaced in the County records and presumed the LUST release had been adequately mitigated and closed. There were no additional reports for the property after the year 2006. Based on proximity to the site, open regulatory status, reported impacts to soil and groundwater, and shallow depth to groundwater (11 feet), Haley’s Flying Service represents a REC to the site.

A Limited Site Investigation concluded that there does not appear to be a significant contaminant release from historical or current use of the parcels in the immediate area of the investigation. The Limited Site Investigation concluded that no further investigation or remediation was required.

Arsenic-impacted soils are present in the soil samples collected from the site. The arsenic impacts are within regional background concentrations, except for the ASH-2 sample. Therefore, MM HAZ-1a would be implemented to test soils for arsenic and to require remediation and documentation of no further action by the San Joaquin Environmental Health Department if site soils contain hazardous levels of arsenic.

Zuriakat and Suvik Farms Parcels

Based on the findings of this assessment, including a regulatory records review of the following federal, State, and local regulatory agencies, the Zuriakat and Suvik Farms parcels were not included on any institution/engineering control databases that track activity and use limitation on properties. Therefore, impacts related to potential location on a hazardous materials site and, thus, creating a hazard to the public or environment would be less than significant. (Draft EIR, Page 3.9-26–32).

The City finds that MM HAZ-1a and MM HAZ-1b are feasible, are adopted, and will further reduce impacts related to hazards. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with hazards would be less than significant with mitigation incorporated.

1.7.5 - Hydrology and Water Quality

Potential Effect

Impact HYD-1: The proposed project could violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality (Draft EIR, Page 3.10-21).

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, Page 3.10-21). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

MM HYD-1a Prepare Stormwater Pollution Prevention Plan

Prior to the issuance of a grading permit, the relevant applicant for each individual development proposal within the project site shall submit a draft of the Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) in connection with its individual development proposal pursuant to the then-applicable Multi-Agency Post-Construction Stormwater Standards Manual at the time the relevant grading permit is submitted. After City approval of the relevant grading permit, the relevant

NOI and SWPPP shall be sent to the California State Water Resources Control Board (State Water Board) for approval. Approval by the State Water Board is a prerequisite for issuance of the relevant grading permit by the City. The SWPPP shall address stormwater management during each phase of construction of the relevant individual development proposal. Best Management Practices (BMPs) shall be integrated into the relevant SWPPP as identified by the City of Tracy, which will result in the reduction or elimination of pollutants in stormwater discharges and the stabilization of BMPs to reduce or eliminate pollutants after construction of the relevant individual development proposal is completed. The relevant SWPPP shall be consistent with the applicable Regional Water Quality Control Board (RWQCB) standards and National Pollutant Discharge Elimination System (NPDES) permit requirements to protect water quality over the period of construction of the relevant individual development proposal.

MM HYD-1b Prepare Stormwater Management Plan

Prior to the issuance of a grading permit, the relevant applicant for each individual development proposal within the project site shall prepare a Stormwater Management Plan in connection with its individual development proposal for review and approval by the City of Tracy. The relevant Storm Water Management Plan (SWMP) shall include two fundamental components: (1) treatment for pollutants collected in stormwater using Low Impact Development (LID) measures, and (2) no net increase in the erosion potential of the receiving stream over the pre-project (existing) condition. All LID treatment measures would be required to be designed in accordance with applicable engineering criteria in the then-applicable Multi-Agency Post-Construction Stormwater Standards Manual. Implementation of the relevant SWMP would require the preparation of a clearly defined Operations and Maintenance (O&M) Plan by the relevant applicant in connection with its development proposal to ensure that installed stormwater treatment measure(s) and hydromodification management control(s) are inspected and properly operated and maintained for the life of the relevant individual development proposal.

Facts in Support of Findings: Construction activity would expose soils to potential erosion, and to potential pollutants related to the use of construction equipment. Runoff from graded areas could carry eroded soils and pollutants into the storm drainage systems and into the Old River and eventually the San Joaquin River, increasing sedimentation, degrading downstream water quality, and potentially affecting the groundwater table. The proposed project would be required to comply with all applicable laws and regulations including the terms of the Construction General Permit, which require the preparation and implementation of a SWPPP that includes BMPs to ensure reduction of pollutants from construction activities that could potentially enter surface waters as required by MM HYD-1a. Additionally, implementation of the SWPPP would also prevent pollutants from entering the Tracy Subbasin by requiring the inclusion of BMPs, such as the use of biofiltration swales and bioretention basins, that would prevent pollutants from moving off-site through the treatment of stormwater on-site. The intention would be to keep all products of erosion from

moving off-site into receiving waters by treatment on-site. Furthermore, compliance with Chapter 11.34 of the Municipal Code would ensure that each applicant, in connection with its respective individual development proposal, implements the BMPs contained in the relevant SWPPP which would be verified by a City inspector during the construction period. Compliance with applicable policies, laws and regulations would minimize the potential to degrade water quality in downstream water bodies to the maximum extent feasible.

During operation, the proposed project would result in new impervious surfaces compared to existing conditions that would in turn generate stormwater runoff, which may carry pollutants such as pesticides, fertilizers, and deposits of fluids and metals from motor vehicles into the Old River or allow seepage of such pollutants into the associated groundwater table. The proposed project would be subject to applicable C.3 requirements, which includes implementation of a SWMP applicable to the proposed project's design and post-project O&M. Two fundamental components are associated with the SWMP: (1) treatment for pollutants collected in stormwater using Low Impact Development (LID) measures, and (2) no net increase in the erosion potential of the receiving stream over the pre-project (existing) condition. All LID treatment measures would be required to be designed in accordance with applicable engineering criteria in the Multi-Agency Post-Construction Stormwater Standards Manual. Implementation of the SWMP would require the preparation of a clearly defined Operations and Maintenance (O&M) Plan to ensure that installed stormwater treatment measure(s) and hydromodification management control(s) are inspected and properly operated and maintained for the life of the project. The preparation, approval, and implementation of a SWMP is included as MM HYD-1b.

The primary treatment control measure would be the proposed project's on-site stormwater detention basin with a pump station that would be owned and managed by the City. Following Phase 1, each subsequent applicant for its respective individual development proposal within the project site would be required to confirm that the proposed project's on-site stormwater detention basin and bioretention treatment areas could accommodate project flows to the satisfaction of the City and that post-development stormwater flow rates would not substantially exceed predevelopment rates pursuant to the applicable C.3 requirements. The proposed project's on-site stormwater detention basin would be required to comply with applicable provisions of the Multi-Agency Post-Construction Stormwater Standards Manual which identifies BMPs to control the potential pollutant load of stormwater runoff. Additionally, Chapter 11.32 of the Municipal Code requires each applicant for its respective individual development proposal within the project site to pay applicable stormwater impact fees in connection with their respective development proposals, which would ensure the operation, maintenance, and replacement of existing and future stormwater facilities. Each applicant for its respective individual development proposal within the project site would be required to prepare a clearly defined O&M Plan in connection with its respective individual development proposal to ensure that installed stormwater treatment measures and hydromodification management controls are inspected and properly operated and maintained for the life of the relevant individual development proposal (Draft EIR, Page 3.10-21–23).

The City finds that MM HYD-1a through MM HYD-1b are feasible, are adopted, and will further reduce impacts related to water quality standards or water quality. Accordingly, the City finds that,

pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with hydrology and water quality would be less than significant with mitigation incorporated.

Potential Effect

Impact HYD-3: The proposed project could 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:

i. result in substantial erosion or siltation on- or off-site;
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
iv. impede or redirect flood flows? (Draft EIR, Page 3.10-30).

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, Page 3.10-30). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM HYD-1a and MM HYD-1b

MM HYD-3 Prepare Final Drainage Plan Prior to Grading

Each applicant for an individual development proposal within the project site shall, in connection with the relevant individual development proposal:

- Comply with all applicable rules, regulations, and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board (State Water Board), or any of its Regional Water Quality Control Boards (RWQCBs).
- Submit a Final Stormwater Control Plan and a Stormwater Control Operations and Maintenance Plan (O&M Plan) to the City of Tracy Public Works and Community Development Department, which shall be reviewed for compliance with the County's National Pollutant Discharge Elimination System (NPDES) Permit and shall be determined consistent with the City's Stormwater Management and Discharge Control Ordinance (Chapter 11.34 of the Municipal Code, Ordinance 1072) prior to issuance of a grading permit for the relevant individual development proposal. Improvement Plans shall be reviewed to verify consistency

with the relevant Final Stormwater Control Plan and compliance with Provision C.3 of the City's NPDES Permit and the City's Stormwater Management and Discharge Control Ordinance (Chapter 11.34 of the Municipal Code, Ordinance 1072).

- Prior to issuance of grading permits for each relevant individual development proposal, the relevant applicant shall submit a Final Drainage Plan in connection with the relevant individual development proposal that incorporates the measures included in the Flood Protection Technical Memorandum. The City of Tracy Public Works and Community Development Department shall review the relevant Final Drainage Plan to ensure it is in compliance with all applicable requirements and standards, including the recommendations provided in the Flood Protection Technical Memorandum and in the Citywide Storm Drainage Master Plan in effect at the time building permits are issued, to reduce risk related to flooding within a designated floodplain. The relevant Final Drainage Plan shall be reviewed by City of Tracy Public Works and Community Development Department staff to ensure that all building minimum floor elevations for the relevant development proposal are at 26 feet or 1 foot above the maximum flood elevation and will accommodate the 200-year storm event as detailed in the Flood Protection Technical Memorandum. In addition, the on-site stormwater detention basin shall be designed in accordance with the recommendations provided in the Flood Protection Technical Memorandum and in accordance with the Citywide Storm Drainage Master Plan in effect at the time building permits are issued. Additionally, the relevant Final Drainage Plan shall determine if discharge of pre-project runoff rates and/or volumes into the Tom Paine Slough drainage area can continue after project construction pursuant to applicable standards and requirements. Should the relevant Final Drainage Plan determine it is feasible to discharge some runoff (possibly up to the pre-project runoff volume) into the existing downstream system, this design shall be submitted to the City of Tracy as part of the relevant Final Drainage Plan for review and approval.

Facts in Support of Findings

Construction-related Erosion and Siltation

The project site is not located adjacent or near any creek beds and the proposed project does not propose any alteration to a stream, creek bed, or river. Construction activity could result in substantial erosion or siltation due to a drainage pattern alteration and could therefore result in polluted runoff entering the City's stormwater drainage system and the Old River. This would represent a potentially significant impact. However, the proposed project would be required to implement a SWPPP as part of its Construction General Permit, pursuant to MM HYD-1a. The SWPPP is designed to ensure that erosion and siltation are prevented or minimized to the maximum extent feasible during construction through the implementation of standard BMPs. Consistent with Chapter 11.34 of the Municipal Code, each applicant for an individual development proposal within the project site would be required to implement the BMPs contained in the relevant SWPPP in connection with the relevant individual development proposal, which would be verified by a City

inspector during the construction period. Pursuant to the relevant Storm Drainage Master Plan (SDMP) in effect at the time building permits are requested, the SWPPP would include a construction site monitoring program that demonstrates the site is in compliance with the Construction General Permit; therefore, the proposed project would also be required to adhere to this monitoring program mandate. Compliance with applicable policies, laws and regulations would minimize the potential to increase sedimentation or siltation to the maximum extent practicable.

Operation-related Erosion and Siltation

Development of the project site would increase impervious surfaces compared to existing conditions. Thus, project operation could result in increased amounts of stormwater runoff that could carry pollutants into Old River and ultimately San Joaquin River. The proposed project would include an on-site stormwater detention basin with pump station that would be designed pursuant to all applicable standards and requirements to treat stormwater on-site and prevent erosion and siltation from increasing pollutant loads in the stormwater system and Old River. With respect to the Tracy Alliance parcels, bioretention treatment areas would be constructed around the proposed buildings and would also be interspersed throughout the parking lots. Stormwater that would be collected in the bioretention treatment areas would either evaporate or infiltrate through a bioretention filter into surrounding soils. The proposed project would be required to comply with the City of Tracy NPDES program, SWMP, and all relevant provisions of the Municipal Code related to stormwater pollution. The proposed project would be required to implement MM HYD-3 that would require each applicant for an individual development proposal within the project site to prepare a Final Drainage Plan in connection with the relevant individual development proposal prior to site grading, for review and approval by the City. Each Final Drainage Plan would be required to abide by the Multi-Agency Post-Construction Stormwater Standards Manual and require the incorporation of BMPs such as those described above, prior to discharging stormwater off-site. Through adherence to applicable policies, standards, and requirements and implementation of MM HYD-3, the proposed project's operation would not substantially increase erosion or siltation.

Operation-related Surface Runoff

Impacts related to the potential for the proposed project to increase the rate or amount of surface runoff resulting in flooding are limited to operational impacts. The proposed project's increase in impervious surfaces is accounted for in the design of the proposed project's on-site stormwater detention basin with pump station, which would ensure that post-project flows do not exceed pre-project flows in accordance with applicable C.3 requirements. Therefore, operation of the proposed project would not result in any increase in flooding on or off-site. The proposed project includes an on-site stormwater detention basin designed to reduce runoff volume and pollutants from the project site from entering the City stormwater drainage system or waterways, in accordance with Provision C.3 in the Municipal Regional Permit as implemented by the Central Valley RWQCB.

Construction-related Exceedance of Storm Drain Capacity

The proposed project could increase stormwater runoff generation, which could potentially lead to flooding on or off-site. However, each applicant for an individual development proposal would be required to implement a SWPPP as part of its Construction General Permit, as required by MM HYD-1a. The SWPPP is designed to ensure that stormwater generation and pollutants are prevented or

minimized to the maximum extent feasible during construction through the implementation of standard BMPs. Consistent with Chapter 11.34 of the Municipal Code, each individual development proposal within the project site would be required to implement the BMPs contained in the relevant SWPPP in connection with the relevant individual development proposal, which would be verified by a City inspector during the construction period.

Operation-related Exceedance of Storm Drain Capacity

The existing stormwater sheet flows from the site to the northeast toward I-205 and into Pescadero Irrigation District facilities; this stormwater does not currently enter into a City-maintained facility. The proposed project would install an on-site stormwater detention basin with a pump station along the northeast site boundary that would be owned and managed by the City. Bioretention treatment areas would be located around the buildings on the Tracy Alliance parcels and would also be interspersed throughout the parking lots. Stormwater that would be collected in the bioretention treatment areas would either evaporate or infiltrate through a bioretention filter into surrounding soils. Though the bioretention treatment areas for Suvik Farms and Zuriakat parcels are not currently known, each applicant for an individual development proposal on the foregoing parcel(s) would also have to prepare a Final Drainage Plan (similar to the applicant for the Tracy Alliance parcels) upon submittal of a development application that would be required to abide by the Multi-Agency Post-Construction Stormwater Standards Manual and require the incorporation of BMPs.

Proposed bioretention treatment areas would be required to be designed to reduce runoff volume entering the City stormwater drainage system or waterways, in accordance with Provision C.3 in the Municipal Regional Permit as implemented by the Central Valley RWQCB, and all other applicable standards and requirements. In addition, the proposed project would be required to comply with the City of Tracy NPDES program, SWMP, and all relevant provisions of the Municipal Code related to stormwater pollution, including the provision of appropriately sized bioretention areas for pretreatment of stormwaters in accordance with C.3 guidelines. Furthermore, implementation of MM HYD-3 would ensure that stormwaters are collected and conveyed in accordance with Chapter 11.34 of the Municipal Code. MM HYD-3 would also ensure that the proposed project complies with applicable regulations of the NPDES permit, and that each applicant for an individual development proposal within the project site prepares and submits a Final Storm Water Control Plan and Stormwater Control O&M Plan. These plans would prevent pollutants from moving off-site through the treatment of stormwater on-site.

Operation-related Impacts to Flood Flows

Impacts related to impedance of flood flows would only occur during the operational phase of the proposed project. The project site could be subject to flooding in the event of a levee failure along the San Joaquin River or Paradise Cut, which is a distributary of the San Joaquin River. The levees along the San Joaquin River and Paradise Cut near the City do not currently meet Federal Emergency Management Agency (FEMA) criteria for Urban Level of Flood Protection (ULOP). Therefore, the analysis to determine the flood levels must consider failure of the levees along the river.

The 200-year flood levels at the project site would be virtually the same as the FEMA 100-year flood levels, which is estimated to be 24 feet. Maximum flood depths at the project site would be controlled by existing ground elevations of tributaries of the San Joaquin River, including Old River

and Sugar Cut Channel, which would influence potential flows to the project site. Because the ground elevations around the southern end of the Sugar Cut Channel (21.2 feet) are greater than the projected 200-year flood elevation in the Old River (estimated at 17 feet), flood flows would be limited to existing drainage channels. The Flood Protection Technical Memorandum concluded that a levee breach at the Paradise Cut would result in 200-year flood elevations of at most 24 feet on the project site, which is similar to the 100-year flood elevation. Consequently, the Flood Protection Technical Memorandum determined it would be reasonable to plan for a 200-year flood elevation of 25 feet and all new structures within the project site would need to have a lowest finished floor elevation at least one foot, 26 feet, above the 200-year flood level associated with levee failure. The same minimum finished floor elevation would apply to all portions of the proposed project. Implementation of MM HYD-3 would require each applicant for individual development proposals within the project site to prepare a Final Drainage Plan in connection with the relevant individual development proposal prior to site grading to ensure that all relevant project buildings are built at a minimum finished floor elevation of 26 feet (i.e., 8.5 feet higher than the existing lowest ground elevation of 17.5 feet) and all measures and recommendations included in the Flood Protection Technical Memorandum are included in the project design. MM HYD-3 would ensure the proposed project is consistent with applicable provisions of the City's Municipal Code (Title 9 Building Regulations, Chapter 9.52 Floodplain Regulations), which requires that all new construction and substantial construction pertaining to buildings have the lowest floor, including basement, elevated to or above the base flood elevation.

The proposed project's on-site stormwater detention basin would be located within a known flood hazard zone. The City of Tracy Design Standards (City's Design Standards) requires basins to be emptied within 10 days. The proposed project's on-site stormwater detention basin would need to drain at 3 cubic feet per second (cfs) to fulfill this requirement.

The 100-year floodplain impacts on the project site would only result from the unlikely event of a levee failure along the San Joaquin River or Paradise Cut. Furthermore, the volume of the breach flow would need to be sufficient to inundate over 10 square miles prior to flows reaching the project site, which is an extreme and unlikely event. If flood flows reached the project site, they would fill available storage in the proposed project's on-site stormwater detention basin below the flood level and any additional flood flow volumes would be pumped into the Eastside Channel. The Flood Protection Technical Memorandum determined that it would not matter if the proposed project's on-site stormwater detention basin contained sufficient capacity in the event of regional flooding because runoff upstream from the project site would not make flooding worse and the impact of additional stormwater volumes being pumped into the Eastside Channel would be less than significant.

MM HYD-3 would require the proposed project's on-site stormwater detention basin to be designed in accordance with, and meet the applicable objectives, standards and requirements set forth in the Citywide SDMP in effect at the time building permits are requested for the relevant individual development proposal.

The Flood Protection Technical Memorandum notes that unlike most other areas of the City, the location of the proposed project's on-site stormwater detention basin has a defined existing

conveyance downstream from it. Although it may be reasonable to pump all of the increased runoff from the area tributary to the proposed project's on-site stormwater detention basin into the City's Eastside Channel drainage system, it may be feasible to discharge some runoff (possibly up to the pre-project runoff volume) into the existing downstream system. Any allowable discharge into the Tom Paine Slough system could reduce the capacity required for the proposed project's on-site stormwater detention basin. This design-level review would be completed as part of the Final Drainage Plan for each individual development proposal as required in MM HYD-3. Pursuant to the foregoing and with the applicants' compliance with all other applicable laws and regulations including designing the proposed project's on-site stormwater detention basin and all structures on-site consistent with City's Design Standards, recommendations provided in the Flood Protection Technical Memorandum, performance standards included in the Citywide SDMP in effect at the time building permits are requested, and implementation of MM HYD-3, impacts related to impedance of flood flows would be less than significant with mitigation incorporated (Draft EIR, Page 3.10-30–36).

The City finds that MM HYD-1a, MM HYD-1b, and MM HYD-3 are feasible, are adopted, and will further reduce impacts related to existing drainage patterns and hydrologic resources. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with hydrology would be less than significant with mitigation incorporated.

Potential Effect

Impact HYD-4: The proposed project would be located in a flood hazard zone, tsunami, or seiche zone, or risk release of pollutants due to project inundation (Draft EIR, Page 3.10-37).

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, Page 3.10-37). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM HYD-3.

Facts in Support of Findings: In the event of a levee failure along the San Joaquin River or Paradise Cut, which is a distributary of the San Joaquin River, sufficient to inundate over 10 square miles prior to flows reaching the project site, the project site could be inundated as it is located within a flood hazard zone as determined by FEMA. To address potential inundation, compliance with MM HYD-3 and applicable provisions of the City's Municipal Code (Title 9 Building Regulations, Chapter 9.52 Floodplain Regulations) would require each applicant for individual development proposals within the project site to submit a Final Drainage Plan in connection with the relevant individual development proposal that incorporates the recommendations included in the Flood Protection Technical Memorandum and project-specific Hydrology Study. Additionally, the relevant Final Drainage Plan shall determine if discharge of pre-project runoff rates and/or volumes into the Tom

Paine Slough drainage area can continue after project construction pursuant to applicable standards and requirements. Should the relevant Final Drainage Plan determine it is feasible to discharge some runoff (possibly up to the pre-project runoff volume) into the existing downstream system, this design shall be submitted to the City as part of the relevant Final Drainage Plan for review and approval. These improvements would ensure that the proposed project would not be subject to a substantial risk of inundation and drainage would be improved such that the proposed project would not be at significant risk of pollutant release.

The project site is not located near the ocean and would not be susceptible to inundation from a tsunami. The project site is not located near a large, enclosed body of water and is not susceptible to inundation from a seiche (Draft EIR, Page 3.10-37–38).

The City finds that MM HYD-3 is feasible, is adopted, and will further reduce impacts related to potential inundation and hydrologic resources. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with hydrology would be less than significant with mitigation incorporated.

Potential Effect

Impact HYD-5: The proposed project could conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (Draft EIR, Page 3.10-38).

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, Page 3.10-38). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM HYD-1a.

Facts in Support of Findings: The proposed project would not conflict with the City's NPDES program. Given that construction for the proposed project would disturb more than one acre of land, the proposed project would be required to comply with the terms of the Construction General Permit, which would require the preparation and implementation of SWPPPs in connection with each individual development proposal within the project site, which would include BMPs to ensure reduction of pollutants from construction activities potentially entering surface waters in accordance with MM HYD-1a.

The project site is located within the San Joaquin Hydrologic Basin Planning Area under the jurisdiction of the Central Valley RWQCB. The proposed project would be required to comply with applicable goals and policies as set forth by the Central Valley RWQCB. The Tracy Regional Groundwater Management Plan (GMP) is the sustainable GMP that would govern development that occurs on the project site. As described in Impact HYD-2, the project site is located within the

boundaries of the Tracy Subbasin and has limited potential to adversely impact groundwater recharge rates due to existing poorly drained soils and shallow groundwater levels. Annual groundwater use is anticipated to be 2,500 AFY. This anticipated future groundwater pumpage is significantly below the City's maximum historical groundwater pumpage and the average annual operational yield of 9,000 AFY, and the proposed project would not significantly decrease groundwater supplies because the design of the proposed project's on-site stormwater detention basin includes filters to remove sediments and organic materials that might further reduce groundwater percolation rates. Given that the City has determined it would have adequate groundwater supplies to serve the project site, the proposed project would not conflict with or obstruct implementation of the relevant water quality control plan or the relevant sustainable GMP (Draft EIR, Page 3.10-38–39).

The City finds that MM HYD-1a is feasible, is adopted, and will further reduce impacts related to hydrology. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with hydrology would be less than significant with mitigation incorporated.

1.7.6 - Noise

Potential Effect

Impact NOI-2: The proposed project could generate a substantial 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 (Draft EIR, Page 3.12-18).

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, Page 3.12-25). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines § 15091(a)(1)).

Improvement Mitigation Measures

IMM NOI-2 **To reduce potential construction noise impacts, the following multi-part Improvement Mitigation Measure (IMM) shall be implemented for the project:**

- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Locate stationary operational noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction area. In addition, the project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site to the extent feasible.
- Utilize "quiet" air compressors and other stationary operational noise sources where such technology exists and is commercially practicable.

- The construction contractor shall prohibit unnecessary idling (i.e., idling in excess of 5 minutes) of internal combustion engines.
- The construction contractor shall, to the maximum extent practicable, locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- The construction contractor shall ensure that all construction activities that would occur within 550 feet of a residential land use property line shall be limited to daylight hours or to the hours of 7:00 a.m. and 7:00 p.m.

Facts in Support of Findings

Construction

Noise impacts from construction activities associated with development of the proposed project would be a function of the noise generated by construction traffic, construction equipment, equipment location, sensitivity and location of nearby land uses, and the timing and duration of the construction activities. All project construction would be required to take place within the permissible hours (7:00 a.m. to 7:00 p.m.). Accordingly, no significant impact related to construction noise would occur. A discussion of the potential impacts associated with each of these types of activities is provided below for informational purposes.

Construction-related Traffic Noise

The proposed project would be required to adhere to the above-referenced construction hours and therefore no significant impact would occur. Because project construction workers and construction equipment would use existing routes, noise from passing trucks would be similar to existing vehicle-generated noise on these local roadways. In addition, these trips would not result in a doubling of daily traffic volumes on any of the local roadways in the project vicinity and would thus, as explained more fully above, not result in a perceptible change in existing traffic noise levels.

Construction Equipment Operational Noise

The proposed project would be required to adhere to the above-referenced construction hours and therefore no significant impact would occur. Each construction phase would change the character of the noise generated on-site. Thus, the noise levels vary as construction progresses. Despite the variety in the types and sizes of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction noise ranges to be categorized by work phase. The site preparation phase, which includes excavation and grading activities, tends to generate the highest noise levels because the noisiest construction equipment is earthmoving equipment. The maximum noise level generated by each scraper is assumed to be 85 dBA maximum noise level (L_{max}) at 50 feet from this equipment. Each bulldozer would generate 85 dBA L_{max} at 50 feet. The maximum noise level generated by graders is approximately 85 dBA L_{max} at 50 feet. Each doubling of sound sources with equal strength increases the noise level by 3 dBA. Assuming that each piece of construction equipment operates at some distance from the other equipment, a reasonable worst-case combined noise level during this step in the construction process would be 90 dBA L_{max} at a distance of 50 feet from the acoustic center of a construction area. This would result in a reasonable worst-case hourly average of 86 dBA L_{eq}.

The nearest off-site noise-sensitive receptor to the proposed construction footprint is the single-family residence located west of the proposed building in the southwest corner of the project site, which would be located approximately 150 feet from the acoustic center of construction activity. At this distance, construction noise levels at the exterior façade of this nearest residential home would be expected to range up to approximately 80 dBA L_{max}, with a reasonable worst-case hourly average of approximately 76 dBA L_{eq}, intermittently.

The closest receptor to the eastern portions of the project site where anticipated project development would occur is the single-family residence located southeast of the project site. This receptor would be located approximately 95 feet from the nearest potential construction footprint where multiple pieces of heavy machinery would operate simultaneously. At this distance, construction noise levels at the exterior façade of this residential home would be expected to range up to approximately 84 dBA L_{max}, with a reasonable worst-case hourly average of approximately 80 dBA L_{eq}, intermittently.

The closest receptor to the northern portions of the project site where future project development would occur is the single-family residence located north of the project site. This receptor would be located approximately 130 feet from the nearest potential construction footprint where multiple pieces of heavy machinery would operate simultaneously. At this distance, construction noise levels at the exterior façade of this nearest residential home would be expected to range up to approximately 82 dBA L_{max}, with a reasonable worst-case hourly average of approximately 78 dBA L_{eq}, intermittently.

All of these reasonable worst-case construction noise levels would be required to occur only during permissible work hours, would be intermittent, and would be reduced as equipment moves over the project site further from sensitive receptors. Although there would be single event noise exposure potential causing intermittent noise nuisance from project construction activity, the effect on longer-term (hourly or daily) ambient noise levels, as measured at nearby sensitive receptors, would be small, but could result in annoyance or sleep disturbances at nearby sensitive receptors if construction activities are not limited to daylight hours. Improvement Mitigation Measure (IMM) NOI-2, which requires compliance with the City's permissible construction hours and implementation of best management noise reduction measures would further ensure that construction noise levels would not result in a substantial temporary increase in ambient noise levels that would result in a violation of the City's applicable construction hours requirements or sleep disturbance of nearby sensitive receptors.

Operations

The proposed project would result in an increase in traffic on local roadway segments in the project vicinity. In addition, implementation of the proposed project would introduce new stationary operational noise sources to the ambient noise environment in the project vicinity, including parking lot and loading/unloading activity, and new mechanical ventilation equipment operation.

