PLANNING COMMISSION REGULAR MEETING AGENDA

Wednesday, January 22, 2025, 7:00 P.M.

A quorum of Planning Commission will be in attendance at
Tracy City Hall Chambers, 333 Civic Center Plaza, Tracy
Web Site: www.cityoftracy.org

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

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 Planning Commission, 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: 2553 243 8330** 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, 2553 243 8330, #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 Planning Commission meetings. Persons requiring assistance or auxiliary aids should call City Hall (209/831-6105) 24 hours prior to the meeting.

Addressing the Planning Commission on Items on the Agenda – The Brown Act provides that every regular Planning Commission meeting shall provide an opportunity for the public to address the Planning Commission on any item within its jurisdiction before or during the Planning Commission'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 Planning Commission to conduct its business as efficiently as possible, members of the public wishing to address the Planning Commission 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 Planning Commission 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 Planning Commission. 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 Planning Commission 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 Planning Commission 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, 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 Planning Commission. When members of the public address the Planning Commission, 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 Planning Commission 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 Planning Commission 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

ACTIONS, BY MOTION, OF PLANNING COMMISSION PURSUANT TO AB 2449, IF ANY

ROLL CALL

MINUTES – 12.04.2024

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 APPROVING THE EXTENSION OF CONDITIONAL USE PERMIT (CUP21-0007) AND DEVELOPMENT REVIEW PERMIT (D21-0023) FOR A RENEWABLE NATURAL GAS (RNG) FUELING FACILITY AT 2200 N. CHRISMAN ROAD (ASSESSOR'S PARCEL NUMBER 250-030-32) FOR TWO-YEARS FROM THE ORIGINAL EXPIRATION DATE.

1.B STAFF RECOMMENDS THAT THE PLANNING COMMISSION: CONDUCT A PUBLIC HEARING, AND UPON ITS CONCLUSION, ADOPT A RESOLUTION: (1) APPROVING A DEVELOPMENT REVIEW PERMIT, APPLICATION NUMBER D22-0029, FOR THE CONSTRUCTION OF 36 CONDOMINIUM UNITS IN THE FORM OF NINE FOURPLEXES AND RELATED SITE IMPROVEMENTS, ON A 3.39-ACRE UNDEVELOPED SITE LOCATED AT THE SOUTHWEST CORNER OF W. MT. DIABLO AVENUE AND S. C STREET, ASSESSOR'S PARCEL NUMBER 235-100-77; (2) GRANTING A CONDITIONAL USE PERMIT, APPLICATION NUMBER CUP23-0003, TO ALLOW THE USE OF CONDOMINIUMS IN THE MEDIUM DENSITY RESIDENTIAL ZONE, ON A 3.39-ACRE UNDEVELOPED SITE LOCATED AT ASSESSOR'S PARCEL NUMBER 235-100-77; (3) APPROVING A TENTATIVE SUBDIVISION MAP, APPLICATION NUMBER TSM23-0003, TO CREATE 36 CONDOMINIUM UNITS AND COMMON

AREAS; AND (4) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15332, WHICH PERTAINS TO CERTAIN IN-FILL DEVELOPMENT PROJECTS. THE APPLICANT AND PROPERTY OWNER IS DAN BYRUM OF BYRUM INVESTMENT, LLC.

1.C STAFF RECOMMENDS THAT THE PLANNING COMMISSION: RECEIVE INPUT FROM ANY INTERESTED PARTIES REGARDING INFORMATION THAT SHOULD BE INCLUDED IN THE TRACY NORTHEAST BUSINESS PARK ENVIRONMENTAL IMPACT REPORT (EIR).

2. ITEMS FROM THE AUDIENCE

3. DIRECTOR'S REPORT

4. ITEMS FROM THE COMMISSION

5. ADJOURNMENT

Posted: January 17, 2024

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 4, 2024, 7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Chair Orcutt led the pledge of allegiance.

ROLL CALL

Roll Call found Commissioner Atwal, Commissioner Boakye-Boateng, Commissioner English, Vice Chair Penning, and Chair Orcutt present. Also present were Daniel Doporto, Contract Attorney; Forrest Ebbs, Director of Community and Economic Development; Scott Claar, Planning Manager; Genevieve Federighi, Senior Planner; Craig Hoffman, Senior Planner; Martin E. Vargas, Assistant Planner; Al Gali, Associate Engineer; and Gina Peace, Executive Assistant.

MINUTES

Chair Orcutt introduced the Regular Meeting Minutes from the November 6, 2024, Planning Commission Regular Meeting.

ACTION: It was moved by Chair Orcutt and seconded by Commissioner Atwal to approve the November 6, 2024 Planning Commission Regular Meeting Minutes. A voice vote found all in favor. Passed and so ordered; 5-0-0-0.

DIRECTOR'S REPORT REGARDING THIS AGENDA

None.

ITEMS FROM THE AUDIENCE

None.

DEVIATION FROM AGENDA ORDER.

1. NEW BUSINESS

B. STAFF RECOMMENDS THAT THE PLANNING COMMISSION CONDUCT A PUBLIC HEARING, AND UPON ITS CONCLUSION, ADOPT A RESOLUTION: (1) GRANTING AN AMENDMENT TO THE CONDITIONAL USE PERMIT, APPLICATION NUMBER CUP24-0005, TO EXPAND THE EXISTING PRIVATE SCHOOL LOCATED AT 120 MURRIETA WAY, ASSESSOR'S PARCEL NUMBER

248-470-28; (2) APPROVING A DEVELOPMENT REVIEW PERMIT, APPLICATION NUMBER D24-0011, FOR THE CONSTRUCTION OF A TWO-STORY BUILDING ADDITION TO AN EXISTING PRIVATE SCHOOL AND RELATED SITE IMPROVEMENTS ON A 3.99-ACRE DEVELOPED SITE; AND (3) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15301, PERTAINING TO ADDITIONS TO EXISTING STRUCTURES. THE APPLICANT IS GROW BUILDERS, INC. C/OF JEFF ANTRIM, AND THE PROPERTY OWNER IS TR 120 LLC.

Martin E. Vargas, Assistant Planner, presented the staff report.

Jeff Antrim, Applicant, addressed the Commission, and stated he was available for questions. Commission questions commenced.

Chair Orcutt opened the Public Hearing at 7:14 p.m.

Pamela Ray, Principal at the school, made a statement in favor of the project.

Chair Orcutt closed the Public Hearing at 7:18 p.m.

ACTION: It was moved by Commissioner Atwal and seconded by Vice Chair Penning that the Planning Commission adopt a Resolution:

(1) Granting an amendment to the Conditional Use Permit, Application Number CUP24-0005, to expand the existing private school located at 120 Murrieta Way, Assessor's Parcel Number 248-470-28;

(2) approving a Development Review Permit, Application Number D24-0011, for the construction of a two-story building addition to an existing private school and related site improvements on a 3.99-acre developed site; and

(3) determining that this project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, pertaining to additions to existing structures.

A roll call vote found Chair Orcutt, Vice Chair Penning, Commissioner Atwal, Commissioner Boakye-Boateng, and Commissioner English all in favor. Passed and so ordered; 5-0-0-0.

C. STAFF RECOMMENDS THAT THE PLANNING COMMISSION CONDUCT A PUBLIC HEARING, AND UPON ITS CONCLUSION, ADOPT A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL: (1) INTRODUCE AND ADOPT AN ORDINANCE APPROVING A ZONING TEXT AMENDMENT, APPLICATION NUMBER ZA22-0004, TO REMOVE TRACY MUNICIPAL CODE (TMC) SECTION 10.08.800, "SERVICE STATION" DEFINITION, ADD TMC SECTION 10.08.175, "CAR WASH" DEFINITION, ADD TMC SECTION 10.08.375, "FUEL STATION" DEFINITION, AND AMEND TMC SECTION 10.08.1080, PERMITTED USES, USE GROUP NO. 44, TO REMOVE AND REPLACE "AUTOMOBILE SERVICE STATIONS" WITH "CAR WASHES" AND "FUEL STATIONS"; (2) ADOPT A

RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW A CAR WASH LOCATED AT 4600 S. CORRAL HOLLOW ROAD, APPLICATION NUMBER CUP24-0006; AND (3) ADOPT A RESOLUTION APPROVING A DEVELOPMENT REVIEW PERMIT FOR CONSTRUCTION OF A CARWASH FACILITY AND RELATED SITE IMPROVEMENTS LOCATED AT 4600 S. CORRAL HOLLOW ROAD, APPLICATION NUMBER D22-0044.

Genevieve Federighi, Senior Planner, presented the staff report and addressed questions.

Scott Claar, Planning Manager, addressed questions from the commission.

Chair Orcutt opened a Public Hearing at 7:32 p.m. and seeing as no one came forward, Chair Orcutt closed the Public Hearing at 7:32 p.m.

ACTION: It was moved by Commissioner Atwal and seconded by Vice Chair Penning that the Planning Commission adopt a Resolution recommending that the City Council:

(1) Introduce and adopt and ordinance approving a Zoning Text Amendment, application number ZA22-0004, to remove Tracy Municipal Code (TMC) Section 10.08.800, “service station” definition, add TMC Section 10.08.175, “car wash” definition, add TMC Section 10.08.375 “fuel station” definition, and amend TMC Section 10.08.1080, permitted uses, use group No. 44, to remove and replace “automobile service stations” with “car washes” and “fuel stations”;

(2) Granting a Conditional Use Permit, Application Number CUP24-0006, to allow a car wash located at 4600 S. Corral Hollow Road; and

(3) Approving a Development Review Permit, Application Number D22-0044, for construction of a car wash facility and related site improvements located at 4600 S. Corral Hollow Road, Assessor’s Parcel Number 244-020-31.

A roll call vote found Chair Orcutt, Vice Chair Penning, Commissioner Atwal, Commissioner Boakye-Boateng, and Commissioner English all in favor. Passed and so ordered; 5-0-0-0.

Chair Orcutt adjourned for a five-minute recess and reconveyed at 7:37 p.m.

A. STAFF RECOMMENDS THAT THE PLANNING COMMISSION CONDUCT A PUBLIC HEARING, AND UPON ITS CONCLUSION, ADOPT A RESOLUTION: (1) RECOMMENDING CITY COUNCIL APPROVAL OF A GENERAL PLAN AMENDMENT MODIFYING THE LAND USE OF THE PROPERTY FROM RESIDENTIAL MEDIUM AND RESIDENTIAL LOW TO PUBLIC FACILITIES. (2) RECOMMENDING CITY COUNCIL APPROVAL OF A REZONE OF THE PROPERTY FROM MEDIUM DENSITY RESIDENTIAL TO LIGHT INDUSTRIAL (M-1). (3) RECOMMENDING CITY COUNCIL ADOPT AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PROJECT AND DETERMINE THAT BASED ON THE ANALYSIS AND CONCLUSIONS OF THE INITIAL STUDY, THE IMPACTS OF THE PROPOSED PROJECT WOULD BE

MITIGATED TO LESS-THAN-SIGNIFICANT LEVELS WITH THE IMPLEMENTATION OF THE MITIGATION MEASURES.THE APPLICANT IS THE CITY OF TRACY, AND THE PROPERTY OWNER IS THE CHEVRON COMPANY.

Craig Hoffman, Senior Planner, and Ed Lovell, Transit Manager, presented the staff report.

Josh Smith, De Novo Planning Group, continued presenting to the Commission.

Chair Orcutt opened the Public Hearing at 8:02 p.m.

16 speaker cards were received by the Clerk. Bob Tanner, 1371 Rusher Court, Danielle Smith, 550 Forest Hills Drive, Joseph Smith, 550 Forest Hills Drive, Racheal Knight Scott, 650 Forest Hills Drive, Beverly Trengove, Forest Hills Drive, Jeff Avelar, 680 Centre Court Drive, Amjad Morrar, 555 Forest Hills Drive, Kelly Moran, 952 Centre Court Drive, Garth Brown, 750 Center Court Drive, Steve McConnell, 510 Forest Hills Drive, Lori Quilici, 565 Cumberland Drive, Anajerath Orona Correa, 900 Beechnut Ave, Burnell Shull, Vannie Dart, Daniel Kaufmann, 865 Lawn Court, and Randell Avila, 796 Palm Circle, each addressed the Commission, in opposition the Project.

Steve Parsons, 465 Cumberland Drive, and Nilo Glass, Centre Court Drive, also addressed the Commission, in opposition to the Project.

Six e-mails were received from: Vasuki Nijagal, Sean Hornbeck & Christina Ledesma, Daniellle Fetterman Smith, Steve and Wendy Parsons, Eric and Anna Silva, and Dave Guevara. The commissioners were each provided with printed copies.

Chair Orcutt closed the Public Hearing at 8:51 p.m.

Commission discussion and questions continued.

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

Recommending City Council approval of the General Plan Map Amendment and rezone for four parcels containing 9.88 acres, at 800 Beechnut Avenue, 990 Beechnut Avenue, 1000 Beechnut Avenue, and an additional small parcel just south of and adjacent to 800 Beechnut Avenue, Assessor's Parcel Numbers 234-070-04, 234-070-06, 234-070-01, and 234-170-45. Application Number GPA24-0004 and R24-0004.

A roll call vote found Chair Orcutt, Vice Chair Penning, Commissioner Atwal, Commissioner Boakye-Boateng, and Commissioner English all opposed. Motion Failed; 0-5-0-0.

D. STAFF RECOMMENDS THAT THE PLANNING COMMISSION CONDUCT A PUBLIC HEARING, AND UPON ITS CONCLUSION, ADOPT A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL: (1) ADOPT A RESOLUTION

THAT (A) CERTIFIES AN ENVIRONMENTAL IMPACT REPORT ("EIR") AND ADOPTS A MITIGATION MONITORING AND REPORTING PROGRAM ("MMRP"), FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE ANNEXATION AND DEVELOPMENT OF THE TRACY COSTCO DEPOT ANNEX PROJECT, WHICH CONSISTS OF APPROXIMATELY 104.46 ACRES LOCATED AT 16000 WEST SCHULTE ROAD, (B) APPROVES A DEVELOPMENT REVIEW PERMIT FOR THE PROPERTY FOR CONSTRUCTION OF TWO INDUSTRIAL WAREHOUSE BUILDINGS TOTALING APPROXIMATELY 1,736,724 SQUARE FEET, PROVIDED THAT THE DEVELOPMENT REVIEW PERMIT WILL NOT BE EFFECTIVE UNTIL THE FIRST DAY FOLLOWING THE EFFECTIVE DATE OF LAFCO'S APPROVAL OF THE ANNEXATION OF THE PROPERTY TO THE CITY, AND (C) AUTHORIZES THE CITY MANAGER TO SUBMIT A PETITION TO THE SAN JOAQUIN COUNTY LOCAL AGENCY FORMATION COMMISSION ("LAFCo") TO ANNEX THAT CERTAIN 104.46 ACRES LOCATED AT 16000 WEST SCHULTE ROAD BEARING ASSESSOR'S PARCEL NUMBER 209-230-02 (THE "PROPERTY") TO THE CITY OF TRACY; AND INTRODUCE AND ADOPT AN ORDINANCE THAT APPROVES THE PREZONING OF THE PROPERTY TO LIGHT INDUSTRIAL (M1).

Genevieve Federighi, Senior Planner, presented the staff report. Al Gali, Associate Engineer, and Elise Laws, De Novo Planning Group, addressed the Commission.

Seth Katz, Costco, Applicant, presented a PowerPoint to the Commission.

Koosun Kim, City Engineer, addressed the Commission and answered questions from the Commission.

Chair Orcutt opened the Public Hearing at 10:48 p.m.

Margo Praus, Chair of Local Delta Sierra Group, Sierra Club addressed appreciation for Costco's air quality concern and the details provided.

Kevin Carmichael, on behalf of the San Joaquin Residents for Responsible Development, who consist of associates from San Joaquin County and Tracy, have air quality, hazard and health quality concerns.

Juan Perez, IBEW Local Union 995 representative of the San Joaquin Residents for Responsible Development, spoke concerning air quality and Valley Fever for members, who are laborers in the community.

Chair Orcutt closed the Public Hearing at 10:56 p.m.

Additional discussion continued.

ACTION: It was moved by Commissioner Atwal and seconded by Vice Chair Penning that the Planning Commission adopt a Resolution:

Recommending that the City Council of the City of Tracy take the following actions:

(1) Adopt a resolution that:

(a) Certifies an Environmental Impact Report ("EIR"), adopts Findings, and adopts a Mitigation Monitoring and Reporting Program ("MMRP") for the annexation and development of industrial buildings on a 104.46-acre property located at 16000 West Schulte Road bearing Assessor's Parcel Number 209-230-02 ("Property"), all in accordance with the requirements of the California Environmental Quality Act ("CEQA"); and

(b) Approves the submittal of a petition to the San Joaquin County Local Agency Formation Commission ("LAFCo") for the annexation of the property to the City of Tracy ("City"); and

(2) Adopt an Ordinance that approves the prezoning of the Property to Light Industrial (M1); and

(3) Adopt a Resolution that approves a development review permit for the Property to take effect on the first day following the effective date of the LAFCo's approval of the annexation of the Property to the City.

A roll call vote found Chair Orcutt, Vice Chair Penning, Commissioner Atwal, Commissioner Boakye-Boateng, and Commissioner English all in favor. Passed and so ordered; 5-0-0-0.

D. ITEMS FROM THE AUDIENCE

None.

E. DIRECTOR'S REPORT

Forrest Ebbs announced new promotions within the Community and Economic Development Department: Scott Claar, as the Planning Manager, and Genevieve Federighi as a Senior Planner.

F. ITEMS FROM THE COMMISSION

None.

G. ADJOURNMENT

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

Time: 11:04 p.m.

_____
CHAIR

_____
STAFF LIAISON

From: Gina Peace
To: Miranda Aguilar
Subject: FW: Tracy Trancit Maintenance Facility at 800 Beachnut Avenue...Public Hearing on Decemebr 4, 2024
Date: Tuesday, December 3, 2024 2:41:18 PM
Attachments: PLANNING COMMISSION TRACY TRANSIT MAINTENANCE FACILITY.docx
TRACY TRANSIT MAINTENANCE FACILITY.docx

From: Vasuki Nijagal [redacted]
Sent: Monday, November 25, 2024 8:20 AM
To: Public Comment <publiccomment@cityoftracy.org>
Subject: Tracy Trancit Maintenance Facility at 800 Beachnut Avenue...Public Hearing on Decemebr 4, 2024

Some people who received this message don't often get email from [redacted]. Learn why this is important

Caution: This is an external email. Please take care when clicking links or opening attachments.

Please find the attached letter of concern with regard to the subject matter.

Vasuki Nijagal

Sri Swami Vivekandanda said there are three R's to succeed in life.

" R – People reject your thoughts of proposal

R – People ridicule you (we told you so…)

R – People recognize you after you achieve your goal".

Vasuki & Sheela Nijagal [redacted]

[redacted] Email: [redacted]

Tracy, CA 95376

November 24, 2024

Craig Hoffman

Senior Planner, City of Tracy

333 Civic Center Plaza

Tracy, CA 95376

Subject: Transit Maintenance Facility response from The Nijagals at 445 Cumberland Drive, Tracy, CA 95376

Reference: Tracy Transit Maintenance Facility proposed sites at 800 Beechnut Avenue, 990 Beechnut Avenue, 1000 Beechnut Avenue and adjacent small parcel to 800 Beechnut Ave.

Assessor's Parcel numbers: 234-070-04, 234-070-06, 234-070-01, 234-170-45

Mr. Hoffman,

We will be out of town on December 4, 2024; hence we will not be attending The City of Tracy Planning Commission Public Hearing on the subject. We are expressing our apprehension about the proposed Tracy Transit Maintenance Facility at the reference sites noted above with our concerns listed below.

1. The City of Tracy has proposed to rezone two fields (parcels) at the intersection of Beechnut Avenue and Forest Hills from residential zone to industrial zone.
2. The transit maintenance facility will house a hydrogen fueling station and an electrical charging station for buses at a mere thirty feet (30ft) from the edge of the proposed facility to the corner of a residential home and the rest of the neighborhood. This is dangerous as the compressed hydrogen fuel and electrical charging are within proximity to cause an accident by explosion by hydrogen fueling facility for transit vehicles. The hydrogen fueling and electrical charging facilities must be separated at two separate parcels upon consultation and recommendation by a professional engineer from the San Joaquin County or The State of California Engineering Departments.

3. Our concern is that the rezoning from the residential to industrial zone could also potentially allow businesses like toxic gas stations to be allowed to build on the remaining unused land parcels. We as residents have gone through the underground fuel oil leaks in the same parcel lands about thirty-five years ago. The City of Tracy Planning Commission should not be giving room for another disaster affecting the residents in 2024-2025.
4. We are distressed by the recent incidents involving the hydrogen fuel tank explosions in Bakersfield and Santa Clara transit facilities which necessitated the evacuation of surrounding neighborhoods, highlights the potential hazards of such facility located near any residential areas. Furnished YouTube links for reference.
    a. Bakerfield hydrogen bus explosion while fueling. https://www.youtube.com/watch?v=-kxnJB7l3bE
    b. https://www.youtube.com/watch?V=-toRJseb_o0
    c. Santa Clara hydrogen Facility explosion:
    d. https://www.youtube.com/watch?v=S8ZAc38piQM

Mr. Hoffman, we trust your appropriate action in preventing any future destruction to the residential properties by unpardonable action by the proposed Transit Maintenance Facility of the City of Tracy.

Should you have any questions, please contact us by leaving a voice message or by email message.

Sincerely,

Vasuki Nijagal Sheela Nijagal

Enclosure: a copy of the letter to Mr. Lovell dated September 24, 2024, is furnished for reference only.

Vasuki & Sheela Nijagal [redacted]

[redacted] Email: [redacted]

Tracy, CA 95376

September 24, 2024

Ed Lovell

Tracy Transit Station

50 East 6th Street

Tracy, CA 95376

Subject: A 30-day Public Review period for the Initial Study / Mitigated Negative Declaration response from The Nijagals at 445 Cumberland Drive, Tracy, CA 95376

Reference: Tracy Transit Maintenance Facility proposed sites at 800 Beechnut Avenue, 990 Beechnut Avenue, 1000 beechnut Avenue and adjacent small parcel to 800 Beechnut Ave.

Mr. Lovell,

We are expressing our anxiety about the proposed Tracy Transit Maintenance Facility at the referenced sites noted above with our concerns listed below.

1. The City of Tracy has proposed to rezone two fields (parcels) at the intersection of Beechnut Avenue and Forest Hills from residential zone to industrial zone.
2. The transit maintenance facility will house a hydrogen fueling station and an electrical charging station for buses at a mere thirty feet (30ft) from the edge of the proposed facility to the corner of a residential home and the rest of the neighborhoods. This is dangerous as the compressed hydrogen fuel and electrical charging are within proximity to cause an accident by explosion by hydrogen fueling facility for transit vehicles. The hydrogen fueling and electrical charging facilities must be separated at two separate parcels upon consultation and recommendation by a professional engineer from the San Joaquin County or The State of California Engineering Departments.
3. Our concern is that the rezoning from the residential to industrial zone could also potentially allow businesses like toxic gas stations to be allowed to build on the remaining unused land parcels. We as residents have gone through the

underground fuel oil leaks in the same parcel lands about thirty-five years ago. The City of Tracy should not be giving room for another disaster affecting the residents in 2024-2025.

4. We are distressed by the recent incidents involving the hydrogen fuel tank explosions in Bakersfield and Santa Clara transit facilities which necessitated the evacuation of surrounding neighborhoods, highlights the potential hazards of such facility located near any residential areas. Furnished YouTube links for reference.
    a. Bakerfield hydrogen bus explosion while fueling. https://www.youtube.com/watch?v=-kxnJB7l3bE
    b. https://www.youtube.com/watch?V=-toRJseb_o0
    c. Santa Clara hydrogen Facility explosion:
    d. https://www.youtube.com/watch?v=S8ZAc38piQM

Mr. Lovell, we trust your appropriate action in preventing any future destruction to the residential properties by unpardonable action by the proposed Transit Maintenance Facility of the City of Tracy.

Should you have any questions, please contact us by leaving a voice message or by an email message.

Sincerely,

Vasuki Nijagal

Sheela Nijagal

From: Adrianne Richardson
To: Craig Hoffman
Cc: Miranda Aguilar
Subject: FW: Planning Commission meeting at 7:00pm on Wednesday Dec 4,2024
Date: Monday, December 2, 2024 12:05:48 PM

FYI on email below.