Traffic (mobile source) Noise

As shown in Table 3.12-6 of the EIR, the highest traffic noise level increase with implementation of the proposed project would occur along Paradise Avenue, under Cumulative Plus Project conditions.

Along this roadway segment, the proposed project would result in an increase in traffic noise levels of 1.7 dBA over cumulative conditions without the project. The resulting noise levels for this roadway segment would be 70.9 dBA L_{dn} as measured at 50-feet from the centerline of the outermost travel lane under Cumulative Plus Project conditions. These noise levels would be considered "conditionally acceptable" under the relevant land use category. Thus, the applicable significance criteria would be a 3 dBA increase, which would not result in a substantial permanent increase in traffic noise levels in excess of applicable standards.

Stationary Operational Noise–Parking Lot Activities

Assuming a reasonable worst-case scenario of one parking movement for every parking stall within a single hour would result in an hourly average noise level of 59 dBA L_{eq} as measured at the project boundary adjoining other properties. These noise levels are well below the City's hourly average noise level threshold of 75 dBA L_{eq}(h). Therefore, proposed parking lot activity noise levels would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of the City's established noise performance threshold.

The nearest noise-sensitive receptor to the proposed parking areas of the western parcels is the single-family residence located west of the project site near the intersection of Grant Line Road and Paradise Avenue, which would be located approximately 180 feet from the acoustic center of the nearest parking area. At this distance, assuming a reasonable worst-case scenario of one parking movement for every parking stall every hour of the day would result in day-night average noise level of 50 dBA L_{dn} as measured at the nearest residential façade. This is well below the City's "normally acceptable" threshold of 60 dBA L_{dn} for residential land uses. This is also below the existing traffic noise levels along roadway segments adjacent to this receptor. Therefore, parking lot noise levels would not exceed existing ambient noise levels as measured at the nearest residential receptor and would not result in a substantial permanent increase in ambient noise levels in the project vicinity above the applicable standard.

Mechanical Equipment Operations

Proposed rooftop mechanical ventilation systems would be set back by more than 50 feet from project property lines that adjoin other properties. At this distance, hourly average noise levels from operation of these systems would attenuate to below 54 dBA L_{eq} as measured at the nearest project boundary adjoining other properties. These noise levels are well below the City's hourly average noise level threshold of 75 dBA L_{eq}(h). Therefore, proposed rooftop mechanical ventilation system operational noise levels would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of the City's established noise performance threshold. The nearest noise-sensitive receptor to proposed rooftop mechanical ventilation systems on the western parcels is the single-family residence located west of the project site near the intersection of Grant Line Road and Paradise Avenue, which would be located approximately 320 feet from the nearest location where rooftop mechanical ventilation systems could be installed. At this distance, hourly average noise levels from operation of proposed ventilation systems would attenuate to below 22 dBA L_{eq} as measured at the nearest residential façade. Assuming a reasonable worst-case scenario of the ventilation system operating every hour of the day would result in day-night average noise level of 35 dBA L_{dn} as measured at the nearest

residential façade. This is well below the City's "normally acceptable" threshold of 60 dBA L_{dn} for residential land uses. This is also below the existing traffic noise levels along roadway segments adjacent to this receptor. Therefore, noise levels from proposed mechanical ventilation equipment operations would not exceed existing ambient noise levels as measured at the nearest residential receptor and would not result in a substantial permanent increase in ambient noise levels in the project vicinity above the applicable standard.

Truck Loading Activities

Proposed truck loading areas would be set back more than 100 feet from the nearest project property line adjoining other properties. Assuming a reasonable worst-case scenario of a truck loading event for every proposed truck loading dock within a single hour would result in an hourly average noise level of 67 dBA L_{eq} as measured at the project boundary adjoining other properties. These noise levels are well below the City's hourly average noise level threshold of 75 dBA L_{eq}(h). Therefore, proposed truck loading activity noise levels would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of the City's established noise performance threshold. The nearest noise-sensitive receptor to the proposed truck loading areas of the western parcels is the single-family residence located west of the project site near the intersection of Grant Line Road and Paradise Avenue, which would be located approximately 400 feet from the nearest truck loading areas. At this distance, assuming a reasonable worst-case scenario of a truck loading event for every truck loading dock every hour of the day would result in day-night average noise level of 60 dBA L_{dn} as measured at the nearest residential façade. Therefore, truck loading activities would not result in an increase in noise levels at the nearest sensitive receptor in excess of 5 dBA above the City's "normally acceptable" threshold of 60 dBA L_{dn} for residential land uses. This is also below the existing traffic noise levels along roadway segments adjacent to this receptor. Therefore, truck loading noise levels would not exceed existing ambient noise levels as measured at the nearest residential receptor and would not result in a substantial permanent increase in ambient noise levels in the project vicinity above the applicable standard (Draft EIR, Page 3.12-18–25).

The City finds that MM NOI-2 is feasible, is adopted, and will further reduce impacts related to ambient noise. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with noise would be less than significant with mitigation incorporated.

1.7.7 - Transportation and Traffic

Potential Effect

Impact TRANS-2: The proposed project could substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). (Draft EIR, Page 3.14-33).

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, Page 3.14-33). Changes or alterations have been required in, or incorporated into, the proposed

project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

MM TRANS-2 Prepare and Implement Construction Traffic Control Plan

Prior to the start of construction for an individual development proposal, the relevant applicant shall prepare and submit a Construction Traffic Control Plan for the individual development proposal at issue. Each plan shall include the following items. Each approved plan shall be implemented during construction of the individual development proposal at issue.

- Project staging plan to maximize on-site storage of materials and equipment.
- Permitted construction hours.
- Location of construction staging.
- Provisions for street sweeping to remove construction-related debris on public streets.
- A set of comprehensive traffic control measures including preparation of traffic control plans, as needed; scheduling of major truck trips and deliveries to avoid peak-hours; lane closure proceedings; signs, cones, and other warning devices for drivers; and designation of construction haul routes.
- Survey of the pavement condition on roadways within the relevant individual development to be used as part of haul route prior to the commencement of any work on-site. The survey shall include a video tape of the roadways. Each relevant applicant shall complete any remedial work prior to initiation of use and provide a bond assuring completion of the remediation work triggered by the individual development proposal, the amount which shall be deemed sufficient by the Public Works Department.
- The relevant applicant shall provide a pavement analysis for those roads along the proposed haul routes or any alternate route(s) that are proposed to be utilized by hauling operation for the individual development proposal at issue. This study shall analyze the existing pavement conditions and determine what impact the hauling operation will have over the construction period of the relevant individual development. The study shall provide recommendations to mitigate identified impacts, which shall be implemented by the relevant applicant for the individual development proposal at issue.

Facts in Support of Findings: Construction of the proposed project would require regular deliveries of equipment and materials to the project site as well as daily trips by construction workers. Given the location of the project site, nearly all construction traffic would be expected to access the project site from Grant Line Road and Paradise Road via I-205. This routing would generally avoid residential streets. Project construction activities may result in some temporary lane closures in the area. However, the resulting daily and peak-hour traffic volumes during the construction period are anticipated to be less than during project operation as analyzed in the Transportation Impact

Analysis (TIA). In a reasonable worst-case scenario where all three project phases overlap, it is estimated that during the highest trip generation stage of construction the total passenger car and truck trips would be 56 percent and 47 percent, respectively, of the proposed project trip generation analyzed in the TIA. Therefore, a reasonable worse-case concurrent construction of all phases would not worsen the Level of Service (LOS) more than the project LOS operational analyses analyzed in the TIA. Standard construction traffic control measures would be implemented consistent with applicable Caltrans and City policies, such as MM TRANS-2, which would require the preparation and implementation of a Construction Traffic Control Plan that would reduce the potential for construction vehicle conflicts with other roadway users. Construction-related impacts would be less than significant with mitigation.

At operation, primary vehicle access to the project site would be provided from four access points on Grant Line Road and four access points on Paradise Road; the northerly access point along Paradise Road would be for EVA only. A new signalized intersection on Grant Line Road would provide access to a New Private Drive that would facilitate on-site circulation for the warehouses and distribution and related uses on the Tracy Alliance parcels as well as access to the Suvik Farms and Zuriakat parcels, as shown in Exhibit 2-7a in the Project Description. The New Private Drive, located along the Tracy Alliance parcels' eastern boundary, would also provide access to the detention basin area. Since no individual development proposal(s) for either the Suvik Farms and Zuriakat parcels have been submitted to the City as of this writing, the exact location(s) of access points from the New Private Drive to the Suvik and Zuriakat parcels have not been identified at this time. Therefore, for purposes of this analysis, this evaluation assumes that a driveway would be placed at the Banta Road intersection and opposite other existing driveways to the south.

Entrances and roadways providing access to the proposed project would be required to be in compliance with applicable provisions of the City's Fire Code and other applicable laws and regulations as well as relevant conditions of approval, and would thus operate at acceptable service levels. Furthermore, the proposed roadway improvements would increase roadway safety by being designed according the applicable City of Tracy, Caltrans, and industry standards.

Section 3.08.290 of the Tracy Municipal Code establishes truck routes throughout the City, restricting vehicle routes within the City for vehicles with a gross vehicle weight of 5 tons or more or that are licensed commercially as a truck in the state of origin and used for carrying goods for pickup and delivery. Vehicles meeting either of these criteria would be restricted to specific truck routes and designated streets, except when necessary.

Larger trucks are called Surface Transportation Assistance Act (STAA) vehicles. The NEI Specific Plan includes the construction of new truck route signage to direct trucks toward truck routes, the conversion of Grant Line Road to a STAA route, and the construction of new STAA routes in the project vicinity. These improvements would further improve roadway safety by providing appropriate and adequate roadway infrastructure for the trucks that would access the project site. As a result, existing and planned roadways would be able to support proposed STAA trucks that would access the project site consistent with applicable provisions of the Municipal Code (Draft EIR, Page 3.14-33–35).

The City finds that MM TRANS-2 is feasible, is adopted, and will further reduce impacts related to design features and uses of the proposed project. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Additionally, to further ensure safe transit and address concerns regarding truck traffic through the Banta community located east of the project site, the project applicants voluntarily agreed to implement signage along the project frontage on Grant Line Road to deter trucks from traveling on Grant Line Road east of the project site. The project applicant also voluntarily agreed to implement routine communications between property managers and tenants to ensure tenant understanding that trucks accessing the project site are prohibited from using Grant Line Road east of the project site. These measures will be incorporated as conditions of approval and would further improve roadway safety by limiting truck traffic. Therefore, impacts associated with transportation would be less than significant with mitigation incorporated.

1.7.8 - Tribal Cultural Resources

Potential Effect

Impact TCR-1: The proposed project could cause a substantial adverse change in the significance of a Tribal Cultural Resource that is 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). (Draft EIR, Page 3.15-13).

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, Page 3.15-13). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines § 15091(a)(1)).

Mitigation Measure

Implement MM CUL-1 and MM CUL-3.

Facts in Support of Findings: Review of the CRHR, local registers of historic resources, a records search conducted at the South Central Coastal Information Center (SCCIC), and an NAHC Sacred Lands File search failed to identify any listed tribal cultural resources that may be adversely affected by the proposed project. While it is possible that potentially eligible tribal cultural resources may be encountered during project construction, implementation of MM CUL-1 and MM CUL-3 would reduce potential impacts to a less than significant level. Impacts are limited to construction (Draft EIR, Page 3.15-13).

The City finds that MM CUL-1 and MM CUL-3 are feasible, are adopted, and will further reduce impacts related to Tribal Cultural Resources (TCRs). Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with TCRs would be less than significant with mitigation incorporated.

Potential Effect

Impact TCR-2: The proposed project could cause a substantial adverse change in the significance of a Tribal Cultural 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. (Draft EIR, Page 3.15-14).

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, Page 3.15-14) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM CUL-1 and MM CUL-3.

Facts in Support of Findings: On March 31, 2020, a letter was sent to the NAHC. A response was received on April 2, 2020, indicating the search returned negative results for TCRs in the project study area and recommended contacting tribal representatives for additional information. The NAHC response letter included a list of two tribal representatives available for consultation. FirstCarbon Solutions (FCS) sent a letter containing project information and requesting any additional information was sent to each of the tribal representatives on April 2, 2020.

On April 15, 2020, the City of Tracy Department of Development Services notified applicable tribal representatives of an opportunity to consult on the project pursuant to SB 18 (California Government Code § 65352.3). No responses have been received to date. The City of Tracy has not identified or determined any known TCRs to be significant. Although there is the possibility that previously undiscovered TCRs could be encountered by subsurface earthwork activities associated with the proposed project, the implementation of construction mitigation measures MM CUL-1 and MM CUL-3 would ensure that undiscovered TCRs are not adversely affected. Impacts are limited to construction. (Draft EIR, Page 3.15-14).

The City finds that MM CUL-1 and MM CUL-3 are feasible, are adopted, and will further reduce impacts related to TCRs. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with TCRs would be less than significant with mitigation incorporated.

Cumulative Impact

The proposed project's cumulative impacts related to TCRs would be less than significant with mitigation incorporated. (Draft EIR, Page 3.15-15).

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, Page 3.15-15). Changes or alterations have been required in, or incorporated into, the proposed

project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM CUL-1 and MM CUL-3.

Facts in Support of Findings: The geographic scope for the cumulative analysis is the project vicinity. The cumulative setting includes existing agricultural and industrial uses and projects within a 0.5-mile radius of the project site. Compliance with federal and State laws and regulations and relevant General Plan policies requiring standard conditions of approval for all cumulative projects and measures (similar to those imposed on the project, i.e., MM CUL-1 and CUL-3) would reduce potentially cumulative impacts related to TCRs to a less than significant level. Implementation of construction mitigation measures (MM CUL-1 and MM CUL-3) would ensure that the project's contribution to the less than significant cumulative impact to undiscovered TCRs would not be cumulatively considerable. (Draft EIR, Page 3.15-14–15).

The City finds that MM CUL-1 and MM CUL-3 are feasible, are adopted, and will further reduce cumulative impacts related to TCRs. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, cumulative impacts associated with TCRs would be less than significant with mitigation incorporated.

1.7.9 - Utilities and Service Systems

Potential Effect

Impact UTIL-1: The proposed project would require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. (Draft EIR, Page 3.16-33).

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, Page 3.16-33) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

MM UTIL-1a Adherence to Applicable Performance Standards and Payment of Infrastructure Fees

Prior to the issuance of building permits for an individual development proposal, the relevant applicant shall demonstrate compliance of the individual development proposal at issue with applicable performance standards pursuant to the then-current Urban Water Management Plan, Citywide Water System Master Plan, Wastewater Master Plan, and Citywide Storm Drainage Master Plan. In addition,

each applicant for an individual development proposal shall pay its respective proportionate share of required funding, subject to applicable laws governing nexus requirements, to the City for completion of relevant planned City Capital Improvement Plan improvements.

MM UTIL-1b Submittal of Final Engineering Plans for Tracy Alliance Parcels

Prior to the issuance of the building permit for the first building on the Tracy Alliance parcels, the applicants for the development of the Tracy Alliance parcels shall submit engineering plans to the City of Tracy for review and approval to confirm compliance with this MM UTIL-1b. These plans shall include additional 12-inch diameter pipelines on-site as shown on Exhibit 3.16-6 of the EIR and the fire service laterals shall be upsized to 14-inch diameter.

MM UTIL-1c Submittal of Final Engineering Plans for Suvik Farms and Zuriakat Parcels

Prior to the issuance of the building permit for the first building on the subject parcel, each relevant applicant for the individual development proposal of the Suvik Farms or Zuriakat parcels, respectively, shall each submit final engineering plans to the City of Tracy for review and approval to confirm compliance with the relevant performance standards, including, but not limited to, those pursuant to the current Urban Water Management Plan, Citywide Water System Master Plan, Wastewater Master Plan, and Citywide Storm Drainage Master Plan in effect at the time building permits are requested.

MM UTIL-3 Payment of Wastewater Infrastructure Fees/Construction of Wastewater Facilities

Prior to the issuance of the first building permit for the subject individual development proposal, the relevant applicant shall participate in the implementation of the Wastewater Master Plan (WWMP) in effect at the time the relevant building permit is requested through the payment of the applicable impact fees as included in the City's Capital Improvement Plan.

Facts in Support of Findings

Water

During construction, because construction would require a minimal, limited quantity of water, it is reasonable to conclude that the City would have adequate water supply capacity to serve construction demands in addition to its other existing commitments, and new or expanded entitlements in connection with augmenting the City's water supply would not be necessary. Potential construction impacts related to expansion of existing water infrastructure are included in the construction analyses throughout this Draft EIR. There are no additional impacts associated with the construction or expansion of water infrastructure.

Regarding operation, the City currently has sufficient storage capacity in Zones 1 and 2 to meet the needs of the proposed project. With future planned projects implemented, water supply is sufficient

during normal years. However, during a single dry year or a multiple dry year period, the City must depend more heavily on conservation efforts, groundwater, and the proposed future supply projects, described in more detail below, to overcome the gap between supply and demand. As described in the Water Supply Assessment (WSA) and the 2020 UWMP, these findings are primarily due to projected reduced reliability of the City's CVP supplies and South San Joaquin Irrigation District (SSJID) supplies in dry years. During multiple dry years, the City anticipates increasing its groundwater production on a short-term basis from the normal year production of 2,500 AFY to 4,500 AFY. The groundwater supply is considered to be 100 percent reliable. To close any gap between supply and demand during dry years, the City would need to implement its Water Shortage Contingency Plan to reduce water demands. As discussed in Section 5.3 in the WSA, the City has shown that it can achieve its water conservation goals. During the 2012-2016 Statewide drought, the City exceeded its water conservation goal of 25 percent. Further, the City must fully implement its proposed future water supply projects, including the Recycled Water Distribution Network and Exchange Program and expansion of the ASR Program. Investments in wet year water supplies will also be needed to refill storage in Semitropic and expand the City's ASR Program. Delays in implementing the proposed future water supply projects could result in greater water supply shortages and the need for additional water conservation to meet demands. The City has developed several strategies and actions to address the projected supply shortfalls. The identified improvements to the recycled water infrastructure as part of the Recycled Water Distribution Network and Exchange Program have been incorporated into the City's Capital Improvement Plan (CIP). Each applicant for development of individual proposals for any of the parcels within the project site would be required to pay applicable development impact fees to ensure they each provide their respective proportionate share of required funding to the City for the completion of the water infrastructure improvements (which includes recycled water infrastructure) as required by MM UTIL-1a. In addition, each applicant for development of individual proposals for any of the parcels within the project site would be required to pay applicable development impact fees to ensure they each provide their respective proportionate share of required funding to the City for the acquisition, treatment, and delivery of treated potable and recycled water supplies to the project site.

Under peak-hour demand conditions, the City's existing water system infrastructure can provide adequate flows and pressures to the proposed project and adjacent sites in the NEI Specific Plan area. Under maximum day demands plus fire flow conditions, the distribution system can deliver fire flows to the proposed project while maintaining 20 psi residual pressure, but the 12-inch diameter dead-end pipeline in Grant Line Road has a velocity exceeding 12 feet per second. Pursuant to MM UTIL-1b, each applicant for individual development proposals within the project site would be required to provide final engineering plans to the City that include 12-inch diameter pipelines on-site, as shown on Exhibit 3.15-5, and upsized fire service lateral pipelines for review and approval. With implementation of this mitigation measure, the proposed project would meet the City's pipeline velocity criteria.

Wastewater

During construction, the WWTP would treat wastewater generated by construction of the proposed project consistent with applicable standards established by the Central Valley RWQCB. As discussed under Impact UTIL-3, the WWTP would have sufficient capacity to serve the proposed project (both

construction and operation) and a new or expanded wastewater treatment facility would not be required. The proposed project is anticipated to include connections to the existing City sanitary sewer system operated by the Public Works Department. Since no individual development proposals have been submitted to the City for either the Suvik Farms or Zuriakat parcels at this time, the exact location and sizing of an on-site sanitary sewer system is not currently known. Rather, this information would be identified and reviewed by the City as part of subsequent engineering and related plans when individual development applications are submitted for these parcels; all proposed infrastructure in connection with these applications would be required to meet all applicable standards and requirements. These parcels are within the City's SOI and were planned for as industrial sites by the City. Potential construction impacts related to construction or expansion of wastewater infrastructure are included in the construction analyses throughout the EIR. There are no additional impacts associated with the construction or expansion of wastewater infrastructure.

At operation, the proposed project would require upgraded infrastructure and would result in an increase in wastewater generation compared to existing conditions. As discussed under Impact UTIL-3, because the City of Tracy General Plan (General Plan) designates the site as Industrial, the City has anticipated the industrial use of the project site. With the existing available capacity along with the anticipated improvements to the WWTP, there would be sufficient wastewater capacity and infrastructure facilities available to serve the proposed project. Each applicant for an individual development proposal of any of the parcels within the project site would be required to participate in the implementation of the currently adopted WWMP through the payment of applicable impact fees as required by MM UTIL-3a.

Stormwater

During construction, the project would not result in the need for increased stormwater infrastructure improvements beyond those proposed on-site to serve the proposed project. Impacts are included in the construction analysis throughout the EIR. There are no additional impacts associated with the construction of new or expanded stormwater facilities.

During operation, the proposed project would result in a substantial increase of impervious surfaces, with a commensurate increase in stormwater runoff. The proposed project includes construction of an approximately 12.44-acre on-site stormwater detention basin with pump station on-site. The stormwater detention basin would be required to comply with applicable provisions of the Multi-Agency Post-Construction Stormwater Standards Manual which identifies BMPs to control the potential pollutant load of stormwater runoff. Additionally, Chapter 11.32 of the Municipal Code requires each applicant for its respective individual development proposal within the project site to pay applicable stormwater impact fees in connection with their respective development proposals, which would ensure the operation, maintenance, and replacement of existing and future stormwater facilities.

The proposed project would construct a 12-inch forced main storm drain line. Bioretention treatment areas would intermittently surround the buildings on the project site and would also be interspersed throughout the parking lots. Stormwater detention basins would be sized to accommodate the stormwater discharge for the Tracy Alliance parcels prior to the start of operations on the Tracy Alliance parcels. Following Phase 1, each subsequent applicant for its respective

individual development proposal within the project site would be required to confirm that the proposed project's on-site stormwater detention basin and bioretention treatment areas could accommodate project flows to the satisfaction of the City and that post-development stormwater flow rates would not substantially exceed predevelopment rates pursuant to the applicable C.3 requirements. The exact location and sizing of on-site stormwater drainage facilities for the Suvik Farms and Zuriakat parcels and how they would connect to the proposed project's on-site stormwater detention basin are not currently known. However, each applicant for its respective individual development proposal within the project site would be required to prepare a clearly defined O&M Plan in connection with its respective individual development proposal to ensure that installed stormwater treatment measures and hydromodification management controls are inspected and properly operated and maintained for the life of the relevant individual development proposal. This information would be identified and reviewed as part of subsequent engineering and related plans when individual development applications are submitted for these parcels. MM UTIL-1c would require the relevant applicant for the development of the Suvik Farms and Zuriakat parcels to submit engineering plans for the parcels that are the subject to the individual development proposal at issue for review and approval by the City.

Electric Power

As discussed more fully in the EIR, Section 3.6, Energy, due to the temporary nature of construction and the financial incentives for developers and contractors to use energy-consuming resources in an efficient manner, construction demand and consumption of electricity would not be significant. Potential construction impacts related to expansion of existing electrical infrastructure are included in the construction analysis throughout the EIR. There are no additional impacts associated with the construction or expansion of electrical facilities.

At operation, PG&E would provide electricity to the project site for lighting, appliances, and other associated uses. As discussed in the EIR, Section 3.6, Energy, the proposed project would be required to comply with the State's then-current Title 24 energy efficiency standards. These standards contain advanced energy efficiency standards and would ensure that the proposed project would not require significant or unplanned new electrical sources. The proposed project would not require the relocation or expansion of electrical infrastructure to serve the increased demand.

Natural Gas

During construction, the proposed project would not consume natural gas. Potential construction impacts associated with the expansion of existing natural gas infrastructure are included in the construction analysis throughout the EIR. There are no additional impacts associated with the expansion of existing natural gas infrastructure.

During operation, the proposed project could utilize natural gas for heating, which would be provided by PG&E. As discussed in the EIR, Section 3.6, Energy, the proposed project would be required to be designed and constructed consistent with the State's then-current Title 24 energy efficiency standards. These standards would ensure that the proposed project would not require significant or unplanned new natural gas sources. The proposed project would not require the relocation or expansion of electrical infrastructure to meet project demand.

Telecommunications

During construction, the proposed project would use telecommunications (phone and internet) for construction field services (office trailers). Implementation of the proposed project would not result in a substantial demand for service. Potential construction impacts related to expansion of existing telecommunications infrastructure are included in the construction analysis throughout the EIR. There are no additional impacts associated with extension and expansion of existing telecommunications infrastructure.

At operation, the proposed project would increase demand for internet and telephone services provided by local telecommunications providers. The building tenants/operators would coordinate with telecommunication providers in order to provide service, which have the capacity to serve project operations. The proposed project is located in an area where existing telecommunications providers already offer internet and telephone services and have sufficient capacity to meet project operational demands; therefore, the proposed project would not require the relocation or expansion of telecommunications infrastructure (Draft EIR, Page 3.16-33–56).

The City finds that MM UTIL-1a through MM UTIL-1c, and MM UTIL 3 are feasible, are adopted, and will further reduce impacts related to utilities. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with utilities and service systems would be less than significant with mitigation incorporated.

Potential Effect

Impact UTIL-2: The proposed project would have sufficient water supplies available to serve the proposed project and reasonably foreseeable future development during normal, dry, and multiple dry years. (Draft EIR, Page 3.16-56).

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, Page 3.16-56). Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM UTIL-1a.

Facts in Support of Findings: Impacts related to water supplies are limited to operational impacts. Water demand within the City's water service area is not expected to exceed the City's supplies at buildout under normal hydrologic conditions based on the City's existing supplies and implementation of the City's additional future planned projects. During a single dry year or a multiple dry year period, the City must depend more heavily on water conservation efforts, groundwater, and the proposed future supply projects to overcome the gap between supply and demand. Investments in wet year water supplies would also be needed to refill storage in Semitropic and expand the City's ASR Program. The identified improvements to the recycled water

infrastructure as part of the Recycled Water Distribution Network and Exchange Program have been incorporated into the City's CIP. Each applicant for development of individual proposals for any of the parcels within the project site would be required to pay applicable development impact fees to ensure they each provide their respective proportionate share of required funding to the City for the completion of the necessary water infrastructure improvements (which includes recycled water infrastructure) as required by MM UTIL-1a. In addition, each applicant for development of individual proposals for any of the parcels within the project site would be required to pay applicable development impact fees to ensure they each provide their respective proportionate share of required funding to the City for the acquisition, treatment, and delivery of treated potable and recycled water supplies to the project site. (Draft EIR, Page 3.16-56–57).

The City finds that MM UTIL-1a is feasible, is adopted, and will further reduce impacts related to water supplies. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with water supply would be less than significant with mitigation incorporated.

Potential Effect

Impact UTIL-3: The proposed project would result in a determination by the wastewater treatment provider, which serves or may serve the proposed project, that it has adequate capacity to serve the proposed project's projected demand in addition to the provider's existing commitments. (Draft EIR, Page 3.16-57).

Findings: Less than significant impact with mitigation incorporated. (Draft EIR, Page 3.16-57) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM UTIL-3.

Facts in Support of Findings: Impacts related to adequate wastewater treatment capacity are limited to operational impacts. Because the General Plan designates the site as Industrial, the City has anticipated development of the project site with industrial uses. Each applicant for individual development proposals of any of the parcels within the project site would be required to participate in the implementation of the infrastructure improvements described in the WWMP in effect at the time building permits are requested through the payment of fees as required by MM UTIL-3. (Draft EIR, Page 3.16-57–58).

The City finds that MM UTIL-3 is feasible, is adopted, and will further reduce impacts related to wastewater. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as

identified in the EIR. Therefore, impacts associated with wastewater would be less than significant with mitigation incorporated.

1.8 - Potential Environmental Effects Which are Significant and Unavoidable

This City Council hereby finds that, despite the incorporation of all feasible mitigation measures as identified in the EIR and the attached MMRP, the following impacts from the proposed project and related approvals cannot be fully mitigated to a less than significant level and a Statement of Overriding Considerations is therefore included herein.

1.8.1 - Agriculture and Forestry Resources

Impact AG-1: The proposed project would convert Farmland pursuant to the Farmland Mapping and Monitoring Program (FMMP), to nonagricultural use.

Findings: Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR (State CEQA Guidelines § 15091(a)(3)).

Mitigation Measures

MM AG-1 Payment of Agricultural Mitigation Fees

At the time of issuance of building permits for each individual development proposal, the relevant applicant(s) for the subject development proposal shall pay the applicable Agriculture Mitigation Fee in accordance with Chapter 13.28 of the Municipal Code.

Facts in Support of Findings: The project site contains approximately 188 acres of Prime Farmland. Conversion of the project site to industrial use was envisioned as part of buildout under the General Plan and evaluated and disclosed under the General Plan EIR. Nevertheless, for purposes of a conservative analysis, the EIR acknowledged that the proposed project would result in the loss of Prime Farmland as a result of its conversion of Prime Farmland to urban uses. On June 7, 2005, the City Council adopted Chapter 13.28, Agricultural Mitigation Fee to its Municipal Code. In addition, the City Council adopted a resolution approving the Central Valley Farmland Trust as a qualifying agency to receive funds. This program serves as mitigation to the extent feasible for the conversion of Prime Farmland. In accordance with Chapter 13.28 of the Municipal Code, Agricultural Mitigation Fee, the developers of the Suvik Farms, Zuriakat, and Tracy Alliance parcels would each be required to pay applicable Agricultural Mitigation fees in connection with individual development proposals as implemented by MM AG-1. The proposed project would be required to comply with applicable provisions of the SJMSCP. Even with the payment of City mitigation fees and adherence to the

SJMSCP, the proposed project would result in significant and unavoidable impacts related to the conversion of Farmland as identified by FMMP mapping to nonagricultural use since the foregoing would not fully avoid the impacts of this conversion (Draft EIR, Page 3.2-8–9).

The City finds that MM AG-1 is feasible, is adopted, and will reduce agricultural impacts to the extent feasible. The City further finds that no additional mitigation or project alternatives are feasible to further reduce this impact. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that mitigate or reduce the potentially significant impacts as identified in the EIR to the extent feasible. However, impacts associated with conversion of Farmland would remain significant and unavoidable even with mitigation incorporated.

Cumulative impact: The proposed project would result in significant and unavoidable impacts with respect to agricultural resources. The proposed project would have less than significant impacts with respect to forestry resources (Draft EIR, Page 3.2-12).

Findings: Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR (State CEQA Guidelines § 15091(a)(3)).

Mitigation Measures

Implement MM AG-1.

Facts in Support of Findings: Much of the NEI Specific Plan area consists of Prime Farmland that has already been and would be converted to nonagricultural uses with implementation of the relevant cumulative projects, as already envisioned by the Industrial general plan and specific plan designations. Like the proposed project, any of the cumulative projects that would convert Farmland to nonagricultural uses would pay the applicable Agricultural Mitigation Fee. All of the cumulative projects are within San Joaquin County and would be required to adhere to the SJMSCP, which may include payment of development fees for conversion of lands. Even with payment of this fee and adherence to the SJMSCP, the development of the cumulative projects would result in a significant and unavoidable impact, which the General Plan EIR previously disclosed and for which the City Council previously adopted a Statement of Overriding Considerations in connection with the Council's adoption of the General Plan. That Statement of Overriding Considerations explained that the General Plan contains policies to preserve agricultural lands, in addition to policies in the SJMSCP and the City's Agricultural Mitigation Fee Ordinance. Despite these policies and regulations, development permitted under the General Plan would result in the conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to urban uses. The City Council found that

there are no other feasible mitigation measures that may avoid or reduce these impacts to a less than significant level, and therefore these impacts are significant and unavoidable.[2]

As discussed above, development of the proposed project would result in the loss of approximately 188 acres of Prime Farmland, which would result in a project-level significant and unavoidable impact.

There are no National Forest lands within the City or the City's SOI, which includes the NEI Specific Plan area. The project site and the cumulative project sites do not contain forest land or timberland, as defined by Public Resource Code Section 4526, nor do they contain any timberland zoned Timberland Production, as defined by Government Code Section 51104(g). Therefore, the cumulative projects would not conflict with forest zoning or converting forest land to non-forest use, and thus there would be no significant cumulative impact in this regard (Draft EIR, Page 3.2-11–12).

The City finds that MM AG-1 is feasible, is adopted, and will reduce cumulative impacts to agricultural resources to the extent feasible. The City further finds that no additional mitigation or project alternatives are feasible to further reduce this cumulative impact. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or reduce the potentially significant impacts as identified in the EIR to the extent feasible. However, cumulative impacts associated with conversion of Farmland would remain significant and unavoidable even with mitigation incorporated.

1.8.2 - Air Quality

Impact AIR-1: The proposed project could conflict with or obstruct implementation of the applicable air quality plan (Draft EIR, Page 3.3-26).

Findings: Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR (State CEQA Guidelines § 15091(a)(3)).

Mitigation Measures

MM AIR-1a **NO_X Reduction Measures**

Prior to the issuance of grading or building permits for each individual development proposal within the project site, the relevant applicant for each development

[2] City of Tracy. Resolution 2006-183 Certified the Final Environmental Report for the City of Tracy General Plan of 2006; Making Findings Relating to Significant Impacts, Alternatives, and Statement of Overriding Considerations and Adopting a Mitigation Monitoring and Reporting Program.

proposal shall provide documentation to the City of Tracy demonstrating the following NO_X reduction measures would be adhered to during construction activities for the relevant development proposal:

- For all construction equipment and vehicles used during project construction that are equal to or greater than 250 horsepower, the contractor shall use construction equipment and vehicles that meet the United States Environmental Protection Agency (EPA) Tier 4 Final engine standards;
- For all construction equipment and vehicles used during project construction that are less than 250 horsepower, the contractor shall use electric construction equipment and vehicles to the extent feasible, with the exception of handheld generator sets; and
- All generator sets utilized during project construction shall be limited to 5 horsepower and shall only be used to power handheld power tools.

The construction contractor shall maintain reasonable records concerning its efforts to comply with this requirement, including equipment lists. Documentation that each relevant applicant provides to the City shall include, but is not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.

MM AIR-1b "Super-Compliant" Architectural Coatings

Prior to the issuance of grading or building permits for each individual development proposal within the project site, the relevant applicant for each development shall provide the City with documentation demonstrating the use of "Super-Compliant" architectural coatings, as defined by the South Coast Air Quality Management District (South Coast AQMD), during construction of the proposed project. "Super-Compliant" architectural coatings, as defined by the South Coast AQMD, are paints which do not exceed 10 grams of reactive organic gas (ROG) per liter of paint.

MM AIR-1c "Zero-VOC" Consumer Products

The consumer products purchased by the building occupant(s) or by the cleaning business contracted by the building occupant(s) for on-site use shall consist of water-based or "zero volatile organic compound [VOC]" consumer products, to the maximum extent feasible. "Consumer products," as referred to in this mitigation measure, shall include detergents, cleaning compounds, polishes, and floor finishes. "Consumer products," as referred to in this mitigation measure, shall not include parking lot degreasers, architectural coatings, pesticides, or fertilizers.

MM AIR-1d Clean Truck Fleet

Prior to the issuance of the certificate of occupancy for each individual development proposal within the project site, the relevant applicant for the subject individual

development proposal shall provide the City with reasonable documentation demonstrating the use of a clean truck fleet that meets the California Air Resources Board's adopted 2013 Optional Low-NO_X Standard of 0.02 gram of nitrogen oxide (NO_X) per brake horsepower-hour for all heavy-duty trucks during operation of the proposed project, to the maximum extent feasible. If the relevant applicant does not own the truck fleet that will be used during operation of the subject individual development, the relevant applicant shall provide the City with reasonable documentation from the truck fleet owner demonstrating that trucks utilized for operation of the subject individual development will meet the California 2013 Optional Low-NO_X Standard, to the maximum extent feasible. If any change occurs where a new truck fleet is utilized during operation of the subject individual development, the relevant applicant shall provide the City with reasonable documentation demonstrating that the new truck fleet meets the California 2013 Optional Low-NO_X Standard of 0.02 gram per brake horsepower-hour, to the maximum extent feasible.

MM AIR-1e Operational Truck Fleet Routing

Prior to the issuance of the certificate of occupancy for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall provide the City with reasonable documentation demonstrating that trucks used during project operation are prohibited from accessing Grant Line Road east of the project site. All trucks used during project operation shall use routes that circumvent the use of Grant Line Road east of the project site.

MM AIR-1f Idling Limitation

Prior to the issuance of the certificate of occupancy for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall provide the City with reasonable documentation demonstrating that on-site truck idling shall be limited to no greater than 3 minutes. The documentation provided to the City shall include, at a minimum, photos or a map of signage posted in strategic locations on-site identifying that truck idling does not exceed 3 minutes. The signage shall include a phone number to contact at the facility regarding idling violation complaints, and corrective action shall occur within 48 hours of receipt of the complaint.

MM AIR-1g Electric On-Site Off-Road and On-Road Equipment

Prior to the issuance of the certificate of occupancy for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall provide the City with reasonable documentation demonstrating that all on-site off-road and on-road equipment will be electric-

powered. On-site off-road and on-road equipment shall include, but are not limited to, forklifts and pallet jacks.

MM AIR-1h Vegetated Project Site Buffer

Prior to the issuance of building permit(s) for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall demonstrate on their site plans the inclusion of a vegetative buffer around the perimeter of the project site. Examples of vegetative buffers may include, but are not limited to, trees, bushes, shrubs, or a mix thereof.

MM AIR-1i Tier 2 CALGreen Electric Vehicle Charging Infrastructure

Prior to the issuance of building permit(s) for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall provide the City with reasonable documentation (e.g., shown on-site plans) showing that the proposed parking areas for passenger automobiles and trucks are designed and will be built to include electric vehicle (EV) charging stations. At a minimum, the parking shall be designed to include, at a minimum, a number of EV charging stations equal to the Tier 2 Nonresidential Voluntary Measures of the California Green Building Standards Code, Section A5.106.5.3.2.

Facts in Support of Findings: The EIR uses the following criteria for determining project consistency with the current Air Quality Plans (AQPs):

- Criterion 1: Does the project support the primary goals of the AQP?
- Criterion 2: Does the project include applicable control measures from the AQP?
- Criterion 3: Does the project disrupt or hinder implementation of any AQP control measures?

Criterion 1

The City of Tracy General Plan Land Use Element designates the project site as Industrial, which is intended to accommodate flex/office space, manufacturing, warehousing and distribution, and ancillary uses for workers' needs. Therefore, the proposed project, which involves the development of light industrial, warehouse and distribution and related uses is considered consistent with the site's General Plan land use designation and its traffic would be included in volumes projected for analysis of the General Plan.

Nonetheless, as further discussed under Impact AIR-2 and Impact AIR-3, the proposed project could create a localized violation of State or federal air quality standards, significantly contribute to cumulative nonattainment pollutant violations, and expose sensitive receptors to substantial pollutant concentrations. The proposed project would be required to implement the mitigation measures identified under Impact AIR-2; however, because full implementation of the mitigation cannot be guaranteed due to potential technical or financial infeasibility, the proposed project's potentially significant impact is conservatively identified as significant and unavoidable. The proposed project is, therefore, considered inconsistent with Criterion 1 after the incorporation of mitigation.

Criterion 2

The proposed project would be required to comply with all applicable Valley Air District rules and regulations. Therefore, the proposed project would comply with this criterion through compliance with existing regulations.

Criterion 3

As discussed in Impact AIR-2 below, annual emissions of ROG, nitrogen oxides (NO_X), PM_{10}, and $PM_{2.5}$ associated with the construction of the proposed project (whether phases are constructed sequentially or concurrently) would not exceed the Valley Air District's significance thresholds after incorporation of mitigation. However, emissions of ROG would exceed the Valley Air District's localized significance thresholds if all three project phases were constructed concurrently, even after implementation of identified mitigation. Operation of the proposed project would also have the potential to exceed regional significance thresholds for ROG and NOX and would have the potential to result in a violation of localized standards after incorporation of mitigation. As shown in Impact AIR-2, the proposed project could also result in CO hotspots that would violate applicable CO standards. Therefore, as the proposed project has the potential to exceed Valley Air District significance thresholds during construction and operation, even after incorporation of the identified mitigation, this impact would remain significant and unavoidable (Draft EIR, Page 3.3-26–28).

The City finds that MM AIR-1a though MM AIR-1i are feasible, are adopted, and will reduce impacts related to implementation of applicable air quality plans to the extent feasible. The City further finds that no additional mitigation or project alternatives are feasible to further reduce this impact. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or reduce the potentially significant impacts as identified in the EIR to the extent feasible. However, impacts associated with air quality would remain significant and unavoidable even with mitigation incorporated.

Impact AIR-2: The proposed project could result in a cumulatively considerable net increase of any criteria pollutant for which the region is in nonattainment under an applicable federal or State ambient air quality standard (Draft EIR, Page 3.3-30).

Findings: Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR (State CEQA Guidelines § 15091(a)(3)).

Mitigation Measures

Implement MM AIR-1a through MM AIR-1i.

Facts in Support of Findings: Regional emissions generated by the proposed project would exceed applicable thresholds after compliance with all rules, regulations, and mitigation measures during operation. Localized operational emissions would also present a potentially significant impact after incorporation of identified mitigation. This impact would be significant and unavoidable.

The Air Basin is in nonattainment for PM_{10}, $PM_{2.5}$, and ozone. Regional emissions include those generated from all on-site and off-site activities. Regional significance thresholds have been established by the Valley Air District because emissions from projects in the Air Basin can potentially contribute to the existing emission burden and possibly affect the attainment and maintenance of ambient air quality standards. Projects within the Air Basin with regional emissions that exceed any of the thresholds presented previously are considered to have a significant regional air quality impact.

Construction Emissions

The proposed project involves three different applicants, each of which would have individual development proposals for their respective properties within the project site; it is assumed the proposed project would involve three separate construction phases that would occur over a 12-month period from April through March. Phase 1 would occur from April 2022 through March 2023, Phase 2 would occur from April 2023 through March 2024, and Phase 3 would occur from April 2024 through March 2025. However, the analysis provided in the EIR also discloses the potential impacts that would occur if phasing overlapped. The default construction equipment utilized in the California Emissions Estimator Model (CalEEMod) were adjusted to match the assumed construction schedule and to preserve the CalEEMod default horsepower-hours during construction activities.

Based on the analysis provided in Section 3.3, Air Quality, of the EIR, criteria pollutant emissions would exceed Valley Air District thresholds of significance during unmitigated construction for ROG and NO_X during construction of the proposed project. It should be noted that unmitigated construction emissions incorporate the basic dust control measures required under District Rule 8021, which requires that vehicle speeds on unpaved roads and surfaces be reduced to no more than 15 miles per hour and exposed construction areas are watered during earthmoving activities. Because the proposed project would exceed significance thresholds for ROG and NO_X during construction activities, MM AIR-1a and MM AIR-1b would be required during construction of the proposed project to reduce ROG and NO_X emissions to below Valley Air District significance thresholds. MM AIR-1a would require the use of Tier 4 Final engines for construction equipment equal to or greater than 250 horsepower and electric alternatives for all construction equipment less than 250 horsepower. MM AIR-1a would not preclude the use of generators; however, generators would be limited to no greater than 5 horsepower under MM AIR-1a to ensure that only handheld power tools are powered by generators and no electric alternative for any specific construction equipment which exceeds 250 horsepower is powered by diesel-fueled generators during construction. As detailed more fully above, MM AIR-1b would require the use of “Super-Compliant” architectural coatings during construction of the proposed project. “Super-Compliant” architectural coatings refer to paints which do not exceed 10 grams of ROG per liter of paint. As shown in Table 3.3-8, construction of the proposed project would not exceed the Valley Air District’s annual significance threshold with MM AIR-1a and MM AIR-1b incorporated. Additionally, construction

emissions would be mitigated to below the Valley Air District's annual significance thresholds for ROG and NO_X after implementation of identified mitigation, even if all three project phases were constructed concurrently (Draft EIR, Page 3.3-32).

Construction Ambient Air Quality Analysis

As shown in Table 3.3-9 of the EIR (Page 3.3-36), after the incorporation of MM AIR-1a and MM AIR-1b, construction of the proposed project would not exceed the Valley Air District's daily emission screening levels for an Ambient Air Quality Analysis (AAQA), pursuant to District Rule 2201, assuming that none of the project phases were to be constructed concurrently. However, emissions of ROG and CO would exceed the Valley Air District's significance thresholds after implementation of identified mitigation if all three project phases were constructed concurrently. As such, this impact would remain significant and unavoidable after implementation of identified mitigation (Draft EIR, Page 3.3-36).

Operational Emissions

Operation of the proposed project at full buildout would involve the operation of light industrial, warehouse and distribution and related uses on the project site. As contained in the TIA and shown in Table 3.3-10 of the EIR (Page 3.3-38), Phase I (Tracy Alliance parcels) would generate an estimated 1,775 daily passenger vehicle trips and 836 daily truck trips; Phase 2 (Suvik Farms parcels) would generate an estimated 974 daily passenger vehicle trips and 459 daily truck trips; and Phase 3 (Zuriakat parcel) would generate an estimated 456 daily passenger vehicle trips and 215 daily truck trips.

The proposed project would involve the removal of existing structures, including two residences and nine agricultural outbuildings for equipment storage and maintenance. In order to demonstrate the net increase in emissions generated by the proposed project during operation beyond what is currently generated by existing land uses, the existing land uses were modeled. As shown in Table 3.3-12 of the EIR (Page 3.3-39), unmitigated operational emissions would exceed Valley Air District thresholds of significance for ROG and NO_X. Therefore, MM AIR-1c, MM AIR-1d, MM AIR-1e, MM AIR-1f, MM AIR-1g, MM AIR-1h, and MM AIR-1i would be required to mitigate operational emissions to below Valley Air District thresholds. Incorporation of MM AIR-1d into operation of the proposed project would reduce annual NO_X emissions. As detailed more fully above, MM AIR-1d would require all phases of the proposed project to use a "clean truck fleet" that meets a performance standard of 0.02 gram of NO_X per brake horsepower-hour for all heavy-heavy-duty (HHD) trucks during project operation. In addition, as detailed more fully above, MM AIR-1c would require the use of consumer products (detergents, cleaning compounds, polishes, and floor finishes) that contain zero VOCs during operation of the proposed project. MM AIR-1d would require all phases of the proposed project to use a "clean truck fleet" that meets or exceeds performance standards.

MM AIR-1d, which would require the use of a HHD truck fleet that meets the 2013 Optional Low-NO_X Standard of 0.02 gram of NO_X per brake horsepower-hour, would represent an approximately 90 percent reduction in NO_X emissions from the current heavy-duty truck NO_X standard of 0.2 gram of NO_X per brake horsepower-hour. Nonetheless, the full implementation of MM AIR-1c and MM AIR-1d cannot be guaranteed during project operation; therefore, the emission estimates provided in the EIR demonstrate a reasonable worst-case scenario for project operation after incorporation of

identified mitigation. In addition, MM AIR-1f would restrict on-site vehicle idling to no greater than 3 minutes. MM AIR-1g would require the use of electric on-site on- and off-road equipment in place of non-electric alternatives. MM AIR-1i would require the installation of EV charging stations which meet the Tier 2 standards set forth in Section A5.106.5.3 of Appendix A5 – Nonresidential Voluntary Measures of CALGreen of the 2019 CBC. The inclusion of MM AIR-1f, MM AIR-1g, and MM AIR-1i would incrementally reduce emissions below those disclosed in the Draft EIR as explained in the Final EIR; however, the quantified reductions from these measures cannot be accurately quantified at this time. Because the operational emissions would exceed the Valley Air District's significance thresholds for ROG and NO_X, this impact would remain significant and unavoidable, even with implementation of the additional mitigation.

Operational Ambient Air Quality Analysis

As shown in Table 3.3-14 of the EIR (Page 3.3-41), due to the uncertainty of full implementation of MM AIR-1c and MM AIR-1d, and the uncertain efficacy of quantified reductions resulting from MM AIR-1f, MM AIR-1g, MM AIR-1i, the potential emission reductions resulting from identified mitigation are not considered in the proposed project's mitigated operational emissions. As such, maximum daily operational emissions generated by all phases of the proposed project would exceed the Valley Air District's screening threshold for an AAQA for NOX emissions. As a result, this impact would remain significant and unavoidable after mitigation is incorporated (Draft EIR, Page 3.3-30–42).

The City finds that MM AIR-1a though MM AIR-1i are feasible, are adopted, and will reduce impacts related to criteria pollutants to the extent feasible. The City further finds that no additional mitigation or project alternatives are feasible to further reduce this impact. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or reduce the potentially significant impacts as identified in the EIR to the extent feasible. However, impacts associated with air quality would remain significant and unavoidable even with mitigation incorporated.

Impact AIR-3: The proposed project could expose sensitive receptors to substantial pollutant concentrations (Draft EIR, Page 3.3-42).

Findings: Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR (State CEQA Guidelines § 15091(a)(3)).

Mitigation Measures

Implement MM AIR-1d to MM AIR-1i.

Facts in Support of Findings: The closest sensitive receptors to the project site are single-family residences and Banta Elementary School. The closest sensitive receptors to the project site are located at the following distances:

- Residences as close as 145 feet west of the project site across Paradise Road;
- Residences immediately adjacent to the project site to the east along Grant Line Road;
- Residences as close as 120 feet south of the project site across Grant Line Road;
- Residences as close as 60 feet north of the project site across California Avenue; and
- Banta Elementary School approximately 1,500 feet to the east at its closest outside area.

It should be noted that while the above receptors represent the closest sensitive receptors to the proposed project, the Maximally Impacted Sensitive Receptor (MIR), as will be discussed under the "Construction: Toxic Air Contaminant" discussion below, during each construction phase of the proposed project may be different. The MIR during pollutant-generating activity is influenced by the distance of that receptor to the pollutant source(s), the amount and type of pollutants generated by each source, the topography and direction of the MIR as it relates to the pollutant source(s), and the prevailing meteorological conditions. Therefore, the closest sensitive receptor and the MIR may not be the same.

Construction–Reactive Organic Gas

ROG generated during construction activities are primarily emitted during the application of architectural coatings (painting). Construction of the proposed project would incorporate MM AIR-1b, which would require the use of "super-compliance" architectural coatings, reducing potential health impacts from ROG exposure. Therefore, exposure to ROGs during architectural coatings would be a less than significant health impact.

ROG generated during construction activities are also emitted during the pouring and curing of asphalt. District Rule 4641 prohibits the use of certain types of asphalt. Residents are not in the immediate vicinity of the fumes because asphalt laying would principally occur within the interior of the project site and subsequent fumes would dissipate as they are emitted; therefore, they would not be subjected to concentrations high enough to evoke a negative response. In addition, the restrictions that are placed on asphalt in the San Joaquin Valley would serve to further reduce ROG emissions from asphalt and exposure. The impact to nearby sensitive receptors from ROG generation during construction would be less than significant.

Construction–NOx, PM_{10}, $PM_{2.5}$, and CO

As discussed in Impact AIR-2, after incorporation of identified mitigation, emissions of CO generated during project construction have the potential to exceed the Valley Air District maximum daily emission AAQA screening threshold if all three project phases were constructed concurrently. Therefore, emissions during construction could exceed the significance thresholds (in the case of all three phases being constructed concurrently) even after incorporation of mitigation and could result in concentrations that would exceed ambient standards, contribute substantially to an existing exceedance of an ambient air quality standard, or expose sensitive receptors to substantial pollutant concentrations.

Construction–Toxic Air Contaminants

Construction of the proposed project would involve the use of diesel-fueled vehicles and equipment that emit diesel particulate matter (DPM), which has been identified by the ARB as a toxic air contaminant (TAC). Construction DPM emissions (PM_{10} exhaust) were estimated using CalEEMod, Version 2016.3.2, as presented under Impact AIR-2. The EIR Table 3.3-15 (Page 3.3-44) summarizes the mitigated emission rates of DPM during the construction of the proposed project, incorporating dust control measures required by District Rule 8021 and implementation of MM AIR-1a and MM AIR-1b. As illustrated in Table 3.3-16 (Draft EIR, Page 3.3-45), unmitigated project construction would result in cancer risks experienced by nearby residents which exceed the Valley Air District's significance threshold of 20 cancer cases per 1 million people. As such, mitigation would be necessary to reduce impacts to nearby residents to less than significant levels.

Table 3.3-16 (Draft EIR, Page 3.3-45) provides the estimated health and hazard impacts from unmitigated construction emissions at the MIRs for each construction phase and sensitive receptor age group using the Hot Spots Analysis and Reporting Program (HARP2). The MIRs for Phase 1 construction were a single-family residence located approximately 1,025 feet east of the project site and Banta Elementary School approximately 2,495 feet east of the project site. The MIRs for Phase 2 construction were a single-family residence located approximately 35 feet east of the project site and Banta Elementary School approximately 1,500 feet east of the project site. The MIRs for Phase 3 construction were a single-family residence located approximately 550 feet southeast of the project site and Banta Elementary School approximately 2,150 feet southeast of the project site. Unmitigated construction emissions with sequential phasing would exceed the Valley Air District's cancer risk health threshold.

The estimates shown in Table 3.3-17 (Draft EIR, Page 3.3-46) include the application of measures required by District Rule 8021 and implementation of MM AIR-1a and MM AIR-1b. As shown therein, the proposed project's construction DPM emissions would not exceed the Valley Air District's cancer risk or chronic non-cancer hazard index thresholds of significance at the maximum impacted receptor for any of the sensitive receptor age groups analyzed assuming that phases are constructed sequentially. Nonetheless, the potential exists for all three project phases to be constructed concurrently, which would substantially increase the daily quantity of DPM emissions generated during project construction. As a result, the health risk impacts associated with project construction where phasing would be concurrent has the potential to generate DPM emissions resulting in cancer risks to nearby residents that exceed the Valley Air District's significance threshold of 20 cases per 1 million people even after incorporation of mitigation. As such, this impact would be significant and unavoidable after mitigation.

Operation–Reactive Organic Gas

During operation, ROG would be emitted primarily from consumer products and motor vehicles. MM AIR-1c would require that the proposed project use zero-VOC consumer products during operation. Therefore, nearby sensitive receptors would not be exposed to substantial ROG concentrations during project operations. Direct exposure to ROG from motor vehicles would not result in health effects because the ROG emissions would be distributed across several miles of roadway and in the air. Therefore, the concentrations would not be great enough to result in direct health effects.

Operation–PM_{10}, $PM_{2.5}$, CO, and NO_X

Emissions during operation of the proposed project could result in emission concentrations that exceed ambient standards, contribute substantially to an existing exceedance of an ambient air quality standard, or expose sensitive receptors to substantial pollutant concentrations.

Operation–Toxic Air Contaminants

Operation of the proposed project would involve the operation of heavy-duty, diesel-fueled vehicles that emit DPM, which has been identified by the ARB as a TAC. Table 3.3-18 (Draft EIR, Page 3.3-47–48) summarizes the mitigated emission rates of DPM during operation of the proposed project, incorporating measures required by District Rule 8021 and implementation of MM AIR-1c and MM AIR-1d. The MIRs for Phase 1 operation were a single-family residence located approximately 75 feet north of the project site, Banta Elementary School approximately 2,495 feet east of the project site, and on-site workers.

As shown in Table 3.3-19 (Draft EIR, Page 3.3-48–49), the proposed project's operational DPM emissions during Phase I would not exceed the Valley Air District's cancer risk or chronic non-cancer hazard index thresholds of significance at the maximum impacted receptor for any of the sensitive receptors analyzed. Because of a lack in operational information for Phases 2 and 3 of the proposed project, such as freight product origin, local truck circulation, or other details necessary to perform a site-specific health risk assessment, Phase 1 of the proposed project was the only project phase modeled for health risk and chronic non-cancer hazard impacts. As Phase 1 represents approximately 55 percent of the potential operational trucking impact, although operation of Phase 1 (Tracy Alliance) would not result in a significant impact in this regard, operation at full buildout of the proposed project could have a potentially significant health impact on nearby sensitive receptors, particularly the residential MIRs. The implementation of MM AIR-1d would contribute to the minimization of DPM emissions generated from trucking emissions; however, full implementation of MM AIR-1d cannot be guaranteed. In addition, MM AIR-1e would restrict truck traffic from accessing Grant Line Road east of the project site, where many sensitive receptors are located. MM AIR-1f would restrict on-site vehicle idling to no greater than 3 minutes. MM AIR-1g would require the use of electric on-site on- and off-road equipment in place of non-electric alternatives. MM AIR-1h would require the installation of a vegetated buffer around the project site to reduce the potential off-site dispersion of TACs generated at the project site during operation. MM AIR-1i would require the installation of EV charging stations which meet the Tier 2 standards set forth in Section A5.106.5.3 of Appendix A5 – Nonresidential Voluntary Measures of CALGreen of the 2019 CBC.

In addition, in an effort to further address concerns about truck traffic through the Banta community located east of the project site, the project applicants are willing to voluntarily implement signage along project frontage on Grant Line Road to deter trucks from traveling on Grant Line Road east of the project site, and voluntarily implement routine communications between property managers and tenants to ensure tenant understanding that trucks accessing the project site are prohibited from using Grant Line Road east of the project site. These measures will be incorporated as conditions of approval.

The inclusion of MM AIR-1e, MM AIR-1f, MM AIR-1g, and MM AIR-1i and conditions of approval would help incrementally reduce emissions below those disclosed in this Draft EIR; however, the quantified reductions from these measures cannot be accurately identified at this time. As a result, this impact would be significant and unavoidable after the incorporation of mitigation (Draft EIR, Page 3.3-42–50).