From: Sean Hornback [redacted]
Sent: Monday, December 2, 2024 11:58 AM
To: Public Comment <publiccomment@cityoftracy.org>
[redacted]
Subject: Planning Commission meeting at 7:00pm on Wednesday Dec 4,2024

Some people who received this message don't often get email from [redacted] Learn why this is important

Caution: This is an external email. Please take care when clicking links or opening attachments.

To whom it my concern,

I do not think the city should rezone any Residential to Light Industrial as this would decrease property values, increase traffic, noise pollution, damage roads, or explosion of hydrogen fueling station and a negative impact to the residents in that area.

Regards,
Sean Hornback & Christine Ledesma

From: Adrianne Richardson
To: Miranda Aguilar
Subject: FW: Email regarding proposed heavy-duty bus maintenance facility and possible hydrogen fueling station
Date: Tuesday, December 3, 2024 4:06:22 PM
Attachments: Heavy-DutyBusMaintenanceFacilityOppositionLetterFINAL-09.30.2024.pdf

Hi Miranda,

Per our conversation I am forwarding an email from Danielle Smith received regarding an item on tomorrow night's Planning Commission agenda. She said she never received confirmation that the Planning Department received the email and was informed by a Planning Commissioner that they did not receive the email. Can you please forward to the commission and other necessary folks and send a response to Ms. Smith confirming receipt of the email.

Many thanks Miranda

Regards
Adrianne

From: Danielle FSmith [redacted]
Sent: Tuesday, December 3, 2024 3:59 PM
To: Adrianne Richardson <Adrianne.Richardson@cityoftracy.org>
Subject: Fw: Email regarding proposed heavy-duty bus maintenance facility and possible hydrogen fueling station

You don't often get email from [redacted] Learn why this is important

Caution: This is an external email. Please take care when clicking links or opening attachments.

Adrianne, this is the email I sent back on November 17th
Thanks,
Danielle

From: Smith, Danielle Fetterman
Sent: Sunday, November 17, 2024 3:15 PM
To: planningadmin@cityoftracy.org
Cc: 'tracycitycouncil@cityoftracy.org' <tracycitycouncil@cityoftracy.org>; Ed Lovell <Ed.Lovell@cityoftracy.org>
Subject: Email regarding proposed heavy-duty bus maintenance facility and possible hydrogen fueling station

Dear Members of the Tracy Planning Commission,

I am forwarding the formal opposition letter, originally addressed to Mr. Ed Lovell, the City of Tracy's Transportation Manager, for your review and awareness. This letter, signed by 42

residents, outlines our collective opposition to the proposed heavy-duty bus maintenance facility and potential hydrogen fueling station at the residential neighborhood of Beechnut Ave, Forest Hills Drive, and Gallery Drive.

For your convenience, a copy of the letter is included below, and I have attached the original document with signatures for reference.

Additionally, I have cc'd the Tracy City Council and Mr. Lovell on this correspondence.

Thank you for your attention to this matter.

Sincerely,
Danielle F. Smith
On behalf of 42 residents from Tennis Vista and the surrounding neighborhoods

****

Danielle F. Smith
[redacted]
September 30, 2024

Ed Lovell
Transit Manger
Tracy Transit Station
50 E. 6th Street
Tracy, CA 95376

Subject: Opposition to the Construction of a Heavy-Duty Bus Maintenance Facility and Possible Hydrogen Fueling Station at the Two Parcels at the Intersections of Beechnut Ave. and Forest Hills Drive and Forest Hills Drive and Palm Circle.

Dear Ed Lovell,

I am writing to express mine and 42 other neighbors' strong opposition to the proposed construction of a heavy-duty bus maintenance facility and possible fueling station in Tennis Vista and the surrounding neighborhood, a predominantly residential area. While we understand the need for essential infrastructure to support public transportation, we believe placing such a facility in a residential neighborhood raises significant concerns that must be taken into serious consideration.

First and foremost, the proximity of a gas or hydrogen fueling station to residential homes also raises environmental safety concerns, including the risk of potential spills, leaks or explosions that could contaminate nearby soil and water sources and overall safety.

After speaking with my home insurance agent, we learned that this could also lead to an **increase** in our policy costs or even potential termination.

Secondly, the anticipated increase in noise pollution from bus operations, maintenance work, and refueling activities will severely disrupt the quality of life for local residents. The constant movement of heavy-duty vehicles, coupled with the operation of machinery, from 4 A.M. to 10 P.M. will lead to persistent noise that can affect residents' well-being, particularly during early morning and late evening hours.

Thirdly, the emissions from diesel or gas-powered buses pose a threat to the air quality in the surrounding area. This increase in pollution can have detrimental effects on public health, especially for vulnerable populations such as children, the elderly, and those with pre-existing respiratory conditions.

I've included in this letter YouTube links of recent incidents involving hydrogen explosions in Bakersfield and Santa Clara, which required the evacuation of surrounding neighborhoods and highlights the potential dangers of such a facility located near residential areas.

Explosion at a Bakerfield hydrogen bus facility:
https://www.youtube.com/watch?v=-kxnjB7l3bE
https://www.youtube.com/watch?v=-toRJseb_o0

Explosion at a Santa Clara hydrogen facility:
https://www.youtube.com/watch?v=S8ZAc38piQM

Moreover, the increased traffic from the constant flow of buses entering and exiting the facility would also exacerbate congestion on local roads, posing a hazard to pedestrians, cyclists, and drivers alike. This added strain on infrastructure not only risks accidents but also detracts from the safety and walkability of our neighborhood.

We believe there are more suitable locations for a facility of this scale, such as an already existing industrial zone within Tracy or areas where the impact on residential communities would be minimized. Relocating the project to a non-residential area would ensure that necessary transportation services can be maintained without compromising the health, safety, and quality of life of local residents.

We respectfully urge you to reconsider the proposed location of this facility and explore alternative sites that are better suited for industrial use. It is critical that community input be considered to protect the interests and well-being of those who live in this neighborhood.

We also are in unison that if you continue to pursue this venture it should be on the City of Tracy ballot before any re-zoning takes place. If that land is re-zoned from residential to industrial there is a chance that the city could sub-lease the unused parcel for a public fueling or charging station. This is unacceptable!!

We, the residents of Tennis Vista and the surrounding neighborhoods, would greatly prefer the development of single family homes that have similar look and feel as our existing homes in Tennis Vista, or a park featuring trees and winding sidewalks, providing a safe space for children to play and for residents to walk their dogs and exercise. We are questioning why the City of Tracy is considering the placement of an unsightly and potentially hazardous facility in our community. Is this the look and feel the City Management desires for downtown Tracy?

Should the City proceed with this project, we, as citizens, residents, and taxpayers of the neighborhood, respectfully request the following:

1. No fueling stations, Including both hydrogen and gasoline propellants.
2. No public fueling or charging stations.
3. No bus routes should utilize residential surface streets within the Tennis Vista or surrounding
   neighborhood streets.
4. A 10-foot cinderblock wall surrounding the perimeter that encompasses Gallery Drive, Forest Hills Drive, as well as the rear of the smaller parcel adjacent to the Palm Circle residents.
5. An anti-graffiti coating applied to all walls surrounding both parcels.
6. Trees to be planted along the cinderblock wall on Forest Hills Drive and Gallery Drive.

7. Ivy planted against the cinderblock wall to also discourage graffiti.
8. A cement sidewalk around the perimeter of both parcels along Forest Hills Drive and Gallery Drive.
9. Streetlights installed every 75-90 feet around the perimeter of both parcels on Gallery Drive,
   Forest Hills Drive, and Beechnut Avenue.
10. A revised layout plan that positions the office buildings at the edge of the parcel, close to the
    residential area, with bus storage and maintenance areas closer to Tracy Boulevard vicinity.
11. Maintenance facility office windows facing away from residential areas.
12. Due to Valley Fever concerns both parcels need to be watered down continuously to keep dust at a minimum while there is construction occurring.
13. A dedicated turn lane on Tracy Boulevard to alleviate traffic congestion as buses wait to turn into
    maintenance facility.
14. Multiple 180-degree or 360-degree security cameras to be installed at the facility to monitor Gallery Drive, Forest Hills Drive, and Beechnut Avenue.
15. Quarterly air quality, noise, and soil and smell testing, with reports provided to residents.
16. Soundproof windows paid and installed, at the city's expense, in homes near the maintenance facility and/or impacted as shown on the "Mitigated Negative Declaration and Initial Study for the Transit Maintenance
    Facility" Report.
17. Maintenance facilities must have walls from floor to ceiling and are insulated to keep sound from emanating
    while operational.
18. Nothing built or installed that encourages increased public traffic to the area.

Thank you for your time and attention to this matter. We look forward to your response and hope for a positive outcome that reflects the concerns of the residents of Tennis Vista and adjourning neighborhoods.

Sincerely,

Danielle F. Smith and 42 other neighbors (signatures and address attached on accompanying pages 3-12)

Public Comment -- Received 12/03/24
RE: Item 1.A Beechnut Transit Facility
GPA24-0004, R24-0004

Danielle F. Smith
[redacted]

September 30, 2024

Ed Lovell
Transit Manger
Tracy Transit Station
50 E. 6th Street
Tracy, CA 95376

Subject: Opposition to the Construction of a Heavy-Duty Bus Maintenance Facility and Possible Hydrogen Fueling Station at the Two Parcels at the Intersections of Beechnut Ave. and Forest Hills Drive and Forest Hills Drive and Palm Circle.

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Secondly, the emissions from diesel or gas-powered buses pose a threat to the air quality in the surrounding area. This increase in pollution can have detrimental effects on public health, especially for vulnerable populations such as children, the elderly, and those with pre-existing respiratory conditions.

Thirdly, the proximity of a gas or hydrogen fueling station to residential homes also raises environmental safety concerns, including the risk of potential spills, leaks or explosions that could contaminate nearby soil and water sources and overall safety. After speaking with my home insurance agent, we learned that this could also lead to an increase in our policy costs or even potential termination.

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https://www.youtube.com/watch?v=-toRJseb_o0

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https://www.youtube.com/watch?v=S8ZAc38piQM

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14. Quarterly air quality, noise, and soil and smell testing, with reports provided to residents.
15. Soundproof windows paid and installed, at the city's expense, in homes near the maintenance facility and/or impacted as shown on the "Mitigated Negative Declaration and Initial Study for the Transit Maintenance Facility" Report.
16. Maintenance facility must have walls from floor to ceiling and are insulated to keep sound from emanating while operational.
17. Nothing built or installed that encourages increased public traffic to the area.

Thank you for your time and attention to this matter. We look forward to your response and hope for a positive outcome that reflects the concerns of the residents of Tennis Vista and adjourning neighborhoods.

Sincerely,
Danielle F. Smith and 42 other neighbors (signatures and address attached on accompanying pages 3-12)

Printed Name	Signature
Laura Bruce	Laura Bruce
[redacted]	

Printed Name	Signature
JAMES WALBRIDGE	
[redacted]	

Printed Name	Signature
Simon Krabblin	Simon Krabblin
[redacted]	

Printed Name	Signature
Devin Hunter	
[redacted]	

Printed Name	Signature
Daryl Scott	
[redacted]	

Barbara Rounds — Barbara Rounds
Printed Name — Signature

[redacted]

Garth Brown — Garth S Brown
Printed Name — Signature

[redacted]

Cheryl McLean — Cheryl McLean
Printed Name — Signature

[redacted]

Chris Miller — Chris Miller
Printed Name — Signature

[redacted]

Maeva A Ramos — Maeva A Ramos
Printed Name — Signature

[redacted]

Printed Name	Signature
Dina Avelar	

[redacted]

Printed Name	Signature
CARMEN ROSSI	

[redacted]

Subject Petition Against Proposed bus Maintenance facility.

Printed Name	Signature
STEPHANIE ANN BAKER SR	

[redacted]

Printed Name	Signature
Megan Maier	

[redacted]

Printed Name	Signature
Randy Avila	

[redacted]

Leslie Michalk
Printed Name | Signature

[redacted]

GARY MICHALAK
Printed Name | Signature

[redacted]

Marlene Vik
Printed Name | Signature

[redacted]

Bruce Vik
Printed Name | Signature

[redacted]

Darken Corum
Printed Name | Signature

[redacted]

Kenneth Guertin
Printed Name

Signature

[redacted]

Darlene Wilharm Guertin
Printed Name

Signature

[redacted]

Todd Warapius
Printed Name

Todd Warapius
Signature

[redacted]

CYNDIE WARAPIUS
Printed Name

Cyndie Warapius
Signature

[redacted]

Joseph Scott
Printed Name

Signature

[redacted]

Printed Name	Signature
Racheal Knight-Scott	Rachel Knight-Scott
[redacted]	

Printed Name	Signature
Christina Rivera	
[redacted]	

Printed Name	Signature
Maria L Chan	Maria L. Chan
[redacted]	

Printed Name	Signature
CECILIA GARCIA	
[redacted]	

Printed Name	Signature
ROSARIO GONZALEZ	
[redacted]	

Cheryl Gillick — Cheryl Gillick
Printed Name — Signature

[redacted]

Rob Gillick — Rob Gillick
Printed Name — Signature

[redacted]

Lori Orifici — Lori L Orifici
Printed Name — Signature

[redacted]

Printed Name — Signature

Address — Phone

Email Address:

Printed Name — Signature

Address — Phone

Email Address:

Printed Name	Signature
MARC · REQUILMAN	Marc Requilman

[redacted]

Printed Name	Signature
Catherine Requilman	Requilman

[redacted]

Printed Name	Signature
Faye Delmendo	Delmendo

[redacted]

Printed Name	Signature
475 Forest Hills Drive TRACY CA	

[redacted]

Printed Name	Signature
Address	Phone
Email Address:	

Printed Name	Signature
Amjad Mowar	

[redacted]

Printed Name	Signature
Natalie McConnell	

[redacted]

Printed Name	Signature

Address	Phone

Email Address:

Printed Name	Signature

Address	Phone

Email Address:

Printed Name	Signature

Address	Phone

Email Address:

Printed Name: Kelly Moran
Signature:
[redacted]

Printed Name: Milo Glass
Signature:
[redacted]

Danielle F. Smith
Printed Name
Signature
[redacted]

Joseph Smith
Printed Name
Signature
[redacted]

Printed Name
Signature

Address
Phone

Email Address:

From: Gina Peace
Cc: Dan Doporto [redacted]; Forrest Ebbs; Scott Claar; Craig Hoffman; Miranda Aguilar; Lorena Rivera
Subject: FW: Beechnut Transit Facility
Date: Wednesday, December 4, 2024 1:22:26 PM
Attachments: image001.png
image004.png
Beechnut Transit Facility.xlsx
image005.png
image006.png
image007.png
image008.png

Good afternoon Commissioners,

Please see the e-mail below and corresponding attachment, from Stephen Parsons, regarding Item 1.A (Beechnut) for tonight's (12/4/24) Planning Commission Meeting. Printed copies will be provided for you at the meeting.

Thank you,

Gina Peace | City of Tracy
Executive Assistant | Community & Economic Development
333 Civic Center Plaza | Tracy, CA 95376
Office (209) 831.6422 | gina.peace@cityoftracy.org

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Please consider the environment before printing this e-mail

From: Stephen Parsons [redacted]
Sent: Wednesday, December 4, 2024 9:46 AM
To: Public Comment <publiccomment@cityoftracy.org>
Cc: Craig Hoffman <craig.hoffman@cityoftracy.org>
Subject: Beechnut Transit Facility

Some people who received this message don't often get email from [redacted]. Learn why this is important

Caution: This is an external email. Please take care when clicking links or opening attachments.

Good Morning: We (Steve & Wendy Parsons) strongly oppose the development of the "Beechnut Transit Facility".

Please see the attached.

Stephen Parsons
Finance Director
Children's Home of Stockton



Steve and Wendy Parsons
[redacted]

We STRONGLY oppose the development of the "Beechnut Transit Facility" for the following reasons:

This is a Residential Area, not a Light Industrial Area!

Several houses are 50 feet from the area under consideration for rezoning
My house [redacted] is about 300 feet away
We have lived here for almost 35 years and many of our neighbors for 40 years
I don't know a single neighbor who is in favor of this project

Decrease in Property Value

How much is the City going to compensate us if this project is completed?
Right now, this is a very desirable neighborhood, with a very low turnover rate.
I cannot predict the future with 100% accuracy, but this project will have a serious negative effect on the desirability of this neighborhood.
This project would be a visual eye-sore.

Noise

Beep, Beep, Beep when heavy equipment back-up
Air Brake Noises
Heavy Equipment Noises in general

Lights

Many additional lights will take away the quaint feeling of the neighborhood

Possible Hazards

Disturbing the earth on these 9.88 acres that have not been disturbed for 100 years
- **Toxins will fill the air and settle in the neighborhood**
- Dust
- Killing the animals and birds that call this land their homes

Possible Explosions
- Hydrogen is Highly Flammable
- Hydrogen is Lighter than air…a leak could rapidly disperse posing a fire hazard
- A larger buffer zone is needed! Maybe 100 yards from the closest residence.
- Accidents do happen

Unsafe Intersection

Tracy Blvd., 6th Street, Beechnut, Railroad Tracks
Tracy Blvd has an unsafe turn at this intersection, multiple accidents have occurred here
Additional traffic of heavy equipment will compound this problem

Is This The Best Location in Tracy for this Project?

We doubt it and City must explore alternative locations

From: Gina Peace
Cc: Dan Doporto [redacted] Forrest Ebbs; Scott Claar; Craig Hoffman; Miranda Aguilar; Lorena Rivera
Subject: FW: Planning commission meeting @7:00pm Dec 4 2024
Date: Wednesday, December 4, 2024 1:21:42 PM
Attachments: image001.png
image002.png
image003.png
image004.png

Good afternoon Commissioners,

Please see the e-mail below, from Eric and Anna Silva, regarding Item 1.A (Beechnut) for tonight's (12/4/24) Planning Commission Meeting. Printed copies will be provided for you at the meeting.

Thank you,

Gina Peace | City of Tracy
Executive Assistant | Community & Economic Development
333 Civic Center Plaza | Tracy, CA 95376
Office (209) 831.6422 | gina.peace@cityoftracy.org

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Please consider the environment before printing this e-mail

From: Anna S [redacted]
Sent: Wednesday, December 4, 2024 8:44 AM
To: Public Comment <publiccomment@cityoftracy.org>
Subject: Planning commission meeting @7:00pm Dec 4 2024

Some people who received this message don't often get email from [redacted] Learn why this is important

Caution: This is an external email. Please take care when clicking links or opening attachments.

TO Whom it may concern,

We do not think the city should not rezone any residential to light industrial as this would decrease property value increase traffic, noise pollution, damaged road,
Feel the peace will be disturbed.
Explosion of hydrogen fuel station

From: Adrianne Richardson
To: Miranda Aguilar
Cc: Craig Hoffman
Subject: FW: GPA24-006 and R24-004-Beechnut Transit Facility-General Plan Amendment and Rezone
Date: Wednesday, December 4, 2024 5:37:18 PM

FYI

From: DAVE GUEVARA [redacted]
Sent: Wednesday, December 4, 2024 5:21 PM
To: Public Comment <publiccomment@cityoftracy.org>
Subject: GPA24-006 and R24-004-Beechnut Transit Facility-General Plan Amendment and Rezone

Some people who received this message don't often get email from [redacted] Learn why this is important

Caution: This is an external email. Please take care when clicking links or opening attachments.

My main concern is with the traffic impact in the area. How will the additional traffic mesh with the current traffic at various times of the day? Also where will the entrance and exit points be located and their effects to the surrounding areas?

Can put everyone in danger.

Sincerely,

Eric and Anna Silva
[redacted]

From: Miranda Aguilar
To: [redacted]
Cc: Genevieve Federighi
Bcc: Lorena Rivera
Subject: RE: GSEJA Public Comment Tracy Planning Commission Meeting 12-4-24 Costco Depot Annex Project RDEIR Public Hearing.
Date: Tuesday, December 3, 2024 1:28:00 PM

Hello,

Thank you for your email. Your comment has been received and will be forwarded to the Planning Commission and Planning staff.

Thank you,

Miranda Aguilar | City of Tracy
Planning Technician
Community & Economic Development – Planning Division
333 Civic Center Plaza | Tracy, CA 95376
Office: (209) 831.6421 | Miranda.Aguilar@cityoftracy.org

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From: Pete Sheehan [redacted]
Sent: Monday, December 2, 2024 10:04 AM
To: Genevieve Federighi <Genevieve.Federighi@cityoftracy.org>; Web - City Clerk <CityClerk@cityoftracy.org>
Subject: Fw: GSEJA Public Comment Tracy Planning Commission Meeting 12-4-24 Costco Depot Annex Project RDEIR Public Hearing.

Caution: This is an external email. Please take care when clicking links or opening attachments.

Subject: GSEJA Public Comment Tracy Planning Commission Meeting 12-4-24 Tracy Costco Annex RDEIR Public Hearing

To Whom It May Concern,

Attached and below are public comments on behalf of Golden State Environmental

Justice Alliance. These comments are submitted to the Planning Commission to be included in the record for the Planning Commission consideration regarding GSEJA Public Comment Tracy Planning Commission Meeting 12-4-24 Costco Depot Annex Project RDEIR Public Hearing.

For clarification purposes, only the highlighted yellow portion of the body of this email is the public comment to be added into the record along with the two attachments.

Please confirm receipt of this email.

Public Comment

Good morning, my name is Pete Sheehan and I'm with the Golden State Environmental Justice Alliance. We submitted a comment letter to the Revised Draft Environmental Impact Report. Our letter identified several deficiencies with the RDEIR.

During these turbulent times, we as citizens expect and deserve our local government's elected and appointed officials to protect us from environmental and social injustice, to aid in the preservation and rehabilitation of the environment in which we all share, and to ensure accountability and responsibility regarding the environmental decisions they may make.

We stand by our comment letter and believe the RDEIR is flawed and must be redrafted and recirculated for public review. In closing we call on this Commission to be a leader on the aforementioned issues and be the first line of defense for our citizenry and environment. Only by working together can we continue to be excellent stewards of our environment, outstanding stewards to our citizens and each other. Thank You.

Please confirm receipt of this email.

Thank You,

Pete Sheehan

BLUM, COLLINS & HO LLP
ATTORNEYS AT LAW
AON CENTER
707 WILSHIRE BOULEVARD
SUITE 4880
LOS ANGELES, CALIFORNIA 90017
(213) 572-0400

February 5, 2024

Genevieve Federighi
Associate Planner
City of Tracy Development Services
333 Civic Center Plaza
Tracy, CA 95376

VIA EMAIL TO:
Genevieve.Federighi@cityoftracy.org

Subject: Comments on Costco Depot Annex Revised EIR (SCH NO. 2020080531)

Dear Ms. Federighi,

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed Costco Depot Annex Project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance 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.

1.0 Summary

The project proposes the construction and operation of of two warehouse buildings that would serve as an annex to the existing Costco Depot located approximately 1.5-miles to the west of the Project and as a Direct Delivery Center. The two buildings (approximately 543,526 sf for Building 1 and 1,193,198 sf for Building 2) total approximately 1,736,724 sf on the Project site. The smaller Building 1 is anticipated to serve as the annex by providing additional storage for high-turnover merchandise processed through the nearby Costco Depot, a pallet repair facility, and a return to vendor facility for large items returned to a Costco warehouse. The larger Building 2 is anticipated to serve as a Direct Delivery Center (DDC), an ecommerce distribution center primarily for large and bulky items ordered online by Costco members for direct delivery through Market Delivery Operations (MDO) located in various smaller cities in the Northern California region. DDC warehouses distribute ordered goods to the MDOs for delivery (by appointment) to the members.

The Project site is designated as Agriculture by San Joaquin County's General Plan Land Use Map and is zoned as AG-40 Agriculture by the County. The site currently has a City General Plan land

use designation of Industrial (I). The San Joaquin County Local Agency Formation Commission (LAFCO) will require the Project site to be pre-zoned by the City of Tracy in conjunction with the proposed annexation. The City's pre-zoning will include the Light Industrial (M-1) zoning designation for Project site. Additionally, the proposed Project would result in the annexation of the Annexation Area into the City of Tracy.

2.0 Project Description

The Recirculated EIR does not include a floor plan, grading plan, elevations, or detailed site plan for the proposed project. The basic components of a Planning Application include a detailed site plan, floor plan, grading plan, elevations, and written narrative. The site plan provided in Figure 2.0-4 has been edited to remove pertinent information from public review during the CEQA process. Figure 2.0-4 does not provide any detailed information such as the earthwork quantity notes, site coverage, floor area ratio, etc. All of these items are standard information that are depicted on a site plan created by an Architect or designer. The edited version of the site plan inserted for public review is meaningless and provides no useful information.