Valley Fever

The San Joaquin Valley is considered an endemic area for Valley Fever, caused by inhalation of the spores of the fungus Coccidioides immitis (*C. immitis*). Avoidance, when feasible, of sites favorable for the occurrence of *C. immitis* is a prudent risk management strategy. The project site is relatively undeveloped and is surround by undeveloped, agricultural, industrial, and residential land uses which are semi-rural to urban in character. Because the majority of the project site and the immediately surrounding vicinity consists of urbanized development or cultivated fields, the project site is an area that would lead to a low probability of having *C. immitis* growth sites and exposure from disturbed soil. Furthermore, the proposed project would be required to minimize the generation of fugitive dust during construction activities by complying with District Rule 8021. Therefore, this regulation would ensure that Valley Fever impacts during construction are less than significant. During operations, dust emissions are anticipated to be negligible, and impacts would be less than significant.

The City finds that MM AIR-1a though MM AIR-1i are feasible, are adopted, and will reduce impacts related to sensitive receptors to the extent feasible. The City further finds that no additional mitigation or project alternatives are feasible to further reduce this impact. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or reduce the potentially significant impacts as identified in the EIR to the extent feasible. However, impacts associated with air quality would remain significant and unavoidable even with mitigation incorporated.

Cumulative Impact: The proposed project's cumulative impacts related to air quality would be significant and unavoidable. (Draft EIR, Page 3.3-55).

Findings: Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR (State CEQA Guidelines § 15091(a)(3)).

Mitigation Measures

Implement MM AIR-1a through MM AIR-1i.

Facts in Support of Findings: If a project would exceed the identified construction or operational significance thresholds, its emissions would be cumulatively considerable. The Air Basin is in nonattainment for ozone, PM_{10}, and $PM_{2.5}$, which means that the background levels of those pollutants are at times higher than the ambient air quality standards and a cumulative air quality impact currently exists for the region. As discussed in Impact AIR-2, MM AIR-1a and MM AIR-1b would reduce the proposed project's impacts related to ozone precursor emissions during construction; however, as discussed in Impact AIR-2, construction emissions for ozone precursors would remain potentially significant after implementation of identified mitigation. In addition, the proposed project could result in a potentially significant impact related to regional emissions of ROGs and NO_X, both ozone precursor pollutants, during project operation. Moreover, because full implementation of MM AIR-1c and MM AIR-1d cannot be guaranteed, the proposed project could result in a potentially significant localized violation during operation.

After incorporation of identified mitigation and implementation of the required rules and regulations, the proposed project could result in construction and operational emissions which are greater than the respective Valley Air District significance thresholds and could therefore have a cumulatively considerable contribution that is cumulatively significant and unavoidable.

With regard to impacts on sensitive receptors, the DPM emissions from construction of the proposed project could result in significant health impacts if all three project phases are constructed concurrently. The combined operation of the proposed project could result in exposing nearby sensitive receptors to substantial amounts of pollutants. The cumulative impact associated with construction and operation of the proposed project would be cumulatively considerable.

Odor impacts that would be associated with the proposed project would principally be temporary in nature and limited to the combustion of diesel fuels during construction and operation and would not be cumulatively considerable.

The proposed project would result in a cumulatively considerable contribution to significant cumulative air quality and health impacts with respect to consistency with the applicable AQP (Impact AIR-1), cumulative criteria pollutant emissions during both construction and operation (Impact AIR-2) and impacts to sensitive receptors during both construction and operation (Impact AIR-3). (Draft EIR, Page 3.3-54–55).

The City finds that MM AIR-1a though MM AIR-1i are feasible, are adopted, and will reduce cumulative impacts to the extent feasible. The City further finds that no additional mitigation or project alternatives are feasible to further reduce this impact. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that mitigate or reduce the potentially significant impacts as identified in the EIR to the extent feasible. However, cumulative impacts associated with air quality would remain significant and unavoidable even with mitigation incorporated.

1.8.3 - Transportation and Traffic

Impact TRANS-1: The proposed project would result in a substantial increase in vehicle miles traveled (Draft EIR, Page 3.14-28).

Findings: Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR (State CEQA Guidelines § 15091(a)(3)).

Mitigation Measures

MM TRANS-1(a) Transportation Demand Management Measures

Prior to issuance of the first building permit for the relevant individual development proposal, the relevant applicant for the individual development proposal at issue shall submit to the City of Tracy Planning Department a Transportation Demand Management (TDM) program that incorporates all of the following six measures (as explained further in Table 3.14-6 of the Draft EIR):

1. Communication and Information Strategies–4 percent reduction;
2. Telecommuting for administrative staff (5 percent of staff population)–1 percent reduction;
3. Designated parking spaces for carpool vehicles–1 percent reduction;
4. Provide a transit stop along the project frontage on Grant Line Road, if agreed to by the City–2 percent reduction;
5. Provide bike lanes and sidewalks along the project frontage–1 percent reduction; and
6. Provide on-site bike racks and showers–1 percent reduction.

Provided, however, that if the relevant applicant determines that one of more of the foregoing six TDM measures is not feasible in connection with the individual development proposal at issue, then the relevant applicant may obtain approval from the City of Tracy Planning Department of acceptable substitute TDM measure(s) pursuant to Table 3.14-6 of the Draft EIR.

The relevant applicant's TDM program, as described above, shall reflect a 10 percent reduction in VMT for the relevant individual development proposal.

MM TRANS-1(b) Payment of Applicable Banking Fee

> In addition to the TDM program required in MM TRANS-1(a), each applicant for an individual development proposal shall pay the applicable fee as set forth in the adopted VMT Mitigation Banking Fee in place and effective at the time the relevant applicant seeks to obtain building permits for its individual development proposal. Provided, however, that if the City Council has not adopted the Mitigation Banking Fee Program such that it is effective and in place at the time an applicant for an individual development proposal seeks to obtain a building permit, then payment of $633.11 (cost per VMT reduction for the relevant individual development proposal) shall constitute compliance with this MM TRANS-1(b).

Facts in Support of Findings: The proposed project's potential increase in VMT would result in a significant transportation impact. The EIR, Table 3.14-6, lists the potential TDM measures that could partially mitigate the proposed project's VMT impact and also shows the estimated maximum TDM reduction that each strategy could achieve. Potential strategies include offering telecommuting work schedules, transit subsidies, an employer-sponsored shuttle program, and marketing of TDM strategies. Implementation of MM TRANS-1(a), (b) would require the relevant applicant for each individual development proposal within the project site to implement the identified site-specific TDM measures to feasibly reduce project-generated VMT. The City also is currently working to establish a VMT banking program through which, once adopted, would provide another way to mitigate impacts. The VMT Mitigation Banking Fee Program is a programmatic approach to respond to the need for feasible VMT mitigation programs. The EIR proposes mitigation that enables the relevant applicant of each individual development proposal within the project site to mitigate its respective VMT impact, to the extent feasible, by implementing an approved TDM program and paying the applicable banking fee. Each relevant applicant would need to reduce VMT associated with its individual development proposal that would otherwise occur in connection with implementation of the relevant individual development proposal by 15 percent.

TDM measures are listed on Page 3.14-29 of the EIR. If the relevant applicant for an individual development proposal (1) incorporates the TDM measures into a project-specific TDM program, and (2) pays the applicable banking fee (as discussed further below), this would satisfy MM TRANS-1(a) and MM TRANS-1(b). If TDM measures are not feasible, the relevant applicant may obtain approval from the City of acceptable substitute TDM measure(s) and the applicable banking fee would be adjusted to equate to the required 15 percent reduction.

The applicable fee would be the amount provided for under the Mitigation Banking Fee Program adopted by the City Council and effective at the time the relevant applicant for an individual development proposal within the project site obtained building permits. Provided, however, that if the Council has not adopted the Mitigation Banking Fee Program such that it is effective and in place at the time an applicant for an individual development proposal seeks to obtain a building permit, then payment of $633.11 (cost per one VMT reduction) shall constitute compliance for the payment component of MM TRANS-1(b).

Even with implementation of the TDM strategies and payment of the applicable banking fee, as discussed above, the proposed project would still be above the City's VMT threshold of 9.4 VMT per employee and this impact would be significant and unavoidable (Draft EIR, Page 3.14-28–32).

The City finds that MM TRANS-1(a) and MM TRANS-1(b) are feasible, are adopted, and will reduce impacts related to VMT to the extent feasible. The City further finds that no additional mitigation or project alternatives are feasible to further reduce this impact. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or reduce the potentially significant impacts as identified in the EIR to the extent feasible. However, impacts associated with VMT would remain significant and unavoidable even with mitigation incorporated.

Cumulative Impact: The proposed project's cumulative impacts related to transportation and traffic would be significant and unavoidable. (Draft EIR, Page 3.14-54).

Findings: Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR (State CEQA Guidelines § 15091(a)(3)).

Mitigation Measures

Implement MM TRANS-1(a) and MM TRANS-(b).

Facts in Support of Findings

VMT

Cumulative projects would be required to comply with applicable State and local laws and regulations. If found to result in significant VMT impacts, the cumulative projects would be required to implement feasible TDM measures that would reduce VMT and encourage alternative modes of transportation. Cumulative projects would also be required to include facilities based on future transportation studies prepared for that project and to pay into the City's VMT banking program once established. However, even with implementation of all available feasible mitigation, the cumulative VMT would still exceed City standards and would be significant and unavoidable. The proposed project, in conjunction with other cumulative projects, would have a significant and unavoidable impact with respect to VMT, and the proposed project's contribution would be cumulatively considerable.

Roadway Safety and Emergency Access

Trucks used during the construction of cumulative projects would be required to utilize truck routes designated by the City and therefore would not conflict with the automobile traffic and bicycle and pedestrian activity. Local jurisdictions' engineering and planning departments would review project plans prior to construction permits. Cumulative projects would not redesign City streets in such a way that would significantly impact roadway safety, they would be required by the City to mitigate such impacts as feasible. Roadways constructed as part of the cumulative projects would be

constructed to meet then-current applicable City and California Fire Code design standards. Cumulative project driveways and access points would be constructed in compliance with applicable provisions of the California Fire Code and other applicable regulations related to roadway safety and emergency access. Impacts to Roadway Safety and Emergency Access would not be cumulatively considerable.

Transit, Bicycle, and Pedestrian Circulation and Facilities

Each project sponsor for the relevant cumulative project(s) would be required to coordinate with the City and the transit providers to provide alternative transit access. There is only one reasonably foreseeable future project that shares a street with the proposed project. Paradise Road would be realigned with the construction of the I-205 and Chrisman Road Interchange. There are no bicycle or pedestrian facilities provided on Paradise Road along the proposed project frontage or I-205. Therefore, cumulative impacts would be less than significant.

The proposed project would construct a Class I path (that would accommodate both pedestrians and bicycles) to improve pedestrian and bicycle infrastructure. Neither the proposed project nor the I-205 and Chrisman Road Interchange project would remove existing bicycle or pedestrian infrastructure, nor would either make a cumulatively considerable contribution to this less than significant cumulative impact. Therefore, cumulative impacts related to the circulation system in terms of transit, bicycle, and pedestrian facilities would be less than significant. (Draft EIR, Page 3.14-52–54).

The City finds that MM TRANS-1(a) and MM TRANS-1(b) are feasible, are adopted, and will reduce cumulative impacts related to VMT to the extent feasible. The City further finds that no additional mitigation or project alternatives are feasible to further reduce this impact. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that mitigate or reduce the potentially significant impacts as identified in the EIR to the extent feasible. However, cumulative impacts associated with VMT would remain significant and unavoidable even with mitigation incorporated.

1.9 - Findings Regarding Alternatives

1.9.1 - Introduction

This section presents findings regarding alternatives to the proposed project. Because not all significant effects could be substantially reduced to a less than significant level by either adoption of feasible mitigation measures or by standard conditions of approval, the EIR considered the feasibility of project alternatives compared to the proposed project. As explained below, these Findings summarize the alternatives studied (as well as the alternatives that were initially considered and then dismissed from further evaluation) and summarizes the basis for rejecting each one of the project alternatives. Further evidence supporting these Findings is set forth in Chapter 5 of the Draft EIR (Alternatives) and in various responses to comments in the Final EIR.

The section provides a summary and discussion of the feasibility of the following alternatives evaluated in the EIR:

- **No Project (No Build) Alternative:** Under this alternative, development of the project site would not occur, and the project site would remain in its current existing condition.
- **Outside Storage Allowable Use Alternative:** The Outside Storage Allowable Use Alternative contemplates a reduction in building square footages, an increase in outside storage areas, and the preservation of 25 percent of the existing agricultural operations (approximately 48 acres). This alternative contemplates a combination of "Equipment Storage Yards," which is a Permitted Use under the NEI Specific Plan and/or "Building Materials Sales, Lumberyards (outside storage)," which is a Conditional Use permitted under the NEI Specific Plan. The project site would be developed in such a way to protect some of the on-site Prime Farmland by reducing the overall footprint of the developed areas. The outside storage uses would require less building coverage and the number of employees would be reduced as compared to the proposed project.
- **Agricultural Protection Alternative:** Under this alternative, the proposed project would be developed in such a way as to protect some of the on-site Prime Farmland by reducing the overall footprint of the developed areas and providing a buffer for existing residences along California Avenue. The northern half (approximately 11 acres) of the Zuriakat parcel would not be converted to nonagricultural uses and could remain in agricultural production.

In accordance with CEQA Guidelines Section 15126.6, this City Council finds that the EIR contained a comparative impact assessment of alternatives to the proposed project, which included sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. The primary purpose of this analysis is to provide decision-makers and interested agencies, organizations and individuals with information about a reasonable range of potentially feasible project alternatives, which could avoid or reduce any of the proposed project's significant adverse environmental effects. The EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives.

Important considerations for this alternatives analysis are noted below:

- An EIR need not consider every conceivable alternative to a project;
- An EIR should identify alternatives that were considered by the lead agency, but rejected as infeasible during the scoping process;
- Reasons for rejecting an alternative include:
  - Failure to meet most of the basic project objectives identified in Section 6.5 of the Draft EIR.
  - Infeasibility; or
  - Inability to avoid significant environmental effects of the proposed project.

When addressing the feasibility of alternatives, the lead agency may take into account a number of factors including site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a

regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). None of these factors establishes a fixed limit on the scope of reasonable alternatives.

Section 6.3 of the Draft EIR discusses alternatives that were initially considered but then rejected. Regarding alternative locations, CEQA does not require that an analysis of alternate sites always be included in an EIR. Pursuant to CEQA Guidelines Section 15126.6(f)(2), in making the decision to include or exclude analysis of an alternate site, the "key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR."

For purposes of the EIR for the proposed project, alternative locations were initially considered in an effort to identify a site that would not involve the conversion of 188 acres of Prime Farmland; however, for reasons summarized below and explained in the EIR (see Section 6.3) this alternative was ultimately rejected from further consideration. This alternative involves review of the potential to construct a development of similar size and scale as the proposed project at alternative location(s), thereby lessening or avoiding site-specific impacts to Prime Farmland. Under this alternative, the development would need to be located at another large, predominantly vacant property that could meet most of the project proponent's objectives. One key constraint is that the applicant does not own, control, or otherwise have access to any other sites. Nonetheless, potential off-site alternative locations were screened for consideration based on size and zoning/use requirements. The City of Tracy is mostly urbanized so it was assumed that there would be availability of infrastructure should this alternative occur elsewhere within the City. Potential sites within the City of appropriate size generally consisted of other agricultural parcels that are mostly designated as Prime Farmland located along the City's SOI, which would result in similar impacts to agricultural resources as the proposed project and/or increased impacts to other topical areas, and/or would not achieve most of the project objectives. For example, one appropriately sized parcel is located adjacent to Bohn Elementary School and large tracts of residential development. This site was initially considered but rejected as an alternative location because it could potentially result in increased impacts to sensitive receptors, increased traffic congestion due to its proximity to residential areas and distance from transit hubs, as well as increased air quality impacts. This area is also designated as Prime Farmland and thus significant agricultural resource impacts related to conversion of Prime Farmland would still occur. In addition, this area is designated as Urban Reserve in the City's General Plan for potential future residential development as opposed to having a current, specific land use designation (such as Industrial, like the project site). Constructing a similar industrial development on this site would thus be inconsistent with the General Plan (without triggering the need for a GPA) and would have potentially more significant population and housing and land use and planning impacts than the proposed project. In summary, City staff was not able to identify any vacant parcels within the City that are not Prime Farmland, could accommodate an industrial development of similar size and scope of the proposed project, and are zoned/designated for industrial uses. For these reasons, although alternative sites were initially considered, an

alternative location was therefore eliminated from further discussion in the Draft EIR, consistent with CEQA Guidelines Section 15126.6(c).

This City Council hereby determines that the EIR evaluated a reasonable range of potentially feasible alternatives, which is sufficient to permit informed decision-making and public participation. This City Council recognizes that commenters suggested additional alternatives and stated that additional detail should be provided for the alternatives that were studied. For the reasons set forth in the EIR and other relevant evidence in the administrative record, none of the requested information is necessary to ensure that a reasonable range of alternatives was studied at a sufficient level of detail.

For the reasons documented in the EIR and summarized below, this City Council hereby rejects each of the alternatives and approves the proposed project, based on the specific legal, economic, and other considerations that make each of the below-identified alternatives infeasible.

Alternative 1: No Project (No Build) Alternative.

Description

Under the No Project Alternative, the 3,353,320 square feet of warehouse development, infrastructure improvements, I-205/Paradise Road/Chrisman Road interchange, and off-site roadway improvements would not be constructed on the project site and in its vicinity. In this alternative, the project site's existing agricultural uses, outbuildings, two existing single-family homes, and garage would remain; road improvements would not occur; reservation of land for the future interchange would not occur; trees and crops would not be removed or impacted; and grading would not take place. This alternative would not require a General Plan Amendment, prezoning, minor subdivision, or Final Development Plan.

Findings

The No Project Alternative would avoid the majority of the proposed project's significant impacts by leaving the project site in its existing condition, thus avoiding impacts caused by the demolition of on-site buildings, construction of warehouse buildings, infrastructure and off-site improvements, and impacts caused by the operation of the proposed project. However, the No Project Alternative would not advance any of the overall project objectives (Draft EIR, Page 6-7–6-12). Based on the analysis in the EIR and all other relevant evidence in the administrative record before it, this City Council finds that the No Project (No Build) Alternative does not meet any of the project objectives. The City Council rejects this alternative as infeasible.

Alternative 2: Outside Storage Allowable Use Alternative.

Description

Under the Outside Storage Allowable Use Alternative, there would be a reduction in building square footages, an increase in outside storage areas, and the preservation of 25 percent of the existing agricultural operations (approximately 48 acres). This alternative contemplates a combination of "Equipment Storage Yards," which is a Permitted Use under the NEI Specific Plan and/or "Building Materials Sales, Lumberyards (outside storage)," which is a Conditional Use permitted under the NEI Specific Plan. The project site would be developed in such a way to protect some of the on-site Prime Farmland by reducing the overall footprint of the developed areas. The outside storage uses

would require less building coverage, and the number of employees would be reduced as compared to the proposed project.

Findings

The Outside Storage Allowable Use Alternative would have a lower level of impacts for aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, energy, GHG emissions, hydrology and water quality, noise, public services, TCRs, utilities and service systems, and wildfire. This is because overall, impacts would be reduced due to a smaller square footage of the buildings and the reduced number of employees. However, although reduced to a certain degree, all significant and unavoidable impacts to Agriculture, Air Quality and Transportation would still occur under this alternative and the identified mitigation measures would still be required under this alternative. Furthermore, this alternative would not meet most of the project objectives at all or to the same degree as the proposed project. For example, employment-generating industrial uses would be significantly less, and this alternative would also only partially meet qualitative objectives related to reducing the commute for regional residents, providing an improved circulation system, and providing public facilities and services such as stormwater drainage improvements (Draft EIR, Page 6-12–6-19). Based on the analysis in the EIR and all other relevant evidence in the administrative record before it, the City Council finds that the Outside Storage Allowable Use Alternative would not eliminate any of the significant and unavoidable impacts, and would not satisfy most of the project objectives at all or to the same degree as the proposed project. This City Council rejects this alternative as infeasible.

Alternative 3: Agricultural Protection Alternative.

Description

Under the Agricultural Protection Alternative, the project site would be developed in such a way to protect some of the on-site Prime Farmland by reducing the overall footprint of the developed areas while maintaining a buffer between existing residences along California Avenue. The northern half (approximately 11 acres) of the Zuriakat parcel would remain in agricultural production.

Findings

The Agricultural Protection Alternative would reduce to a certain extent those impacts related to ground disturbance by reducing the overall footprint of developed areas, preserving some of the site's Prime Farmland. Additionally, wildfire impacts (which are already considered to be "no impact") would be further reduced under this alternative because the overall footprint of the developed areas would be reduced. However, while it would result in some degree of reduction, it would not eliminate any of the significant and unavoidable impacts with respect to agricultural resources, air quality, or transportation, and the identified mitigation measures would still be required. While this alternative would meet, to a certain degree, some of the project objectives related to employment opportunities, reducing the commute for regional residents, providing an efficient circulation system, and providing public facilities and services, such as stormwater drainage improvements, this alternative would not achieve these objectives to the same degree as the proposed project. Moreover, reducing the size of the warehouse and distribution buildings would reduce the amount of employment-generating industrial uses, thereby not facilitating the achievement of the City's General Plan objectives related to employment growth and expanding the

City's industrial base to the same degree as the proposed project (Draft EIR, Page 6-19–6-25). Based on the analysis in the EIR and all other relevant evidence in the administrative record before it, this City Council finds that the Agricultural Protection Alternative would not eliminate significant and unavoidable impacts and would not achieve most of the project objectives at all or to the same degree as the proposed project. This City Council rejects this alternative as infeasible.

Environmentally Superior Alternative

Section 15126.6(e)(2) of the State CEQA Guidelines requires that an analysis of alternatives to a proposed project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR. If the No Project Alternative is the environmentally superior alternative—which is the case here, as it avoids all significant project impacts, but fails to satisfy any of the project objectives—the EIR must also identify another environmentally superior alternative among the remaining alternatives.

Each of the three project alternatives would lessen the environmental impacts relative to the proposed project to a certain degree (as summarized above and further described in the EIR). Overall, based on these Findings, the Outside Storage Allowable Use Alternative (Alternative 2) would be considered the environmentally superior alternative because it has the potential to yield the greatest reductions in the severity of the proposed significant and unavoidable impacts and would preserve approximately 48 acres of the existing agricultural operations including Prime Farmland. However, this alternative fails to eliminate any of the significant and unavoidable impacts, and would also not achieve most of the project objectives at all or to the same degree as the proposed project. For example, it would substantially reduce the employment-generating opportunity objective as it would not provide as many local and regional employment opportunities to take advantage of the project site's high level of accessibility; it would not allow for the expansion of the City's economic base to the same degree; nor would it help improve the jobs/housing balance and reduce the commute for regional residents to the same degree. (Draft EIR, Page 6-25–6-27). Based on the analysis in the EIR and all other relevant evidence in the administrative record before it, the City Council finds that, while identified as environmentally superior, this alternative would not eliminate any significant and unavoidable impacts and would not achieve most of the project objectives at all or to the same degree as the proposed project. The City Council rejects this alternative as infeasible.

1.10 - Findings Regarding Cumulative Impacts

Consistent with CEQA's requirements, the EIR includes a thoughtful analysis of cumulative impacts. As summarized above in Sections 1.5 through 1.7 and as analyzed in the EIR, except as to cumulative impacts related to the conversion of Farmland, air quality emissions and VMT impacts, all other cumulative impacts associated with the proposed project would be less than significant with, for example, the implementation of applicable laws and regulations (including new and revised General Plan Update policies and implementing actions) and for the other reasons documented in the EIR's relevant sections. The proposed project's contribution to the less than significant cumulative impacts would not be cumulatively considerable. Cumulative agricultural, air quality and VMT impacts would remain significant and unavoidable even with incorporation of all available feasible mitigation. As

discussed in Section 1.8, the proposed project would have a cumulatively considerable impact related to air quality and transportation. These impacts are considered cumulatively significant and unavoidable. No feasible project alternatives would reduce these impacts while meeting most of project objectives.

1.11 - Findings Regarding Growth Inducement

State CEQA Guidelines Section15126.2(e) requires a discussion of the ways in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Typical growth-inducing factors might be the extension of urban services or transportation infrastructure to a previously unserved or underserved area, or the removal of major barriers to development.

Because the proposed project is industrial in nature and would not develop single-family or multi-family residential uses, no direct population growth would be expected to occur. In terms of the removal of any direct barriers to growth, this would not occur as a result of the project because the proposed project would not remove any existing obstacles that currently prevent growth within the City. For example, the proposed project would not require expansion of existing water, wastewater and public facilities and services beyond what was already planned for in the General Plan, NEI Specific Plan, and relevant City and other public agency master infrastructure plans. The utility infrastructure installed as part of the proposed project would be sized and located expressly to serve the proposed project and would not, therefore, induce growth in the project vicinity. Therefore, because the proposed project does not involve housing, nor would it remove any direct barriers to growth, the proposed project would not directly increase population.

Once operational, the proposed project at full buildout is expected to employ up to approximately 1,871 people on-site for daily operation. Given the nature of the proposed uses, it is anticipated that the employees would come primarily from the local job market and therefore would not likely trigger significant additional housing development to serve these employees, and the proposed project would help to support the City's jobs-to-housing ratio goal of 1.5 as established by the California Department of Housing and Community Development (HCD). The current ratio is 1.3. Furthermore, the project site is within the City's existing SOI and has been designated by the General Plan for industrial uses and therefore, the City has anticipated this growth in employment opportunities that would result from the proposed project. Infrastructure and services would be expanded to serve the proposed project, but would not require expansion of existing water, wastewater and other facilities and services beyond what was already planned for in the General Plan and relevant City master infrastructure plans, and thus would not encourage additional unplanned growth. For these reasons, implementation of the proposed project would not induce substantial indirect population growth within the City.

The proposed project would employ approximately 1,871 people at full buildout, representing approximately 30 percent of the City's forecasted employment growth between 2020-2045.[3] As

[3] City of Tracy. 2022. City of Tracy New Construction Industrial & Commercial Development Pipeline Report. Website: https:///www.cityoftracy.org/home/showpublisheddocument/13056/637882942906530000. Accessed: August 5, 2022.

discussed above, the proposed project's contribution to employment in the City is consistent with the forecasted employment anticipated in the General Plan.

According to the U.S. Census data, it is estimated that approximately 45,000 of the City's residents are employed. In addition, the average travel time to work for Tracy's employed residents is 44.5 minutes, indicating that most residents probably travel out of the City to work. The General Plan assumes employment growth to improve the jobs-to-housing balance to provide more employment opportunities for the City's residents. Therefore, it is reasonably foreseeable that many of the employees of the project would come from the labor pool within Tracy, and the proposed project, combined with other planned cumulative projects would not induce unplanned indirect population growth. (Final EIR, Page 3-99–100) For these reasons, this City Council finds there would be no adverse cumulative growth-inducing impacts.

Accordingly, this City Council finds that the proposed project would not result in unplanned direct, indirect or cumulative growth that would negatively alter the existing jobs/housing balance, or be inconsistent with the General Plan, the NEI Specific Plan, or relevant City or other public agency master infrastructure plans (Draft EIR, Page 5-3–5-4).

1.12 - Findings Regarding Significant Irreversible Environmental Changes

According to Sections 15126(c) and 15126.2(d) of the State CEQA Guidelines, the lead agency shall address any significant irreversible environmental changes that would occur should the proposed project be implemented. Generally, a project would result in significant irreversible environmental changes if any of the following would occur:

- The proposed project would involve a large commitment of nonrenewable resources;
- The primary and secondary impacts of the proposed project would generally commit future generations to similar uses;
- The proposed project involves uses in which irreversible damage could result from any potential environmental accidents; or
- The proposed consumption of resources are not justified.

The proposed project involves construction and operation of multiple light industrial, warehouse and distribution uses and related improvements and ancillary uses (e.g., office), which at buildout, would total approximately 3,352,320 square feet. As described more fully in the EIR, Chapter 2, Project Description, three warehouse and distribution buildings and related improvements are proposed for the Tracy Alliance parcels, totaling approximately 1,849,500 square feet. With respect to the Suvik Farms and Zuriakat parcels, there are no current development proposals; therefore, for purposes of a conservative analysis, it is assumed that at buildout, these parcels would be developed with approximately 1,502,820 square feet, consistent with the maximum allowable density per acre identified in the NEI Specific Plan. Other project components would include the construction of an approximately 12.44-acre stormwater detention basin with a pump station, as already envisioned in the current City of Tracy Citywide Storm Drainage Master Plan. Existing trees and ornamental plants associated with existing residential uses and all crops would be removed as part of the proposed

project. The proposed project would be developed within the NEI Specific Plan area (as amended to include the adjacent project site), which would help ensure the efficient, cohesive construction and operation of the proposed project near other similar, compatible uses.

Construction would include the use of building materials, such as petroleum-based products and metals, which cannot reasonably be recreated. Construction also would involve significant consumption of energy, consisting predominantly of petroleum-based fuels that deplete supplies of nonrenewable resources. Construction of structures, other improvements and infrastructure would also consume energy and water.

However, construction debris recycling practices would be expected to result in the recovery and reuse of building materials such as concrete, lumber, and steel; these practices would also limit disposal of these materials, some of which are nonrenewable. Additionally, construction equipment would have to meet applicable Valley Air District standards as described in the EIR, Section 3.3, Air Quality. The EIR, Section 3.6, Energy, addresses energy consumption during construction and explains in more detail why impacts would be less than significant in this regard.

Once construction is complete, land uses associated with the proposed project would use some nonrenewable fuels to heat and light structures. New industrial uses would be required to adhere to the latest adopted edition of the California Green Building Standards Code (CALGreen), which includes a number of standards and features (viewed as some of the most stringent requirements in the country) that would reduce energy demand, water consumption, and wastewater and solid waste generation that would collectively conserve and reduce the demand for resources. This would result in reduced emissions and the generation of less pollution and effluent and lessen the severity of corresponding environmental effects. Although the proposed project would result in an irretrievable commitment of nonrenewable resources and water for irrigation and plumbing, these would not be consumed inefficiently, unnecessarily, or wastefully. Furthermore, the proposed industrial uses do not have the potential to cause significant environmental accidents through releases into the environment, as they would not involve large quantities of hazardous materials (see Section 3.9, Hazards and Hazardous Materials). Future tenants/operators would be required to submit a HMBP to San Joaquin Environmental Health for review and approval if the tenants/operators intend to store significant amounts of hazardous materials on-site. According to the California Department of Forestry and Fire Protection (CAL FIRE), there are no Very High Fire Hazard Severity Zones in San Joaquin County, and therefore none in the project site. Because the project site has not previously experienced wildfire and is not located in or near an area of steep terrain or historical wildfire burn, nor does it experience consistent high winds, the project site would not be prone to wildfire risk (see Draft EIR, Section 3.17, Wildfire). In addition, existing fire protection facilities would be adequate to serve the project site, and the proposed project would not result in a significant impact related to need for new or altered fire protection facilities. Thus, implementation of the proposed project's industrial uses would not have the potential to result in significant environmental accidents related to wildfire hazards and would not result in significant irreversible environmental changes (Draft EIR, Page 5-4–5-5). Furthermore, the proposed project would be located directly adjacent to a developed urbanized area, including major transportation corridors, and would accommodate bicycle and pedestrian access for the project vicinity as well as

transit improvements and other TDM measures, which would also help to ensure that it would not result in the inefficient, wasteful, or unnecessary consumption of transportation energy during operational activities.

1.13 - Statement of Overriding Considerations

The City of Tracy is the lead agency under CEQA for the preparation, review, and certification of the EIR for the proposed project. As the lead agency, the City is also responsible for determining the potential environmental impacts of the proposed action, which of those impacts are significant, and which impacts can be mitigated through imposition of feasible mitigation measures to avoid or minimize such impacts to a level of less than significant.

If significant and unavoidable impacts are identified, then CEQA requires that a lead agency balance the benefits of a project against its unavoidable adverse environmental risk(s) in determining whether to approve the project.

In particular, Public Resources Code Section 21081(a) and CEQA Guidelines Section 15093(a) provide that no public agency may approve or carry out a project for which an environmental impact report has been certified that identifies one or more significant effects on the environment that would occur if the project is approved or carried out, unless the public agency makes one or more of three findings with respect to each significant effect. Public Resources Code Section 21081(b) requires that where a public agency finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report, then the public agency must find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

Where the lead agency finds that the economic, legal, social, technological, or other benefits, including region-wide or Statewide environmental benefits, of a project outweigh the unavoidable adverse effects, those effects may be considered "acceptable" pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093(a). CEQA requires that a lead agency support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Those reasons must be based on substantial evidence in the EIR or elsewhere in the administrative record pursuant to CEQA Guidelines Section 15093(b). The lead agency's written reasons are referred to as a Statement of Overriding Considerations. If the lead agency makes a Statement of Overriding Considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to CEQA Guidelines Section 15091.

As explained in the above Findings of Fact, most of the proposed project's impacts on the environment would either be insignificant or, through the incorporation of mitigation measures as enforceable conditions of approval of the proposed project, can be reduced to less than significant. However, as set forth in Section 1.7 above, the following impacts would remain significant and

unavoidable even with implementation of all feasible mitigation measures, or where no mitigation measures are feasible. Specifically, the EIR (see, e.g., Section 6.2) identified the following unavoidable adverse impacts of the proposed project:

- Project-Level Conversion of Prime Farmland;
- Cumulative Conversion of Prime Farmland;
- Project-Level Impact Related to Implementation of the Applicable Air Quality Plan;
- Project-Level Impact Related to Cumulatively Considerable Net Increase of ROG and carbon monoxide (CO) During Construction, and ROG and oxides of nitrogen (NO_X) During Operation;
- Project-Level Impact Related to Exposing Sensitive Receptors to Substantial Pollutant Concentrations;
- Cumulative Air Quality Impact;
- Project-Level VMT Impact; and
- Cumulative VMT Impact.

Further, as summarized in Section 1.8 above and discussed more fully in the EIR, three alternatives to the proposed project were analyzed to determine whether these alternative(s) could avoid or substantially lessen the unavoidable environment impacts of the proposed project. While the No Project Alternative would avoid all of the significant and unavoidable impacts, it would not meet any of the project objectives. With respect to the Outside Storage Allowable Use Alternative, impacts for a number of environmental topic areas would be lessened to a certain degree (including the unavoidable impacts), although this Alternative would not avoid any of the significant and unavoidable impacts and would not meet most of the project objectives at all or to the same degree as the proposed project. Similarly, the Agricultural Protection Alternative would reduce to a certain extent those impacts related to ground disturbance by reducing the overall footprint of developed areas. However, while it would result in some degree of reduction of impacts, it would not eliminate any of the significant and unavoidable impacts with respect to agricultural resources, air quality or transportation, and would not meet most of the project objectives at all or to the same degree as the proposed project. Accordingly, for the reasons set forth in these Findings and Section 5 of the Draft EIR, there are no feasible alternatives to the proposed project.

As required under Public Resources Code Section 21081 and CEQA Guidelines Section 15093, this City Council, having reviewed and considered the EIR, all other written materials within the administrative record, and all oral testimony presented at public hearings and other public meetings on the EIR and the merits of the proposed project, has balanced the benefits of the proposed project against the identified unavoidable adverse impacts associated with the proposed project, and hereby adopts all feasible mitigation measures with respect to such impacts, certifies the EIR, and approves the proposed project. This City Council has also examined the alternatives to the proposed project, none of which is feasible, meets most of the project objectives, or is environmentally preferable to the proposed project for the reasons discussed in Section 1.8 above and the EIR.

Accordingly, as set forth below, the City Council hereby declares that pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15093, the following benefits of the proposed project outweigh the identified significant adverse environmental impacts of the proposed project that cannot be mitigated. The City Council finds that having reduced the adverse significant environmental effects of the proposed project to the extent feasible by adopting the mitigation measures contained in the EIR, the MMRP, and these Findings, having considered the entire administrative record on the proposed project, and having weighed the benefits of the proposed project against its unavoidable adverse impacts after mitigation, each of the following social, economic, and environmental benefits of the proposed project separately and individually outweigh the potential unavoidable adverse impacts and render those adverse environmental impacts acceptable based upon the following overriding considerations:

- Completion and operation of the proposed project would employ approximately 1,871 people creating local and regional employment opportunities that improve the jobs-to-housing ratio and expand economic opportunities in the City.
- The proposed project would create a substantial number of temporary and permanent jobs during both construction and operation consistent with the skills and availability of the local workforce and assist in fulfilling the City's priorities for future growth anticipated by the General Plan.
- At buildout, the proposed project would generate significant tax revenue for the City's benefit.
- The location of the proposed project would provide a high level of accessibility and reduce the commute for regional residents, promoting the planned, orderly, efficient development of the area.
- The proposed project would provide an efficient circulation system and facilitate a future planned interchange at Paradise Road and I-205 through the dedication of land.
- The proposed project would improve mobility and provide bicycle and pedestrian connections by constructing a Class I bicycle path to accommodate both pedestrians and bicycles per the TMP for both Grant Line Road and Paradise Road. These connections would ultimately provide access to the nearest transit facility; thereby improving access to alternative transportation.
- The proposed project would maximize the utility of its location and infrastructure to develop industrial uses in a manner that would promote land use patterns that reduce the number and length of motor vehicle trips and reduce VMT impacts consistent with the City's planned industrial vision.
- The proposed project would promote the sustainability and energy conservation policies contained in the Tracy Sustainability Action Plan.

For the foregoing reasons and as otherwise supported by substantial evidence in the administrative record, this City Council hereby adopts this Statement of Overriding Considerations, which has balanced the benefits of the proposed project against its significant and unavoidable adverse impacts in reaching a decision to approve the proposed project.

Custodian of Record; Scope and Content of Record

The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the following:

City of Tracy
Development Services
333 Civic Center Plaza
Tracy, CA 95376
Phone: 209.831.6428
Attention: Victoria Lombardo, Senior Planner
Email: victoria.lombardo@cityoftracy.org

This information is provided in compliance with Public Resources Code Section 21081.6.

Various documents, information, testimony, reports, studies, analyses and other materials (both oral and written) constitute the record upon which the City Council bases these Findings and the basis for the City Council's approval and/or adoption contained herein. These Findings cite specific pieces of evidence, but none of the City Council's findings is based solely on those cited pieces of evidence. Rather, these Findings are based upon the entire record for the proposed project, and the City Council intends to rely upon all supporting evidence in the record for each of its conclusions contained herein.

For purposes of CEQA and these findings, the documents and materials in the administrative record for the proposed project include, but shall not be limited to, all items referenced in Public Resources Code Section 21167.6(e):

(i) All project application materials;

(ii) The proposed project's EIR (consisting of the Draft EIR, the Final EIR, and all appendices attached thereto);

(iii) All staff reports (including all attachments thereto) and related documents prepared by the lead agency and/or consultants with respect to the lead agency's compliance with the substantive and procedural requirements of this division and with respect to the action on the proposed project;

(iv) All staff reports (including all attachments thereto) and related documents prepared by the lead agency and written testimony or documents submitted by any person relevant to any Findings or Statement of Overriding Considerations adopted by the lead agency pursuant to this division;

(v) All documentary and oral evidence received and reviewed at public hearings, public meetings, study sessions, and workshops on the EIR, and any transcript(s) or minutes of the proceedings at which any advisory body or decision-making body heard testimony on, or considered the EIR;

(vi) All notices issued by the lead agency to comply with this division or with any other law governing the processing and approval of the proposed project;

(vii) All written comments received in response to, or in connection with, the EIR, including responses to the NOP and comments on the Draft EIR;

(viii) All written evidence or correspondence submitted to, or transferred from, the lead agency with respect to compliance with this division or with respect to the proposed project;

(ix) Any proposed decisions or findings submitted to the decision-makers by lead agency staff, or the project proponents, project opponents, or other interested agencies, organizations and/or individuals;

(x) The documentation of the final decision, including certification of the EIR and all documents and materials, in addition to those referenced in paragraph (c), cited or relied on in the Findings or in a Statement of Overriding Considerations adopted pursuant to this division;

(xi) For documentary and informational purposes, all locally-adopted land use plans and ordinances, including, without limitation, general plans, specific plans and ordinances, master plans together with environmental review documents, findings, mitigation monitoring programs, and other documentation relevant to planned growth in the area;

(xii) Any other written materials relevant to the lead agency's compliance with this division or to its decision on the merits of the proposed project, including any drafts of any environmental document or portions thereof, which have been released for public review, and copies of studies or other documents relied upon in any environmental document prepared for the proposed project and either made available to the public during the public review period or included in the lead agency's files on the proposed project, and all internal agency communications, including staff notes and memoranda related to the project or to compliance with this division;

(xiii) The full written record before any inferior administrative decision-making body whose decision was appealed to a superior administrative decision-making body prior to the filing of litigation; and

(xiv) Any additional items not included above if otherwise required by law.

The EIR is incorporated into these Findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the project despite the potential for associated significant and unavoidable adverse impacts.

Recirculation Not Required

During the public review period after the Draft EIR was published, the City of Tracy received certain additional information that is not included in the Draft EIR. City of Tracy staff and consultants involved in preparing the various studies, reports and analyses included in the EIR have also presented additional information since the publication of the Draft EIR. Some of this information was contained in comments submitted on the Draft EIR, and in responses to those comments contained in the Final EIR. Other information was presented at or before public meetings/hearings on the EIR. The EIR, as well as other aspects of the administrative record, incorporates additions, clarifications,

modifications, and other changes, in response to comments and as determined appropriate by lead agency staff and required under CEQA.

This City Council has considered all relevant information including, without limitation, the opinions and comments of interested agencies, organizations and individuals. This includes opinions that disagree with some of the analysis and conclusions in the EIR. As noted above, the entirety of the EIR is incorporated into these Findings by reference. This City Council hereby ratifies, adopts and incorporates into these Findings the determinations and conclusions of the EIR relating to the proposed project's environmental impacts and mitigation measures.

Having reviewed all of the information in the administrative record, this City Council finds that this additional information does not constitute significant new information requiring recirculation. The additional information merely clarifies or amplifies an adequate EIR. Specifically, this additional information, including the changes described herein and in the Final EIR, does not show any of the following situations requiring recirculation identified in CEQA Guideline Section 15088.5 have occurred:

1. A new significant environmental impact that would result from the project (or any alternative) or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project (or an alternative), but the project's proponents decline to adopt it.
4. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.
5. Based on the foregoing and as explained in more detail in the Final EIR, and having reviewed all the information in the record of proceedings, the City Council hereby finds that this additional information does not constitute significant new information nor does it require recirculation of the Draft EIR. The additional information merely clarifies or amplifies an adequate EIR.

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Appendix A:
Mitigation Monitoring and Reporting Program

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FIRSTCARBONSOLUTIONS™

Mitigation Monitoring and Reporting Program for the Tracy Alliance Project Environmental Impact Report City of Tracy, San Joaquin County, California

Prepared for:
City of Tracy
333 Civic Center Plaza
City of Tracy, CA 95376
209.831.6428

Contact: Victoria Lombardo, Senior Planner

Prepared by:
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2999 Oak Road, Suite 250
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Contact: Mary Bean, Project Director
Tsui Li, Project Manager

Report Date: January 17, 2023

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PREFACE

Pursuant to the Public Resources Code Section 21081.6 of the California Environmental Quality Act and CEQA Guidelines Section 15097 (collectively, "CEQA"), the City of Tracy (Lead Agency) hereby finds that the mitigation measures set forth in this Mitigation Monitoring and Reporting Program (MMRP) for the Tracy Alliance Project (proposed project) will reduce or avoid the identified potentially significant impacts of the proposed project to the extent feasible for the reasons described in the Tracy Alliance Project Environmental Impact Report (EIR) and as otherwise documented in the materials that make up the proposed project's administrative record. The Lead Agency intends for each of the mitigation measures to be adopted as recommended in the EIR, and incorporated into conditions of approval for the purpose of ensuring compliance during project implementation.

In the event of any inconsistencies between the mitigation measures set forth in the EIR and MMRP, the MMRP shall control. In the event of any inconsistencies between the Standard Conditions of Approval imposed on the proposed project set forth by the City of Tracy and the MMRP, the MMRP shall control.

The EIR prepared for the proposed project concluded that project implementation could result in significant effects on the environment and feasible mitigation measures have been identified as set forth in this MMRP and which will be incorporated as enforceable conditions of project approval that would reduce these potential impacts to a less than significant level to the extent feasible. This MMRP documents how and when the mitigation measures adopted by the Lead Agency will be implemented and confirms that identified, potentially significant environmental impacts would be reduced to less than significant levels to the extent feasible as identified in the EIR.

This document does not discuss those environmental topic areas that the environmental analysis set forth in the Tracy Alliance Project EIR (along with other materials in the administrative record) has determined there would result in less than significant impacts and thus for which no mitigation is necessary.

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Table 1: Tracy Alliance Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
3.2 Agriculture and Forestry Resources					
MM AG-1: Payment of Agricultural Mitigation Fees At the time of issuance of building permits for each individual development proposal, the relevant applicant(s) for the subject development proposal shall pay the applicable Agriculture Mitigation Fee in accordance with Chapter 13.28 of the Municipal Code.	Verify payment of Agricultural Mitigation Fee.	At the time of issuance of building permits for each individual development proposal.	City of Tracy.		
3.3 Air Quality					
MM AIR-1a: **NO_X Reduction Measures** Prior to the issuance of grading permits for each individual development proposal within the project site, the relevant applicant for each development proposal shall provide documentation to the City of Tracy demonstrating the following NO_X reduction measures would be adhered to during construction activities for the relevant development proposal: • For all construction equipment and vehicles used during project construction that are equal to or greater than 250 horsepower, the contractor shall use construction equipment and vehicles that meet the United States Environmental Protection Agency (EPA) Tier 4 Final engine standards; • For all construction equipment and vehicles used during project construction that are less than 250 horsepower, the contractor shall use electric construction equipment and vehicles to the extent feasible, with the exception of handheld generator sets; and • All generator sets utilized during project construction shall be limited to 5 horsepower and shall only be used to power handheld power tools.	Review project construction plans and equipment lists.	Prior to issuance of grading permits for each individual development proposal within the project site.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
The construction contractor shall maintain reasonable records concerning its efforts to comply with this requirement, including equipment lists. Documentation that each relevant applicant provides to the City shall include, but is not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.					
MM AIR-1b: **"Super-Compliant" Architectural Coatings** Prior to the issuance of grading permits for each individual development proposal within the project site, the relevant applicant for each development shall provide the City with documentation demonstrating the use of "Super-Compliant" architectural coatings, as defined by the South Coast Air Quality Management District (South Coast AQMD), during construction of the proposed project. "Super-Compliant" architectural coatings, as defined by the South Coast AQMD, are paints which do not exceed 10 grams of reactive organic gas (ROG) per liter of paint.	Review project design plans.	Prior to the issuance of grading permits for each individual development proposal within the project site.	City of Tracy.		
MM AIR-1c: **"Zero-VOC" Consumer Products** Prior to issuance of building permits for each individual development proposal within the project site, the relevant applicant for each development shall provide the City with documentation requiring the consumer products purchased by the building occupant(s) or by the cleaning business contracted by the building occupant(s) for each on-site use shall consist of water-based or "zero volatile organic compound [VOC]" consumer products, to the maximum extent feasible. "Consumer products," as referred to in this mitigation measure, shall include detergents, cleaning compounds, polishes, and floor finishes. "Consumer products," as referred to in this mitigation measure, shall not	Verify inclusion in project specifications; conduct site inspection.	Prior to issuance of building permits	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
include parking lot degreasers, architectural coatings, pesticides, or fertilizers.					
MM AIR-1d: **Clean Truck Fleet** Prior to the issuance of the certificate of occupancy for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall provide the City with reasonable documentation demonstrating the use of a clean truck fleet that meets the California Air Resources Board's adopted 2013 Optional Low-NOX Standard of 0.02 gram of nitrogen oxide (NO_X) per brake horsepower-hour for all heavy-duty trucks during operation of the proposed project, to the maximum extent feasible. If the relevant applicant does not own the truck fleet that will be used during operation of the subject individual development, the relevant applicant shall provide the City with reasonable documentation from the truck fleet owner demonstrating that trucks utilized for operation of the subject individual development will meet the California 2013 Optional Low-NO_X Standard, to the maximum extent feasible. If any change occurs where a new truck fleet is utilized during operation of the subject individual development, the relevant applicant shall provide the City with reasonable documentation demonstrating that the new truck fleet meets the California 2013 Optional Low-NO_X Standard of 0.02 gram per brake horsepower-hour, to the maximum extent feasible.	Verify inclusion in project specifications.	Prior to issuance of the certificate of occupancy for each individual development proposal within the project site.	City of Tracy.		
MM AIR-1e: Operational Truck Fleet Routing Prior to the issuance of the certificate of occupancy for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall provide the City with reasonable documentation demonstrating that trucks used during project operation for the subject individual development proposal will be prohibited from accessing Grant Line Road east of the	Review truck fleet routing plans.	Prior to issuance of the certificate of occupancy for each individual development proposal within the project site.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
project site, such as plans illustrating intended truck routes. All trucks used during project operation shall use routes that circumvent the use of Grant Line Road east of the project site.					
MM AIR-1f: Idling Limitation Prior to the issuance of the certificate of occupancy for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall provide the City with reasonable documentation demonstrating that on-site truck idling during project operation for the subject individual development proposal shall be limited to no greater than 3 minutes. The documentation provided to the City shall include photos or a map of signage posted in strategic locations on-site identifying that truck idling does not exceed 3 minutes. The signage shall include a phone number to contact at the facility regarding idling violation complaints, and corrective action shall occur within 48 hours of receipt of the complaint.	Review documentation and on-site signage demonstrating that on-site truck idling shall be limited to no greater than 3 minutes.	Prior to the issuance of the certificate of occupancy for each individual development proposal within the project site.	City of Tracy.		
MM AIR-1g: Electric On-Site Off-Road and On-Road Equipment Prior to the issuance of the certificate of occupancy for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall provide the City with reasonable documentation demonstrating that all on-site off-road and on-road equipment to be used during project operation of the subject individual development proposal will be electric-powered. On-site off-road and on-road equipment shall include, but are not limited to, forklifts and pallet jacks.	Review construction plans.	Prior to the issuance of the certificate of occupancy for each individual development proposal within the project site.	City of Tracy.		
MM AIR-1h: Vegetated Project Site Buffer Prior to the issuance of building permit(s) for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall demonstrate on their site plans the inclusion of a	Review project design plans.	Prior to the issuance of building permit(s) for each individual development	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
vegetative buffer along the eastern property line of the project site adjacent to sensitive receptors. Examples of vegetative buffers may include, but are not limited to, trees, bushes, shrubs, or a mix thereof.		proposal within the project site.			
MM AIR-1i: Tier 2 CALGreen Electric Vehicle Charging Infrastructure Prior to the issuance of building permit(s) for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall provide the City with reasonable documentation (e.g., shown on-site plans) showing that the proposed parking areas for passenger automobiles and trucks for project operation of the subject individual development proposal are designed and will be built to include electric vehicle (EV) charging stations. At a minimum, the parking shall be designed to include a number of EV charging stations equal to the Tier 2 Nonresidential Voluntary Measures of the California Green Building Standards Code, Section A5.106.5.3.2.	Review documentation (e.g., shown on-site plans) showing that the proposed parking areas for passenger automobiles and trucks are designed and will be built to include EV charging stations.	Prior to the issuance of building permits(s) for each individual development proposed within the project site.	City of Tracy.		
3.4 Biological Resources					
MM BIO-1a: Song Sparrow and Tricolored Blackbird Mitigation Implementation of the following avoidance and minimization measures would avoid or minimize potential effects to song sparrow and tricolored blackbird as a result of project implementation within the Zuriakat parcel in and adjacent to the project site. These measures shall be implemented for construction work that occurs during the nesting season (February 1 through August 31): • If construction or habitat removal is proposed during the breeding/nesting season (typically February 1 through August 31), a qualified Biologist shall conduct pre-construction surveys for song sparrow and tricolored	If construction occurs within the Zuriakat parcel during the nesting season (February 1 – August 31), conduct pre-construction site inspection.	No more than 7 days prior to the start of ground-disturbing activities within the Zuriakat parcel during the nesting season (February 1 – August 31).	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
blackbird within potential nesting habitat of the construction area, (special attention should be paid to the cattail marsh within the Zuriakat parcel) including a 500-foot survey buffer for tricolored blackbird and a 75-foot survey buffer for song sparrow, no more than 7 days prior to the start of ground-disturbing activities in the construction area. If no active nests are detected within the construction area on the project site or within the relevant buffer survey area, then no additional measures are required. • If an active nest is located during pre-construction surveys, the California Department of Fish and Wildlife (CDFW) (as appropriate) shall be notified (as appropriate) regarding the status of the nest. A setback of 500 feet (for tricolored blackbird) and 75 feet (for song sparrow) shall be established and maintained during the nesting season for the period encompassing nest building and continuing until fledglings leave nests. This setback applies whenever construction or other ground-disturbing activities must begin during the nesting season in the presence of nests which are known to be occupied. Furthermore, construction activities shall be restricted in the construction area as necessary to avoid disturbance of the nest until it is abandoned, or a qualified Biologist deems disturbance potential to be minimal. Restrictions shall include consultation with a qualified Biologist to determine appropriate buffer zones or alteration of the construction schedule in the relevant area. • A qualified Biologist shall delineate the buffer using nest buffer signs, environmentally sensitive area fencing, pin flags, and/or flagging tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently.					