The Recirculated EIR has excluded this information and all required application items from public review, which does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Incorporation by reference (CEQA § 15150 (f)) is not appropriate as these documents contribute directly to analysis of the problem at hand. Providing a grading plan is vital as the Recirculated EIR does not provide any meaningful evidence to support the claim that, "The project is designed to have balanced earthwork with no offhaul of excess or import of additional soil needed. The anticipated earthwork quantity will be approximately 424,280 cubic yards of both cut and fill for the construction of both phases, Buildings 1 and 2, and all of that soil will be maintained/utilized on the project site." There is no method for the public to verify this information. The Recirculated EIR must be revised to include a wholly accurate and unedited full set of plans, including a complete grading plan to determine the amount of soils/materials to be imported/exported from the site. These grading truck hauling trips must be included for analysis in all portions of environmental analysis, including Air Quality, Energy, Greenhouse Gas Emissions, Noise, and Transportation.

3.3 Air Quality

Please refer to attachments from SWAPE for a complete technical commentary and analysis.

The Recirculated 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 (6077005207) ranks worse than 53% of the rest of the state overall in pollution burden. The surrounding community, including Kimball High School and residences to the east, and adjacent SB 535 Census Tract 6077005206 (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 91st percentile for groundwater threats. People who live near contaminated groundwater may be exposed to chemicals moving from the soil into the air inside their homes[1]. The census tract ranks in the 88th percentile for hazardous waste impacts. Contamination of air, water and soil near hazardous waste generators and facilities can harm the environment as well as people[2]. The census tract also ranks in the 53rd percentile for contaminated drinking water impacts. Poor communities and people in rural areas are exposed to contaminants in their drinking water more often than people in other parts of the state[3].

The project census tract also ranks in the 61st percentile for ozone burden and the 70th percentile for traffic related impacts, which are attributed to heavy vehicular activity in the area. Ozone can cause lung irritation, inflammation, and worsening of existing chronic health conditions, even at low levels of exposure[4]. Exhaust fumes contain toxic chemicals that can damage DNA, cause cancer, make breathing difficult, and cause low weight and premature births[5].

Further, the census tract is a diverse community including 33% Asian-American, 4% African-American, and 27% Hispanic 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. The Recirculated EIR does not address that the cumulative impacts of development and environmental impacts in the project area are disproportionately impacting the surrounding communities. The negative environmental, health, and quality of life impacts resulting form a saturation of the industrial, warehousing, and logistics industry in the City have become distinctly inequitable. The severity of significant and unavoidable impacts particularly on the project census tract must be included for analysis as part of a revised EIR. ts.

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[1] OEHHA Groundwater Threats https://oehha.ca.gov/calenviroscreen/indicator/groundwater-threats
[2] OEHHA Hazardous Waste Generators and Facilities https://oehha.ca.gov/calenviroscreen/indicator/hazardous-waste-generators-and-facilities
[3] OEHHA Contaminated Drinking Water https://oehha.ca.gov/calenviroscreen/drinking-water
[4] OEHHA Air Quality: Ozone https://oehha.ca.gov/calenviroscreen/indicator/air-quality-ozone
[5] OEHHA Traffic Impacts https://oehha.ca.gov/calenviroscreen/indicator/traffic-density

3.7 Greenhouse Gases, Climate Change and Energy

The State of California lists three approved compliance modeling softwares[6] for non-residential buildings: CBECC-Com, EnergyPro, and IES VE. CalEEMod is not listed as an approved software. The CalEEMod-based modeling used in the Energy Calculations (Appendix B.2 within Appendix B) does not comply with the 2022 Building Energy Efficiency Standards and under-reports the project s significant Energy impacts and fuel consumption to the public and decision makers. Since the Recirculated 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 using one of the approved software types must be prepared and circulated for public review in order to adequately analyze the project s significant environmental impacts. This is vital as the Recirculated EIR utilizes CalEEMod as a source in its methodology and analysis, which is clearly not an approved software.

It must also be noted that the City and/or SJCOG are not listed as a jurisdictions with local energy standards approved by the CA Energy Commission for either the 2019[7] or 2022[8] Energy Code. 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, Sustainability Action Plan, and/or SJCOG's 2018 RTP/SCS does not comply with CA Energy Commission standards or AB 32/SB 32. The Recirculated 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.

The Recirculated EIR analyzes the potentially significant impacts from Greenhouse Gas Emissions in a qualitative manner pursuant to CEQA Guidelines Section 15064.4. However, the consistency analysis provided is erroneous and does not demonstrate a good-faith effort, based to the extent

[6] California Energy Commission 2022 Energy Code Compliance Software https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency-1
[7] Local Ordinances Exceeding the 2019 CA Energy Code https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency-3
[8] Local Ordinances Exceeding the 2022 CA Energy Code https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency-0

possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from the project and its significance. Table 3.7-5: Consistency With SJCOG s 2022 RTP/SCS[9] only provides analysis with the eight policies within the document and none of the associated implementation strategies. Further, the analysis provided in Table 3.7-5 does not accurately describe the proposed project and its significant impacts, which is erroneous misleading to the public and decision makers. For example, the Recirculated EIR concludes the project does not conflict with Policy 8: Improve the Quality of Life for Residents because the project "would provide additional shopping options for local and regional residents, thereby improving the quality of life for residents." The project is not a retail shopping center or open to the public, so it is unclear how this statement supports the consistency between the proposed project and Policy 8.

Additionally, the Recirculated EIR concludes the project does not conflict with Policy 1: Enhance the Environment for Existing and Future Generations and Conserve Energy because the project, "would utilize electricity provided by Pacific Gas & Electric (PG&E) which is required to meet the future year renewable portfolio performance standards. In addition, future development associated with Project implementation would be required to meet the applicable requirements of the 2022 (or more current) Title 24 Building Energy Efficiency Standards." However, as stated above, the Recirculated EIR has not demonstrated that the proposed project meets Title 24 Building Energy Efficiency Standards. The consistency analysis is misleading and does not meaningfully support the conclusion that the proposed project is consistent with the policy.

Further, the Recirculated EIR has excluded analysis of the proposed project with the Strategies within SJCOG's 2022 RTP/SCS, including 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. 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 Air Quality, GHG, and Transportation (VMT) impacts, the proposed project is directly inconsistent with the Strategies listed above.

Notably, the project will have significant and unavoidable cumulatively considerable environmental impacts to Aesthetics (DEIR), Agricultural Resources (DEIR), Air Quality, Noise (DEIR), and Transportation (VMT) (DEIR), which will degrade the environment and worsen quality of life for residents in Tracy and the region. The project's 25,134 MTCO2e annual emissions during project operations is underestimated in the Recirculated EIR due to inaccurate

[9] SJCOG 2022 RTP/SCS https://www.sjcog.org/608/Adopted-2022-RTPSCS-Plan

modeling, does not 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 obstructs the State from attaining these goals. This is also not consistent with the following Policies and Strategies of the 2022 RTP/SCS:

1. Policy 1: Enhance the Environment for Existing and Future Generations and Conserve Energy
2. Strategy 1: Encourage efficient development patterns that maintain agricultural viability and natural resources
3. Strategy 3: Enhance the connection between land use and transportation choices through projects supporting energy and water efficiency.
4. Strategy 4: Improve air quality by reducing transportation-related emissions
5. Policy 2: Maximize Mobility and Accessibility
6. Strategy 9: Promote safe and efficient strategies to improve the movement of goods.
7. Policy 3: Increase Safety and Security
8. Strategy 9: Facilitate projects that reduce the number of and severity of traffic incidents
9. Policy 4: Preserve the Efficiency of the Existing Transportation System
10. Strategy 13: Support the continued maintenance and preservation of the existing transportation system
11. Policy 8: Improve the Quality of Life for Residents
12. Strategy 30: Enhance public health through active transportation projects

4.0 Other CEQA Considerations

4.4 Growth-Inducing Impacts

The analysis of growth-inducement through the removal of development obstacles must be revised to discuss the project's required annexation of the Annexation Area into the City of Tracy. There is no analysis of the proposed project with the City's 2019 Municipal Services Review[10] (MSR). The MSR reviews the City's ability to provide services to residents and businesses within its existing boundaries as well as the future residents and businesses within 10-Year and 30-Year Horizons by providing land use analysis, buildout projections, and growth forecasts. Table 2-7: Development Anticipated Within Years 1-10 and Within Years 11-30 of the City's 2019 Municipal Services Review[11] (MSR) states that Planning Subarea 1 (which encompasses the proposed project

[10] 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

[11] 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

site) will generate 480 jobs during years 1-10 and 184 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. The Project Description states that all phases of the project will be constructed within two years of permit issuance. The Project Goals include "Create approximately 150 to 250 full time jobs," which is 52% of the employment growth anticipated and planned during the 10-Year Horizon. Further, the project will generate 1,745 employees utilizing the General Plan EIR's calculation of 1 employee per 1,000 square feet of industrial space. This is more than 2.5 times the 30-Year Horizon of 664 jobs. This information is not discussed or presented for analysis in the Recirculated 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.

The Recirculated EIR has not provided any quantified analysis of the proposed project's employment and population growth in relation to City General Plan buildout, the City's 2019 MSR, or any other growth forecasts. Further, the October 2022 industrial development pipeline's[12] 10,886 employees represents a significant amount of employment growth. The proposed project in combination with the current industrial development pipeline (the October 2022 report may not include all applicable projects, such as those with finished construction) vastly exceeds projected employment growth from the General Plan and 2019 MSR and is a significant portion of its population growth. This number increases exponentially when the City's other industrial and commercial development activity is added to the calculation. A revised EIR must be prepared to include an accurate cumulative analysis on this topic and include a finding of significance. The Recirculated EIR must also be revised to provide a cumulative analysis of projects approved since General Plan adoption and projects "in the pipeline" to provide an adequate and accurate analysis to determine if the project will exceed the buildout scenario/employment projections of the City's General Plan, 2019 MSR, and SJCOG.

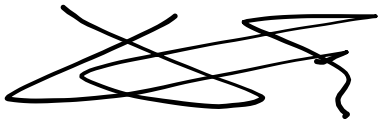
Conclusion

For the foregoing reasons, GSEJA believes the Recirculated 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

[12] Tracy October 2022 Industrial Development Report
https://www.cityoftracy.org/home/showpublisheddocument/14087/638016799846970000

project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

Sincerely,



Gary Ho
Blum, Collins & Ho LLP

Attachments:
1. SWAPE Technical Analysis

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

2656 29th Street, Suite 201
Santa Monica, CA 90405

Matt Hagemann, P.G, C.Hg.
(949) 887-9013
mhagemann@swape.com

Paul E. Rosenfeld, PhD
(310) 795-2335
prosenfeld@swape.com

February 5, 2022

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

Subject: Comments on the Tracy Costco Depot Annex Project (SCH No. 2020080531))

Dear Mr. Ho,

We have reviewed the December 2023 Recirculated Draft Environmental Impact Report ("RDEIR") for the Tracy Costco Depot Annex Project ("Project") located in the City of Tracy ("City"). The Project proposes to construct 1,736,724-square-feet ("SF") of warehouse space, 576 parking spaces, and 600 truck and trailer stalls on the 104.46-acre site.

Our review concludes that the RDEIR 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 may be underestimated and inadequately addressed. A revised 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.

Air Quality

Failure to Provide Complete CalEEMod Output Files

Land use development projects under the California Environmental Quality Act ("CEQA") typically evaluate air quality impacts and calculate potential criteria air pollutant emissions using the California Emissions Estimator Model ("CalEEMod"). [1] 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 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

[1] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide.

justified by substantial evidence. Once all of the values are inputted into the model, the Project's construction and operational emissions are calculated, and "output files" are generated. These output files disclose to the reader what parameters are used in calculating the Project's air pollutant emissions and demonstrate which default values are changed. Justifications are provided for the selected values.

According to the RDEIR, CalEEMod Version 2022.1 is relied upon to estimate Project emissions (p. 3.3-26). However, this poses a problem as the version of CalEEMod 2022.1 currently available is described as a "soft release" which fails to provide complete output files.[2] Specifically, the "User Changes to Default Data" table no longer provides the quantitative counterparts to the changes to the default values (see excerpt below) (Appendix A.1, pp. 264-265):

Screen	Justification
Land Use	Land uses consistent with site plan. 103.0 acres total of Development Area.
Construction: Construction Phases	No demolition. Construction phases and phase lengths as provided by Project applicant. 6 days per week of construction activity, as provided by Project applicant. Note that two additional paving phases are included in separate CalEEMod model runs, since CalEEMod only allows one paving phase per model run.
Operations: Fleet Mix	Revised fleet mix to reflect fleet mix provided in Traffic Study (Kimley Horn, 2022). Also trip rates and VMT revised to reflect what is provided in Traffic Study (Kimley Horn, 2022). 29 mile trip length was assumed for HHD vehicles; 17.7478024 trip length (conservative assumption based on largest default CalEEMod assumed trip length value) was assumed for all other vehicles, for a weighted average trip length of 21.37224776 miles. Fleet mix is adjusted to reflect heavy-duty truck mix of 32.211% (as provided by Kimley Horn).
Operations: Consumer Products	Revised General Category consumer products emissions factor to reflect CARB adjustments applied to their Consumer and Commercial Product Survey Emission data, made after the 2008 consumer products emissions factor. Adjustment made to reflect average adjustment factor. See for further detail: https://ww2.arb.ca.gov/our-work/programs/consumer-products-program/consumer-products-emissions-i 0.0000107
Operations: Vehicle Data	Trip rates revised to reflect that the heavy-duty truck trips would average approximately 29 miles per trip. The trip distances for passenger vehicles provided by the defaults in the CalEEMod model were averaged (weighted) with the heavy-duty truck trip distance of 29 miles. This equals a weighted average travel distance of 21.37224776 miles. Trip rate is 2.17731397125136 and 2.17769382473601 per 1000 sf per day, for each of the two buildings (smaller building and larger building), respectively, consistent with what was provided by Kimley Horn.
Construction: Dust From Material Movement	Per Project Applicant, during Grading phase, up to approx. 70,000 cubic yards of soil could be imported. Acres graded represents the default CalEEMod value (note that, according to CalEEMod, "Multiple passes with grading equipment may be required to properly grade a piece of land").
Construction: Off-Road Equipment	Off-road equipment detail as provided by Project applicant.
Construction: Trips and VMT	Hauling trips as provided by Project applicant (note: adjusted upwards to reflect 6 days per week of construction activity).

However, previous CalEEMod Versions, such as 2020.4.0, include the specific numeric changes to the model's default values (see example excerpt below):

[2] "CalEEMod California Emissions Estimator Model Soft Release." California Air Pollution Control Officers Association (CAPCOA), 2022, *available at:* https://caleemod.com/.

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	230.00	167.00
tblConstructionPhase	PhaseEndDate	11/22/2023	8/25/2023
tblConstructionPhase	PhaseEndDate	9/27/2023	6/30/2023
tblConstructionPhase	PhaseEndDate	10/25/2023	7/28/2023
tblConstructionPhase	PhaseStartDate	10/26/2023	7/29/2023
tblConstructionPhase	PhaseStartDate	9/28/2023	7/1/2023
tblLandUse	LandUseSquareFeet	160,000.00	160,371.00
tblLandUse	LandUseSquareFeet	119,000.00	41,155.00
tblLandUse	LotAcreage	3.67	3.68
tblLandUse	LotAcreage	2.73	2.74

The output files associated with CalEEMod Version 2022.1 fail to present the exact parameters used to calculate Project emissions. To remedy this issue, the RDEIR should have provided access to the model's ".JSON" output files, which allow third parties to review the model's revised input parameters.[3] Without access to the complete output files, including the specific numeric changes to the default values, we cannot verify that the RDEIR's air modeling and subsequent analysis is an accurate reflection of the proposed Project. As a result, an EIR should be prepared to include an updated air quality analysis that correctly provides the complete output files for CalEEMod Version 2022.1, or includes an updated air model using an older release of CalEEMod.[4]

Unsubstantiated Input Parameters Used to Estimate Project Emissions

As previously discussed, the RDEIR relies on CalEEMod Version 2022.1 to estimate the Project's air quality emissions and fails to provide the complete output files required to adequately evaluate model's analysis (p. 3.3-26). Regardless, when reviewing the Project's CalEEMod output files, provided in the Air Quality, Greenhouse Gas, and Energy Appendices ("AQ & GHG Analysis") as Appendix A to the RDEIR, we were able to identify a model input that is inconsistent with information disclosed in the RDEIR. Consequently, the Project's construction and operational emissions may be underestimated. A revised EIR should be prepared to include an updated air quality analysis that adequately evaluates the impacts that construction and operation of the Project will have on local and regional air quality.

Incorrect Application of Tier 4 Final Mitigation

Review of the CalEEMod output files demonstrates that the "Poplar South Distribution Center Project - Vehicles and Light Duty Truck Trips" model includes changes to the default off-road equipment parameters (see excerpt below) (Appendix A.1, pp. 265).

[3] "Video Tutorials for CalEEMod Version 2022.1." California Air Pollution Control Officers Association (CAPCOA), May 2022, *available at:* https://www.caleemod.com/tutorials.
[4] "CalEEMod Version 2020.4.0." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* http://www.aqmd.gov/caleemod/download-model.

Screen	Justification
Land Use	Land uses consistent with site plan. 103.0 acres total of Development Area.
Construction: Construction Phases	No demolition. Construction phases and phase lengths as provided by Project applicant. 6 days per week of construction activity, as provided by Project applicant. Note that two additional paving phases are included in separate CalEEMod model runs, since CalEEMod only allows one paving phase per model run.
Operations: Fleet Mix	Revised fleet mix to reflect fleet mix provided in Traffic Study (Kimley Horn, 2022). Also trip rates and VMT revised to reflect what is provided in Traffic Study (Kimley Horn, 2022). 29 mile trip length was assumed for HHD vehicles; 17.7478024 trip length (conservative assumption based on largest default CalEEMod assumed trip length value) was assumed for all other vehicles, for a weighted average trip length of 21.37224776 miles. Fleet mix is adjusted to reflect heavy-duty truck mix of 32.211% (as provided by Kimley Horn).
Operations: Consumer Products	Revised General Category consumer products emissions factor to reflect CARB adjustments applied to their Consumer and Commercial Product Survey Emission data, made after the 2008 consumer products emissions factor. Adjustment made to reflect average adjustment factor. See for further detail: https://ww2.arb.ca.gov/our-work/programs/consumer-products-program/consumer-products-emissions-i 0.0000107
Operations: Vehicle Data	Trip rates revised to reflect that the heavy-duty truck trips would average approximately 29 miles per trip. The trip distances for passenger vehicles provided by the defaults in the CalEEMod model were averaged (weighted) with the heavy-duty truck trip distance of 29 miles. This equals a weighted average travel distance of 21.37224776 miles. Trip rate is 2.17731397125136 and 2.17769382473601 per 1000 sf per day, for each of the two buildings (smaller building and larger building), respectively, consistent with what was provided by Kimley Horn.
Construction: Dust From Material Movement	Per Project Applicant, during Grading phase, up to approx. 70,000 cubic yards of soil could be imported. Acres graded represents the default CalEEMod value (note that, according to CalEEMod, "Multiple passes with grading equipment may be required to properly grade a piece of land").
Construction: Off-Road Equipment	Off-road equipment detail as provided by Project applicant.
Construction: Trips and VMT	Hauling trips as provided by Project applicant (note: adjusted upwards to reflect 6 days per week of construction activity).

As a result, the model assumes that the Project's off-road construction equipment fleet would meet Tier 4 final emissions standards (see excerpt below) (Appendix A.1, pp. 244-248).

Phase Name	Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor
Site Preparation	Rubber Tired Dozers	Diesel	Tier 4 Final	3.00	8.00	367	0.40
Site Preparation	Tractors/Loaders/Backhoes	Diesel	Tier 4 Final	2.00	8.00	84.0	0.37
Site Preparation	Off-Highway Trucks	Diesel	Tier 4 Final	2.00	8.00	376	0.38
Phase 1 - Site Finishing	Tractors/Loaders/Backhoes	Diesel	Tier 4 Final	1.00	8.00	84.0	0.37
Phase 1 - Site Finishing	Skid Steer Loaders	Diesel	Tier 4 Final	1.00	8.00	71.0	0.37
Phase 1 - Site Finishing	Trenchers	Diesel	Average	1.00	8.00	40.0	0.50
Phase 2 - Site Finishing	Tractors/Loaders/Backhoes	Diesel	Tier 4 Final	1.00	8.00	84.0	0.37
Phase 2 - Site Finishing	Skid Steer Loaders	Diesel	Tier 4 Final	1.00	8.00	71.0	0.37
Phase 2 - Site Finishing	Trenchers	Diesel	Average	1.00	8.00	40.0	0.50
Grading	Graders	Diesel	Tier 4 Final	1.00	8.00	148	0.41
Grading	Excavators	Diesel	Average	2.00	8.00	36.0	0.38
Grading	Tractors/Loaders/Backhoes	Diesel	Tier 4 Final	1.00	8.00	84.0	0.37
Grading	Scrapers	Diesel	Tier 4 Final	6.00	8.00	423	0.48
Grading	Rubber Tired Dozers	Diesel	Tier 4 Final	1.00	8.00	367	0.40
Grading	Off-Highway Trucks	Diesel	Tier 4 Final	3.00	8.00	376	0.38
Grading	Other Construction Equipment	Diesel	Tier 4 Final	2.00	8.00	82.0	0.42
Off-site Grading	Graders	Diesel	Tier 4 Final	1.00	8.00	148	0.41
Off-site Grading	Excavators	Diesel	Average	3.00	8.00	36.0	0.38
Off-site Grading	Tractors/Loaders/Backhoes	Diesel	Tier 4 Final	2.00	8.00	84.0	0.37

Note: Screenshot does not include all the applicable changes.

As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[5] According to the "User Entered Comments & Non-Default Data" table, the justification provided for these changes is:

> "Off-road equipment detail as provided by Project applicant" (Appendix A.1, pp. 244).

Furthermore, the RDEIR states:

> "The following additional non-default CalEEMod model assumptions were utilized, based on information provided by the Project applicant: […]
>
> - Off-road construction equipment to utilize "Tier IV" diesel engines, for equipment with a horsepower greater than 50 horsepower…" (p. 3.3-27).

However, the assumption that the Project's off-road construction equipment fleet would meet Tier 4 emissions standards remains unsupported for two reasons. First, the RDEIR fails to explicitly require these standards through a formal mitigation measure. According to the Association of Environmental Professionals ("AEP") *CEQA Portal Topic Paper* on mitigation measures:

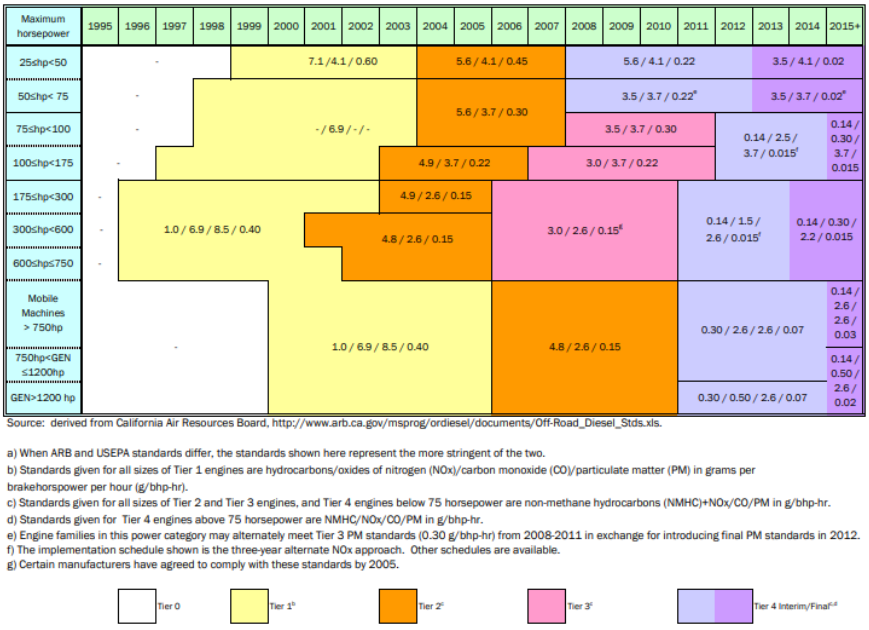
> "While not 'mitigation', a good practice is to include those project design feature(s) that address environmental impacts in the mitigation monitoring and reporting program (MMRP). Often the MMRP is all that accompanies building and construction plans through the permit process. If the design features are not listed as important to addressing an environmental impact, it is easy for someone not involved in the original environmental process to approve a change to the project that could eliminate one or more of the design features without understanding the resulting environmental impact" (emphasis added).[6]

As demonstrated in the excerpt above, measures that are not formally included in the mitigation monitoring and reporting program ("MMRP") may be eliminated from the Project's design altogether. As the use of construction equipment with Tier 4 emissions standards is not formally included as a mitigation measure, we cannot guarantee that it would be implemented, monitored, and enforced on the Project site. Consequently, the model's assumption that the off-road construction equipment fleet would adhere to Tier 4 emissions standards is incorrect.

Second, the inclusion of Tier 4 ***Final*** emissions standards remains unsupported. As demonstrated above, the DEIR fails to specify that the more efficient Tier 4 Final emission standards would be utilized. The United States Environmental Protection Agency ("U.S. EPA") has slowly adopted more stringent standards to lower the emissions from off-road construction equipment. Since 1994, Tier 1, Tier 2, Tier 3, Tier 4 Interim, and Tier 4 Final construction equipment have been phased in over time. Tier 4 Final

[5] "CalEEMod User's Guide Version 2020.4.0." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 1, 14.
[6] "CEQA Portal Topic Paper Mitigation Measures." AEP, February 2020, *available at:* https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 6.

represents the cleanest burning equipment and therefore has the lowest emissions compared to other tiers, including Tier 4 Interim equipment (see excerpt below):[7]



As demonstrated in the figure above, Tier 4 Interim equipment has higher emission levels than Tier 4 Final equipment. By modeling construction emissions assuming a full Tier 4 Final equipment fleet, the RDEIR fails to account for higher emissions that may occur as a result of the use of Tier 4 Interim equipment. Since the RDEIR fails to specify whether the Project would use Tier 4 Interim or Tier 4 Final equipment, it is incorrect to model emissions assuming that the more efficient Tier 4 Final equipment would be implemented. Until a revised EIR is prepared requiring Tier 4 Final engines in a formal mitigation measure, the model should not be relied upon to determine Project significance.

Diesel Particulate Matter Emissions Inadequately Evaluated

The RDEIR conducts a health risk analysis ("HRA") evaluating impacts from exposure to diesel particulate matter ("DPM") emissions during Project construction and operation. Specifically, the RDEIR estimates that the maximum cancer risk posed to nearby, existing residential sensitive receptors as a result of Project construction and operation would be 1.66 in one million (see excerpt below) (p. 3.3-39, Table 3.3-15).

[7] "San Francisco Clean Construction Ordinance Implementation Guide for San Francisco Public Projects." August 2015, *available at:* https://www.sfdph.org/dph/files/EHSdocs/AirQuality/San_Francisco_Clean_Construction_Ordinance_2015.pdf, p. 6.

TABLE 3.3-15: SUMMARY OF MAXIMUM HEALTH RISKS

RISK METRIC	*MAXIMUM RISK*	*SIGNIFICANCE THRESHOLD*	*IS THRESHOLD EXCEEDED?*
	OPERATIONAL		
Residential Cancer Risk (70-year exposure)	0.72 per million	20 per million	No
Workplace Cancer Risk (40-year exposure)	0.74 per million	20 per million	No
Chronic (non-cancer)	<0.01	Hazard Index ≥1	No
Acute (non-cancer)[1]	0	Hazard Index ≥1	No
	CONSTRUCTION		
Residential Cancer Risk (2-year exposure)	0.94 per million	20 per million	No
Workplace Cancer Risk (2-year exposure)	0.07 per million	20 per million	No
Chronic (non-cancer)	<0.01	Hazard Index ≥1	No
Acute (non-cancer)[1]	0	Hazard Index ≥1	No
	TOTAL		
Residential Cancer Risk (Aggregrate)	1.66 per million	20 per million	No
Workplace Cancer Risk (Aggregrate)	0.81 per million	20 per million	No
Chronic (non-cancer)	<0.01	Hazard Index ≥1	No
Acute (non-cancer)[1]	0	Hazard Index ≥1	No

SOURCES: AERMOD 11.2.0 (LAKES ENVIRONMENTAL SOFTWARE, 2023); AND HARP-2 AIR DISPERSION AND RISK TOOL (VERSION 22118).

However, the RDEIR's evaluation of the Project's potential health risk impacts, as well as the subsequent less-than-significant impact conclusion, is incorrect for two reasons.

First, the RDEIR's HRA is incorrect, as it relies upon emissions estimates from a flawed air model. As previously discussed, upon review of the Project's CalEEMod output files, provided in the AQ & GHG Analysis as Appendix A to the RDEIR, we found that the model incorrectly accounts for the use of Tier 4 Final emissions standards for off-road construction equipment greater than 50 horsepower. Therefore, the HRA relies on an underestimated DPM concentration to calculate the health risk associated with Project construction. As a result, the RDEIR's HRA and the resulting cancer risk should not be relied upon to determine Project significance.

Second, the RDEIR fails to mention or provide the exposure assumptions for the HRA, such as the age sensitivity factors ("ASF") or fraction of time at home ("FAH") values, whatsoever. Until the RDEIR substantiates the use of correct exposure assumptions, the HRA may underestimate the cancer risk posed to nearby, existing sensitive receptors as a result of Project construction and operation. Furthermore, according to the *Risk Assessment Guidelines* provided by the Office of Environmental

Health Hazard Assessment ("OEHHA"), the organization responsible for providing guidance on conducting HRAs in California, the Addendum's models should have used the following equation:[8]

A. Equation 8.2.4 A: $RISK_{inh\text{-}res} = DOSE_{air} \times CPF \times ASF \times ED/AT \times FAH$

7. $RISK_{inh\text{-}res}$ = Residential inhalation cancer risk
8. $DOSE_{air}$ = Daily inhalation dose (mg/kg-day)
9. CPF = Inhalation cancer potency factor (mg/kg-day^{-1})
10. ASF = Age sensitivity factor for a specified age group (unitless)
11. ED = Exposure duration (in years) for a specified age group
12. AT = Averaging time for lifetime cancer risk (years)
13. FAH = Fraction of time spent at home (unitless)

However, the RDEIR and associated documents fail to include a dose and risk equation to calculate the Project's cancer risk. As such, we cannot verify that the RDEIR's HRA is accurate, and the Project's cancer risk may be underestimated.

Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Impacts

In regard to the Project's greenhouse gas ("GHG") impacts, the RDEIR states:

> "The proposed Project would be consistent with relevant plans, policies, and regulations associated with GHGs, notably the most recent version of the CARB's Scoping Plan, and the SJCOG's 2022 RTP/SCS. This would ensure that the proposed Project would be consistent with, and would not impair, the State's carbon neutrality standard by year 2045 as established under AB 1279. The State is making progress toward reducing GHG emissions in key sectors such as transportation, industry, and electricity. Since the Project would be consistent with State GHG Plans, it would not impede the State's goals of reducing GHG emissions 40 percent below 1990 levels by 2030, and of achieving carbon neutrality by 2045. The proposed Project would make a reasonable fair share contribution to the State's GHG reduction goals, by implementing a wide array of Project features that would reduce GHG emissions (see the list of Project features listed within the Project Sustainability Features discussion, above) and therefore, the proposed Project's GHG emissions would be considered to have a less than significant impact" (p. 3.7-31 – 3.7-32).

As discussed, the RDEIR claims that the "Project would make a reasonable fair share contribution to the State's GHG reduction goals, by implementing a wide array of Project features that would reduce GHG emissions." Specifically, some of the Project Sustainability Features that the RDEIR proposes to include are listed below:

[8] "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 8-7 Equation 8.2.4.

"CONSTRUCTION

- Construction equipment would use Tier IV-compliant engines or better for off-road construction equipment greater than 50 horsepower.
- Through the use of construction worker training and/or signage, Costco would limit heavy duty construction equipment idling to no more than 2 minutes, and in no instance shall such idling exceed 5 minutes.
- Through the use of signage, vehicle speeds on unpaved roads would be limited to < 15 mph.
- Electric hookups would be provided to reduce the need for diesel generators for electric construction equipment and, should diesel generators be needed, all such diesel generators would be equipped with emission control technology verified by EPA and/or CARB to reduce PM emissions by a minimum of 85%..." (p. 2.0-4 – 2.0-7).

However, the RDEIR's above-mentioned Project Design Features ("PDFs") are inadequate, as the RDEIR should have incorporated the PDFs as formal mitigation measures. As previously stated, according to the Association of Environmental Professionals ("AEP") *CEQA Portal Topic Paper* on mitigation measures:

> "While not "mitigation", a good practice is to include those project design feature(s) that address environmental impacts in the mitigation monitoring and reporting program (MMRP). Often the MMRP is all that accompanies building and construction plans through the permit process. If the design features are not listed as important to addressing an environmental impact, it is easy for someone not involved in the original environmental process to approve a change to the project that could eliminate one or more of the design features without understanding the resulting environmental impact."[9]

As discussed, PDFs that are not formally included as mitigation measures may be eliminated from the Project's design altogether. As the PDFs described in the RDEIR are not formally included as mitigation measures, we cannot guarantee that they would be implemented, monitored, and enforced on the Project site. As a result, until the PDFs are included as mitigation measures, the RDEIR's air quality analysis should not be relied upon to determine Project significance.

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

[9] "CEQA Portal Topic Paper Mitigation Measures." AEP, February 2020, *available at:* https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 6.

otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,



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



Paul E. Rosenfeld, Ph.D.

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

Attachment A

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

2656 29th Street, Suite 201
Santa Monica, CA 90405

Matt Hagemann, P.G, C.Hg.
(949) 887-9013
mhagemann@swape.com

Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

Geologic and Hydrogeologic Characterization
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

SOIL WATER AIR PROTECTION ENTERPRISE
2656 29th Street, Suite 201
Santa Monica, California 90405
Attn: Paul Rosenfeld, Ph.D.
Mobil: (310) 795-2335
Office: (310) 452-5555
Fax: (310) 452-5550
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. Focus on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years of 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:

Rosenfeld P. E., Spaeth K., Hallman R., Bressler R., Smith, G., (2022) Cancer Risk and Diesel Exhaust Exposure Among Railroad Workers. *Water Air Soil Pollution.* **233,** 171.

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.

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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 Superior Court of the State of California, County of San Bernardino
Billy Wildrick, Plaintiff vs. BNSF Railway Company
Case No. CIVDS1711810
Rosenfeld Deposition 10-17-2022

In the State Court of Bibb County, State of Georgia
Richard Hutcherson, Plaintiff vs Norfolk Southern Railway Company
Case No. 10-SCCV-092007
Rosenfeld Deposition 10-6-2022

In the Civil District Court of the Parish of Orleans, State of Louisiana
Millard Clark, Plaintiff vs. Dixie Carriers, Inc. et al.
Case No. 2020-03891
Rosenfeld Deposition 9-15-2022

In The Circuit Court of Livingston County, State of Missouri, Circuit Civil Division
Shirley Ralls, Plaintiff vs. Canadian Pacific Railway and Soo Line Railroad
Case No. 18-LV-CC0020
Rosenfeld Deposition 9-7-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division
Jonny C. Daniels, Plaintiff vs. CSX Transportation Inc.
Case No. 20-CA-5502
Rosenfeld Deposition 9-1-2022

In The Circuit Court of St. Louis County, State of Missouri
Kieth Luke et. al. Plaintiff vs. Monsanto Company et. al.
Case No. 19SL-CC03191
Rosenfeld Deposition 8-25-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division
Jeffery S. Lamotte, Plaintiff vs. CSX Transportation Inc.
Case No. NO. 20-CA-0049
Rosenfeld Deposition 8-22-2022

In State of Minnesota District Court, County of St. Louis Sixth Judicial District
Greg Bean, Plaintiff vs. Soo Line Railroad Company
Case No. 69-DU-CV-21-760
Rosenfeld Deposition 8-17-2022

In United States District Court Western District of Washington at Tacoma, Washington
John D. Fitzgerald Plaintiff vs. BNSF
Case No. 3:21-cv-05288-RJB
Rosenfeld Deposition 8-11-2022

In Circuit Court of the Sixth Judicial Circuit, Macon Illinois
Rocky Bennyhoff Plaintiff vs. Norfolk Southern
Case No. 20-L-56
Rosenfeld Deposition 8-3-2022

In Court of Common Pleas, Hamilton County Ohio
Joe Briggins Plaintiff vs. CSX
Case No. A2004464
Rosenfeld Deposition 6-17-2022

In the Superior Court of the State of California, County of Kern
George LaFazia vs. BNSF Railway Company.
Case No. BCV-19-103087
Rosenfeld Deposition 5-17-2022

In the Circuit Court of Cook County Illinois
Bobby Earles vs. Penn Central et. al.
Case No. 2020-L-000550
Rosenfeld Deposition 4-16-2022

In United States District Court Easter District of Florida
Albert Hartman Plaintiff vs. Illinois Central
Case No. 2:20-cv-1633
Rosenfeld Deposition 4-4-2022

In the Circuit Court of the 4th Judicial Circuit, in and For Duval County, Florida
Barbara Steele vs. CSX Transportation
Case No.16-219-Ca-008796
Rosenfeld Deposition 3-15-2022

In United States District Court Easter District of New York
Romano et al. vs. Northrup Grumman Corporation
Case No. 16-cv-5760
Rosenfeld Deposition 3-10-2022

In the Circuit Court of Cook County Illinois
Linda Benjamin vs. Illinois Central
Case No. No. 2019 L 007599
Rosenfeld Deposition 1-26-2022

In the Circuit Court of Cook County Illinois
Donald Smith vs. Illinois Central
Case No. No. 2019 L 003426
Rosenfeld Deposition 1-24-2022

In the Circuit Court of Cook County Illinois
Jan Holeman vs. BNSF
Case No. 2019 L 000675
Rosenfeld Deposition 1-18-2022

In the State Court of Bibb County State of Georgia
Dwayne B. Garrett vs. Norfolk Southern
Case No. 20-SCCV-091232
Rosenfeld Deposition 11-10-2021

In the Circuit Court of Cook County Illinois
Joseph Ruepke vs. BNSF
Case No. 2019 L 007730
Rosenfeld Deposition 11-5-2021

In the United States District Court For the District of Nebraska
Steven Gillett vs. BNSF
Case No. 4:20-cv-03120
Rosenfeld Deposition 10-28-2021

In the Montana Thirteenth District Court of Yellowstone County
James Eadus vs. Soo Line Railroad and BNSF
Case No. DV 19-1056
Rosenfeld Deposition 10-21-2021

In the Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al.cvs. Cerro Flow Products, Inc.
Case No. 0i9-L-2295
Rosenfeld Deposition 5-14-2021
Trial October 8-4-2021

In the Circuit Court of Cook County Illinois
Joseph Rafferty vs. Consolidated Rail Corporation and National Railroad Passenger Corporation d/b/a AMTRAK,
Case No. 18-L-6845
Rosenfeld Deposition 6-28-2021

In the United States District Court For the Northern District of Illinois
Theresa Romcoe vs. Northeast Illinois Regional Commuter Railroad Corporation d/b/a METRA Rail
Case 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. vs. The City of Pheonix v. Cox Cactus Farm, L.L.C., Utah Shelter Systems, Inc.
Case No. 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 vs. CNA Insurance Company et al.
Case No. 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 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. 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. BC646857
Rosenfeld Deposition 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado
Bells et al. Plaintiffs 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., Plaintifs 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 No. 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. 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 No. 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 No. 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 No. 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 No. 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 No. 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 No. 2:07CV1052
Rosenfeld Deposition July 2009

Golden State Environmental Justice Alliance
Green Jobs & Clean Communities
P.O. Box 79222
Corona, CA 92877

To: City of Tracy Planning Commission

From: Golden State Environmental Justice Alliance

Subject: Costco Depot Annex RDEIR

This letter is to serve as further comment in addition to all previously submitted comments and documents by Golden State Environmental Justice Alliance.

CalEnviroScreen Information

CalEnviroScreen is a mapping tool that helps identify California communities that are most affected by many sources of pollution, and where people are often especially vulnerable to pollution's effects. CalEnviroScreen uses environmental, health, and socioeconomic information to produce scores for every census tract in the state. The scores are mapped so that different communities can be compared. An area with a high score is one that experiences a much higher pollution burden than areas with low scores. CalEnviroScreen ranks communities based on data that are available from state and federal government sources. CalEnviroScreen is updated and maintained by The Office of Environmental Health Hazard Assessment, on behalf of the California Environmental Protection Agency.

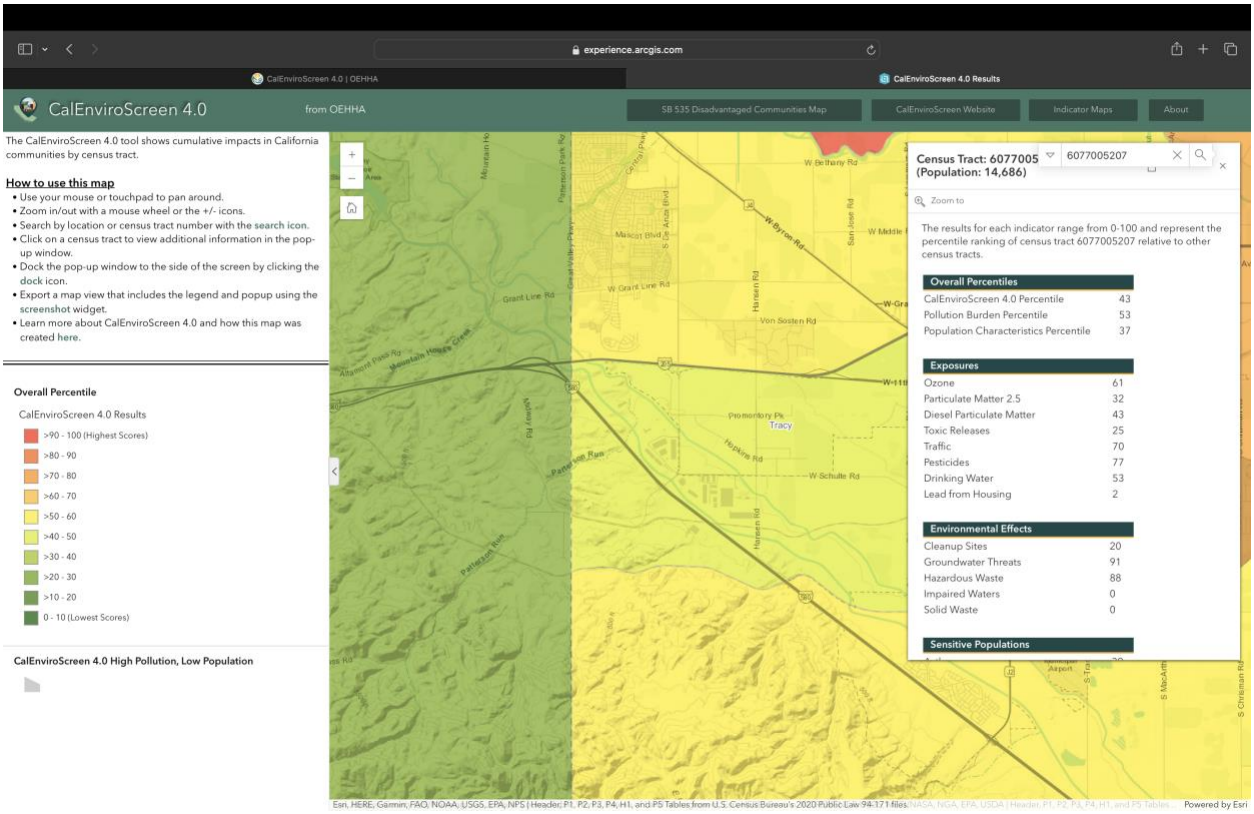
CalEnviroScreen Data on Costco Depot Annex Project Location/Area

The above listed project is in census tract **6077005207** . Overall, when compared to other census tracts, the project site census tract is in the 43rd percentile regarding pollution. As far as pollution burden is concerned, this census tract is in the 53rd percentile. In terms of Ozone, this census tract is in the 61st percentile, Particulate Matter 2.5 32nd percentile, Diesel Particulate Matter 43rd percentile, Toxic Releases 25th percentile and Traffic 70th percentile to name a few.

Tracy Costco Depot Annex
Census Tract: 6077005207

Population: 14,686

Environmental Effects	**%**
Groundwater Threats	***91%***
Hazardous Waste	***88%***
Sensitive Populations	**%**
Cardiovascular Disease	***74%***
Asthma	***39%***
Low Birth Weight	***52%***
Exposures	**%**
Ozone	***61%***
Drinking Water	***53%***
Socioeconomic Factors	**%**
Unemployment	***39%***
Overall Percentiles	**%**
Population Characteristics Percentile	***53%***
CalEnviroScreen 4.0 Percentile	***43%***



Conclusion

Consider the above referenced information when making this important decision. Realize that you and the citizens of this area face some of the WORST POLLUTION BURDEN in the entire state of California.

It is the responsibility of the City's elected and appointed officials to make environmentally responsible development decisions. Based on the CalEnviroScreen data, this is more than sufficient evidence of the further air quality impacts that the citizenry of Tracy will continue to encounter with further development of another warehouse. We are not against development, as we believe it is necessary for further economic growth in our current society. Development needs to be conducted with the highest of expectations to ensure the local population does not suffer further air quality burdens.

We stand by our comments and believe the RDEIR is flawed and should be redrafted and recirculated for public review.

Respectfully Submitted,

Peter Sheehan

Peter Sheehan
GSEJA

Source -
https://experience.arcgis.com/experience/4af93cf9888a424481d2868391af2d82/page/home/?data_id=dataSource_2-1754d6afdb4-layer-9%3A7306

Glossary of Terms

Ozone - Amount of daily maximum 8-hour Ozone concentration

Particulate Matter 2.5 - Annual mean PM 2.5 concentrations

Diesel Particulate Matter - Diesel PM emissions from on-road and non-road sources

Toxic Releases - Toxicity-weighted concentrations of modeled chemical releases to air from
facility emissions and off-site incineration.

Traffic -Traffic density, in vehicle-kilometers per hour per road length, within 150 meters of the census tract boundary.

From: Gina Peace
To: Miranda Aguilar
Subject: FW: Planning Commission Comment for December 4, 2024 Public Hearing Agenda Item 1.D
Date: Tuesday, December 3, 2024 2:41:24 PM
Attachments: image001.png
Sierra Club Letter to Tracy Planning Commission re Costco Project 12.3.2024.pdf

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From: Mike Burton [redacted]
Sent: Tuesday, December 3, 2024 12:13 PM
To: Public Comment <publiccomment@cityoftracy.org>; Web - City Clerk <CityClerk@cityoftracy.org>
Cc: Heather M. Minner [redacted] Planning Admin <PlanningAdmin@cityoftracy.org>; Genevieve Federighi <Genevieve.Federighi@cityoftracy.org>; BijalPatel@cityoftracy.org; 'Margo Praus' [redacted]
Subject: Planning Commission Comment for December 4, 2024 Public Hearing Agenda Item 1.D

Some people who received this message don't often get email from [redacted]. Learn why this is important

Caution: This is an external email. Please take care when clicking links or opening attachments.

Dear Commissioners:

Please find attached to this email comments from Heather Minner of our office on behalf of Sierra Club, Delta Sierra Group of the Mother Lode Chapter on matters related to the Tracy Costco Depot Annex Project – December 4, 2024 Public hearing Agenda Item 1.D.

Please contact me if you cannot access the attachment.

Sincerely,
Mike Burton

Mike Burton
Legal Secretary
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, CA 94102-4421
p: 415/552-7272 x212 |
www.smwlaw.com | A San Francisco Green Business

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SHUTE, MIHALY & WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

HEATHER M. MINNER
Attorney
minner@smwlaw.com

December 3, 2024

Via E-Mail Only

City of Tracy Planning Commission
333 Civic Center Plaza
Tracy, CA 95376
publiccomment@cityoftracy.org
cityclerk@cityoftracy.org

Re: Tracy Costco Depot Annex Project – December 4, 2024 Public Hearing Agenda Item 1.D

Dear Commissioners:

We represent the Sierra Club, Delta Sierra Group of the Mother Lode Chapter on matters related to the proposed Tracy Costco Depot Annex Project (Project). We are writing to request that the City of Tracy revise the draft Mitigation Monitoring and Reporting Program (MMRP) for the Project to include Additional Project Sustainability Measures that Costo has recently agreed to, as reflected in its Updated and Revised Project Description submitted to the City on November 27, 2024.

In comments submitted on the Draft and Recirculated Draft EIR, the Sierra Club expressed concerns regarding the Project's air quality, greenhouse gas emissions, and transportation impacts. After productive discussions with Costco, the Sierra Club and Costco reached a settlement agreement in which Costco commits to a number of Enhanced Measures that will mitigate the Project's significant air quality and transportation impacts, among others.