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM BIO-1b: Swainson's Hawk **Foraging:** Prior to any activities that would result in ground disturbance to the project site, the relevant applicant(s) for the subject development on any portion of the project site shall each ensure coverage of the relevant portion(s) of the project site under the SJMSCP and pay the applicable fee purchase adequate mitigation through the SJMSCP for 140.59 acres of potential foraging habitat (recommended) or alternatively provide applicant-responsible compensatory mitigation at a 1:1 ratio (such as procurement of credits through a mitigation bank or dedicated of a conservation easement). **Nesting:** The following measures shall be implemented for construction work during the nesting season (February 1 through August 31): • Implementation of the following avoidance and minimization measures would avoid or minimize potential effects to Swainson's hawk as a result of project implementation and adjacent to the project site. These measures shall be implemented for construction work that occurs during the nesting season (February 1 through August 31): - If construction or habitat removal is proposed during the breeding/nesting season (typically February 1 through August 31), a qualified Biologist shall conduct pre-construction surveys for Swainson's hawk within the construction area, (special attention should be paid to trees with past recorded occurrences) including a 0.5- mile survey buffer, no more than 7 days prior to the start of ground-disturbing activities in the construction area. If no active nests are detected within the construction area site or within the buffer survey area, then no additional measures are required.	Verify payment of applicable mitigation fees; conduct site inspection; verify retention of qualified Biologist.	No more than 7 days prior to the start of ground-disturbing activities during the nesting season (February 1–August 31).	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
- If active Swainson's hawk nests are found within the construction area or the 0.5-mile survey buffer of the project site, a qualified Biologist shall determine what nest avoidance buffers may be necessary so that construction-related activities do not cause nest abandonment. The avoidance buffer shall be submitted to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) for approval. The qualified Biologist shall monitor construction activities to ensure construction activities do not result in adverse effects to the nest, fledglings, or adults. The Biologist shall submit a memorandum documenting construction compliance to the appropriate agencies.					
MM BIO-1c: **Burrowing Owl** • A qualified Biologist shall conduct a pre-construction survey no later than 30 days prior to commencement of any ground-disturbing construction activities on the construction area. The survey shall be conducted in accordance with the *Staff report on Burrowing Owl Mitigation.* All suitable habitats within the construction area site and adjacent buffer (within 500 feet) shall be surveyed. If no burrowing owl are detected during the surveys, then no additional measures are required. • If pre-construction surveys during the breeding season (February 1- August 31) detect active burrows within the construction area or near the adjacent buffer survey area site, a qualified Biologist shall establish and delineate an appropriate buffer zone around the nest until the breeding season is over as determined by the Biologist. Buffer areas shall be established using the guidelines within the *Staff report on Burrowing Owl Mitigation*. • If pre-construction surveys detect active burrows during the nonbreeding season (September 1- January 31) the San	Conduct site inspection; if an active nest is found during the breeding season (February 1 – August 31), submit passive relocation plan to SJMSCP.	No later than 30 days prior to the commencement of any ground-disturbing construction activities.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) allows for eviction or passive relocation of owls. A passive relocation plan shall be prepared and submitted to SJMSCP for approval.					
MM BIO-1d: San Joaquin Kit Fox Measures to protect San Joaquin kit fox shall consist of the following: • A qualified Biologist shall conduct a pre-construction survey of the construction area and a 200-foot buffer, between 14 and 30 days prior to the commencement of ground disturbance. If the surveys do not identify any San Joaquin kit fox activity or locate any potential dens, then no further measures are necessary. • If the survey identifies potential dens (potential dens are defined as burrows at least 4 inches in diameter that open up within 2 feet), den entrances shall be dusted for 3 calendar days to register track of any San Joaquin kit fox present. If no San Joaquin kit fox activity is identified, potential dens may be destroyed. If San Joaquin kit fox activity is identified, then dens shall be monitored by a qualified Biologist to determine whether occupation is by an adult fox only or is a natal den (natal dens usually have multiple openings). • If the den is occupied by an adult only, the den may be destroyed when the adult fox has moved or is temporarily absent. If the den is a natal den, a buffer zone of 250 feet shall be maintained around the den until the Biologist determines that the den has been vacated. Where San Joaquin kit fox are identified, the provisions of the United States Fish and Wildlife Service (USFWS) published *Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance* shall apply (except that pre-construction survey protocols shall remain as established in this paragraph). These standards	Conduct site inspection; if a den is occupied, educated construction workers regarding the San Joaquin kit fox.	Between 14 and 30 prior to the commencement of any ground-disturbing construction activities.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
include provisions for educating construction workers regarding the San Joaquin kit fox and keeping heavy equipment operating at safe speeds.					
MM BIO-1e: Migratory Birds • To prevent significant impacts to Migratory Bird Treaty Act (MBTA)-protected birds, nesting raptors, and their nests, removal of trees shall be limited to only those necessary to feasibly construct the proposed project as shown on the individual development plans approved by the City pursuant to the mapping and/or development review process. • If any tree removal is necessary, then it should occur outside the nesting season between September 1 through January 31 to the extent feasible. If trees cannot feasibly be removed outside the nesting season, pre-construction surveys shall be conducted no more than 7 days prior to tree removal to verify the absence of active nests. • If an active nest is located during pre-construction surveys, the United States Fish and Wildlife Service (USFWS) and/or the California Department of Fish and Wildlife (CDFW) (as appropriate) shall be notified regarding the status of the nest. Construction activities shall be restricted in the construction area as necessary to avoid disturbance of the nest until it is abandoned, or the agencies deem disturbance potential to be minimal. Restrictions shall consist of the include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 100 feet around an active raptor nest and an appropriate radius around an active migratory bird nest depending on the species) or alteration of the construction schedule. • A qualified Biologist shall delineate the buffer using nest buffer signs, environmentally sensitive area fencing, pin flags, and/or flagging tape. The buffer zone shall be	If tree removal occurs during the nesting season (September 1 – January 31), conduct site survey; verify reporting to the USFWS and CDFW.	No more than 7 days prior to tree removal.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
maintained around the active nest site(s) until the young have fledged and are foraging independently.					
MM BIO-1f: Roosting Bats • A qualified wildlife Biologist shall conduct surveys for special-status bats during the appropriate time of day to maximize detectability to determine whether bat species are roosting near the construction area no less than 7 days and no more than 14 days prior to beginning ground disturbance and/or construction. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat, bat sign (e.g., guano), or use of ultrasonic detectors (Anabat, etc.). • Visual surveys shall include trees within 0.25 mile of project construction activities. Not more than two weeks prior to building demolition, the Tracy Alliance parcel applicants for development on any project parcel, shall ensure that a qualified Biologist (i.e., one familiar with the identification of bats and signs of bats) survey buildings proposed for demolition for the presence of roosting bats or evidence of bats. If no roosting bats or evidence of bats are found in the structure, demolition may proceed. If the Biologist determines or presumes bats are present (if there are site access issues or structural safety concerns), the Biologist shall exclude the bats from suitable spaces by installing one-way exclusion devices. After the bats vacate the space, the Biologist shall close off the space to prevent recolonization. Building demolition of the subject structure shall only commence after the Biologist verifies seven to 10 days later that the exclusion methods have successfully prevented bats from returning. To avoid significant impacts on non-volant (i.e., nonflying) bats, the Biologist shall only conduct bat exclusion and eviction from May 1 through October 1. Exclusion efforts shall also be restricted during	Submit evidence of site inspections with verified biological monitor; verify installation of exclusion devices (if construction occurs between May 1 and October 1).	Bat survey to be completed up to 14 days prior to the beginning of the construction period; visual surveys of trees and structures no more than 2 weeks prior to demolition or tree removal.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young).					
MM BIO-3: Conduct Delineation of Potentially Jurisdictional Aquatic Resources (Channels and Wetlands) The applicant(s) for development on any project parcel shall complete a formal jurisdictional delineation to document and quantify the full extent of potentially jurisdictional waters for the relevant project parcel(s) in coordination with the applicable regulatory agencies. The applicant(s) for development on any project parcel shall also coordinate, to the extent required under applicable laws and regulations, with the applicable regulatory agencies (United States Army Corps of Engineers [USACE], Regional Water Quality Control Board [RWQCB], and/or California Department of Fish and Wildlife [CDFW]) to determine whether the irrigation/drainage channels and/or cattail marsh on the project site is protected under Section 404 and 401 of the Clean Water Act (CWA) and/or Section 1602 of the California Fish and Game Code. **Obtain CWA Sections 401 and 404 Permits Prior to Construction** • Prior to the fill of any potentially jurisdictional waters within the project site, the relevant project applicant(s) for the subject project parcel(s) shall consult with the USACE and Regional Water Quality Control Board, to the extent required under applicable laws and regulations, to determine the extent, if at all, that waters of the United States and State may be impacted by the proposed project. • If required, the relevant applicant(s) for development of the subject project parcel(s) shall obtain a Section 404 CWA permit for impacts to waters of the United States. That same applicant, for development of the subject project parcel(s), will also obtain a Section 401 Water Quality	Review and approval of jurisdictional delineation and any CWA Sections 401 and 404 Permits, and/or Notification of Streambed Alteration prior to Construction of the subject individual development proposal.	Prior to the fill of any potentially jurisdictional waters or any construction activities within irrigation/drainage channels that qualify as streams under CDFW jurisdiction.	USACE, RWQCB, CDFW		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Certification from the RWQCB, if required. Any such required permit and certification shall be obtained prior to issuance of grading permits for the implementation of the individual development proposal on the subject project parcel(s). • The applicant(s) for development on any project parcel shall design the project to result in no net loss of functions and values of waters of the United States and State by incorporating impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as set forth in the subject Section 404 permit and 401 water quality certification. • Compensatory mitigation may consist of (1) obtaining credits from a mitigation bank; (2) making a payment to an in-lieu fee program that would conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities; and/or (3) providing compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity. This final type of compensatory mitigation may be provided at or adjacent to the impact site (i.e., on-site mitigation) or at another location, usually within the same watershed as the permitted impact (i.e., off-site mitigation). This project/permit applicant shall retain responsibility for the implementation and success of the mitigation approach. **Obtain Approval of and File Notification of Streambed Alteration Agreement Prior to Construction** The applicant(s) for development on any project parcel shall ensure that the cattail marsh is not obstructed and human intrusion into the area is minimized. In compliance with Section 1600 of the California Fish and Game Code, the relevant applicant(s) of an individual development proposal					

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
within the project site shall obtain approval and file a notification of a Streambed Alteration Agreement prior to conducting any construction activities within irrigation/drainage channels that qualify as streams under CDFW jurisdiction (i.e., those having bed and bank and at least periodical flow) if and to the extent required under applicable laws and regulations. Those same applicant(s) shall implement all mitigation measures imposed by the CDFW related to the subject Streambed Alteration Agreement, which may include but not be limited to the implementation of erosion and bank stabilization measures, riparian habitat enhancement, and/or restoration and revegetation of the stream corridor habitat at no less than a 1:1 ratio, as determined by the CDFW.					
3.5 Cultural Resources					
MM CUL-1: Archaeological Spot-Monitoring and Halt of Construction Upon Encountering Historical or Archaeological Materials An Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology shall inspect the site once grubbing and clearing are complete for the purpose of determining whether there are any previously undiscovered resources on-site, and prior to any grading or trenching into previously undisturbed soils. This shall be followed by regular periodic or "spot-check" archaeological monitoring as determined by the Archaeologist. If the Archaeologist believes that a reduction in monitoring activities is prudent, then a letter report detailing the rationale for making such a reduction and summarizing the monitoring results shall be provided to the City of Tracy for concurrence. In the event a potentially significant cultural resource is encountered during subsurface earthwork activities, all construction activities within a 100-foot radius	Review documentation demonstrating retention of a qualified archaeological monitor or professional Archaeologist; conduct site inspections.	Prior to any grading or trenching into previously undisturbed soils and throughout the construction process.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
of the find shall cease and workers shall avoid altering the materials until an Archaeologist has evaluated the situation. The applicants for the development of the Tracy Alliance, Suvik Farms, and Zuriakat parcels shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. The Archaeologist shall evaluate any finding(s) and determine whether they are significant, and if so, shall make recommendations concerning appropriate measures that will be implemented to protect the significant resource, including but not limited to excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Any previously undiscovered significant resources found during construction within the project site shall be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and shall be submitted to the City of Tracy, the Northwest Information Center (NWIC), and the California Office of Historic Preservation (OHP), as required.					
MM CUL-3: Stop Construction Upon Encountering Human Remains In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 shall be followed. If during the course of project construction, there is accidental discovery or recognition of any human remains, the following steps shall be taken: 1. There shall be no further excavation or disturbance within 100 feet of the remains until the county coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is	Review project plans to verify mitigation measure is incorporated into plans.	During construction and any ground-disturbing activities.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resource Code Section 5097.98. 2. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance: • The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission. • The descendant identified fails to make a recommendation. • The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner. Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American remains: • When an initial study identifies the existence of, or the probable likelihood of, Native American remains within a project, a lead agency shall work with the appropriate Native Americans as identified by the NAHC as provided in					

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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Public Resources Code Section 5097.98. The applicants for the development of the Tracy Alliance, Suvik Farms, and Zuriakat parcels may each develop a plan with respect to their individual development proposals for treating or disposing of, with appropriate dignity, the human remains, and any items associated with Native American burials with the appropriate Native Americans as identified by the NAHC.					
3.7 Geology and Soils					
MM GEO-1: Prepare Grading and Construction Plans that Incorporate Geotechnical Engineering Report Recommendations Prior to issuance of the grading permits for the proposed project, development of the final grading, foundation, and construction plans shall incorporate the site-specific earthwork, foundation, floor slab, lateral earth pressure, and pavement design recommendations, as detailed in the Geotechnical Engineering Report prepared by Terracon dated January 30, 2019. The applicant(s) for development of individual development proposal(s) within the project site shall each coordinate with a City-approved Geotechnical Engineer and Engineering Geologist to tailor the grading and foundation plans for the relevant development proposal, as needed, to reduce risk related to known soil and geologic hazards. The final grading and construction plans for the relevant development proposal shall be reviewed by the City-approved Geotechnical Engineer to confirm compliance with this MM GEO-1. Grading operations shall meet the applicable requirements of the recommendations included in the Geotechnical Engineering Report prepared by Terracon on January 30, 2019. During construction, the City-approved Geotechnical Engineer shall monitor construction of the relevant	Review project plans to verify mitigation measure is incorporated into plans.	Prior to issuance of grading permits for the proposed project.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
development proposal to ensure the earthwork operations are properly performed in accordance with the foregoing recommendations.					
MM GEO-6: Inadvertent Discovery of Paleontological Resources During Project Construction In the event a fossil is discovered during construction for the proposed project, excavations within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist in accordance with Society of Vertebrate Paleontology standards. The applicants for development of individual proposals within the project site shall each include a standard inadvertent discovery clause in every proposed project-related construction contract to inform their respective contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and implement a data recovery plan that is consistent with the applicable Society of Vertebrate Paleontology standards. Any recovered fossil should be deposited in an appropriate repository, such as the UCMP, where it will be properly curated and made accessible for future studies.	Review project plans to verify mitigation measure is incorporated into plans.	During construction activities.	City of Tracy.		
3.9 Hazards and Hazardous Materials					
MM HAZ-1a: Conduct Soil Sampling (Tracy Alliance, Zuriakat, and Suvik Farms parcels) Prior to the issuance of grading permits, the relevant applicant for an individual development proposal within the project site shall provide evidence of soil testing within the project boundary to confirm presence or absence of hazardous compounds such as lead and arsenic. The testing shall be conducted pursuant to a San Joaquin Environmental Health Department-approved sampling plan. If hazardous levels of hazardous compounds are found, excavated soils shall be sent off-site for disposal and any affected soils	Review documents that demonstrate soil testing was completed within the project boundary and any subsequent remediation that was needed.	Prior to the issuance of grading permits for each individual development proposal within the project site.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
encountered should be properly characterized, treated and/or disposed of in accordance with applicable local, State, and federal laws and regulations. The relevant applicant shall complete any residual soil remediation in connection with the relevant individual development proposal to the satisfaction of San Joaquin Environmental Health Department, as evidenced by the submittal of a no further action letter. In addition, if hazardous contaminants related to the former agricultural use of the site (such as lead or arsenic) are found, a construction worker health and safety plan shall be prepared and shall be implemented during construction of the relevant individual development proposal.					
MM HAZ-1b: Proper Disposal and Decommission of Underground Storage Tanks, Aboveground Storage Tanks, and Unlabeled Drums (Tracy Alliance parcels only) If any of the reported underground storage tanks (USTs) or aboveground storage tanks (ASTs) are discovered during excavation activities, the applicant for the development of the Tracy Alliance parcels shall dispose of and decommission the USTs and ASTs in accordance with applicable laws and regulations of the Local Oversight Program (LOP) and the American Petroleum Institute Standards, respectively. The unlabeled drums and containers observed during the site reconnaissance for the Phase I Environmental Site Assessment (Phase I ESA) for the Tracy Alliance parcels shall be characterized and disposed of in accordance with applicable local, State, and federal laws and regulations.	Review documentations that demonstrate proper disposal of all USTs and ASTs.	During excavation of the development of the Tracy Alliance parcels.	City of Tracy; LOP.		
MM HAZ-1c: Conduct Asbestos and Lead Surveys Prior to Demolition (Tracy Alliance parcels only) Prior to the issuance of demolition permits for the existing buildings, the applicant for the development of the Tracy Alliance parcels shall retain a licensed professional to conduct asbestos and lead paint surveys. These surveys shall be	Review documentation demonstrating a licensed professional was retained and asbestos and lead paint surveys were conducted;	Prior to the issuance of demolition permits for the existing buildings on the	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
conducted prior to the disturbance or removal of any suspect asbestos-containing materials (ACM) and lead-based paint (LBP), and these materials shall be characterized for asbestos and lead by a reliable method. All activities involving ACM and LBP shall be conducted in accordance with applicable laws and regulations, and all removal shall be conducted by properly licensed abatement contractors.	Review project plans to verify applicable laws and regulations related to activities involving ACM and LBP are detailed in the project plans.	Tracy Alliance parcels.			
MM HAZ-1d: Dust Mitigation and Soil Evaluation (Tracy Alliance, Zuriakat, and Suvik Farms parcels) During any grading or excavation activities in connection with an individual development proposal within the project site, relevant development personnel shall be made aware to look for unusual conditions suggesting buried debris or other potential adverse environmental conditions. If any abnormal soils are discovered during development activities, such as stained soils, hydrocarbon odors, or any other unusual odors, all construction activities near the discovery shall be stopped immediately and the applicant for the relevant individual development proposal shall contact a qualified hazardous material consulting firm for further assessment and implementation of any appropriate actions as may be required under applicable laws and regulations before construction of the relevant individual proposal can begin again.	Review project plans to ensure mitigation measure and instructions were detailed in project plans.	During any grading or excavation activities.	City of Tracy.		
MM HAZ-1e: Consultation with Chevron and DigAlert (Tracy Alliance and Suvik Farms parcel only) Prior to any ground disturbance and construction along the northern side of West Grant Line Road, adjacent to the southern boundary of the Tracy Alliance and Suvik Farms parcels, the relevant applicant(s) for the development of the Tracy Alliance and/or Suvik Farms parcels shall consult with Chevron (www.chevron-pipeline.com; 800.762.3404) and DigAlert 811 to determine the location of the existing	Verify consultation with Chevron and DigAlert 811.	Prior to any ground disturbance and construction in connection with the Tracy Alliance and/or Suvik Farms parcels.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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underground petroleum pipeline to facilitate avoidance during ground disturbance and construction activities.					
3.10 Hydrology and Water Quality					
MM HYD-1a: Prepare Stormwater Pollution Prevention Plan Prior to the issuance of a grading permit, the relevant applicant for each individual development proposal within the project site shall submit a draft of the Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) in connection with its individual development proposal pursuant to the then-applicable Multi-Agency Post-Construction Stormwater Standards Manual at the time the relevant grading permit is submitted. After City approval of the relevant grading permit, the relevant NOI and SWPPP shall be sent to the California State Water Resources Control Board (State Water Board) for approval. Approval by the State Water Board is a prerequisite for issuance of the relevant grading permit by the City. The SWPPP shall address stormwater management during each phase of construction of the relevant individual development proposal. Best Management Practices (BMPs) shall be integrated into the relevant SWPPP as identified by the City of Tracy, which will result in the reduction or elimination of pollutants in stormwater discharges and the stabilization of BMPs to reduce or eliminate pollutants after construction of the relevant individual development proposal is completed. The relevant SWPPP shall be consistent with the applicable Regional Water Quality Control Board (RWQCB) standards and National Pollutant Discharge Elimination System (NPDES) permit requirements to protect water quality over the period of construction of the relevant individual development proposal.	Verify submission of SWPPP; Approval of NOI and SWPPP by the State Water Board.	Prior to the issuance of a grading permit for each individual development proposal within the project site; throughout construction activities.	City of Tracy; State Water Board.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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MM HYD-1b: Prepare Stormwater Management Plan Prior to the issuance of a grading permit, the relevant applicant for each individual development proposal within the project site shall prepare a Stormwater Management Plan in connection with its individual development proposal for review and approval by the City of Tracy. The relevant Storm Water Management Plan (SWMP) shall include two fundamental components: (1) treatment for pollutants collected in stormwater using Low Impact Development (LID) measures, and (2) no net increase in the erosion potential of the receiving stream over the pre-project (existing) condition. All LID treatment measures would be required to be designed in accordance with applicable engineering criteria in the then-applicable Multi-Agency Post-Construction Stormwater Standards Manual. Implementation of the relevant SWMP would require the preparation of a clearly defined Operations and Maintenance (O&M) Plan by the relevant applicant in connection with its development proposal to ensure that installed stormwater treatment measure(s) and hydromodification management control(s) are inspected and properly operated and maintained for the life of the relevant individual development proposal.	Review and approval of SWMP.	Prior to issuance of a grading permit for each individual development proposal within the project site.	City of Tracy.		
MM HYD-3: Prepare Final Drainage Plan Prior to Grading Each applicant for an individual development proposal within the project site shall, in connection with the relevant individual development proposal: • Comply with all applicable rules, regulations, and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board (State Water Board), or any of its Regional Water Quality Control Boards (RWQCBs). • Submit a Final Stormwater Control Plan and a Stormwater Control Operation and Maintenance Plan (O&M Plan) to	Review site plans; verify submission of O&M Plan and Final Drainage Plan.	Prior to issuance of grading permits for each individual development proposal within the project site.	City of Tracy, State Water Board, RWQCBs.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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the City of Tracy Public Works and Community Development Department, which shall be reviewed for compliance with the County's National Pollutant Discharge Elimination System (NPDES) Permit and shall be determined consistent with the City's Stormwater Management and Discharge Control Ordinance (Chapter 11.34 of the Municipal Code, Ordinance 1072) prior to issuance of a grading permit for the relevant individual development proposal. Improvement Plans shall be reviewed to verify consistency with the relevant Final Stormwater Control Plan and compliance with Provision C.3 of the City's NPDES Permit and the City's Stormwater Management and Discharge Control Ordinance (Chapter 11.34 of the Municipal Code, Ordinance 1072). • Prior to issuance of grading permits for each relevant individual development proposal, the relevant applicant shall submit a Final Drainage Plan in connection with the relevant individual development proposal that incorporates the measures included in the Flood Protection Technical Memorandum. The City of Tracy Public Works and Community Development Department shall review the relevant Final Drainage Plan to ensure it is in compliance with all applicable requirements and standards, including the recommendations provided in the Flood Protection Technical Memorandum and in the Citywide Storm Drainage Master Plan in effect at the time building permits are issued, to reduce risk related to flooding within a designated floodplain. The relevant Final Drainage Plan shall be reviewed by City of Tracy Public Works and Community Development Department staff to ensure that all building minimum floor elevations for the relevant development proposal are at 26 feet or 1 foot above the maximum flood elevation and shall accommodate the 200-year storm event as detailed in the Flood Protection					

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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Technical Memorandum. In addition, the on-site stormwater detention basin shall be designed in accordance with the recommendations provided in the Flood Protection Technical Memorandum and in accordance with the Citywide Storm Drainage Master Plan in effect at the time building permits are issued. Additionally, the relevant Final Drainage Plan shall determine if discharge of pre-project runoff rates and/or volumes into the Tom Paine Slough drainage area can continue after project construction pursuant to applicable standards and requirements. Should the relevant Final Drainage Plan determine it is feasible to discharge some runoff (possibly up to the pre-project runoff volume) into the existing downstream system, this design shall be submitted to the City of Tracy as part of the relevant Final Drainage Plan for review and approval.					
3.12 Noise					
Identified Improvement Measures					
IMM NOI-2: To reduce potential construction noise impacts, the following multi-part Improvement Mitigation Measure (IMM) shall be implemented for the project: • Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. • Locate stationary operational noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction area. In addition, the project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site to the extent feasible.	Review construction plans; verify all equipment is equipped with mufflers; verify staging areas.	During all phases of construction.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
• Utilize "quiet" air compressors and other stationary operational noise sources where such technology exists and is commercially practicable. • The construction contractor shall prohibit unnecessary idling (i.e., idling in excess of 5 minutes) of internal combustion engines. • The construction contractor shall, to the maximum extent practicable, locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. • The construction contractor shall ensure that all construction activities that would occur within 550 feet of a residential land use property line shall be limited to daylight hours or to the hours of 7:00 a.m. and 7:00 p.m.					
3.14 Transportation					
MM TRANS-1(a): Transportation Demand Management Measures Prior to issuance of the first building permit for the relevant individual development proposal, the relevant applicant for the individual development proposal at issue shall submit to the City of Tracy Planning Department a Transportation Demand Management (TDM) program that incorporates all of the following six measures (as explained further in Table 3.14-6 of the Draft EIR): 1. Utilize communication and information strategies–4 percent reduction; 2. Offer telecommuting for administrative staff (5 percent of staff population)–1 percent reduction; 3. Designate parking spaces for carpool vehicles–1 percent reduction; 4. Provide a transit stop along the project frontage on Grant Line Road, if agreed to by the City–2 percent reduction;	Review and approval of TDM.	Prior to issuance of the first building permit for the relevant individual development proposal.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
5. Provide bike lanes and sidewalks along the project frontage–1 percent reduction; and 6. Provide on-site bike racks and showers–1 percent reduction. Provided, however, that if the relevant applicant determines that one of more of the foregoing six TDM measures is not feasible in connection with the individual development proposal at issue, then the relevant applicant may obtain approval from the City of Tracy Planning Department of acceptable substitute TDM measure(s) pursuant to Table 3.14-6 of the Draft EIR. The relevant applicant's TDM program, as described above, shall reflect a 10 percent reduction in VMT for the relevant individual development proposal.					
MM TRANS-1(b): Payment of Applicable Banking Fee In addition to the Transportation Demand Management (TDM) program required in MM TRANS-1(a), each applicant for an individual development proposal shall pay its fair share of the applicable fee as set forth in the adopted Vehicle Miles Traveled (VMT) Mitigation Banking Fee in place and effective at the time the relevant applicant seeks to obtain building permits for its individual development proposal. Provided, however, that if the City Council has not adopted the Mitigation Banking Fee Program such that it is effective and in place at the time an applicant for an individual development proposal seeks to obtain a building permit, then the relevant applicant shall implement additional VMT reduction measures in order to meet the minimum VMT reduction requirement of 15 percent.	Verify payment of the applicable VMT Mitigation Banking Fee or that the project TDM meet the minimum VMT reduction requirement of 15 percent for purposes of the subject individual development proposal.	Prior to issuance of the first building permit for the relevant individual development proposal.	City of Tracy.		
MM TRANS-2: Prepare and Implement Construction Traffic Control Plan	Review and approval of traffic control plan.	Prior to the start of construction for an individual	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Prior to the start of construction for an individual development proposal, the relevant applicant shall prepare and submit a Construction Traffic Control Plan for the individual development proposal at issue. Each plan shall include the following items. Each approved plan shall be implemented during construction of the individual development proposal at issue. • Project staging plan to maximize on-site storage of materials and equipment. • Permitted construction hours. • Location of construction staging. • Provisions for street sweeping to remove construction-related debris on public streets. • A set of comprehensive traffic control measures including preparation of traffic control plans, as needed; scheduling of major truck trips and deliveries to avoid peak-hours; lane closure proceedings; signs, cones, and other warning devices for drivers; and designation of construction haul routes. • Survey of the pavement condition on roadways within the relevant individual development to be used as part of the haul route prior to the commencement of any work on-site. The survey shall include a video tape of the roadways. Each relevant applicant shall complete any remedial work prior to initiation of use and provide a bond assuring completion of the remediation work triggered by the individual development proposal, the amount which shall be deemed sufficient by the Public Works Department. • The relevant applicant shall provide a pavement analysis for those roads along the proposed haul routes or any alternate route(s) that are proposed to be utilized by hauling operation for the individual development proposal at issue. This study shall analyze the existing pavement conditions and determine what impact the hauling operation will have over the construction period of the		development proposal.			

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
relevant individual development. The study shall provide recommendations to mitigate identified impacts, which shall be implemented by the relevant applicant for the individual development proposal at issue.					
Identified Improvement Measures					
IM-1: I-205 EB Ramps and North MacArthur Drive (Intersection 11) Improvements Prior to issuance of the building permits for each individual development proposal, the City of Tracy Planning Department shall verify that the relevant applicant has paid the applicable TIF fee for the relevant individual development proposal. In so doing, this payment will constitute a pro rata fair share contribution toward the City's ability to implement its TMP, which includes the following improvements: • Lane additions at both ramp terminals and the addition of a second I-205 Westbound on-ramp. The two ramp terminals cannot be improved independently. The westbound ramp terminal would improve with the addition of these lanes.	Verify payment of the applicable TIF fee for the subject individual development proposal.	Prior to issuance of the first building permit for each individual development proposal.	City of Tracy.		
IM-2: Grant Line Road and North MacArthur Drive (Intersection 13) Improvements • Prior to issuance of the building permits for each individual development proposal, the City of Tracy Planning Department shall verify that the relevant applicant has paid its pro rata fair share of the proposed project's fair share of 5.93 percent of the following improvement: the construction of a westbound right turn lane for Intersection 13 (which will include a right-turn overlap signal phase).	Verify payment of pro rata fair share for the subject individual development proposal for westbound right turn lane for Intersection 13.	Prior to issuance of building permits for each individual development proposal.	City of Tracy.		
IM-3: Optimize Signal Cycle Length at Grant Line Road and Chrisman Road (Intersection 9) and Grant Line Road and North MacArthur Drive (Intersection 13)	Verify optimization of signal lengths at Grant Line and Chrisman Road,	Prior to issuance of building permits for each individual	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Prior to issuance of the building permits for the first individual development proposal, the City of Tracy Planning Department shall verify that the signal cycle length has been optimized at the intersections of: • Grant Line and Chrisman Road • Grant Line Road and North MacArthur Drive	and Grant Line Road, and Grant Line Road and North MacArthur Drive.	development proposal.			
IM-4: Chrisman Road and 11th Street (Intersection 15) Improvements • Prior to issuance of the building permits for each individual development proposal, the City of Tracy Planning Department shall verify that the relevant applicant has paid its pro rata fair share of the proposed project's fair share of 5.35 percent for the following improvement: an additional second westbound left-turn lane for Intersection 15 (which will involve the signal at this Intersection being modified to allow lagging phase for the eastbound left turn and northbound left turn).	Verify payment of pro rata fair share for subject individual development proposal for westbound right turn lane for Intersection 15.	Prior to issuance of building permits for each individual development proposal.	City of Tracy.		
3.16 Utilities and Service Systems					
MM UTIL-1a: Adherence to Applicable Performance Standards and Payment of Infrastructure Fees Prior to the issuance of building permits for an individual development proposal, the relevant applicant shall demonstrate compliance of the individual development proposal at issue with applicable performance standards pursuant to the then-current Urban Water Management Plan, Citywide Water System Master Plan, Wastewater Master Plan, and Citywide Storm Drainage Master Plan. In addition, each applicant for an individual development proposal shall pay its respective proportionate share of required funding, subject to applicable laws governing nexus requirements, to the City for completion of relevant planned City Capital Improvement Plan (CIP) improvements.	Review project design plans to demonstrate compliance of the individual development proposal at issue with applicable performance standards pursuant to City utility master plans; verify payment of applicable funding for CIP improvements.	Prior to issuance of building permits for an individual development proposal.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM UTIL-1b: Submittal of Final Engineering Plans for Tracy Alliance Parcels Prior to the issuance of the building permit for the first building on the Tracy Alliance parcels, the applicants for the development of the Tracy Alliance parcels shall submit engineering plans to the City of Tracy for review and approval to confirm compliance with this MM UTIL-1b. These plans shall include additional 12-inch diameter pipelines on-site as shown on Exhibit 3.16-5 of this Draft EIR and the fire service laterals shall be upsized to 14-inch diameter.	Review engineering plans.	Prior to issuance of building permits for the first building on the Tracy Alliance parcels.	City of Tracy.		
MM UTIL-1c: Submittal of Final Engineering Plans for Suvik Farms and Zuriakat Parcels Prior to the issuance of the building permit for the first building on the subject parcel, each relevant applicant for the individual development proposal of the Suvik Farms or Zuriakat Parcels, respectively, shall each submit final engineering plans to the City of Tracy for review and approval to confirm compliance with the relevant performance standards including, but not limited to, those pursuant to the current Urban Water Management Plan, Citywide Water System Master Plan, Wastewater Master Plan, and Citywide Storm Drainage Master Plan in effect at the time building permits are requested.	Review engineering plans.	Prior to issuance of building permits for the first building on the subject Suvik and/or Zuriakat parcel(s).	City of Tracy.		
MM UTIL-3: Payment of Wastewater Infrastructure Fees/Construction of Wastewater Facilities Prior to the issuance of the first building permit for the subject individual development proposal, the relevant applicant shall participate in the implementation of the Wastewater Master Plan (WWMP) in effect at the time the relevant building permit is requested through the payment of the applicable impact fees as included in the City's Capital Improvement Plan (CIP).	Verify implementation of WWMP through payment of applicable fees for subject individual development proposal.	Prior to issuance of building permits for the subject individual development parcel.	City of Tracy.		