Part I of the settlement agreement's Enhanced Measures are already included in the draft MMRP (and MMRP Errata) for the Project. However, the Enhanced Measures that Costco has agreed to in Part II of the settlement agreement are not yet included in the draft MMRP. Last Wednesday, Costco submitted an Updated and Revised Project Description to the City that includes these Part II Enhanced Measures as "Additional

Project Sustainability Measures" on pages 7 to 9 of the Project Description. Please see the attached letter from Costco to the City of Tracy dated Nov. 27, 2024, which includes the Costco/Sierra Club Settlement Agreement and Costco's Updated and Revised Project Description.

The Additional Project Sustainability Measures include commitments to use zero-emission heavy duty trucks and medium-duty vehicles and provide additional electric vehicle charging stations. Specifically, the Measures titled Construction Worker Trip Reduction, Zero Emission Heavy-Duty Trucks, Zero Emission Vehicles, Compliance Report, Lease Agreements and Future Owners, SmartWay Program, Building Codes, Electric Charging, and SJVAPCD, will all reduce the Project's significant air quality and transportation impacts and ensure that implementation of these measures are enforceable.

Accordingly, they must be added to the MMRP for the Project (with the Compliance Report Measure being modified to require submittal to the City, as opposed to the Sierra Club). As the draft MMRP for the Project explains:

> This MMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to "adopt a reporting and monitoring program for the *changes made to the project* or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." A MMRP is required for the proposed project because the EIR has identified potentially significant adverse impacts, and measures have been identified to mitigate those impacts.

Regardless of this requirement, incorporating these Additional Project Sustainability Measures into the Project MMRP will ensure that all measures designed to reduce the Project's significant environmental impacts are transparent to the public and can be tracked and enforced equally through the City's typical process. The MMRP already includes the "Project Sustainability Measures" identified in Costco's Project Description and there is no reason to exclude the Additional Project Sustainability Measures that Costco has now included in its Updated and Revised Project Description. These Measures (excluding the Designated Smoking Areas and Agricultural Lands Measures) should be added to Mitigation Measure 3.3, which includes measures to reduce the Project's significant air quality impacts.

We have appreciated Costco's collaboration throughout this process and their willingness be a leader in the industry by agreeing to the Additional Project Sustainability

Measures. We respectfully request that the Planning Commission follow suit and recommend to the City Council that these measures now be included in the Project's Mitigation Monitoring and Reporting Program.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Heather M. Minner

CC: Forrest Ebbs, Director of Community & Economic Development Services
PlanningAdmin@CityofTracy.org
Genevieve Federighi, Project Planner
Genevieve.Federighi@cityoftracy.org
Bijal Patel, City Attorney
Bijal.Patel@cityoftracy.org
Margo Praus, President, Sierra Club, Delta Sierra Group,
margopraus@msn.com

Attachment: Letter from Costco Wholesale to City of Tracy, Community and Economic Development Department (November 27, 2024), with attachments.

Public Comment -- Received 12/3/24
RE: Item 1D Costco Depot Annexation
AP19-0001, CUP19-0002, D19-0014

11/27/24

Forrest Ebbs
City of Tracy
Community and Economic Development Department
333 Civic Center Plaza
Tracy, CA 95376

Dear Forrest,

As you are aware, the Sierra Club submitted comments in response to the Costco Tracy Depot Annex Environmental Impact Report ("EIR"). Given Costco's strong commitment to sustainability, we embarked upon extensive and productive negotiations with the Sierra Club concerning its concerns and suggestions. As a result, Costco and the Sierra Club have entered into a settlement agreement concerning our project. For your information and the City's records, the fully executed settlement agreement is attached to this letter.

In the settlement agreement, Costco commits to two sets of Enhanced Measures. The first set entails Enhanced Measures that Costco has previously requested in writing that the City include as mitigation measures within the EIR. We expect that the Final EIR will therefore include such measures, most of which were also discussed with the City's Environmental Sustainability Commission during the Draft EIR public hearing.

The second set of Enhanced Measures are ones to which Costco has contractually bound itself to the Sierra Club to implement as part of the project. In order to cement Costco's commitment to these measures and per the settlement agreement terms, Costco has revised the Project Description element of our application to reflect such measures being part of our project. The Project Description has also been updated to reflect the revisions and refinements that have been made to the project since our application was originally submitted. Our updated and revised Project Description is attached.

Costco is very pleased to have reached this milestone. We look forward to the upcoming public hearings on the EIR and project entitlements. Please do not hesitate to contact me with any questions.

Regards,

Christine Lasley
Director, Real Estate Development

Cc: Scott Claar, Genevieve Federighi, Teresa Jones, Dave Messner, Eric Orren, Margaret McCulla

Enc (2)

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Public Comment -- Received 12/3/24
RE: Item 1D Costco Depot Annexation
AP19-0001, CUP19-0002, D19-0014

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release of All Claims ("Agreement") is entered into by and between the Sierra Club, a California nonprofit public benefit association, and the Delta-Sierra Group (collectively, "Sierra Club"), and Costco Wholesale Corporation ("Developer"), (collectively referred to as "Parties" or singularly "Party"), to terminate fully and finally all disputes concerning the matters set forth below.

RECITALS

WHEREAS, Developer proposes to develop an approximately 105-acre warehouse facility commonly known as the Tracy Costco Depot Annex (the "Project") for light industrial land uses within the City of Tracy. The conceptual site plan proposes construction and operation of 1,736,724 square feet of warehouse space in two warehouse buildings, an employee parking lot with 576 parking stalls, approximately 600 truck and trailer parking stalls, and related infrastructure. Developer has applied to the City of Tracy ("City") for the following project approvals: (1) adoption of a Resolution certifying the Tracy Costco Annex Environmental Impact Report (SCH #2020080531) ("EIR"), including a Statement of Overriding Considerations, and adoption of a Mitigation Monitoring and Reporting Program ("MMRP"); (2) pre-zoning of the property to M-1; (3) annexation of the Project site into the City; (4) approval of building design, landscaping, and other site features; and (5) building, grading, and other permits necessary for project construction ((1) through (5), collectively, the "Project Approvals"); and

WHEREAS, the Sierra Club submitted comments on the EIR requesting that additional air quality and other mitigation measures be included in the EIR and MMRP for the Project; and

WHEREAS, the Parties wish to resolve fully and finally all disputes that may exist between the Parties concerning the Project Approvals.

NOW, THEREFORE, based upon the foregoing recitals and the terms, conditions, covenants, and agreements contained above and incorporated in full below, the Parties agree as follows:

AGREEMENT

For good and valuable consideration, the receipt of which is acknowledged by each Party hereto, the Parties promise and agree as follows:

1. If the City approves the Project, and the certified EIR and adopted MMRP include all of the Mitigation Measures in Part I of the attached Tracy Costco Depot Annex Project Enhanced Measures (Attachment A), and Developer submits to the City an amended Project Statement stating that the Project includes all of the Enhanced Measures in Part II of the attached Tracy Costco Depot Annex Project Enhanced Measures, then neither the Sierra Club nor any of its affiliates will, now or in the future, file or submit any petitions, complaints, claims, grievances, special proceedings or any other actions against the City or Developer with any state, federal, or local agency or court challenging the Project Approvals or the proposed annexation of the Project site into the City. If the Sierra Club or an affiliate of the Sierra Club makes any claim against any of the Project Approvals or

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the proposed annexation of the Project site into the City in violation of this Section 1, such violation shall constitute a breach of this Agreement by the Sierra Club.

2. In connection with the development of the Project, Developer agrees to comply with both Parts I and II of the Tracy Depot Annex Project Enhanced Measures set forth in Attachment A and will comply with all applicable City building code requirements.

3. Provided that no claim has been initiated by the Sierra Club or any of its affiliates, Developer shall reimburse Sierra Club $73,463.00 for Sierra Club's attorney's fees and costs incurred in the administrative phase of the Project Approvals. Payment shall be made to the Shute, Mihaly & Weinberger LLP trust account. Developer shall make this payment within ten (10) days of the expiration of the statute of limitations set forth in Section 21167 of the Public Resources Code applicable to actions or proceedings to attack, review, set aside, void, or annul the City of Tracy's determination of CEQA compliance for the Project Approvals, or within 90 days of the date this Agreement is fully executed, whichever is later.

4. This Agreement shall be effective and binding upon the Parties upon the execution of this Agreement by all parties.

5. Miscellaneous.

   a. Exclusive Remedies. The Parties' sole and exclusive remedy for breach of this Agreement shall be an action for specific performance or injunction. In no event shall any Party be entitled to monetary damages for breach of this Agreement. In addition, no legal action for specific performance or injunction shall be brought or maintained until: (a) the non-breaching Party provides written notice to the breaching Party which explains with particularity the nature of the claimed breach, and (b) within thirty (30) days after receipt of said notice, the breaching Party fails to cure the claimed breach or, in the case of a claimed breach which cannot be reasonably remedied within a thirty (30) day period, the breaching Party fails to commence to cure the claimed breach within such thirty (30) day period, and thereafter diligently completes the activities reasonably necessary to remedy the claimed breach.

   b. Notices. All notices and other communications required to be provided pursuant to this Agreement shall be by electronic mail and by first class mail to the following persons at the following addresses:

SIERRA CLUB:

Margo Praus
Delta-Sierra Group
P.O. Box 9258
Stockton, CA 95208
margopraus@msn.com

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with copy to:

Sierra Club
Aaron Isherwood, Coordinating Attorney
2101 Webster St., Suite 1300
Oakland, CA 94612
aaron.isherwood@sierraclub.org

with copy to:

Shute, Mihaly & Weinberger LLP
Heather Minner
396 Hayes Street
San Francisco, CA 94102
minner@smwlaw.com

COSTCO:

Costco Wholesale Corporation
Alice Truong
999 Lake Dr., Suite 200
Issaquah, WA 98027
altruong@costco.com
(location # 1731/1732)

with copy to:
Anna Shimko
Burke, Williams & Sorensen, LLP
1 California St. Suite 3050
San Francisco, CA 94111
ashimko@bwslaw.com

c. Binding on Successors. The terms, covenants, and conditions of this Agreement shall be binding upon and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the respective Parties. Developer shall record a copy of this Agreement against the Property. Developer will provide a copy of the recorded Agreement to Sierra Club within fifteen (15) days of such recording. The Parties shall give notice to all other Parties of any successor or assign of the Party.

d. Non-Admission of Liability. The Parties acknowledge and agree that this Agreement is a settlement of disputed claims. Neither the fact that the Parties have settled nor the terms of this Agreement shall be construed in any manner as an admission of any liability by any Party.

e. Assistance of Counsel. Each Party specifically represents that it has consulted to its satisfaction with and received independent advice from its respective counsel

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prior to executing this Agreement concerning the terms and conditions of this Agreement.

f. Waiver. Failure to insist on compliance with any term, covenant or condition contained in this Agreement shall not be deemed a waiver of that term, covenant or condition, nor shall any waiver or relinquishment of any right or power contained in this Agreement at any one time or more times be deemed a waiver or relinquishment of any right or power at any other time or times.

g. Severability. Should any portion, word, clause, phrase, sentence or paragraph of this Agreement be declared void or unenforceable, such portion shall be considered independent and severable from the remainder, the validity of which shall remain unaffected.

h. Governing Law and Venue. This Agreement is made and entered into in the State of California, and shall in all respects be interpreted, enforced and governed under the laws of said State without giving effect to conflicts of laws principles. Any action to enforce, invalidate, or interpret any provision of this Agreement shall be brought in San Joaquin County Superior Court.

i. Entire Agreement. This Agreement constitutes the entire agreement between the Parties who have executed it and supersedes any and all other agreements, understandings, negotiations, or discussions, either oral or in writing, express or implied between the Parties to this Agreement. No representation, inducement, promise, agreement or warranty not contained in this Agreement, including, but not limited to, any purported supplements, modifications, waivers, or terminations of this Agreement shall be valid or binding, unless executed in writing by all of the Parties to this Agreement.

j. Each of the signatories hereto represents and warrants that he or she is competent and authorized to enter into this Agreement on behalf of the Party for whom he or she purports to sign.

k. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be considered an original but all of which shall constitute on agreement.

[SIGNATURES COMMENCE ON FOLLOWING PAGE]

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IN WITNESS WHEREOF, the undersigned execute this Settlement Agreement and Release, and hereby agree to all terms and conditions herein, on the dates set forth below.

SIERRA CLUB

By: Margo Praus

Name: Margo Praus

Its: Chair, Delta-Sierra Group

Date: 11/8/2024

COSTCO WHOLESALE

Signed by:

By: Teresa Jones

1FC4FC62690A4D7...

Name: Teresa Jones

Its: Executive Vice President of Depots & Traffic

Date: 11/14/2024

Attachment A: Tracy Costco Depot Annex Project Enhanced Measures

Public Comment -- Received 12/3/24
RE: Item 1D Costco Depot Annexation
AP19-0001, CUP19-0002, D19-0014

Docusign Envelope ID: C55A8FA4-D1FB-4965-95B1-A9BAE5F970C3

Attachment A: Tracy Costco Depot Annex Project
Enhanced Measures

Part I

EM-1: Renewable Power: The Project applicant shall supply 100% of project electricity demand from renewable sources. The Project applicant shall procure power from a combination of onsite solar generation and direct source renewable purchased energy; however, at no time shall the Project site be supplied with any greater than 3.4 megawatts of direct source renewable purchased energy. Upon project opening, the Project applicant shall generate at least 3.8 megawatts of renewable electricity from solar facilities located on site. Such facilities may include solar photovoltaic panels on the roofs of the buildings or elsewhere on site (e.g., awnings, canopies or "solar trees" in parking area). The Project shall be designed and constructed to allow future expansion of solar facilities on site as electricity demand increases. The Project applicant shall, as part of the solar microgrid, install a battery storage system with enough capacity to power the project's basic building functions for 48 hours.
EM-2: Indirect Source Review: The Project Applicant shall comply with SJVAPCD Rule 9510 (Indirect Source Review) to reduce growth in both NOx and PM10 emissions.
EM-3: Architectural Coatings: The Project applicant shall ensure that construction plans require that architectural and industrial maintenance coatings (e.g., paints) applied on the Project site shall be consistent with a VOC content of <50 g/L. However, the Project applicant shall not be expected to exercise control over materials painted offsite by a third party.
EM-4: SJVAPCD Regulation VIII Compliance: The Project Applicant shall, during construction, install signage on any unpaved primary construction accessways onsite on the project site to limit vehicle speeds to no more than 15 mph. The Project Applicant shall comply with SJVAPCD Regulation VIII (fugitive dust rule).
EM-5: Construction Meal Destinations: Project construction plans and specifications shall require the contractor to establish one or more locations for food or catering truck service to construction workers and to cooperate with food service providers to provide food service in a consistent manner.
EM-6: Zero Emission Forklifts, Yard Trucks and Yard Equipment: The Project Applicant shall ensure that all exclusively on-site vehicles owned and operated by Costco (i.e., forklifts, yard goats, pallet jacks, scissor lifts, etc.) shall be electric or zero-emission vehicles, and shall provide on-site electrical charging facilities to adequately service such electric vehicles.
EM-7: Truck Idling Restrictions: The Project Applicant shall take reasonable measures to restrict truck idling (during construction and operation) onsite to a maximum of two minutes, and in no instance shall idling exceed five minutes. To achieve this limit, (a) trucks owned or operated by Costco that access the project site must be equipped with engine idle shutdown timers and (b) developer will inform drivers and operators of idling time limits by including highly visible signage at key points onsite, such as at docks and delivery areas. The Project Applicant shall train managers and employees on efficient scheduling and load management to minimize queuing and idling of trucks.
EM-8: Electric Charging: The Project Applicant shall provide electrical outlets for charging of employee e-bikes. The Project Applicant shall install conduit as infrastructure for electric vehicle charging stations onsite to allow for the Project to serve electric trucks in the future. Such conduit shall be provided on the site to serve 50% of the number of truck docking stations, with the location of conduit at the discretion of the developer (e.g., truck trailer parking spaces or other locations). The Project Applicant shall ensure that sufficient electric vehicle charging stations are installed when necessary to serve the charging demands of electric trucks and vehicles domiciled at the Project site.
EM-9: Project Operations, Food Service: The Project Applicant shall provide food and drink service for sale onsite to provide meal options to operations employees in a consistent manner.

Public Comment -- Received 12/3/24
RE: Item 1D Costco Depot Annexation
AP19-0001, CUP19-0002, D19-0014

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Attachment A: Tracy Costco Depot Annex Project
Enhanced Measures

EM-10: Project Operations, Employee Trip Reduction: The Project applicant shall implement feasible Transportation Demand Management (TDM) strategies, which would decrease the VMT generated by the Project by 15 percent. Specific potential TDM strategies include, but are not limited to, the following:

- Emergency Ride Home (ERH) Program
- Existing, Agency-Run Employee Rideshare Program
- Employee Ride-Share Messaging and Promotion
- Designated Parking Spaces for Car Share Vehicles
- City Minimum or Fewer Parking Stalls
- Bicycle Parking at Front Entrance of Buildings: Secure, and Indoors or Covered
- Electrical Outlets for E-Bike Charging
- Lockers and Showers for Employees
- Onsite Food and Drink Service for Sale for Employees
- Enhanced Pedestrian Crossing Treatment within Site

The TDM Plan shall be submitted to the City for review, and the effectiveness of the TDM Plan shall be evaluated, monitored, and revised, if determined necessary by the City. The TDM Plan shall include the TDM strategies that will be implemented during the lifetime of the proposed Project and shall outline the anticipated effectiveness of the strategies. The effectiveness of the TDM Plan may be monitored through annual surveys to determine employee travel mode split and travel distance for home-based work trips, and/or the implementation of technology to determine the amount of traffic generated by and home-based work miles traveled by employees, which shall be determined in coordination with the City. Additionally, should the initial TDM Plan submitted to the City for review be projected to fall short of achieving a 15 percent decrease in VMT, the Project applicant shall pay any VMT banking fee in effect at the time of building permit issuance to secure VMT credits of a total of 15 percent for the subject building, taking into account the stated percent efficacy for the TDM measures above. Should the initial TDM Plan submitted to the City for review be projected to fall short of achieving a 15 percent decrease in VMT and a VMT banking fee is not in effect at the time of building permit issuance, the Project applicant shall make a one-time contribution to the City of Tracy transit service provider, TRACER, equal to the amount that would be calculated using the City's draft VMT banking fee of $633.11 per VMT, as documented in the Transportation and Circulation section of the Draft EIR, to enable opportunity of transit services that would benefit the Tracy community in perpetuity and overcome the TDM Plan's shortfall in projected VMT reduction

EM-11: Yard Sweeping: The Project Applicant shall devise and implement a property maintenance plan prior to project operation that includes sweeping parking lots regularly to remove road dust, tire wear, brake dust, and other contaminants.

EM-12: Diesel Generators: The Project Applicant shall ensure that diesel generators shall not be used on site during project operations, except in emergency situations, in which case such generators shall have Best Available Control Technology (BACT) that meets CARB's final Tier IV emission standards.

Public Comment -- Received 12/3/24
RE: Item 1D Costco Depot Annexation
AP19-0001, CUP19-0002, D19-0014

Part II

EM-A: Construction Worker Trip Reduction: Project construction plans and specifications will require contractor to provide transit and ridesharing information for construction workers.
EM-B: Zero Emission Heavy-Duty Trucks: The following mitigation measures shall be implemented during all on-going business operations and shall be included as part of contractual lease agreement language, if the facility is leased in the future, to ensure the tenants/lessees are informed of all on-going operational responsibilities. The property owner/operator/tenant/lessee shall ensure that 72% of all heavy-duty (Class 7 and 8) truck trips transporting goods from the Direct Delivery Center warehouse facility on the project site to the Market Delivery Operations facilities (that 72% being the "MDO Trips") are model year 2014 or later from start of operations and shall expedite a transition to zero-emission vehicles, with the fleet making MDO Trips fully zero-emission by December 31, 2027 or when commercially available for the intended application, whichever date is later. The property owner/operator/tenant/lessee shall ensure that 100% of all heavy-duty (Class 7 and 8) truck trips originating on the project site to move goods between the project site and the existing Costco Tracy Depot are zero-emission at the start of operations. A zero-emission vehicle shall ordinarily be considered commercially available if the vehicle is capable of serving the intended purpose and is included in California's Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project, https://californiahvip.org/, or listed as available in the US on the Global Commercial Vehicle Drive to Zero inventory, https://globaldrivetozero.org/. In order for such vehicles to be considered commercially unavailable, at least three (3) months prior to the deadline above, the operator must secure documentation from a minimum of three (3) EV dealers identified on the californiahvip.org website demonstrating the inability to obtain the required EVs or equipment needed within 6 months. In addition to the obligations above, the property owner/operator/tenant/lessee shall ensure that, regardless of commercial availability determinations, a minimum of the following percentages of heavy-duty trucks (Class 7 and 8) making MDO Trips shall be zero-emission vehicles: 10% by December 31, 2027; 25% by December 31, 2030; 50% by December 31, 2033; 75% by December 31, 2036; and 100% by December 31, 2039. Zero-emission heavy-duty trucks which require service can be temporarily replaced with model year 2014 or later trucks. Replacement trucks shall be used for only the minimum time required for servicing fleet trucks.
EM-C: Zero Emission Vehicles: The property owner/tenant/lessee shall utilize a "clean fleet" of vehicles/delivery vans/trucks (Class 2 through 6) as part of business operations as follows: For any vehicle (Class 2 through 6) owned by the property owner/tenant/lessee that travels to and from the project site, the following "clean fleet" requirements apply: (i) 65% of the fleet will be zero emission vehicles at start of operations, (ii) 80% of the fleet will be zero emission vehicles by December 31, 2025, and (iv) 100% of the fleet will be zero emission vehicles by December 31, 2027.

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Public Comment -- Received 12/3/24
RE: Item 1D Costco Depot Annexation
AP19-0001, CUP19-0002, D19-0014

Zero-emission vehicles which require service can be temporarily replaced with alternate vehicles. Replacement vehicles shall be used for only the minimum time required for servicing fleet vehicles. The property owner/tenant/lessee shall not be responsible to meet "clean fleet" requirements for vehicles used by common carriers operating under their own authority that provide delivery services to or from the project site.
EM-D: Compliance Report: For the first five (5) years following project approval, the Operator of the warehouse facilities shall submit to the Sierra Club an annual compliance report within 30 days of December 31 each year addressing compliance with EM-B and EM-C. If the Sierra Club asks the Operator any clarifying questions or requests, the Operator shall respond to such inquiry in writing within thirty (30) days. If the Operator has not fully complied with EM-B within 5 years, the Operator shall submit a compliance report to the Sierra Club within 30 days of December 31, 2030, 2033, 2036, and 2039. Once the Operator has fully complied with EM-B or EM-C by transitioning to 100% zero-emission vehicles, no further reporting for that measure shall be required. Prior to receipt of a final certificate of occupancy for each of the two phases of the Project (DDC building and Annex building), Developer will submit to the Sierra Club a report demonstrating compliance with all applicable measures in the MMRP and in this Attachment A. Developer will endeavor to provide the Sierra Club with at least thirty (30) days' prior notice in advance of submitting the reports. If the Sierra Club asks the Developer any clarifying questions or requests, the Developer shall respond to such inquiry in writing within thirty (30) days.
EM-E: Lease Agreements and Future Owners: Any tenant lease agreements for the project site shall include a provision requiring the tenant/lessee to comply with all applicable requirements of the MMRP, a copy of which shall be attached to each tenant/lease agreement. All obligations of the Project Applicant in these Tracy Costco Depot Annex Enhancement Measures shall apply to any future owner or operator of the Project.
EM-F: SmartWay Program: Owners, operators or tenants shall enroll and participate the in SmartWay program for eligible businesses, which is a voluntary public-private program developed by the US EPA that provides a system for tracking, documenting and sharing information about fuel use and freight emissions across supply chains and helps companies identify and select more efficient carriers, transportation modes, and equipment; this requirement shall apply to vehicles owned and controlled by the Project owners, operators or tenants.
EM-G: Designated Smoking Areas: Owners, operators or tenants shall ensure that any outdoor areas allowing smoking are at least 25 feet from the nearest property line.
EM-H: Building Codes: Project construction shall be subject to all applicable City building codes, including the adopted Green Building Standards Code. Prior to the issuance of building permits, the applicant/developer shall demonstrate (e.g., provide building plans) that the proposed buildings are designed and will be built to, at a minimum, meet the Nonresidential Voluntary Measures of the applicable California Green Building Standards code, Divisions A5.1, 5.2 and 5.5, including but not limited to the Tier 2 standards in those Divisions, where applicable; provided, however, that the Tier 2 standards relating to the electric vehicle parking space requirements (e.g., CalGreen sections A5.106.5.1.2, A5.106.5.3.3, and A5.106.5.3.4) shall not pertain. Instead, Buildings 1 and 2 of the Project shall meet at least the July 2022 Green Building Standards Code mandatory requirements (effective January 1, 2023, or the requirements of a later version of the Green Building Standards Code, if applicable) for the number of employee and visitor parking stalls that shall be wired for electric vehicle charging (i.e., EV capable spaces) and that shall be active EV charging parking spaces (i.e., spaces supplied with EV Supply Equipment) upon the start of operation. Signage shall be installed at the parking stalls with EV wiring that are not active at the start of operation to indicate that such parking spaces will be converted to EV

Docusign Envelope ID: C55A8FA4-D1FB-4965-95B1-A9BAE5F970C3

Public Comment -- Received 12/3/24
RE: Item 1D Costco Depot Annexation
AP19-0001, CUP19-0002, D19-0014

spaces once there is demand for such EV spaces. Beginning upon operation of the first building constructed and ending upon five (5) years after the completion of construction of the second building, the Project Applicant shall annually survey employees on their EV charging interest and demands and accommodate demand with additional EV charging equipment to meet demand.
EM-I: Agricultural Lands: The project shall comply with the requirements of the City's Agricultural Lands Mitigation Program.

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Docusign Envelope ID: C55A8FA4-D1FB-4965-95B1-A9BAE5F970C3

Public Comment -- Received 12/3/24
RE: Item 1D Costco Depot Annexation
AP19-0001, CUP19-0002, D19-0014

DB+A

Updated and Revised Project Description

November 22, 2024

Tracy Costco Depot Annex
16000 West Schulte Road
Tracy, California

Applicant **Costco Wholesale**
999 Lake Drive
Issaquah, WA 98027
Attn: Christine Lasley
(425) 416-5096

Contact Person **David Babcock & Associates**
3581 Mt. Diablo Blvd., Suite 235
Lafayette, CA 94549
Attn: Jeff Berberich
(925) 283-5070

Site Information

Project Location:	16000 West Schulte Road Tracy, CA
Assessor Parcel Number:	2019-230-020
Site Area:	± 104.46 gross acres
Current Zoning:	None (City) AG-40 General Agriculture 40-acres (County)
Current General Plan Designation:	Industrial (City) Agricultural/Urban Reserve (County)
Proposed Zoning:	Light Industrial M-1 (City)
Proposed Use:	Warehousing, storage, and distribution, together with accessory uses and structures.

Project Proposal

1. The project site is located within unincorporated San Joaquin County, within the City of Tracy's Sphere of Influence (SOI), adjacent to the current city limits boundary.
2. The physical project is anticipated to include the construction and operation of two Costco warehouse and distribution buildings totaling approximately 1,736,724 square feet, with 576 employee and guest vehicle parking stalls as required by City Zoning Code, and 600 truck parking stalls although typically only approximately 100 trucks and 300 trailers would be parked on site at any given time.
3. Entitlements for the project will include:
    a. Pre-zoning of the property to the City's Light Industrial M-1 designation;
    b. Annexation of the project site into the City (also requires LAFCO approval);
    c. Development review permit for building design, landscaping, and other site features; and
    d. Building, grading, and other permits as necessary for project construction.

    It is anticipated that review of the environmental impacts of the project pursuant to the California Environmental Quality Act ("CEQA") will be in the form of an Environmental Impact Report.
4. The project is anticipated to be developed in two phases.

COSTCO PROJECT DESCRIPTION:

Costco Depot Site Plan

Two warehouse buildings would be constructed, including small areas of administrative and office uses located at the far northern portion of each building along West Schulte Road. Building 1 (also referred to as the "Annex Building") would consist of 543,526 square feet, and Building 2 (also referred to as the "Direct Delivery Center" or "DDC") would consist of 1,193,198 square feet with the warehousing and truck dock doors located at the center and southern portion of the buildings further back from West Schulte Road. Entries to the office and administrative uses would be oriented towards the north to provide security for the uses further south on the site and to also focus the main architectural design elements along the main street frontage.

The parking lot design along West Schulte has incorporated a 30' landscape buffer consistent with the Cordes Ranch Specific Plan Area, which is across West Schulte Road from the project site to the north. A 10' to 20' minimum landscape setback has been incorporated around the perimeter of the project site to provide screening of the buildings and dock doors by landscaping. Access to the buildings would be via three access points along West Schulte Road. The main entry would be located at the center of the site, at the signalized intersection with Bud Lyons Way. This main driveway access would allow for full turning movements in and out of the project site. The employee and guest parking is accessed to the east of Bud Lyons Way and would be a right in/out driveway only. The primary truck entrance is located at the eastern property line with a proposed new traffic signal to allow full turning movements. An ADA-compliant accessible pedestrian pathway would extend from the new warehouse buildings to the northern property boundary, where it would connect with West Schulte Road.

574 employee and guest parking stalls would be provided on the site, which meets but does not exceed the required City of Tracy parking requirement of 574 stalls. The project would provide standard parking stalls of 9' x 18' that also meet the City of Tracy standards. Trailer parking is provided at the perimeter of the project to provide for storage of trucks and trailers.

The project includes solar panels that will be installed on the roofs of the buildings and on structures within the parking and circulation areas around each building and along West Schulte

Road. Shade calculations have been prepared which show compliance with both CalGreen and the City of Tracy requirements.

The first phase of solar improvements will be installed on the roof and within the parking and circulation areas of the DDC building (Building 2) and will generate a minimum of 3.8 MW of electricity upon the beginning of operations. Installation of additional solar panels will occur with construction of the Annex building (Building 1) and it is anticipated that installation of solar panels and support structures, as well as battery storage equipment, will continue to increase and be phased to correlate with energy demand, expecting that demand will increase as the use of EV trucks and cars increases.

The parking lot and truck and trailer parking areas would be illuminated with standard downward pointing lights, each containing two LED fixtures affixed to a 38' foot light pole. The lighting fixtures would be of a "shoe-box" style. Parking lot light standards would be designed to provide even light distribution for vehicle and pedestrian safety as well as security for the warehouse. Lighting fixtures also would be located on the building approximately every 40 feet around the exterior of the building to provide safety and security.

Costco Warehouse Architecture

The proposed warehouse design is contemporary and uses a variety of massing and appropriate materials for the scale of the building. Architectural metal with varied textures and horizontal and vertical orientations would be used, while varying parapet cap heights would break up the long elevations both horizontally and vertically in order to conceal rooftop-mounted mechanical equipment. The proposed color palette is composed of warm natural earth tones, which would relate to the nearby Cordes Ranch development. These techniques of breaking a long elevation into smaller elements with varied materials and colors would create architecturally interesting warehouse buildings while minimizing the visual impact of the large-scale structures.

Costco Depot Landscape Plan

The landscape plan includes a mix of drought-tolerant shrubs and grasses, and a variety of shade trees would be used throughout the parking field and along the project perimeter that are appropriate for the climate in Tracy. The landscape design and plant palette will complement the existing development and streetscape planting established by the International Park of Commerce within the Cordes Ranch Specific Plan Area to the north. Tree planting within the parking area and adjacent to the solar structures together with the solar structures/panels themselves will provide the required shading to meet both City Code and CalGreen requirements. Three treatment planters are shown on the site plan spaced evenly along the north portion of the site to provide for detention and water quality treatment of the storm water runoff generated by the project. The features will be landscaped with a variety of grasses and oak trees per the preliminary landscape plan.

Costco Operations

The Project would include the construction and subsequent operation of two warehouse buildings that would serve as an annex to the existing Costco Depot located approximately 1.5-miles to the west of the Project and as a DDC. The two buildings (approximately 543,526 sf for Building 1 and 1,193,198 sf for Building 2) total approximately 1,736,724 sf on the Project site. The smaller Building 1 is anticipated to serve as the Annex by providing additional storage for high-turnover merchandise processed through the nearby Costco Depot, a pallet repair facility, and a return to vendor facility for large items returned to a Costco warehouse. The larger Building 2 is anticipated to serve as a Direct Delivery Center - an ecommerce distribution center primarily for large and bulky items ordered online by Costco members for direct delivery to customers through Market Delivery Operations located in

various smaller cities in the Northern California region. The Tracy Costco Depot would operate 24 hours per day, seven days per week to provide support to Costco's retail warehouse facilities in northern California and to distribute large goods for delivery to Costco members. Costco anticipates that an average of about 100 trucks and 300 trailers would be parked on site, with the typical truck size being approximately 70 feet long for double-axle trailers, but a total of 600 truck parking stalls will be provided for occasional atypical overflow conditions.

Costco Employment

The project is anticipated to generate approximately 400 jobs during the construction phase and approximately 150 - 250 full-time jobs once operational. Costco offers competitive wages above the minimum typically offered for similar positions and provides benefits to its employees, promoting long-term employment and opportunities for career advancement.

Project Construction

Construction is expected to occur in two phases. Initial construction will include Building 2, the DDC building. The second phase of construction will include Building 1 and is anticipated to commence shortly after the completion of Building 2, depending on business conditions and business needs. Construction duration for Building 2 is anticipated to be 12 to 18 months. Building 1 construction duration is expected to be a similar duration.

Costco Project Sustainability Measures

In an effort to reduce energy consumption and promote sustainability, the proposed Project would incorporate many energy saving measures during both construction and operation of the facility. Solar panels will be installed on the roofs of the buildings and within the parking and circulation areas around each building to produce clean power and battery storage equipment will be utilized to store that energy for use onsite.

Below are some of the significant practices that Costco would incorporate into the project buildings and overall operations that help reduce emissions and conserve energy and other natural resources:

Construction

- Costco will use Tier IV-compliant engines or better for all off-road construction vehicles/equipment.
- Through the use of construction worker training and/or signage, Costco will limit heavy duty construction equipment idling to no more than 2 minutes, and in no instance shall such idling exceed 5 minutes, and will maintain vehicle speeds on unpaved roads to < 15 mph.
- Electric hookups will be provided to reduce the need for diesel generators for electric construction equipment and, should diesel generators be needed, all such diesel generators will be equipped with emission control technology verified by EPA and/or CARB to reduce PM emissions by a minimum of 85%.
- All construction diesel hauling trucks will be model year 2010 or later.
- Costco will provide on-site meal options for construction workers.

Site

- A substantial amount of the proposed plant material for new facilities will be native and drought tolerant and will use less water than other common species. Site perimeter and parking lot landscaping will provide vegetated buffers that will include trees, tree canopies and other vegetation.

- Irrigation systems for new facilities include the use of deep root watering bubblers for parking lot trees to minimize water usage and ensure that water goes directly to the intended planting areas.
- Storm water management plans are designed to maintain quality control and storm water discharge rates based on the City's requirements.
- Parking lot lights are designed at 38' in height to provide even light distribution and utilize less energy compared to a greater number of fixtures at lower heights. LED lamps are used to provide a higher level of perceived brightness with less energy than other lamps such as high-pressure sodium.
- Dust, tire wear, brake dust and other parking lot contaminants will be minimized through regular sweeping/cleaning of parking lots.
- The project will provide no more parking spaces than the minimum required by the City (or less if authorized by the City and feasible for project operations) to encourage car-pooling and high-occupancy vehicle use.
- Costco will install Electric Vehicle (EV) capable (i.e., pre-wired) parking spaces as well as parking stalls with active EV charging stations per the California Building Code.

Building

- New and renewable building materials are typically extracted and manufactured within the region. Materials such as concrete and concrete masonry units will be purchased local to the project, minimizing the transport distances and resultant effects to road networks and regional air quality.
- Main building structures are comprised of pre-engineered systems that use 80% recycled steel. These pre-manufactured building components include structural framing and architectural metal wall and roof panels. These materials are shop finished, maximizing spans, and minimizing structure and waste during the construction process, reducing the overall construction duration.
- Solar PV panels will be installed on the roof of the buildings and/or elsewhere on site (e.g., awnings or canopies in parking areas) to generate approximately 3.8 MW of renewable electricity for use on site. Batteries will also be installed to store some of that electricity for on-site energy needs.
- To the extent they do not conflict with the proposed rooftop solar PV panels, all building roofs will maintain a reflectance rating of .68, emittance of .25 and Solar Reflectance Index of 63, lessening heat gain. Reflective cool roof materials are used to lower heat absorption, subsequently lowering energy requirements during the hot summer months. This roofing material meets the requirements for the EPA's Energy Star energy efficiency program. Building management systems monitor performance and energy usage of HVAC systems.
- HVAC comfort systems are controlled by a computerized building management system to maximize efficiency. Costco's HVAC units are high efficiency direct ducted units. Costco completely phased out the use of HCFCs in its HVAC units, long before the Montreal Protocol timeline.
- Mechanical systems are site specifically commissioned and designed and field tested to ensure that the HVAC systems are performing to the high efficiency standards. HVAC systems will be all-electric and will use High Efficiency Particulate Air (HEPA) filters.
- Electric charging infrastructure will be installed on the property to facilitate the conversion of the truck fleet to zero-emission electric trucks as they become available in the market and used for truck deliveries to and from the facility.
- Pre-manufactured insulated architectural metal walls meet or exceed current energy code requirements. Building heat absorption is further reduced by a decrease in the thermal mass

of the metal wall when compared to a typical masonry block wall. Insulated architectural metal wall panels contain approximately 76 percent of recycled material.

- High-efficiency restroom fixtures are used, which conserves water by achieving a 40% decrease over U.S. standards.
- Energy efficient transformers (i.e., Square D Type EE transformers) are used.
- To the extent emergency back-up diesel generators are needed, only Tier IV diesel generator engines will be used.
- Overall, the site's building energy efficiency will exceed Title 24 Building Envelope Energy Efficiency Standards by at least 1%.
- All appliances to be installed will meet or exceed Title 24 requirements.
- All building coatings and paints will be low-VOC coatings.
- Variable speed motors will be used on make-up air units and booster pumps.
- Gas water heaters will be direct vent and 94% efficient or greater.
- Construction waste will be recycled whenever possible.
- Lighting systems are designed with employee controllability in mind. Lighting is controlled by timers, but over-ride switches are provided for employee use.

Operations

- Deliveries are made in full trucks whenever feasible.
- The facility will not be designed for or include refrigerated cold storage; thus, no TRUs will be used at the facility.
- Delivery trucks will be model year 2010 or newer and use ultra-low sulfur diesel fuel (ULSD) or biodiesel blend with sulfur content of 15 ppm or less.
- Costco trucks will be equipped with engine idle shut off timers and appropriate training will be provided and signage will be installed to ensure that all truck idling is limited to a maximum of two minutes.
- All exclusively onsite vehicles (i.e., forklifts, yard goats, pallet jacks, etc.) will be electric or zero-emission vehicles.
- Costco will train managers and employees on efficient scheduling and load management and provide signage at docks, delivery areas and along truck routes to facilitate traffic efficiency and minimize queuing and limit idling.
- This project's warehouse space will provide the existing nearby Tracy Depot distribution facilities with increased capacity and storage of products and Costco will relocate key DDC depot operations from its existing Stockton location to this facility to maximize efficiency and minimize miles traveled for delivery.
- Costco has been an active user of recycled content in packaging for many years and continues to increase its use of recycled content.
- Costco will provide a separate employee parking area accessible by its own curb cut entry and will provide a clearly-delineated, separate pedestrian pathway for employees connecting project buildings to the employee parking area and such pathway will include a lit crosswalk with flashing indicator lights where the path crosses vehicle routes.
- Bicycle parking will be provided in the employee parking lot and at the front entry of each building.
- Costco will participate in and offer all employees the opportunity to make use of a ride share program.
- Costco will provide on-site meal options for employees (e.g., micro market vending machines that offer drink and food for sale to employees) to minimize off-site employee trips during shifts.

- Building organic waste (i.e., green waste, wood waste, food waste and fibers such as paper and cardboard) will be recycled to the maximum extent possible and in full compliance with Senate Bill 1383.

Additional Project Sustainability Measures

Costco has consulted with the Sierra Club, which submitted comments on the Environmental Impact Report for the project and, as a result, Costco includes as project features the following additional sustainability measures:

- Construction Worker Trip Reduction: Project construction plans and specifications will require contractor to provide transit and ridesharing information for construction workers.

- Zero Emission Heavy-Duty Trucks: The following mitigation measures shall be implemented during all on-going business operations and shall be included as part of contractual lease agreement language, if the facility is leased in the future, to ensure the tenants/lessees are informed of all on-going operational responsibilities.

  The property owner/operator/tenant/lessee shall ensure that 72% of all heavy-duty (Class 7 and 8) truck trips transporting goods from the Direct Delivery Center warehouse facility on the project site to the Market Delivery Operations facilities (that 72% being the “MDO Trips”) are model year 2014 or later from start of operations and shall expedite a transition to zero-emission vehicles, with the fleet making MDO Trips fully zero-emission by December 31, 2027 or when commercially available for the intended application, whichever date is later. The property owner/operator/tenant/lessee shall ensure that 100% of all heavy-duty (Class 7 and 8) truck trips originating on the project site to move goods between the project site and the existing Costco Tracy Depot are zero-emission at the start of operations.

  A zero-emission vehicle shall ordinarily be considered commercially available if the vehicle is capable of serving the intended purpose and is included in California’s Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project, https://californiahvip.org/, or listed as available in the US on the Global Commercial Vehicle Drive to Zero inventory, https://globaldrivetozero.org/. In order for such vehicles to be considered commercially unavailable, at least three (3) months prior to the deadline above, the operator must secure documentation from a minimum of three (3) EV dealers identified on the californiahvip.org website demonstrating the inability to obtain the required EVs or equipment needed within 6 months.

  In addition to the obligations above, the property owner/operator/tenant/lessee shall ensure that, regardless of commercial availability determinations, a minimum of the following percentages of heavy-duty trucks (Class 7 and 8) making MDO Trips shall be zero-emission vehicles: 10% by December 31, 2027; 25% by December 31, 2030; 50% by December 31, 2033; 75% by December 31, 2036; and 100% by December 31, 2039.

  Zero-emission heavy-duty trucks which require service can be temporarily replaced with model year 2014 or later trucks. Replacement trucks shall be used for only the minimum time required for servicing fleet trucks.

- Zero Emission Vehicles: The property owner/tenant/lessee shall utilize a "clean fleet" of vehicles/delivery vans/trucks (Class 2 through 6) as part of business operations as follows:

For any vehicle (Class 2 through 6) owned by the property owner/tenant/lessee that travels to and from the project site, the following "clean fleet" requirements apply: (i) 65% of the fleet will be zero emission vehicles at start of operations, (ii) 80% of the fleet will be zero emission vehicles by December 31, 2025, and (iv) 100% of the fleet will be zero emission vehicles by December 31, 2027.

Zero-emission vehicles which require service can be temporarily replaced with alternate vehicles. Replacement vehicles shall be used for only the minimum time required for servicing fleet vehicles.

The property owner/tenant/lessee shall not be responsible to meet "clean fleet" requirements for vehicles used by common carriers operating under their own authority that provide delivery services to or from the project site.

- Compliance Report: For the first five (5) years following project approval, the Operator of the warehouse facilities shall submit to the Sierra Club an annual compliance report within 30 days of December 31 each year addressing compliance with EM-B and EM-C. If the Sierra Club asks the Operator any clarifying questions or requests, the Operator shall respond to such inquiry in writing within thirty (30) days. If the Operator has not fully complied with EM-B within 5 years, the Operator shall submit a compliance report to the Sierra Club within 30 days of December 31, 2030, 2033, 2036, and 2039. Once the Operator has fully complied with EM-B or EM-C by transitioning to 100% zero-emission vehicles, no further reporting for that measure shall be required.

  Prior to receipt of a final certificate of occupancy for each of the two phases of the Project (DDC building and Annex building), Developer will submit to the Sierra Club a report demonstrating compliance with all applicable measures in the MMRP and measures committed to in the agreement with the Sierra Club. Developer will endeavor to provide the Sierra Club with at least thirty (30) days' prior notice in advance of submitting the reports. If the Sierra Club asks the Developer any clarifying questions or requests, the Developer shall respond to such inquiry in writing within thirty (30) days.

- Lease Agreements and Future Owners: Any tenant lease agreements for the project site shall include a provision requiring the tenant/lessee to comply with all applicable requirements of the MMRP, a copy of which shall be attached to each tenant/lease agreement. All obligations of the Project Applicant in these Tracy Costco Depot Annex Enhancement Measures shall apply to any future owner or operator of the Project.

- SmartWay Program: Owners, operators or tenants shall enroll and participate the in SmartWay program for eligible businesses, which is a voluntary public-private program developed by the US EPA that provides a system for tracking, documenting and sharing information about fuel use and freight emissions across supply chains and helps companies identify and select more efficient carriers, transportation modes, and equipment; this requirement shall apply to vehicles owned and controlled by the Project owners, operators or tenants.

- Designated Smoking Areas: Owners, operators or tenants shall ensure that any outdoor areas allowing smoking are at least 25 feet from the nearest property line.

- Building Codes: Project construction shall be subject to all applicable City building codes, including the adopted Green Building Standards Code. Prior to the issuance of building permits, the applicant/developer shall demonstrate (e.g., provide building plans) that the proposed buildings are designed and will be built to, at a minimum, meet the Nonresidential Voluntary Measures of the applicable California Green Building Standards code, Divisions A5.1, 5.2 and 5.5, including but not limited to the Tier 2 standards in those Divisions, where applicable; provided, however, that the Tier 2 standards relating to the electric vehicle parking space requirements (e.g., CalGreen sections A5.106.5.1.2, A5.106.5.3.3, and A5.106.5.3.4) shall not pertain. Instead, Buildings 1 and 2 of the Project shall meet at least the July 2022 Green Building Standards Code mandatory requirements (effective January 1, 2023, or the requirements of a later version of the Green Building Standards Code, if applicable) for the number of employee and visitor parking stalls that shall be wired for electric vehicle charging (i.e., EV capable spaces) and that shall be active EV charging parking spaces (i.e., spaces supplied with EV Supply Equipment) upon the start of operation. Signage shall be installed at the parking stalls with EV wiring that are not active at the start of operation to indicate that such parking spaces will be converted to EV spaces once there is demand for such EV spaces. Beginning upon operation of the first building constructed and ending upon five (5) years after the completion of construction of the second building, the Project Applicant shall annually survey employees on their EV charging interest and demands and accommodate demand with additional EV charging equipment to meet demand.

- Agricultural Lands: The project shall comply with the requirements of the City's Agricultural Lands Mitigation Program.

- Electric Charging: The project operator shall ensure that sufficient electric vehicle charging stations are installed when necessary to serve the charging demands of electric trucks and vehicles domiciled at the project site.

- SJVAPCD: The project applicant shall comply with SJVAPCD Regulation VIII (fugitive dust rule) and shall comply with SJVAPCD Rule 9510 (to reduce growth in both NOx and PM10 emissions.