Attachment G

FIRSTCARBONSOLUTIONS™

Mitigation Monitoring and Reporting Program for the Tracy Alliance Project Environmental Impact Report City of Tracy, San Joaquin County, California

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Report Date: January 17, 2023

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PREFACE

Pursuant to the Public Resources Code Section 21081.6 of the California Environmental Quality Act and CEQA Guidelines Section 15097 (collectively, "CEQA"), the City of Tracy (Lead Agency) hereby finds that the mitigation measures set forth in this Mitigation Monitoring and Reporting Program (MMRP) for the Tracy Alliance Project (proposed project) will reduce or avoid the identified potentially significant impacts of the proposed project to the extent feasible for the reasons described in the Tracy Alliance Project Environmental Impact Report (EIR) and as otherwise documented in the materials that make up the proposed project's administrative record. The Lead Agency intends for each of the mitigation measures to be adopted as recommended in the EIR, and incorporated into conditions of approval for the purpose of ensuring compliance during project implementation.

In the event of any inconsistencies between the mitigation measures set forth in the EIR and MMRP, the MMRP shall control. In the event of any inconsistencies between the Standard Conditions of Approval imposed on the proposed project set forth by the City of Tracy and the MMRP, the MMRP shall control.

The EIR prepared for the proposed project concluded that project implementation could result in significant effects on the environment and feasible mitigation measures have been identified as set forth in this MMRP and which will be incorporated as enforceable conditions of project approval that would reduce these potential impacts to a less than significant level to the extent feasible. This MMRP documents how and when the mitigation measures adopted by the Lead Agency will be implemented and confirms that identified, potentially significant environmental impacts would be reduced to less than significant levels to the extent feasible as identified in the EIR.

This document does not discuss those environmental topic areas that the environmental analysis set forth in the Tracy Alliance Project EIR (along with other materials in the administrative record) has determined there would result in less than significant impacts and thus for which no mitigation is necessary.

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Table 1: Tracy Alliance Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
3.2 Agriculture and Forestry Resources					
MM AG-1: Payment of Agricultural Mitigation Fees At the time of issuance of building permits for each individual development proposal, the relevant applicant(s) for the subject development proposal shall pay the applicable Agriculture Mitigation Fee in accordance with Chapter 13.28 of the Municipal Code.	Verify payment of Agricultural Mitigation Fee.	At the time of issuance of building permits for each individual development proposal.	City of Tracy.		
3.3 Air Quality					
MM AIR-1a: **NO_X Reduction Measures** Prior to the issuance of grading permits for each individual development proposal within the project site, the relevant applicant for each development proposal shall provide documentation to the City of Tracy demonstrating the following NO_X reduction measures would be adhered to during construction activities for the relevant development proposal: • For all construction equipment and vehicles used during project construction that are equal to or greater than 250 horsepower, the contractor shall use construction equipment and vehicles that meet the United States Environmental Protection Agency (EPA) Tier 4 Final engine standards; • For all construction equipment and vehicles used during project construction that are less than 250 horsepower, the contractor shall use electric construction equipment and vehicles to the extent feasible, with the exception of handheld generator sets; and • All generator sets utilized during project construction shall be limited to 5 horsepower and shall only be used to power handheld power tools.	Review project construction plans and equipment lists.	Prior to issuance of grading permits for each individual development proposal within the project site.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
The construction contractor shall maintain reasonable records concerning its efforts to comply with this requirement, including equipment lists. Documentation that each relevant applicant provides to the City shall include, but is not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.					
MM AIR-1b: **"Super-Compliant" Architectural Coatings** Prior to the issuance of grading permits for each individual development proposal within the project site, the relevant applicant for each development shall provide the City with documentation demonstrating the use of "Super-Compliant" architectural coatings, as defined by the South Coast Air Quality Management District (South Coast AQMD), during construction of the proposed project. "Super-Compliant" architectural coatings, as defined by the South Coast AQMD, are paints which do not exceed 10 grams of reactive organic gas (ROG) per liter of paint.	Review project design plans.	Prior to the issuance of grading permits for each individual development proposal within the project site.	City of Tracy.		
MM AIR-1c: **"Zero-VOC" Consumer Products** Prior to issuance of building permits for each individual development proposal within the project site, the relevant applicant for each development shall provide the City with documentation requiring the consumer products purchased by the building occupant(s) or by the cleaning business contracted by the building occupant(s) for each on-site use shall consist of water-based or "zero volatile organic compound [VOC]" consumer products, to the maximum extent feasible. "Consumer products," as referred to in this mitigation measure, shall include detergents, cleaning compounds, polishes, and floor finishes. "Consumer products," as referred to in this mitigation measure, shall not	Verify inclusion in project specifications; conduct site inspection.	Prior to issuance of building permits	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
include parking lot degreasers, architectural coatings, pesticides, or fertilizers.					
MM AIR-1d: **Clean Truck Fleet** Prior to the issuance of the certificate of occupancy for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall provide the City with reasonable documentation demonstrating the use of a clean truck fleet that meets the California Air Resources Board's adopted 2013 Optional Low-NOX Standard of 0.02 gram of nitrogen oxide (NO_X) per brake horsepower-hour for all heavy-duty trucks during operation of the proposed project, to the maximum extent feasible. If the relevant applicant does not own the truck fleet that will be used during operation of the subject individual development, the relevant applicant shall provide the City with reasonable documentation from the truck fleet owner demonstrating that trucks utilized for operation of the subject individual development will meet the California 2013 Optional Low-NO_X Standard, to the maximum extent feasible. If any change occurs where a new truck fleet is utilized during operation of the subject individual development, the relevant applicant shall provide the City with reasonable documentation demonstrating that the new truck fleet meets the California 2013 Optional Low-NO_X Standard of 0.02 gram per brake horsepower-hour, to the maximum extent feasible.	Verify inclusion in project specifications.	Prior to issuance of the certificate of occupancy for each individual development proposal within the project site.	City of Tracy.		
MM AIR-1e: Operational Truck Fleet Routing Prior to the issuance of the certificate of occupancy for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall provide the City with reasonable documentation demonstrating that trucks used during project operation for the subject individual development proposal will be prohibited from accessing Grant Line Road east of the	Review truck fleet routing plans.	Prior to issuance of the certificate of occupancy for each individual development proposal within the project site.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
project site, such as plans illustrating intended truck routes. All trucks used during project operation shall use routes that circumvent the use of Grant Line Road east of the project site.					
MM AIR-1f: Idling Limitation Prior to the issuance of the certificate of occupancy for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall provide the City with reasonable documentation demonstrating that on-site truck idling during project operation for the subject individual development proposal shall be limited to no greater than 3 minutes. The documentation provided to the City shall include photos or a map of signage posted in strategic locations on-site identifying that truck idling does not exceed 3 minutes. The signage shall include a phone number to contact at the facility regarding idling violation complaints, and corrective action shall occur within 48 hours of receipt of the complaint.	Review documentation and on-site signage demonstrating that on-site truck idling shall be limited to no greater than 3 minutes.	Prior to the issuance of the certificate of occupancy for each individual development proposal within the project site.	City of Tracy.		
MM AIR-1g: Electric On-Site Off-Road and On-Road Equipment Prior to the issuance of the certificate of occupancy for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall provide the City with reasonable documentation demonstrating that all on-site off-road and on-road equipment to be used during project operation of the subject individual development proposal will be electric-powered. On-site off-road and on-road equipment shall include, but are not limited to, forklifts and pallet jacks.	Review construction plans.	Prior to the issuance of the certificate of occupancy for each individual development proposal within the project site.	City of Tracy.		
MM AIR-1h: Vegetated Project Site Buffer Prior to the issuance of building permit(s) for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall demonstrate on their site plans the inclusion of a	Review project design plans.	Prior to the issuance of building permit(s) for each individual development	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
vegetative buffer along the eastern property line of the project site adjacent to sensitive receptors. Examples of vegetative buffers may include, but are not limited to, trees, bushes, shrubs, or a mix thereof.		proposal within the project site.			
MM AIR-1i: Tier 2 CALGreen Electric Vehicle Charging Infrastructure Prior to the issuance of building permit(s) for each individual development proposal within the project site, the relevant applicant for the subject individual development proposal shall provide the City with reasonable documentation (e.g., shown on-site plans) showing that the proposed parking areas for passenger automobiles and trucks for project operation of the subject individual development proposal are designed and will be built to include electric vehicle (EV) charging stations. At a minimum, the parking shall be designed to include a number of EV charging stations equal to the Tier 2 Nonresidential Voluntary Measures of the California Green Building Standards Code, Section A5.106.5.3.2.	Review documentation (e.g., shown on-site plans) showing that the proposed parking areas for passenger automobiles and trucks are designed and will be built to include EV charging stations.	Prior to the issuance of building permits(s) for each individual development proposed within the project site.	City of Tracy.		
3.4 Biological Resources					
MM BIO-1a: Song Sparrow and Tricolored Blackbird Mitigation Implementation of the following avoidance and minimization measures would avoid or minimize potential effects to song sparrow and tricolored blackbird as a result of project implementation within the Zuriakat parcel in and adjacent to the project site. These measures shall be implemented for construction work that occurs during the nesting season (February 1 through August 31): • If construction or habitat removal is proposed during the breeding/nesting season (typically February 1 through August 31), a qualified Biologist shall conduct pre-construction surveys for song sparrow and tricolored	If construction occurs within the Zuriakat parcel during the nesting season (February 1 – August 31), conduct pre-construction site inspection.	No more than 7 days prior to the start of ground-disturbing activities within the Zuriakat parcel during the nesting season (February 1 – August 31).	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
blackbird within potential nesting habitat of the construction area, (special attention should be paid to the cattail marsh within the Zuriakat parcel) including a 500-foot survey buffer for tricolored blackbird and a 75-foot survey buffer for song sparrow, no more than 7 days prior to the start of ground-disturbing activities in the construction area. If no active nests are detected within the construction area on the project site or within the relevant buffer survey area, then no additional measures are required. • If an active nest is located during pre-construction surveys, the California Department of Fish and Wildlife (CDFW) (as appropriate) shall be notified (as appropriate) regarding the status of the nest. A setback of 500 feet (for tricolored blackbird) and 75 feet (for song sparrow) shall be established and maintained during the nesting season for the period encompassing nest building and continuing until fledglings leave nests. This setback applies whenever construction or other ground-disturbing activities must begin during the nesting season in the presence of nests which are known to be occupied. Furthermore, construction activities shall be restricted in the construction area as necessary to avoid disturbance of the nest until it is abandoned, or a qualified Biologist deems disturbance potential to be minimal. Restrictions shall include consultation with a qualified Biologist to determine appropriate buffer zones or alteration of the construction schedule in the relevant area. • A qualified Biologist shall delineate the buffer using nest buffer signs, environmentally sensitive area fencing, pin flags, and/or flagging tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently.					

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM BIO-1b: Swainson's Hawk **Foraging:** Prior to any activities that would result in ground disturbance to the project site, the relevant applicant(s) for the subject development on any portion of the project site shall each ensure coverage of the relevant portion(s) of the project site under the SJMSCP and pay the applicable fee purchase adequate mitigation through the SJMSCP for 140.59 acres of potential foraging habitat (recommended) or alternatively provide applicant-responsible compensatory mitigation at a 1:1 ratio (such as procurement of credits through a mitigation bank or dedicated of a conservation easement). **Nesting:** The following measures shall be implemented for construction work during the nesting season (February 1 through August 31): • Implementation of the following avoidance and minimization measures would avoid or minimize potential effects to Swainson's hawk as a result of project implementation and adjacent to the project site. These measures shall be implemented for construction work that occurs during the nesting season (February 1 through August 31): - If construction or habitat removal is proposed during the breeding/nesting season (typically February 1 through August 31), a qualified Biologist shall conduct pre-construction surveys for Swainson's hawk within the construction area, (special attention should be paid to trees with past recorded occurrences) including a 0.5- mile survey buffer, no more than 7 days prior to the start of ground-disturbing activities in the construction area. If no active nests are detected within the construction area site or within the buffer survey area, then no additional measures are required.	Verify payment of applicable mitigation fees; conduct site inspection; verify retention of qualified Biologist.	No more than 7 days prior to the start of ground-disturbing activities during the nesting season (February 1–August 31).	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
- If active Swainson's hawk nests are found within the construction area or the 0.5-mile survey buffer of the project site, a qualified Biologist shall determine what nest avoidance buffers may be necessary so that construction-related activities do not cause nest abandonment. The avoidance buffer shall be submitted to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) for approval. The qualified Biologist shall monitor construction activities to ensure construction activities do not result in adverse effects to the nest, fledglings, or adults. The Biologist shall submit a memorandum documenting construction compliance to the appropriate agencies.					
MM BIO-1c: **Burrowing Owl** • A qualified Biologist shall conduct a pre-construction survey no later than 30 days prior to commencement of any ground-disturbing construction activities on the construction area. The survey shall be conducted in accordance with the *Staff report on Burrowing Owl Mitigation.* All suitable habitats within the construction area site and adjacent buffer (within 500 feet) shall be surveyed. If no burrowing owl are detected during the surveys, then no additional measures are required. • If pre-construction surveys during the breeding season (February 1- August 31) detect active burrows within the construction area or near the adjacent buffer survey area site, a qualified Biologist shall establish and delineate an appropriate buffer zone around the nest until the breeding season is over as determined by the Biologist. Buffer areas shall be established using the guidelines within the *Staff report on Burrowing Owl Mitigation*. • If pre-construction surveys detect active burrows during the nonbreeding season (September 1- January 31) the San	Conduct site inspection; if an active nest is found during the breeding season (February 1 – August 31), submit passive relocation plan to SJMSCP.	No later than 30 days prior to the commencement of any ground-disturbing construction activities.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) allows for eviction or passive relocation of owls. A passive relocation plan shall be prepared and submitted to SJMSCP for approval.					
MM BIO-1d: San Joaquin Kit Fox Measures to protect San Joaquin kit fox shall consist of the following: • A qualified Biologist shall conduct a pre-construction survey of the construction area and a 200-foot buffer, between 14 and 30 days prior to the commencement of ground disturbance. If the surveys do not identify any San Joaquin kit fox activity or locate any potential dens, then no further measures are necessary. • If the survey identifies potential dens (potential dens are defined as burrows at least 4 inches in diameter that open up within 2 feet), den entrances shall be dusted for 3 calendar days to register track of any San Joaquin kit fox present. If no San Joaquin kit fox activity is identified, potential dens may be destroyed. If San Joaquin kit fox activity is identified, then dens shall be monitored by a qualified Biologist to determine whether occupation is by an adult fox only or is a natal den (natal dens usually have multiple openings). • If the den is occupied by an adult only, the den may be destroyed when the adult fox has moved or is temporarily absent. If the den is a natal den, a buffer zone of 250 feet shall be maintained around the den until the Biologist determines that the den has been vacated. Where San Joaquin kit fox are identified, the provisions of the United States Fish and Wildlife Service (USFWS) published *Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance* shall apply (except that pre-construction survey protocols shall remain as established in this paragraph). These standards	Conduct site inspection; if a den is occupied, educated construction workers regarding the San Joaquin kit fox.	Between 14 and 30 prior to the commencement of any ground-disturbing construction activities.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
include provisions for educating construction workers regarding the San Joaquin kit fox and keeping heavy equipment operating at safe speeds.					
MM BIO-1e: Migratory Birds • To prevent significant impacts to Migratory Bird Treaty Act (MBTA)-protected birds, nesting raptors, and their nests, removal of trees shall be limited to only those necessary to feasibly construct the proposed project as shown on the individual development plans approved by the City pursuant to the mapping and/or development review process. • If any tree removal is necessary, then it should occur outside the nesting season between September 1 through January 31 to the extent feasible. If trees cannot feasibly be removed outside the nesting season, pre-construction surveys shall be conducted no more than 7 days prior to tree removal to verify the absence of active nests. • If an active nest is located during pre-construction surveys, the United States Fish and Wildlife Service (USFWS) and/or the California Department of Fish and Wildlife (CDFW) (as appropriate) shall be notified regarding the status of the nest. Construction activities shall be restricted in the construction area as necessary to avoid disturbance of the nest until it is abandoned, or the agencies deem disturbance potential to be minimal. Restrictions shall consist of the include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 100 feet around an active raptor nest and an appropriate radius around an active migratory bird nest depending on the species) or alteration of the construction schedule. • A qualified Biologist shall delineate the buffer using nest buffer signs, environmentally sensitive area fencing, pin flags, and/or flagging tape. The buffer zone shall be	If tree removal occurs during the nesting season (September 1 – January 31), conduct site survey; verify reporting to the USFWS and CDFW.	No more than 7 days prior to tree removal.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
maintained around the active nest site(s) until the young have fledged and are foraging independently.					
MM BIO-1f: Roosting Bats • A qualified wildlife Biologist shall conduct surveys for special-status bats during the appropriate time of day to maximize detectability to determine whether bat species are roosting near the construction area no less than 7 days and no more than 14 days prior to beginning ground disturbance and/or construction. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat, bat sign (e.g., guano), or use of ultrasonic detectors (Anabat, etc.). • Visual surveys shall include trees within 0.25 mile of project construction activities. Not more than two weeks prior to building demolition, the Tracy Alliance parcel applicants for development on any project parcel, shall ensure that a qualified Biologist (i.e., one familiar with the identification of bats and signs of bats) survey buildings proposed for demolition for the presence of roosting bats or evidence of bats. If no roosting bats or evidence of bats are found in the structure, demolition may proceed. If the Biologist determines or presumes bats are present (if there are site access issues or structural safety concerns), the Biologist shall exclude the bats from suitable spaces by installing one-way exclusion devices. After the bats vacate the space, the Biologist shall close off the space to prevent recolonization. Building demolition of the subject structure shall only commence after the Biologist verifies seven to 10 days later that the exclusion methods have successfully prevented bats from returning. To avoid significant impacts on non-volant (i.e., nonflying) bats, the Biologist shall only conduct bat exclusion and eviction from May 1 through October 1. Exclusion efforts shall also be restricted during	Submit evidence of site inspections with verified biological monitor; verify installation of exclusion devices (if construction occurs between May 1 and October 1).	Bat survey to be completed up to 14 days prior to the beginning of the construction period; visual surveys of trees and structures no more than 2 weeks prior to demolition or tree removal.	City of Tracy.		

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periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young).					
MM BIO-3: Conduct Delineation of Potentially Jurisdictional Aquatic Resources (Channels and Wetlands) The applicant(s) for development on any project parcel shall complete a formal jurisdictional delineation to document and quantify the full extent of potentially jurisdictional waters for the relevant project parcel(s) in coordination with the applicable regulatory agencies. The applicant(s) for development on any project parcel shall also coordinate, to the extent required under applicable laws and regulations, with the applicable regulatory agencies (United States Army Corps of Engineers [USACE], Regional Water Quality Control Board [RWQCB], and/or California Department of Fish and Wildlife [CDFW]) to determine whether the irrigation/drainage channels and/or cattail marsh on the project site is protected under Section 404 and 401 of the Clean Water Act (CWA) and/or Section 1602 of the California Fish and Game Code. **Obtain CWA Sections 401 and 404 Permits Prior to Construction** • Prior to the fill of any potentially jurisdictional waters within the project site, the relevant project applicant(s) for the subject project parcel(s) shall consult with the USACE and Regional Water Quality Control Board, to the extent required under applicable laws and regulations, to determine the extent, if at all, that waters of the United States and State may be impacted by the proposed project. • If required, the relevant applicant(s) for development of the subject project parcel(s) shall obtain a Section 404 CWA permit for impacts to waters of the United States. That same applicant, for development of the subject project parcel(s), will also obtain a Section 401 Water Quality	Review and approval of jurisdictional delineation and any CWA Sections 401 and 404 Permits, and/or Notification of Streambed Alteration prior to Construction of the subject individual development proposal.	Prior to the fill of any potentially jurisdictional waters or any construction activities within irrigation/drainage channels that qualify as streams under CDFW jurisdiction.	USACE, RWQCB, CDFW		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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Certification from the RWQCB, if required. Any such required permit and certification shall be obtained prior to issuance of grading permits for the implementation of the individual development proposal on the subject project parcel(s). • The applicant(s) for development on any project parcel shall design the project to result in no net loss of functions and values of waters of the United States and State by incorporating impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as set forth in the subject Section 404 permit and 401 water quality certification. • Compensatory mitigation may consist of (1) obtaining credits from a mitigation bank; (2) making a payment to an in-lieu fee program that would conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities; and/or (3) providing compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity. This final type of compensatory mitigation may be provided at or adjacent to the impact site (i.e., on-site mitigation) or at another location, usually within the same watershed as the permitted impact (i.e., off-site mitigation). This project/permit applicant shall retain responsibility for the implementation and success of the mitigation approach. **Obtain Approval of and File Notification of Streambed Alteration Agreement Prior to Construction** The applicant(s) for development on any project parcel shall ensure that the cattail marsh is not obstructed and human intrusion into the area is minimized. In compliance with Section 1600 of the California Fish and Game Code, the relevant applicant(s) of an individual development proposal					

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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within the project site shall obtain approval and file a notification of a Streambed Alteration Agreement prior to conducting any construction activities within irrigation/drainage channels that qualify as streams under CDFW jurisdiction (i.e., those having bed and bank and at least periodical flow) if and to the extent required under applicable laws and regulations. Those same applicant(s) shall implement all mitigation measures imposed by the CDFW related to the subject Streambed Alteration Agreement, which may include but not be limited to the implementation of erosion and bank stabilization measures, riparian habitat enhancement, and/or restoration and revegetation of the stream corridor habitat at no less than a 1:1 ratio, as determined by the CDFW.					
3.5 Cultural Resources					
MM CUL-1: Archaeological Spot-Monitoring and Halt of Construction Upon Encountering Historical or Archaeological Materials An Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology shall inspect the site once grubbing and clearing are complete for the purpose of determining whether there are any previously undiscovered resources on-site, and prior to any grading or trenching into previously undisturbed soils. This shall be followed by regular periodic or "spot-check" archaeological monitoring as determined by the Archaeologist. If the Archaeologist believes that a reduction in monitoring activities is prudent, then a letter report detailing the rationale for making such a reduction and summarizing the monitoring results shall be provided to the City of Tracy for concurrence. In the event a potentially significant cultural resource is encountered during subsurface earthwork activities, all construction activities within a 100-foot radius	Review documentation demonstrating retention of a qualified archaeological monitor or professional Archaeologist; conduct site inspections.	Prior to any grading or trenching into previously undisturbed soils and throughout the construction process.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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of the find shall cease and workers shall avoid altering the materials until an Archaeologist has evaluated the situation. The applicants for the development of the Tracy Alliance, Suvik Farms, and Zuriakat parcels shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. The Archaeologist shall evaluate any finding(s) and determine whether they are significant, and if so, shall make recommendations concerning appropriate measures that will be implemented to protect the significant resource, including but not limited to excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Any previously undiscovered significant resources found during construction within the project site shall be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and shall be submitted to the City of Tracy, the Northwest Information Center (NWIC), and the California Office of Historic Preservation (OHP), as required.					
MM CUL-3: Stop Construction Upon Encountering Human Remains In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 shall be followed. If during the course of project construction, there is accidental discovery or recognition of any human remains, the following steps shall be taken: 1. There shall be no further excavation or disturbance within 100 feet of the remains until the county coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is	Review project plans to verify mitigation measure is incorporated into plans.	During construction and any ground-disturbing activities.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resource Code Section 5097.98. 2. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance: • The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission. • The descendant identified fails to make a recommendation. • The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner. Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American remains: • When an initial study identifies the existence of, or the probable likelihood of, Native American remains within a project, a lead agency shall work with the appropriate Native Americans as identified by the NAHC as provided in					

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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Public Resources Code Section 5097.98. The applicants for the development of the Tracy Alliance, Suvik Farms, and Zuriakat parcels may each develop a plan with respect to their individual development proposals for treating or disposing of, with appropriate dignity, the human remains, and any items associated with Native American burials with the appropriate Native Americans as identified by the NAHC.					
3.7 Geology and Soils					
MM GEO-1: Prepare Grading and Construction Plans that Incorporate Geotechnical Engineering Report Recommendations Prior to issuance of the grading permits for the proposed project, development of the final grading, foundation, and construction plans shall incorporate the site-specific earthwork, foundation, floor slab, lateral earth pressure, and pavement design recommendations, as detailed in the Geotechnical Engineering Report prepared by Terracon dated January 30, 2019. The applicant(s) for development of individual development proposal(s) within the project site shall each coordinate with a City-approved Geotechnical Engineer and Engineering Geologist to tailor the grading and foundation plans for the relevant development proposal, as needed, to reduce risk related to known soil and geologic hazards. The final grading and construction plans for the relevant development proposal shall be reviewed by the City-approved Geotechnical Engineer to confirm compliance with this MM GEO-1. Grading operations shall meet the applicable requirements of the recommendations included in the Geotechnical Engineering Report prepared by Terracon on January 30, 2019. During construction, the City-approved Geotechnical Engineer shall monitor construction of the relevant	Review project plans to verify mitigation measure is incorporated into plans.	Prior to issuance of grading permits for the proposed project.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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development proposal to ensure the earthwork operations are properly performed in accordance with the foregoing recommendations.					
MM GEO-6: Inadvertent Discovery of Paleontological Resources During Project Construction In the event a fossil is discovered during construction for the proposed project, excavations within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist in accordance with Society of Vertebrate Paleontology standards. The applicants for development of individual proposals within the project site shall each include a standard inadvertent discovery clause in every proposed project-related construction contract to inform their respective contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and implement a data recovery plan that is consistent with the applicable Society of Vertebrate Paleontology standards. Any recovered fossil should be deposited in an appropriate repository, such as the UCMP, where it will be properly curated and made accessible for future studies.	Review project plans to verify mitigation measure is incorporated into plans.	During construction activities.	City of Tracy.		
3.9 Hazards and Hazardous Materials					
MM HAZ-1a: Conduct Soil Sampling (Tracy Alliance, Zuriakat, and Suvik Farms parcels) Prior to the issuance of grading permits, the relevant applicant for an individual development proposal within the project site shall provide evidence of soil testing within the project boundary to confirm presence or absence of hazardous compounds such as lead and arsenic. The testing shall be conducted pursuant to a San Joaquin Environmental Health Department-approved sampling plan. If hazardous levels of hazardous compounds are found, excavated soils shall be sent off-site for disposal and any affected soils	Review documents that demonstrate soil testing was completed within the project boundary and any subsequent remediation that was needed.	Prior to the issuance of grading permits for each individual development proposal within the project site.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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encountered should be properly characterized, treated and/or disposed of in accordance with applicable local, State, and federal laws and regulations. The relevant applicant shall complete any residual soil remediation in connection with the relevant individual development proposal to the satisfaction of San Joaquin Environmental Health Department, as evidenced by the submittal of a no further action letter. In addition, if hazardous contaminants related to the former agricultural use of the site (such as lead or arsenic) are found, a construction worker health and safety plan shall be prepared and shall be implemented during construction of the relevant individual development proposal.					
MM HAZ-1b: Proper Disposal and Decommission of Underground Storage Tanks, Aboveground Storage Tanks, and Unlabeled Drums (Tracy Alliance parcels only) If any of the reported underground storage tanks (USTs) or aboveground storage tanks (ASTs) are discovered during excavation activities, the applicant for the development of the Tracy Alliance parcels shall dispose of and decommission the USTs and ASTs in accordance with applicable laws and regulations of the Local Oversight Program (LOP) and the American Petroleum Institute Standards, respectively. The unlabeled drums and containers observed during the site reconnaissance for the Phase I Environmental Site Assessment (Phase I ESA) for the Tracy Alliance parcels shall be characterized and disposed of in accordance with applicable local, State, and federal laws and regulations.	Review documentations that demonstrate proper disposal of all USTs and ASTs.	During excavation of the development of the Tracy Alliance parcels.	City of Tracy; LOP.		
MM HAZ-1c: Conduct Asbestos and Lead Surveys Prior to Demolition (Tracy Alliance parcels only) Prior to the issuance of demolition permits for the existing buildings, the applicant for the development of the Tracy Alliance parcels shall retain a licensed professional to conduct asbestos and lead paint surveys. These surveys shall be	Review documentation demonstrating a licensed professional was retained and asbestos and lead paint surveys were conducted;	Prior to the issuance of demolition permits for the existing buildings on the	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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conducted prior to the disturbance or removal of any suspect asbestos-containing materials (ACM) and lead-based paint (LBP), and these materials shall be characterized for asbestos and lead by a reliable method. All activities involving ACM and LBP shall be conducted in accordance with applicable laws and regulations, and all removal shall be conducted by properly licensed abatement contractors.	Review project plans to verify applicable laws and regulations related to activities involving ACM and LBP are detailed in the project plans.	Tracy Alliance parcels.			
MM HAZ-1d: Dust Mitigation and Soil Evaluation (Tracy Alliance, Zuriakat, and Suvik Farms parcels) During any grading or excavation activities in connection with an individual development proposal within the project site, relevant development personnel shall be made aware to look for unusual conditions suggesting buried debris or other potential adverse environmental conditions. If any abnormal soils are discovered during development activities, such as stained soils, hydrocarbon odors, or any other unusual odors, all construction activities near the discovery shall be stopped immediately and the applicant for the relevant individual development proposal shall contact a qualified hazardous material consulting firm for further assessment and implementation of any appropriate actions as may be required under applicable laws and regulations before construction of the relevant individual proposal can begin again.	Review project plans to ensure mitigation measure and instructions were detailed in project plans.	During any grading or excavation activities.	City of Tracy.		
MM HAZ-1e: Consultation with Chevron and DigAlert (Tracy Alliance and Suvik Farms parcel only) Prior to any ground disturbance and construction along the northern side of West Grant Line Road, adjacent to the southern boundary of the Tracy Alliance and Suvik Farms parcels, the relevant applicant(s) for the development of the Tracy Alliance and/or Suvik Farms parcels shall consult with Chevron (www.chevron-pipeline.com; 800.762.3404) and DigAlert 811 to determine the location of the existing	Verify consultation with Chevron and DigAlert 811.	Prior to any ground disturbance and construction in connection with the Tracy Alliance and/or Suvik Farms parcels.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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underground petroleum pipeline to facilitate avoidance during ground disturbance and construction activities.					
3.10 Hydrology and Water Quality					
MM HYD-1a: Prepare Stormwater Pollution Prevention Plan Prior to the issuance of a grading permit, the relevant applicant for each individual development proposal within the project site shall submit a draft of the Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) in connection with its individual development proposal pursuant to the then-applicable Multi-Agency Post-Construction Stormwater Standards Manual at the time the relevant grading permit is submitted. After City approval of the relevant grading permit, the relevant NOI and SWPPP shall be sent to the California State Water Resources Control Board (State Water Board) for approval. Approval by the State Water Board is a prerequisite for issuance of the relevant grading permit by the City. The SWPPP shall address stormwater management during each phase of construction of the relevant individual development proposal. Best Management Practices (BMPs) shall be integrated into the relevant SWPPP as identified by the City of Tracy, which will result in the reduction or elimination of pollutants in stormwater discharges and the stabilization of BMPs to reduce or eliminate pollutants after construction of the relevant individual development proposal is completed. The relevant SWPPP shall be consistent with the applicable Regional Water Quality Control Board (RWQCB) standards and National Pollutant Discharge Elimination System (NPDES) permit requirements to protect water quality over the period of construction of the relevant individual development proposal.	Verify submission of SWPPP; Approval of NOI and SWPPP by the State Water Board.	Prior to the issuance of a grading permit for each individual development proposal within the project site; throughout construction activities.	City of Tracy; State Water Board.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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MM HYD-1b: Prepare Stormwater Management Plan Prior to the issuance of a grading permit, the relevant applicant for each individual development proposal within the project site shall prepare a Stormwater Management Plan in connection with its individual development proposal for review and approval by the City of Tracy. The relevant Storm Water Management Plan (SWMP) shall include two fundamental components: (1) treatment for pollutants collected in stormwater using Low Impact Development (LID) measures, and (2) no net increase in the erosion potential of the receiving stream over the pre-project (existing) condition. All LID treatment measures would be required to be designed in accordance with applicable engineering criteria in the then-applicable Multi-Agency Post-Construction Stormwater Standards Manual. Implementation of the relevant SWMP would require the preparation of a clearly defined Operations and Maintenance (O&M) Plan by the relevant applicant in connection with its development proposal to ensure that installed stormwater treatment measure(s) and hydromodification management control(s) are inspected and properly operated and maintained for the life of the relevant individual development proposal.	Review and approval of SWMP.	Prior to issuance of a grading permit for each individual development proposal within the project site.	City of Tracy.		
MM HYD-3: Prepare Final Drainage Plan Prior to Grading Each applicant for an individual development proposal within the project site shall, in connection with the relevant individual development proposal: • Comply with all applicable rules, regulations, and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board (State Water Board), or any of its Regional Water Quality Control Boards (RWQCBs). • Submit a Final Stormwater Control Plan and a Stormwater Control Operation and Maintenance Plan (O&M Plan) to	Review site plans; verify submission of O&M Plan and Final Drainage Plan.	Prior to issuance of grading permits for each individual development proposal within the project site.	City of Tracy, State Water Board, RWQCBs.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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the City of Tracy Public Works and Community Development Department, which shall be reviewed for compliance with the County's National Pollutant Discharge Elimination System (NPDES) Permit and shall be determined consistent with the City's Stormwater Management and Discharge Control Ordinance (Chapter 11.34 of the Municipal Code, Ordinance 1072) prior to issuance of a grading permit for the relevant individual development proposal. Improvement Plans shall be reviewed to verify consistency with the relevant Final Stormwater Control Plan and compliance with Provision C.3 of the City's NPDES Permit and the City's Stormwater Management and Discharge Control Ordinance (Chapter 11.34 of the Municipal Code, Ordinance 1072). • Prior to issuance of grading permits for each relevant individual development proposal, the relevant applicant shall submit a Final Drainage Plan in connection with the relevant individual development proposal that incorporates the measures included in the Flood Protection Technical Memorandum. The City of Tracy Public Works and Community Development Department shall review the relevant Final Drainage Plan to ensure it is in compliance with all applicable requirements and standards, including the recommendations provided in the Flood Protection Technical Memorandum and in the Citywide Storm Drainage Master Plan in effect at the time building permits are issued, to reduce risk related to flooding within a designated floodplain. The relevant Final Drainage Plan shall be reviewed by City of Tracy Public Works and Community Development Department staff to ensure that all building minimum floor elevations for the relevant development proposal are at 26 feet or 1 foot above the maximum flood elevation and shall accommodate the 200-year storm event as detailed in the Flood Protection					

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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Technical Memorandum. In addition, the on-site stormwater detention basin shall be designed in accordance with the recommendations provided in the Flood Protection Technical Memorandum and in accordance with the Citywide Storm Drainage Master Plan in effect at the time building permits are issued. Additionally, the relevant Final Drainage Plan shall determine if discharge of pre-project runoff rates and/or volumes into the Tom Paine Slough drainage area can continue after project construction pursuant to applicable standards and requirements. Should the relevant Final Drainage Plan determine it is feasible to discharge some runoff (possibly up to the pre-project runoff volume) into the existing downstream system, this design shall be submitted to the City of Tracy as part of the relevant Final Drainage Plan for review and approval.					
3.12 Noise					
Identified Improvement Measures					
IMM NOI-2: To reduce potential construction noise impacts, the following multi-part Improvement Mitigation Measure (IMM) shall be implemented for the project: • Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. • Locate stationary operational noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction area. In addition, the project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site to the extent feasible.	Review construction plans; verify all equipment is equipped with mufflers; verify staging areas.	During all phases of construction.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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• Utilize "quiet" air compressors and other stationary operational noise sources where such technology exists and is commercially practicable. • The construction contractor shall prohibit unnecessary idling (i.e., idling in excess of 5 minutes) of internal combustion engines. • The construction contractor shall, to the maximum extent practicable, locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. • The construction contractor shall ensure that all construction activities that would occur within 550 feet of a residential land use property line shall be limited to daylight hours or to the hours of 7:00 a.m. and 7:00 p.m.					
3.14 Transportation					
MM TRANS-1(a): Transportation Demand Management Measures Prior to issuance of the first building permit for the relevant individual development proposal, the relevant applicant for the individual development proposal at issue shall submit to the City of Tracy Planning Department a Transportation Demand Management (TDM) program that incorporates all of the following six measures (as explained further in Table 3.14-6 of the Draft EIR): 1. Utilize communication and information strategies–4 percent reduction; 2. Offer telecommuting for administrative staff (5 percent of staff population)–1 percent reduction; 3. Designate parking spaces for carpool vehicles–1 percent reduction; 4. Provide a transit stop along the project frontage on Grant Line Road, if agreed to by the City–2 percent reduction;	Review and approval of TDM.	Prior to issuance of the first building permit for the relevant individual development proposal.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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5. Provide bike lanes and sidewalks along the project frontage–1 percent reduction; and 6. Provide on-site bike racks and showers–1 percent reduction. Provided, however, that if the relevant applicant determines that one of more of the foregoing six TDM measures is not feasible in connection with the individual development proposal at issue, then the relevant applicant may obtain approval from the City of Tracy Planning Department of acceptable substitute TDM measure(s) pursuant to Table 3.14-6 of the Draft EIR. The relevant applicant's TDM program, as described above, shall reflect a 10 percent reduction in VMT for the relevant individual development proposal.					
MM TRANS-1(b): Payment of Applicable Banking Fee In addition to the Transportation Demand Management (TDM) program required in MM TRANS-1(a), each applicant for an individual development proposal shall pay its fair share of the applicable fee as set forth in the adopted Vehicle Miles Traveled (VMT) Mitigation Banking Fee in place and effective at the time the relevant applicant seeks to obtain building permits for its individual development proposal. Provided, however, that if the City Council has not adopted the Mitigation Banking Fee Program such that it is effective and in place at the time an applicant for an individual development proposal seeks to obtain a building permit, then the relevant applicant shall implement additional VMT reduction measures in order to meet the minimum VMT reduction requirement of 15 percent.	Verify payment of the applicable VMT Mitigation Banking Fee or that the project TDM meet the minimum VMT reduction requirement of 15 percent for purposes of the subject individual development proposal.	Prior to issuance of the first building permit for the relevant individual development proposal.	City of Tracy.		
MM TRANS-2: Prepare and Implement Construction Traffic Control Plan	Review and approval of traffic control plan.	Prior to the start of construction for an individual	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Prior to the start of construction for an individual development proposal, the relevant applicant shall prepare and submit a Construction Traffic Control Plan for the individual development proposal at issue. Each plan shall include the following items. Each approved plan shall be implemented during construction of the individual development proposal at issue. • Project staging plan to maximize on-site storage of materials and equipment. • Permitted construction hours. • Location of construction staging. • Provisions for street sweeping to remove construction-related debris on public streets. • A set of comprehensive traffic control measures including preparation of traffic control plans, as needed; scheduling of major truck trips and deliveries to avoid peak-hours; lane closure proceedings; signs, cones, and other warning devices for drivers; and designation of construction haul routes. • Survey of the pavement condition on roadways within the relevant individual development to be used as part of the haul route prior to the commencement of any work on-site. The survey shall include a video tape of the roadways. Each relevant applicant shall complete any remedial work prior to initiation of use and provide a bond assuring completion of the remediation work triggered by the individual development proposal, the amount which shall be deemed sufficient by the Public Works Department. • The relevant applicant shall provide a pavement analysis for those roads along the proposed haul routes or any alternate route(s) that are proposed to be utilized by hauling operation for the individual development proposal at issue. This study shall analyze the existing pavement conditions and determine what impact the hauling operation will have over the construction period of the		development proposal.			

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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relevant individual development. The study shall provide recommendations to mitigate identified impacts, which shall be implemented by the relevant applicant for the individual development proposal at issue.					
Identified Improvement Measures					
IM-1: I-205 EB Ramps and North MacArthur Drive (Intersection 11) Improvements Prior to issuance of the building permits for each individual development proposal, the City of Tracy Planning Department shall verify that the relevant applicant has paid the applicable TIF fee for the relevant individual development proposal. In so doing, this payment will constitute a pro rata fair share contribution toward the City's ability to implement its TMP, which includes the following improvements: • Lane additions at both ramp terminals and the addition of a second I-205 Westbound on-ramp. The two ramp terminals cannot be improved independently. The westbound ramp terminal would improve with the addition of these lanes.	Verify payment of the applicable TIF fee for the subject individual development proposal.	Prior to issuance of the first building permit for each individual development proposal.	City of Tracy.		
IM-2: Grant Line Road and North MacArthur Drive (Intersection 13) Improvements • Prior to issuance of the building permits for each individual development proposal, the City of Tracy Planning Department shall verify that the relevant applicant has paid its pro rata fair share of the proposed project's fair share of 5.93 percent of the following improvement: the construction of a westbound right turn lane for Intersection 13 (which will include a right-turn overlap signal phase).	Verify payment of pro rata fair share for the subject individual development proposal for westbound right turn lane for Intersection 13.	Prior to issuance of building permits for each individual development proposal.	City of Tracy.		
IM-3: Optimize Signal Cycle Length at Grant Line Road and Chrisman Road (Intersection 9) and Grant Line Road and North MacArthur Drive (Intersection 13)	Verify optimization of signal lengths at Grant Line and Chrisman Road,	Prior to issuance of building permits for each individual	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Prior to issuance of the building permits for the first individual development proposal, the City of Tracy Planning Department shall verify that the signal cycle length has been optimized at the intersections of: • Grant Line and Chrisman Road • Grant Line Road and North MacArthur Drive	and Grant Line Road, and Grant Line Road and North MacArthur Drive.	development proposal.			
IM-4: Chrisman Road and 11th Street (Intersection 15) Improvements • Prior to issuance of the building permits for each individual development proposal, the City of Tracy Planning Department shall verify that the relevant applicant has paid its pro rata fair share of the proposed project's fair share of 5.35 percent for the following improvement: an additional second westbound left-turn lane for Intersection 15 (which will involve the signal at this Intersection being modified to allow lagging phase for the eastbound left turn and northbound left turn).	Verify payment of pro rata fair share for subject individual development proposal for westbound right turn lane for Intersection 15.	Prior to issuance of building permits for each individual development proposal.	City of Tracy.		
3.16 Utilities and Service Systems					
MM UTIL-1a: Adherence to Applicable Performance Standards and Payment of Infrastructure Fees Prior to the issuance of building permits for an individual development proposal, the relevant applicant shall demonstrate compliance of the individual development proposal at issue with applicable performance standards pursuant to the then-current Urban Water Management Plan, Citywide Water System Master Plan, Wastewater Master Plan, and Citywide Storm Drainage Master Plan. In addition, each applicant for an individual development proposal shall pay its respective proportionate share of required funding, subject to applicable laws governing nexus requirements, to the City for completion of relevant planned City Capital Improvement Plan (CIP) improvements.	Review project design plans to demonstrate compliance of the individual development proposal at issue with applicable performance standards pursuant to City utility master plans; verify payment of applicable funding for CIP improvements.	Prior to issuance of building permits for an individual development proposal.	City of Tracy.		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM UTIL-1b: Submittal of Final Engineering Plans for Tracy Alliance Parcels Prior to the issuance of the building permit for the first building on the Tracy Alliance parcels, the applicants for the development of the Tracy Alliance parcels shall submit engineering plans to the City of Tracy for review and approval to confirm compliance with this MM UTIL-1b. These plans shall include additional 12-inch diameter pipelines on-site as shown on Exhibit 3.16-5 of this Draft EIR and the fire service laterals shall be upsized to 14-inch diameter.	Review engineering plans.	Prior to issuance of building permits for the first building on the Tracy Alliance parcels.	City of Tracy.		
MM UTIL-1c: Submittal of Final Engineering Plans for Suvik Farms and Zuriakat Parcels Prior to the issuance of the building permit for the first building on the subject parcel, each relevant applicant for the individual development proposal of the Suvik Farms or Zuriakat Parcels, respectively, shall each submit final engineering plans to the City of Tracy for review and approval to confirm compliance with the relevant performance standards including, but not limited to, those pursuant to the current Urban Water Management Plan, Citywide Water System Master Plan, Wastewater Master Plan, and Citywide Storm Drainage Master Plan in effect at the time building permits are requested.	Review engineering plans.	Prior to issuance of building permits for the first building on the subject Suvik and/or Zuriakat parcel(s).	City of Tracy.		
MM UTIL-3: Payment of Wastewater Infrastructure Fees/Construction of Wastewater Facilities Prior to the issuance of the first building permit for the subject individual development proposal, the relevant applicant shall participate in the implementation of the Wastewater Master Plan (WWMP) in effect at the time the relevant building permit is requested through the payment of the applicable impact fees as included in the City's Capital Improvement Plan (CIP).	Verify implementation of WWMP through payment of applicable fees for subject individual development proposal.	Prior to issuance of building permits for the subject individual development parcel.	City of Tracy.		

Attachment H

APPROVED AS TO FORM AND LEGALITY

_____
CITY ATTORNEY'S OFFICE

TRACY PLANNING COMMISSION

RESOLUTION NO. _____

RECOMMENDING CITY COUNCIL ADOPT AN ORDINANCE TO 1) CERTIFY AN ENVIRONMENTAL IMPACT REPORT ("EIR") INCLUDING THE ADOPTION OF A MITIGATION MONITORING AND REPORTING PROGRAM ("MMRP") AND FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATIONS (TOGETHER, "CEQA FINDINGS") FOR THE ANNEXATION AND FUTURE DEVELOPMENT OF INDUSTRIAL BUILDINGS ON THE 191.18 ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF GRANT LINE AND PARADISE ROADS BEARING ASSESSOR'S PARCEL NUMBERS 213-170-14, -24, -25, -26, -27, and -48 (THE "PROPERTY") IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA"); 2) AMEND THE NORTHEAST INDUSTRIAL ("NEI") SPECIFIC PLAN TO ADD THE PROPERTY TO THE NEI SPECIFIC PLAN WITH A LAND USE DESIGNATION OF LIGHT INDUSTRIAL (SPA22-0003); 3) PREZONE THE PROPERTY TO NORTHEAST INDUSTRIAL SPECIFIC PLAN ZONE(AP20-0003); AND 4) APPROVE THE SUBMITTAL OF A PETITION TO THE SAN JOAQUIN COUNTY LOCAL AGENCY FORMATION COMMISSION ("LAFCO") FOR ANNEXATION OF THE PROPERTY TO THE CITY OF TRACY

WHEREAS, On May 29, 2020, the City received applications from the owners of the Property asking the City to amend the NEI Specific Plan to incorporate the Property into the NEI Specific Plan area, prezone the Property as Northeast Industrial Specific Plan Zone, and submit a petition to the San Joaquin County LAFCO to annex the Property to the City of Tracy. Together, the applications are referred to herein as the "Project"; and

WHEREAS, The Property is designated by the City's 2011 General Plan as Industrial, and the proposed prezoning designation of Northeast Industrial Specific Plan Zone is consistent with the General Plan designation; and

WHEREAS, To support its processing of the applications, and pursuant to the requirements of CEQA, the City conducted an environmental analysis of the proposed Project, resulting in the completion of the Draft Environmental Impact Report for the Tracy Alliance Project dated April 20, 2022 and bearing State Clearinghouse Number 2020080524 (the "Draft EIR"); and

WHEREAS, On April 20, 2022, the City published the Draft EIR for public review and comment, and the public comment period closed on June 3, 2022; and

WHEREAS, The City received comments throughout the comment period, including during a Planning Commission public hearing on May 25, 2022; and

WHEREAS, On January 20, 2023, the City published a Final Environmental Impact Report ("Final EIR") for the Project, which included responses to all comments received on the Draft EIR and revisions to the Draft EIR made in response to said comments, and made the Final EIR available for review by the public and interested and responsible agencies in compliance with CEQA requirements. In addition, the City prepared a MMRP and CEQA Findings for consideration by the Planning Commission and City Council in conjunction with their review and consideration of the Draft EIR and Final EIR (together, the Draft EIR and the Final EIR are referred to herein as the "EIR"), as required by CEQA; and

WHEREAS, On January 25, 2023, the Planning Commission conducted a duly noticed public hearing on the Project and considered the EIR, the MMRP and the CEQA Findings, with the applications for the NEI Specific Plan amendment, prezoning of the Property to Northeast Industrial Specific Plan Zone, and annexation of the Property to the City of Tracy, together with all other materials in the administrative record for the Project, heard a staff presentation and took public testimony thereon, closed the public hearing, and deliberated on the applications.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF TRACY, AS FOLLOWS:

1. The Planning Commission hereby finds that the approval of the prezoning of the Property to Northeast Industrial Specific Plan Zone as set forth in Section 10.08.3022 of the Tracy Municipal Code is necessary to carry out the City's General Plan policies and Zoning regulations, because adding the property to that Zone will allow for its annexation and development consistent with the City's General Plan, the Sphere of Influence Plan approved by the San Joaquin County LAFCO, and the City of Tracy's Infrastructure Master Plans.

2. The Planning Commission of the City of Tracy hereby recommends that the City Council adopt an ordinance to take the following actions:

   A. Certifying the EIR for the Project, and adopting the MMRP and CEQA Findings, in substantially the forms that are attached as Exhibits 1 through 4 to the proposed City Council Ordinance attached hereto as Exhibit A; and

   B. Amending the NEI Specific Plan to add the Property to the Specific Plan with a land use designation of Light Industrial, as shown on Exhibit 5 to the proposed City Council Ordinance attached hereto as Exhibit A; and

   C. Approving the prezoning of the Property to Northeast Industrial Specific Plan Zone as set forth in Section 4 of the proposed City Council Ordinance attached hereto as Exhibit A; and

   D. Approving the submittal of a petition to the San Joaquin County LAFCO for the annexation of the Property to the City of Tracy.

This resolution shall be effective immediately upon its adoption.

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

The foregoing Resolution 2023-_____ was adopted by the Planning Commission on January 25, 2023, by the following vote:

AYES: COMMISSION MEMBERS:
NOES: COMMISSION MEMBERS:
ABSENT: COMMISSION MEMBERS:
ABSTAIN: COMMISSION MEMBERS:

_____
CHAIR

ATTEST:

_____
STAFF LIAISON

Exhibit A: Proposed City Council Ordinance and exhibits:
- Exhibit 1: Draft EIR
- Exhibit 2: Final EIR
- Exhibit 3: MMRP
- Exhibit 4: CEQA Findings
- Exhibit 5: NEI Specific Plan Amendment

APPROVED AS TO FORM AND LEGALITY

_____
CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

ORDINANCE NO. _____

FOR THE TRACY ALLIANCE PROJECT LOCATED AT THE NORTHEAST CORNER OF GRANT LINE AND PARADISE ROADS (INDUSTRIAL PROJECT):

(A) CERTIFYING AN ENVIRONMENTAL IMPACT REPORT ("EIR"), AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM ("MMRP") AND FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATIONS (TOGETHER, "CEQA FINDINGS") FOR THE ANNEXATION AND FUTURE DEVELOPMENT OF INDUSTRIAL BUILDINGS ON THE 191.18 ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF GRANT LINE AND PARADISE ROADS (THE "PROPERTY") IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA");

(B) AMENDING THE NORTHEAST INDUSTRIAL ("NEI") SPECIFIC PLAN TO ADD THE PROPERTY TO SAID SPECIFIC PLAN AREA WITH A LAND USE DESIGNATION OF LIGHT INDUSTRIAL (SPA22-0003);

(C) APPROVING THE PREZONING OF THE PROPERTY TO NORTHEAST INDUSTRIAL SPECIFIC PLAN ZONE (AP20-0003); AND

(D) APPROVING THE SUBMITTAL OF A PETITION TO THE SAN JOAQUIN COUNTY LOCAL AGENCY FORMATION COMMISSION ("LAFCO") FOR ANNEXATION OF THE PROPERTY TO THE CITY OF TRACY

WHEREAS, On May 29, 2020, the City received applications from the owners of the Property asking the City to amend the NEI Specific Plan to incorporate the Property into the Specific Plan area, prezone the Property as Northeast Industrial Specific Plan Zone, and submit a petition to the San Joaquin County LAFCO to annex the Property to the City of Tracy. Together, the applications are referred to herein as the "Project"; and

WHEREAS, The Property is designated by the City's 2011 General Plan as Industrial, and the proposed prezoning designation of Northeast Industrial Specific Plan Zone is consistent with the General Plan designation; and

WHEREAS, To support its processing of the applications, and pursuant to the requirements of CEQA, the City conducted an environmental analysis of the proposed Project, resulting in the completion of a Draft EIR bearing State Clearinghouse Number 2020080524; and

WHEREAS, On April 20, 2022, the City published the Draft EIR for public review and comment, and the public comment period closed on June 3, 2022; and

WHEREAS, The City received comments throughout the comment period, including during a Planning Commission public hearing on May 25, 2022; and

WHEREAS, On January 20, 2023, the City published a Final Environmental Impact Report ("Final EIR") for the Project, which included responses to all comments received on the Draft EIR and revisions to the Draft EIR made in response to said comments, and made the Final EIR available for review by the public and interested and responsible agencies in compliance with CEQA requirements. In addition, the City prepared a MMRP and CEQA Findings for consideration by the Planning Commission and City Council in conjunction with their review and consideration of the Draft EIR and Final EIR (together, the Draft EIR and the Final EIR are referred to herein as the "EIR"), as required by CEQA; and

WHEREAS, On January 25, 2023, the Planning Commission conducted a duly noticed public hearing and considered the EIR, the MMRP, and the CEQA Findings, and the applications for the NEI Specific Plan amendment, prezoning, and submittal to LAFCO of the petition to annex the Property to the City of Tracy, and voted to recommend that the City Council certify the EIR and adopt the MMRP and CEQA Findings, approve the NEI Specific Plan amendment and prezoning, and approve the submittal of a petition to LAFCO to annex the Property to the City of Tracy; and

WHEREAS, On March 7, 2023, City Council held a duly noticed public hearing on the Project, and considered the EIR, the MMRP and the CEQA Findings, with the applications for the NEI Specific Plan amendment, prezoning of the Property to Northeast Industrial Specific Plan Zone, and annexation of the Property to the City of Tracy, together with all other materials in the administrative record for the Project, heard a staff presentation and took public testimony thereon, closed the public hearing, and deliberated on the applications.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRACY AS FOLLOWS :

SECTION 1. Incorporation of Recitals/Findings. The City Council of the City of Tracy hereby finds and determines the foregoing recitals are true and correct and are hereby incorporated herein as findings and determinations of the City.

SECTION 2. CEQA Compliance. The City Council, based on its independent judgment and analysis, has reviewed and considered the proposed Project and has determined, based on the whole record before it, including the EIR, MMRP and CEQA Findings set forth in Exhibits 1 through 4, that the proposed Project will have a significant effect on the environment and hereby certifies the EIR and adopts the MMRP and CEQA Findings as full satisfaction of the requirements under CEQA for the Project.

SECTION 3. Specific Plan Amendment. The City Council hereby approves and adopts the NEI Specific Plan amendment to add the above-described Property to the NEI Specific Plan and assign to it the land use designation of Light Industrial in substantially the form of the amendment attached hereto as Exhibit 5

SECTION 4. Prezoning. The City Council hereby finds that the approval of the prezoning of the Property to Northeast Industrial Specific Plan Zone as set forth in Section 10.08.3022 of the Tracy Municipal Code is necessary to carry out the City's General Plan policies and Zoning regulations, because adding the property to that Zone will allow for its annexation and development consistent with the City's General Plan, the Sphere of Influence Plan approved by the San Joaquin County LAFCO, and the City of Tracy's Infrastructure Master Plans, and on that basis hereby approves the application to prezone the Property as Northeast Industrial Specific Plan Zone as shown in Section 10.08.3022 of the City of Tracy Municipal Code.

SECTION 5. Petition for Annexation. The City Council hereby grants the applicant's request to submit a petition to LAFCO to annex the Property to the City of Tracy and directs the City Manager to prepare and submit said application.

SECTION 6. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 7. Effective Date. This Ordinance shall become effective upon the thirtieth (30^{th}) day after final adoption.

SECTION 8. Publication. The City Clerk is directed to publish this Ordinance in a manner required by law.

SECTION 9. Codification. This Ordinance shall not be codified in the Tracy Municipal Code.

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

The foregoing Ordinance 2023-_____ was introduced at a regular meeting of the Tracy City Council on the 7^{th} day of March 2023, and finally adopted on the _____ day of _____, 2023, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTENTION: COUNCIL MEMBERS:

_____
NANCY D. YOUNG
Mayor of the City of Tracy, California

ATTEST:_____
ADRIANNE RICHARDSON
City Clerk and Clerk of the Council of the
City of Tracy

Date of Attestation: _____

Exhibit 1 – Project Draft EIR
Exhibit 2 – Project Final EIR
Exhibit 3 – Project MMRP
Exhibit 4 – Project CEQA Findings
Exhibit 5 - NEI Specific Plan Amendment