ADAMS BROADWELL JOSEPH & CARDOZO
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814-4721
TEL: (916) 444-6201
FAX: (916) 444-6209
kcarmichael@adamsbroadwell.com

SO. SAN FRANCISCO OFFICE
601 GATEWAY BLVD., SUITE 1000
SO. SAN FRANCISCO, CA 94080
TEL: (650) 589-1660
FAX: (650) 589-5062

KEVIN T. CARMICHAEL
CHRISTINA M. CARO
THOMAS A. ENSLOW
KELILAH D. FEDERMAN
RICHARD M. FRANCO
ANDREW J. GRAF
TANYA A. GULESSERIAN
DARION N. JOHNSON
RACHAEL E. KOSS
AIDAN P. MARSHALL
ALAURA R. McGUIRE
TARA C. RENGIFO

Of Counsel
MARC D. JOSEPH
DANIEL L. CARDOZO

December 4, 2024

Via Email and Hand Delivery
Planning Commission
c/o: Forest Ebbs, Director of Community and Economic Development
City of Tracy
333 Civic Center Plaza,
Tracy, CA 95376
Email: forrest.ebbs@cityoftracy.org

Via Email
Genevieve Federighi, Associate Planner
Email: Genevieve.Federighi@cityoftracy.org

Re: Comments on Agenda Item 1.D. - Tracy Costco Depot Annex Project (SCH # 2020080531)

Dear Planning Commissioners and Ms. Federighi:

We write on behalf of San Joaquin Residents for Responsible Development ("San Joaquin Residents" or "Residents") to provide comments on the Tracy Costco Depot Annex Project (SCH # 2020080531) ("Project"). The Project appears as Item 1.D. on the agenda for the December 4, 2024 City of Tracy ("City") Planning Commission ("Commission") hearing.[1] The Staff Report recommends the Planning Commission adopt a resolution to certify the Final Environmental Impact Report ("FEIR") for the Project and adopt the mitigation monitoring and reporting program ("MMRP"), findings of fact and a statement of overriding considerations for the annexation and development of the Project, and to introduce and adopt an ordinance that approves the prezoning of the Property to Light Industrial (M1).[2]

[1] City of Tracy, Planning Commission, Agenda and Staff Report ("Staff Report") (December 4, 2024) available at https://www.cityoftracy.org/home/showpublisheddocument/19312/638681525612600000
[2] Staff Report, PDF p. 554.
7539-005j

The Project proposes the construction and subsequent operation of two warehouse buildings that would serve as an annex to the existing Costco Depot located approximately 1.5-miles to the west of the Project and as a Direct Delivery Center (DDC).[3] The two buildings (approximately 543,526 sf for Building 1 and 1,193,198 sf for Building 2) total approximately 1,736,724 sf on the Project site.[4]

The Project's Draft EIR ("DEIR") was available for public review and comment from September 16, 2022, through October 31, 2022. Based on comments received on the Draft EIR, on December 22, 2023, the City modified certain sections of the Draft EIR and published a Recirculated Draft EIR ("RDEIR") for the Project, inviting comments on the modified sections of the Draft EIR that comprised the RDEIR.[5] The City received 13 comment letters on the DEIR and RDEIR and includes responses to the comments in the FEIR.[6]

On December 3, 2024, the City issued a memorandum to the Planning Commission providing notice that the Applicant had entered into a settlement agreement with the Sierra Club ("Settlement Agreement").[7] Pursuant to the terms of the Settlement Agreement, the Applicant is required to implement "Enhanced Measures" to reduce the Project's significant environmental impacts.[8] The Enhanced Measures include the requirement that 72 percent of heavy-duty trucks transporting goods from the facility to market delivery operations in other cities be zero-emission by the end of 2027; Costco's on-site cargo handling equipment must be fully electric at the start of operations; trucks at the project site will have to adhere to strict idling limits; and requires Costco to power the Project entirely with 100% renewable electricity and on-site solar generation.[9] Residents supports the inclusion of the Enhanced Measures in the MMRP for the Project. However, the additional mitigation provided by the Settlement Agreement does not resolve all of the Project's significant unmitigated impacts. Additional revisions to the FEIR, and additional mitigation, are still required.

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[3] City of Tracy, Recirculated Draft Environmental Impact Report – Tracy Costco Annex Depot ("RDEIR") p. 2.0-3, available at https://www.cityoftracy.org/our-city/departments/planning/specific-plans-environmental-impact-reports-and-initial-studies/-folder-77
[4] *Ibid.*
[5] FEIR, PDF p. 9.
[6] FEIR, PDF pp. 17-585.
[7] City of Tracy, Additional documents received for the December 4, 2024 Planning Commission Item 1.D (Tracy Costco Depot Annex Project) ("Commission Memo") (December 3, 2024) available at https://www.cityoftracy.org/home/showpublisheddocument/19332/638688443958409720
[8] Commission Memo, PDF p. 2.
[9] Commission Memo, PDF pp. 10-12.

Residents reviewed the FEIR and Staff Report with the assistance of health risk, air quality, GHG emissions and hazardous materials expert James Clark Ph.D. and traffic and transportation expert Norman Marshall.[10] Based on Residents' review, Residents find that the FEIR fails as an informational document under the California Environmental Quality Act ("CEQA")[11] because it fails to disclose and analyze the environmental impacts of the Project's proposed battery backup system. Furthermore, the FEIR fails to analyze the Project's potentially significant health risk and air quality impacts from exposure to Valley Fever, and from toxic emissions from the operation of fire pumps and backup generators on site. Additionally, the FEIR lacks substantial evidence that the Project's significant transportation impacts would be mitigated to the greatest extent feasible, as required by CEQA.

The Planning Commission cannot recommend approval at this time because the City has not complied with CEQA. The Commission should instead direct staff to revise and recirculate the FEIR to address the outstanding deficiencies described herein and in comments submitted by various public interest groups and agencies.[12]

I. STATEMENT OF INTEREST

San Joaquin Residents is an unincorporated association of individuals and labor organizations with members who may be adversely affected by the potential public and worker health and safety hazards and environmental and public service impacts of the Project. The association includes the International Brotherhood of Electrical Workers Local 595, Plumbers & Steamfitters Local 442, Sheet Metal Workers Local 104, Sprinkler Fitters Local 669, District Council of Ironworkers and their members and their families, and other individuals that live, recreate and/or work in and around the City.

San Joaquin Residents supports the development of sustainable commercial and industrial centers where properly analyzed and carefully planned to minimize impacts on public health and the environment. Logistics centers like the Project should avoid adverse impacts to air quality, noise levels, transportation, and public

[10] Mr. Marshall's technical comments (hereinafter "Marshall Comments") and curricula vitae are attached hereto as **Exhibit A**; Dr. Clark's technical comments (hereinafter "Clark Comments") and curricula vitae are attached hereto as **Exhibit B**.
[11] Pub. Resources Code §§ 21000 et seq.; 14 Cal. Code Regs ("CEQA Guidelines") §§ 15000 et seq. ("CEQA Guidelines").
[12] FEIR, PDF pp. 17-585.

health, and should take all feasible steps to ensure unavoidable impacts are mitigated to the maximum extent feasible. Only by maintaining the highest standards can commercial and industrial development truly be sustainable.

The individual members of San Joaquin Residents and the members of the affiliated labor organizations live, work, recreate and raise their families in and around the City. They would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work constructing the Project itself. They would be the first in line to be exposed to any health and safety hazards which may be present on the Project site. They each have a personal interest in protecting the Project area from unnecessary, adverse environmental and public health impacts.

San Joaquin Residents and its members also have an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for the members they represent. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for industry to expand in the City, and by making it less desirable for businesses to locate and people to live and recreate in the City, including the Project vicinity. Continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduces future employment opportunities.

Finally, San Joaquin Residents is concerned with projects that can result in serious environmental harm without providing countervailing economic benefits. CEQA provides a balancing process whereby economic benefits are weighed against significant impacts to the environment.[13] It is in this spirit we offer these comments.

II. LEGAL DISCUSSION

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an EIR, except in limited circumstances.[14] The EIR is the very heart of CEQA.[15] "The foremost principle in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language."[16]

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[13] Pub. Resources Code § 21081(a)(3); *Citizens for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 171.
[14] *See, e.g.,* PRC§ 21100.
[15] *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652.
[16] *Communities for a Better Env't v. Cal. Res. Agency* (2002) 103 Cal. App.4th 98, 109.

CEQA has two primary purposes. First, CEQA is designed to inform decisionmakers and the public about the potential, significant environmental effects of a project.[17, 18] CEQA's purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. In this respect, an EIR "protects not only the environment but also informed self-government."[19] The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."

To fulfill this function, the discussion of impacts in an EIR must be detailed, complete, and "reflect a good faith effort at full disclosure."[20] CEQA requires an EIR to disclose all potential direct and indirect, significant environmental impacts of a project.[21] In addition, an adequate EIR must contain the facts and analysis necessary to support its conclusions.[22]

The second purpose of CEQA is to require public agencies to avoid or reduce environmental damage when possible by requiring appropriate mitigation measures and through the consideration of environmentally superior alternatives.[23] The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage can be avoided or significantly reduced." To that end, if an EIR identifies significant impacts, it must then propose and evaluate mitigation measures to minimize these impacts.[24] CEQA imposes an affirmative obligation on agencies to avoid or reduce environmental harm by adopting feasible project alternatives or mitigation measures.[25] Without an adequate analysis and description of feasible mitigation measures, it would be impossible for agencies relying upon the EIR to meet this obligation.

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[17] 14 Cal. Code Regs. ("CEQA Guidelines"), § 15002, subd. (a)(1).
[18] See, e.g., PRC § 21100.
[19] *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.
[20] CEQA Guidelines § 15151; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 721-722.
[21] PRC § 21100, subd. (b)(1); CEQA Guidelines § 15126.2, subd. (a).
[22] See *Citizens of Goleta Valley* 52 Cal.3d at 568.
[23] CEQA Guidelines § 15002, subds. (a)(2)-(3); see also, *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564; *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391, 400.
[24] PRC §§ 21002.1, subd. (a), 21100, subd. (b)(3).
[25] *Id.* §§ 21002-21002.1.

While the courts review an EIR using an "abuse of discretion" standard, "the reviewing court is not to 'uncritically rely on every study or analysis presented by a project proponent in support of its position. A clearly inadequate or unsupported study is entitled to no judicial deference."[26] As the courts have explained, "a prejudicial abuse of discretion" occurs "if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process."[27]

A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification.[28] The term "information" can include changes in the project or environmental setting as well as additional data or other information.[29] New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement.[30]

"Significant new information" requiring recirculation include, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the project 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 environmental impacts of the project, 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.[31]

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[26] *Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added), *quoting, Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391 409, fn. 12.
[27] *Berkeley Jets*, 91 Cal.App.4th at 1355; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722; *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946.
[28] 14 CCR §15088.5(a).
[29] *Id.*
[30] *Id.*
[31] *Id.; Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043.

The lead agency is required only to recirculate the chapters or portions that have been modified if the revisions are limited to a few chapters or portions of the EIR.[32] Here, substantial evidence presented by Residents' experts shows that feasible mitigation measures distinct from those proposed in the FEIR would clearly lessen the environmental impact of the Project, but the City failed to adopt, or even analyze the feasibility of mitigation measures and alternatives. Further, substantial evidence presented in Residents' comments show that new significant environmental impacts will occur as a result of Project construction and operation due to fugitive dust emissions, and truck traffic. Pursuant to CEQA, the City must revise and recirculate the EIR before the Project can legally be approved.

III. THE FEIR FAILS TO DESCRIBE THE PROJECT

A. The FEIR Fails to Include Necessary Information Regarding the Use of Fire Pumps and Backup Generators

The air quality analysis included in the FEIR fails to include analysis of the Project's emissions from operation of fire pumps and backup generators (see Figure 1).[33]

Figure 1: Excerpt from CalEEMod Analysis of Project Emissions

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

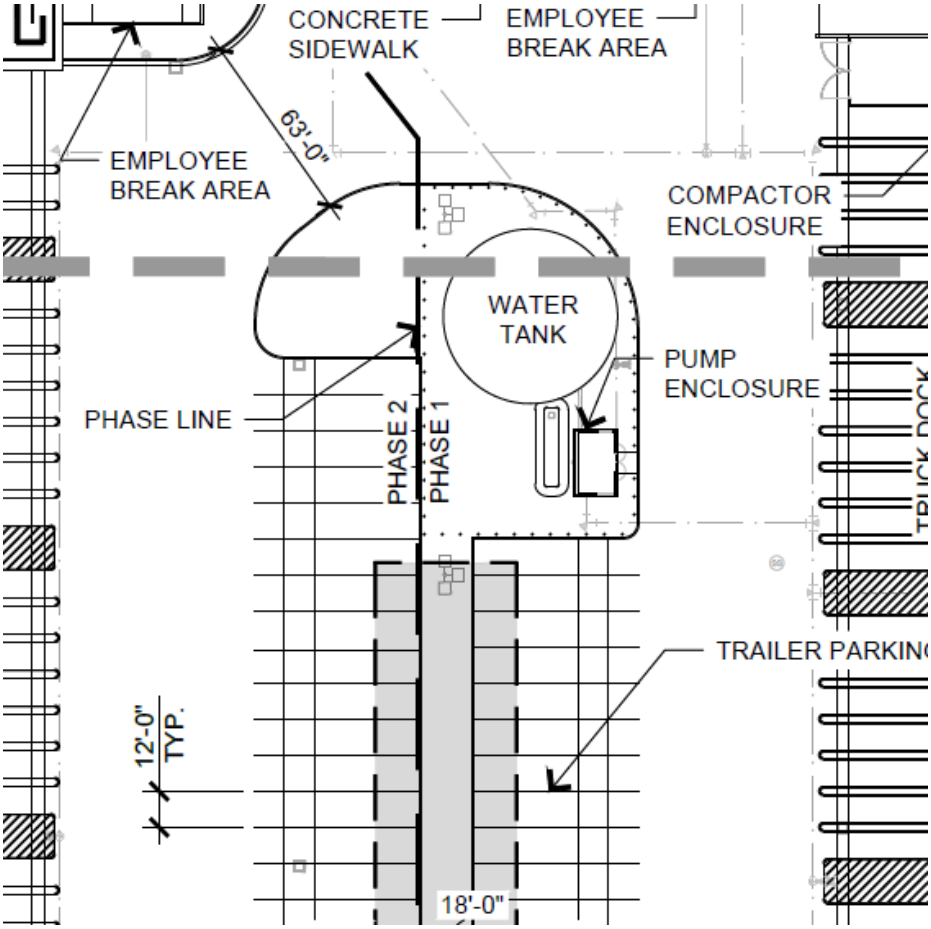
Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

The FEIR's air quality analysis is inconsistent with the Project site plans, which clearly show that the Project will include a "Fire Pump House" between the two proposed buildings (see Figure 2).[34] As Dr. Clark explains, a fire pump house typically contains several key components, including pumps, pipes, valves, meters and controllers, which require an energy source to operate (often generators) and can result in direct and indirect air emissions. The FEIR's Project description therefore shows that the Project will include an emissions source which the FEIR's air quality analysis fails to quantify.

[32] 14 CCR §15088.5(b).
[33] FEIR, PDF p. 124.
[34] Staff Report, PDF p. 565.

Figure 2: Excerpt from Project Site Plan



The Project will also use backup generators. According to the FEIR, the use of diesel-powered backup generators is not prohibited. Pursuant to Mitigation Measure 3.3-6: The Project applicant shall ensure that diesel generators shall not be used on site during project operations, ***except in emergency situations***, in which case such generators shall have Best Available Control Technology ("BACT") that meets CARB's final Tier IV emission standards.[35] This measure explicitly permits the use of diesel backup generators in emergency situations, and does not further define what constitutes an emergency situation. As a result, it is reasonably foreseeable that diesel backup generators – which emit GHGs and toxic air contaminants ("TAC"s) could be used at the Project site.

[35] FEIR, PDF p. 285 (emphasis provided)

Dr. Clark explains that the operation of the fire pump during routine maintenance and testing will generate diesel particulate matter ("DPM") and operation of backup generators in emergency situations will increase the Project's air quality impacts.[36] Additionally, Operation of the Project's fire pump(s) and backup generators would necessarily increase the Project's air quality impacts, which are already determined to be significant and unavoidable.[37] The City has a duty to mitigate these impacts to the greatest extent feasible.

The FEIR's failure to include relevant information regarding operation of fire pumps and backup generators at the Project site results in a corresponding failure to accurately disclose the extent of the Project's air quality and GHG emissions. The City must prepare a revised EIR for the Project which includes analysis of the Project's fire pumps and BUGs.

B. The FEIR Fails to Include Fundamental Information Regarding the Installation of Backup Battery Systems

In response to comments on the RDEIR, Mitigation Measure 3.3-4 was added to the FEIR which requires the installation of a battery energy storage system ("BESS") on-site to provide electricity in the event of a 48-hour blackout.[38] However, the FEIR fails to include information regarding the type of batteries to be used in the Project, and lacks information regarding the size of the batteries, the chemical components of each individual battery, or the proposed layout of battery units. This information is critically important for worker safety and on-site and off-site impacts in the event of an accident. Absent this information, the opportunity for meaningful public review is drastically limited.

According to the National Fire Protection Association, battery storage systems can create hazardous conditions from thermal runaway resulting in the release of toxic or flammable gasses and other environmental impacts.[39] The conditions leading to thermal runaway can be mitigated using explosion prevention systems or deflagration venting, fire suppression systems, battery management

[36] Clark Comments, p. 7.
[37] FEIR, PDF p. 590.
[38] FEIR, PDF p. 576.
[39] National Fire Protection Association, Energy Storage Systems Safety Fact Sheet (hereinafter "ESS Fact Sheet") (June 2020) pp. 1-2. available at https://www.nfpa.org/~/media/Files/Code%20or%20topic%20fact%20sheets/-ESSFactSheet.ashx

systems, and adequate spacing between battery arrays based on the number and type of batteries used.[40] Recent battery system failures have resulted in injuries to first responders[41], the release of hazardous gasses[42] and fires that are difficult to extinguish.[43]

The FEIR fails to provide any information regarding the design of the backup battery systems, including battery types, layout, type of cooling system they will use, and the type of fire detection and fire suppression systems that will be installed. This information is critical to determine the hazards and the potential environmental impacts posed by the batteries on site. A Revised DEIR must be prepared which fully discloses all components of the Project and analyzes the potential hazards of the battery system that will be installed at the Project site.

IV. THE FEIR FAILS TO ADEQUATELY DISCLOSE, ANALYZE OR MITIGATE THE PROJECT'S SIGNIFICANT TRANSPORTATION IMPACTS

The FEIR fails to adequately respond to comments provided by the California Department of Transportation explaining that the RDEIR's analysis with respect to the Project's vehicle miles traveled ("VMT") was unsupported by substantial evidence, and, as discussed below, the VMT analysis is so unclear as to be indecipherable. The City must revise and recirculate the RDEIR to address these issues.

The FEIR states that trip generation rates for the Project were calculated using the e-commerce trip generation rates provided by "Kittleson's *Tracy Costco Depot Transportation Impact Analysis Report* (August 28, 2017)".[44] However, the referenced report was not included in the RDEIR, an error which was identified by commenters on the RDEIR. In the FEIR's response to comments, the FEIR states that:

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[40] ESS Fact Sheet, p. 2.
[41] AZ Central, 'Reasons that are still unknown': 30 experts investigate Surprise battery explosion that injured 9 (April 23, 2019) available at https://www.azcentral.com/story/money/business/energy/2019/04/23/arizona-public-service-provides-update-investigation-battery-fire-aps-surprise/3540437002/
[42] KSBW Action News, Highway 1 reopened near Moss Landing, shelter-in-place lifted (September 21, 2022) available at https://www.ksbw.com/article/highway-1-reopened-near-moss-landing-shelter-in-place-lifted/41302918#
[43] AZ Central, Fire crews tend to massive, smoldering battery in Chandler facility (April 21, 2022) available at https://www.azcentral.com/story/money/business/energy/2022/04/21/fire-crews-tend-massive-smoldering-battery-chandler-facility/7405430001/
[44] RDEIR, PDF p. 663.

> The 2017 Kittleson Tracy Costco Depot Transportation Impact Analysis Report (2017 Report) is included as Appendix B of this Response to Comments document. The 2017 Report was prepared to assess the potential effects of changes to the then existing Costco Depot campus located at 25501 Gateway Blvd, Tracy, CA 95377. In 2017, Costco was considering expanding the then existing depot building and constructing a new ecommerce building on the campus. The e-commerce building would replace an existing Costco e-commerce facility located at that time at 25149 S Schulte Road. The report does not pertain to the Depot Annex but rather provided Costco-specific trip information that was used for the Traffic Study. Since the 2017 Report does not evaluate any component of the Project, revision and recirculation of the Transportation Section of the EIR is not required.[45]

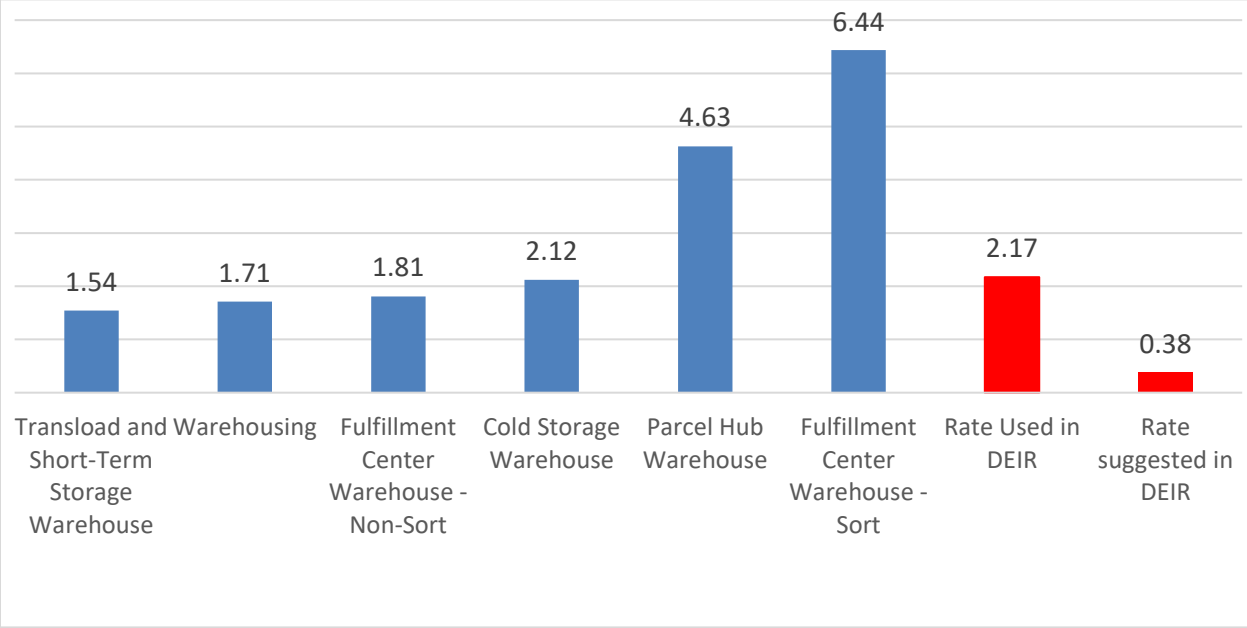
While the Kittleson Tracy Costco Depot Transportation Impact Analysis is included in the FEIR, no trip generation rates are provided in the document, and there is no information provided about the underlying data, stating that the underlying data is provided in Appendix F which is not included in the RDEIR nor the FEIR.[46] The overall lack of verifiable data regarding the Project's transportation impacts renders the FEIR's conclusions on the Project's transportation impacts wholly unsupported.

Despite the lack of supporting data in the FEIR, the FEIR continues to states that trip generation for the Project was assumed to be 2.17 trips per 1,000 square feet. However, this daily trip rate does not appear in the transportation studies prepared for the Project.

To further complicate the matter, the FEIR states that the Project will likely only generate 0.38 trips per 1,000 square-feet[47], a figure so low that it cannot be taken seriously by qualified transportation consultants, as explained by Mr. Marshall. To illustrate the FEIR's unsupported trip generation numbers, Mr. Marshall graphed the FEIR's assumed trip rates of 2.17 and 0.38 compared to the reasonably foreseeable trip rates for warehouse uses detailed in the Institute of Transportation Engineers *Trip Generation Manual*, highly qualified transportation impact guidance.[48]

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[45] FEIR, PDF p. 32.
[46] FEIR, PDF p. 679
[47] FEIR, PDF p. 40.
[48] Marshall Comments, p. 3.



The FEIR contains no credible evidence to support its assumptions that the Project's trip generation rates would be lower than industry averages. Mr. Marshall therefore concludes that the FEIR's transportation analysis remains unsupported.

It is therefore reasonably foreseeable that the Project could generate far more trips than assumed in the FEIR, resulting in even greater GHG emissions impacts from truck trips than disclosed in the FEIR. As noted above, the Enhanced Measures provided through the Sierra Club Settlement Agreement will result in GHG emissions reductions for outbound heavy duty truck trips. But those measures do not apply to inbound trips, which remain unmitigated. The FEIR therefore lacks substantial evidence to conclude that the Project's truck trips will not result in significant and unmitigated air quality and GHG impacts.

The City must revise the transportation study to include an accurate trip generation rate, to analyze the reasonably foreseeable use of the Project for higher intensity uses such as Fulfillment Center Warehouse – Sort, present its findings in a revised and recirculated DEIR for the Project, and include additional mitigation to further reduce truck emissions.

A. The FEIR Fails to Adequately Mitigate the Project's Transportation Impacts

The FEIR concludes that the Project will result in a significant and unavoidable VMT impact, stating that the City's VMT Calculator estimates that the Project would generate 24.8 VMT per employee, and the Project exceeds the threshold by 164 percent.[49] The FEIR goes on to state:

> The California Air Pollution Control Officers Association (CAPCOA) indicates that up to 15% of VMT reduction can reasonably be achieved. The Project has the option to "purchase" additional VMT from the VMT banking fee above 15%. For the purpose of this report, a maximum of 15% is assumed. [50]

This conclusion is misleading and false. As Mr. Marshall points out, the CAPCOA *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* establishes 45% Commute Trip reduction as the maximum possible.[51] Therefore, the FEIR's assertion that a maximum of 15% is the limit is false. This error was highlighted by the Department of Transportation, and the Sierra Club, Delta Sierra Group of the Motherlode Chapter in comments on the DEIR and RDEIR.[52] However, the FEIR fails to correct this mistake, and instead provides the following response:

> Since the release of the 2022 Draft EIR, the applicant has agreed to several additional TDM measures. See Chapter 3.0 of this Response to Comments document for the revisions to Table 3.13-2 and Mitigation Measure 3.13-1. The TDM strategies aim to achieve a feasible maximum of 12 percent VMT reduction, with the opportunity for 3 percent VMT reduction coming from the VMT Banking Fee Program. If the VMT banking fee has not been adopted by the time the Project is built, the applicant would not have to pay into the VMT banking fee program because there would be no such fee program to implement. In this case, the applicant would be required to take all actions needed to reduce VMT by 15% with TDM measures.

The FEIR's response to comments incorrectly doubles down on the assumption that 15% is the maximum achievable commute trip reduction for the Project. Mr. Marshall explains that the measures deemed to be feasible by the

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[49] FEIR, PDF p. 154.
[50] RDEIR, PDF p. 654.
[51] Marshall Comments, p. 4.
[52] FEIR, PDF pp. 37, 78, and 410.

Applicant are not sufficient to reduce the Project's significant VMT impacts.[53] Furthermore, the allowance for the Project to meet the arbitrarily chosen 15% threshold through the payment of impact fees will not result in real world reductions in VMT.[54] The Settlement Agreement adopts the 15% reduction from the FEIR, so this impact remains significant and unmitigated.

The City must revise the Project's transportation impact study, and incorporate additional feasible mitigation measures to reduce the Project's transportation impacts using the strategies available in the CAPCOA Handbook to achieve a reduction in Project VMT close to the maximum 45% reduction. Absent the analysis and inclusion of additional feasible mitigation measures, the City lacks substantial evidence to conclude that the Project's transportation impacts are mitigated to the greatest extent feasible.

V. THE FEIR FAILS TO ADEQUATELY DISCLOSE, ANALYZE OR MITIGATE THE PROJECT'S POTENTIALLY SIGNIFICANT AIR QUALITY IMPACTS

A. The FEIR Fails to Mitigate the Project's Significant and Unavoidable Air Quality Impacts to the Greatest Extent Feasible

CEQA requires agencies to commit to all feasible mitigation measures to reduce significant environmental impacts.[55] In particular, the lead agency may not make required CEQA findings, including finding that a project impact is significant and unavoidable, unless the administrative record demonstrates that it has adopted all feasible mitigation to reduce significant environmental impacts to the greatest extent feasible.[56] Yet, as explained below, the FEIR falls far short of this mandate by adopting mitigation measures that are vague, ineffective, and unenforceable and by failing to commit to other feasible and effective mitigation strategies to address the significant air quality impacts of the Project. As a result, the City lacks substantial evidence to support a statement of overriding considerations because existing mitigation measures do not demonstrate that significant impacts will be mitigated to the greatest extent feasible.

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[53] Marshall Comments, p. 5
[54] Marshal Comments, p. 5.
[55] 14 C.C.R. § 15002(a)(2).
[56] Pub. Res. Code § 21081(a)(3), (b); 14 C.C.R. §§ 15090, 15091; *Covington v. Great Basin Unified Air Pollution Control Dist*. (2019) 43 Cal.App.5th 867, 883.

According to the FEIR, the Project is anticipated to generate approximately 2,576 passenger vehicle trips and 1,224 heavy-duty truck trips per day, based on this estimate the FEIR states that the Project would generate 15.6 tons (31,200 lbs) of NOx per year.[57] Based on this finding, the FEIR concludes that the Project's operational emissions will exceed SJVAPCD's significance thresholds for NOx, even with implementation of Project sustainability features and mitigation measures, and the Project's air quality impacts would remain ***significant and unavoidable***.[58]

The Enhanced Measures provided through the Sierra Club Settlement Agreement include measure EM-2 which requires that 72 percent of heavy-duty trucks transporting goods from the Project Site be model year 2014 or newer and ensure that all outbound heavy duty trucks are zero emission vehicles by December 31, 2027.[59] However, this measure only reduces emissions from trucks leaving the Project and will not reduce emissions from inbound heavy duty trucks.

Dr. Clark found that additional feasible mitigation measures beyond those presented in the FEIR and Settlement Agreement are available to reduce the Project's NOx emissions. In addition to the Enhanced Measures, Mitigation Measure 3.3-1 requires that:

> During Project operation, operators of heavy-duty trucks that travel to and from the Project site are required to use trucks that have 2010 model year or newer engines that meet the CARB's 2010 engine emission standards of 0.01 g/bhp-hr for particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions, or newer, cleaner trucks and equipment.[60]

Dr. Clark found that by updating the Mitigation Measure to require the use of only heavy-duty vehicles produced in the year 2018 or later (for trucks not included in the 72% inbound category), NOx and DPM emissions from the Project would significantly decrease. Dr. Clark explains that, based on an analysis of emissions from the EMFAC model produced by the California Air Resources Board ("CARB"), vehicles model year 2018 and newer produce 37 percent to 45 percent less emission of NOx, DPM, and reactive organic gases (ROGs) that contribute to GHG formation than those produced from 2010 through 2017.[61]

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[57] FEIR, PDF p. 593.
[58] FEIR, PDF pp. 593-594.
[59] Commission Memo, PDF p. 10.
[60] FEIR, PDF p. 285.
[61] Clark Comments, p. 6.

Additional feasible mitigation beyond the measures included in the FEIR and Sierra Club Settlement Agreement are available to reduce the Project's significant and unavoidable air quality impacts. As a result, the City lacks substantial evidence to conclude that it has eliminated or substantially lessened all significant effects on the environment to the greatest extent feasible. The City must evaluate the feasibility and effectiveness of the proposed revision to MM 3.3-1 in a revised and recirculated EIR for the Project.

B. The FEIR Fails to Address Impacts from Valley Fever

The FEIR fails to address the potential health risk to construction workers and nearby sensitive receptors from exposure to *Coccidioides immitis* ("*Cocci*") fungus spores which can spread a disease known as Valley Fever. The populations most at-risk of contracting Valley Fever are construction and agricultural workers. Additionally, the nonselective raising of dust during Project construction will carry the very small spores which measure 0.002–0.005 millimeters into nonendemic areas, potentially exposing large non-Project-related populations.

The FEIR acknowledges that the San Joaquin Valley is considered an endemic area for Valley Fever, and that hospitalizations for Valley Fever in the San Joaquin Valley increased from 230 (6.9 per 100,000 population) in 2000 to 701 (17.7 per 100,000 population) in 2007.[62] However, the data cited is of little use as it is woefully outdated and geographically vague as it covers the counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare.

Recent data from the California Department of Public Health ("CDPH") details that between 2008 and 2022, the cases in the County have increased, reaching a maximum of 281 cases in 2019 (a rate of 36.4 per 100,000).[63] Additionally, based on provisional reports from the CDPH for 2024, a new maximum of 379 cases has been reached in the first 9-months of the reporting year.[64] Due to the prevalence of Valley Fever in the County, the California Legislature mandates that employers at worksites in San Joaquin County provide effective awareness training on Valley Fever to all employees.[65]

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[62] RDEIR, PDF p. 79.
[63] California Department of Public Health, Epidemiologic Summary of Valley Fever (Coccidioidomycosis) in California, 2022 (November 2023) available at https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/CocciEpiSummary2022.pdf
[64] CDPH, Provisional Valley Fever Cases in California (October 31, 2024) available at https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/ValleyFeverProvisionalDashboard.aspx
[65] California Labor Code § 6709(a)-(d).

Dr. Clark explains that Valley Fever is a disease that can spread when persons are exposed to *Cocci* fungus spores during ground disturbance.[66] Impacts to human health from Valley Fever can be severe, cause long lasting health problems, and can even result in death.[67] The fungus lives in the top 2 to 12 inches of soil, and when disturbed by activities such as digging, construction activities (e.g. site preparation and grading), dust storms, or during earthquakes, the fungal spores become airborne.[68] According to the CalEEMod output sheets included in the RDEIR, Project site preparation will occur over a total of 114 days, and on-site grading will take 125 days, resulting in the disturbance of approximately 180 acres of soil during site preparation and 930 acres of soil during the grading phases, which may lead to the release of fungus spores resulting in impacts to Project workers and nearby sensitive receptors.[69]

Additionally, Dr. Clark explains that smaller particles like *Cocci* spores require significantly longer to settle out of air.[70] For particles 10 um in diameter the settling time is measured in minutes, but for particles less than 10 um in diameter, the settling time is measured in hours.[71] *Cocci* spores are five times smaller than typical PM10 dust particles, thus allowing the spores to travel significantly further, thereby impacting receptors at greater distances.

The FEIR assumes that meeting San Joaquin Valley Air Pollution Control District's Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities) will be sufficient to control the impacts from Valley Fever exposure from the Project Site.[72] SJVAPCD Rule 8021 requires limitation of fugitive dust emissions from construction, demolition, excavation, extraction, and other earthmoving activities, by implementing control measures such as pre-watering the Project site, phasing construction work to reduce the amount of disturbed surface at any one time, and applying water or other suppressants to unpaved haul/access roads and unpaved vehicle/equipment traffic areas.[73]

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[66] Clark, p. 11.
[67] California Department of Public Health ("CDPH"), Valley Fever Basics (May 7, 2020), *available at* https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/ValleyFeverBasics.aspx.
[68] Clark Comments, p. 10.
[69] RDEIR, PDF pp. 462 and 472.
[70] *Id*, p. 14.
[71] *Ibid.*
[72] RDEIR, PDF p. 81.
[73] *Ibid.*

However, Rule 8021 relies on a visual-opacity reading for dust control and is insufficient to prevent exposure to Valley Fever spores.[74] This rule is based on smoke-monitoring methods (U.S. EPA Methods 9 and 22) that require active monitoring by certified observers, rely on subjective observation, and are affected by variables such as lighting, distance, and weather conditions.[75] Due to these limitations, opacity readings do not provide accurate, continuous data on fine airborne particles.[76]

Additionally, though not explicitly stated, the City may be assuming that the awareness training required under California Labor Code § 6709 is sufficient to mitigate the impacts from Valley Fever.[77] However, according to Dr. Clark, the education provided by the Labor Code does not provide adequate active protection for workers and nearby sensitive receptors.[78]

The FEIR fails to provide any information regarding the prevalence of *Cocci* fungus spores in the Project's vicinity, fails to discuss applicable construction worker Valley Fever training requirements and fails to include any Valley Fever-specific mitigation in the MMRP. This lack of disclosure by the City prevents meaningful analysis and mitigation of the potential health impacts the Project will cause to onsite construction workers and other individuals in close proximity to the Project site from disturbing soils which may be contaminated with Valley Fever spores site during Project construction.

The City lacks substantial evidence to conclude that the Project will not result in significant health risk impacts from Valley Fever. On the other hand, Dr. Clark's comments provide substantial evidence demonstrating the known presence of Valley Fever in the Project's vicinity and the potential impacts of exposure to the fungus spores.

The City must prepare a revised EIR which accurately analyzes and mitigates the Project's potentially significant health risk impacts from Valley Fever.

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[74] Clark Comments, p. 13.
[75] *Ibid.*
[76] *Ibid.*
[77] Labor Code § 6709(c)
[78] Clark Comments, p . 15

C. The FEIR Fails to Include Effective Mitigation Measures to Reduce the Project's Potentially Significant Health Risks from Valley Fever

Dr. Clark proposes a number of feasible mitigation measures the City should consider and adopt in the MMRP for the Project to reduce potential health impacts from Valley Fever.[79] In addition to the worker awareness training required under California Labor Code § 6709[80], the following mitigation measures must be included in the MMRP for the Project to reduce the potentially significant health risk impacts to construction workers and nearby sensitive receptors from exposure to *Cocci* spores during Project construction:

1. Include specific requirements in the Project's Injury and Illness Prevention Program regarding safeguards to prevent Valley Fever.

2. Control dust exposure through the following methods:

- Apply chemical stabilizers at least 24-hours prior to high wind event;
- Apply water to all disturbed areas a minimum of three times per day. Watering frequency should be increased to a minimum of four times per day if there is any evidence of visible wind-driven fugitive dust;
- Provide National Institute for Occupational Safety and Health (NIOSH)-approved respirators for workers with a prior history of Valley Fever.
- Half-face respirators equipped with a minimum N-95 protection factor for use during worker collocation with surface disturbance activities. Half-face respirators equipped with N-100 or P-100 filters should be used during digging activities. Employees should wear respirators when working near earth-moving machinery.
- Prohibit eating and smoking at the worksite, and provide separate, clean eating areas with hand-washing facilities.
- Avoid outdoor construction operations during unusually windy conditions or in dust storms.
- Consider limiting outdoor construction during the fall to essential jobs only, as the risk of cocci infection is higher during this season.

[79] Clark Comments, pp. 12-14.
[80] Labor Code § 6709(c)

3. Prevent transport of *Cocci* outside endemic areas:

- Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate.
- Provide workers with coveralls daily, lockers (or other systems for keeping work and street clothing and shoes separate), daily changing and showering facilities.
- Clothing should be changed after work every day, preferably at the work site.
- Train workers to recognize that cocci may be transported offsite on contaminated equipment, clothing, and shoes; alternatively, consider installing boot-washing.
- Post warnings onsite and consider limiting access to visitors, especially those without adequate training and respiratory protection.

4. Improve medical surveillance for employees:

- Employees should have prompt access to medical care, including suspected work-related illnesses and injuries.
- Work with a medical professional to develop a protocol to medically evaluate employees who have symptoms of Valley Fever.
- Consider preferentially contracting with 1-2 clinics in the area and communicate with the health care providers in those clinics to ensure that providers are aware that Valley Fever has been reported in the area. This will increase the likelihood that ill workers will receive prompt, proper and consistent medical care.
- Respirator clearance should include medical evaluation for all new employees, annual re-evaluation for changes in medical status, and annual training, and fit-testing.
- Skin testing is not recommended for evaluation of Valley Fever.[81]
- If an employee is diagnosed with Valley Fever, a physician must determine if the employee should be taken off work, when they may return to work, and what type of work activities they may perform.

[81] Short-term skin tests that produce results within 48 hours are available. See Kerry Klein, NPR for Central California, New Valley Fever Skin Test Shows Promise, But Obstacles Remain, November 21, 2016; available at http://kvpr.org/post/new-valley-fever-skin-test-shows-promise-obstacles-remain.

Any mitigation measures must be included in the MMRP for the Project and be fully enforceable through permit conditions, agreements, or other legally binding instruments.[82] Failure to include enforceable mitigation measures is considered a failure to proceed in the manner required by CEQA.[83] In order to meet this requirement, the above mitigation measures must be incorporated directly into the EIR to be enforceable.[84]

The City must prepare a revised FEIR to include mitigation measures such as the those proposed by Dr. Clark to reduce the impacts of exposure to Valley Fever causing fungus spores and mitigate impacts to sensitive receptors.

D. The FEIR Fails to Address Health Risk Impacts from Stationary Sources

As explained above, the City failed to account for the use of backup generators and fire pumps during Project operation resulting in a failure to analyze the reasonably foreseeable air quality and health risk impacts from diesel particulate matter emissions. Although the City did prepare a Health Risk Assessment for the Project, failure to include all sources of DPM emissions renders the HRA incomplete.[85] As a result, the HRA cannot be relied upon by the City to conclude that the Project will not result in significant health risk impacts.

The City must prepare a revised FEIR for the Project which includes a revised HRA, and provide the public the opportunity to review the analysis.

VI. CONCLUSION

For the reasons discussed above, the Planning Commission lacks substantial evidence to recommend approval of the Project. The FEIR does not comply with CEQA. It must be revised and recirculated to provide legally adequate analysis of, and mitigation for, all of the Project's significant impacts. Until the EIR has been revised and recirculated, as described herein, the City may not lawfully approve the Project.

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[82] CEQA Guidelines §15126.4(a)(2).
[83] *San Joaquin Raptor Rescue Ctr. v. County of Merced* (2007) 149 Cal.App.4th 645, 672.
[84] *Lotus v. Dept of Transportation* (2014) 223 Cal. App. 4th 645, 651-52.
[85] RDEIR, PDF p. 159.

Thank you for your consideration of these comments. Please include them in the record of proceedings for the Project.

Sincerely,

Kevin Carmichael

KTC:ljl

EXHIBIT A

794 Sawnee Bean Road
Thetford Center VT 05075

Norman Marshall, President
(802) 356-2969

nmarshall@smartmobility.com

December 4, 2024

Kevin T. Carmichael
Adams Broadwell Joseph & Cardozo
520 Capitol Mall, Suite 350
Sacramento, CA 95814

Subject: Tracy Costco Deport Annex Project (SCH No. 2020080531)

Dear Mr. Carmichael,

I have reviewed vehicle miles traveled (VMT) impacts, traffic, and greenhouse gas emissions ("GHG") of the Draft Environmental Impact Report for the Tracy Costco Depot Annex Project dated September 2022 ("DEIR"), Recirculated Draft Environmental Impact Report for the Tracy Costco Depot Annex Project dated December 2023 ("RDEIR"), the Responses to Comments for the Tracy Costco Depot Annex Project dated September 2024 ("Responses"), and the Findings of Fact/Statement of Overriding Considerations for the Tracy Costco Depot Project dated October 2024 ("Findings"), collectively "FEIR". I make the following findings:

1) The trip generation estimates are not fully documented. Details about when and where the data were collected, and the observed trip generation rates, are omitted.
2) The trip generation rate applied is lower than for other warehouse categories, and may be unrealistically low, particularly as the industry is continuing to undergo rapid change.
3) The Project exceeds the VMT threshold by 164 percent.
4) CAPCOA states that up to 45% Commute Trip VMT mitigation is possible.
5) The FEIR variously claims that only a 12%, 13% or 15% reduction is feasible without clearly proposing any of these, and intends to satisfy at least a portion of the reduction through an impact fee structure that does not appear to be implemented yet, and for which no evidence is given that it would achieve significant VMT reduction.
6) A more robust TDM program is needed.

Trip Generation Estimates are not Properly Documented and Likely Are Too Low

The RDEIR stated:

> Trip generation for the proposed Costco development was calculated using the E-Commerce trip generation rates provided by Kittleson's *Tracy Costco Depot Transportation Impact Analysis Report* (August 28, 2017). (RDEIR, PDF p. 663 of 1287)

However, the referenced report was not included in the RDEIR, and this omission was raised in RDEIR comments. The Responses state:

> The 2017 Kittleson Tracy Costco Depot Transportation Impact Analysis Report (2017 Report) is included as Appendix B of this Response to Comments document. The 2017 Report was prepared to assess the potential effects of changes to the then existing Costco Depot campus located at 25501 Gateway Blvd, Tracy, CA 95377. In 2017, Costco was considering expanding the then existing depot building and constructing a new ecommerce building on the campus. The e-commerce building would replace an existing Costco e-commerce facility located at that time at 25149 S Schulte Road. The report does not pertain to the Depot Annex but rather provided Costco-specific trip information that was used for the Traffic Study. Since the 2017 Report does not evaluate any component of the Project, revision and recirculation of the Transportation Section of the EIR is not required. (Responses, PDF p. 32 of 692)

Responses Appendix B starts on Responses PDF p. 666 of 692. The report, as included, also appears to be incomplete. It includes estimates of AM and PM peak hour trip generation, but no trip generation rates are given, and there is no information provided about the underlying data. Instead, it states that this information is in an Appendix F, which is not included:

> Further details on the trip generation are also provided in *Appendix F* along with the data collected at the existing Tracy E-Commerce site. (Responses, PDF p. 679 of 692)

There is no Appendix F either in the RDEIR or in the Kittelson report as included in the Responses.

DEIR Comments by the California Department of Transportation dated October 22, 2022 stated:

> 3. The TIS that was submitted does not use the latest version of the ITE Trip Generation Manual (11th Edition). It is strongly suggested that future studies use the latest version.
> 4. Table 3.13-1 does not include daily trip generation, which is needed for the VMT analyses. (Responses, PDF p. 37 of 692)

The Responses to the Caltrans comments state:

> The e-commerce daily trip rate used in the DRAFT EIR is 2.17 trips per 1,000 square feet (KSF). (Responses, PDF p. 41 of 692)

This daily trip rate of 2.17 per 1,000 sq. ft. does not appear in either the DEIR or the RDEIR and no basis is given for it.

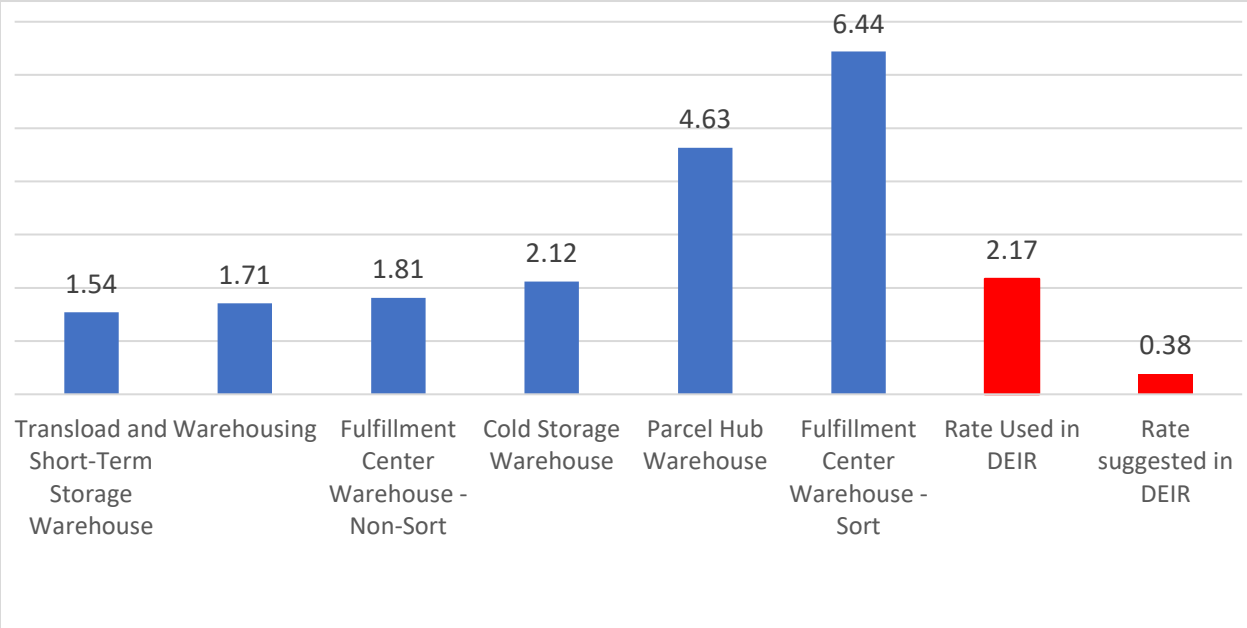
The Responses then put forward a claim that a rate of only 0.38 daily trips per 1,000 sq. ft. is appropriate based on "data collected at Costco DDCs in Stockton, CA, Gouldsboro, PA, and Romeoville, IL." (Responses, PDF, p. 40 of 692) The Responses state:

> The trip generation estimates presented in the Draft EIR are conservative based on the expected activity for this Project. The Draft EIR assumes that the Project buildings could be used for high turnover, high volume merchandise. Costco intends to use the larger of the two Project buildings (Building 2) as a Direct Delivery Center primarily for large and bulky items ordered online by Costco members for direct delivery through smaller Market Delivery Operations facilities located in various smaller cities in the Northern California region. Costco plans to deploy the smaller of the two Project buildings (Building 1) as an annex to the nearby Costco Depot, providing additional storage for merchandise processed through the Depot, a pallet repair facility, and a return-to-vendor facility. Given these planned uses, if Project-specific assumptions were used, the number of trips generated by the Project would be less than that reported in the Draft EIR. The information and data below were developed by Kittelson & Associates, Inc. on behalf of Costco. (Responses, PDF p. 40 of 692)

One fact highlighted by this excerpt is that retail, and especially home delivery retail, has been changing rapidly and is likely to continue to change. Therefore, unless the project is constrained to low trip generation uses by a binding condition of approval, the FEIR's trip generation rates remain unsupported, and actual VMT may be substantially higher than assumed in the FEIR. If the City were to approve the Project based on the low rates assumed in the FEIR, actual VMT may increase after a short period of time and remain unmitigated.

As shown in the figure below, the rate of 2.17 daily trips per 1,000 sq. ft. is lower than some warehouse types in ITE Trip Generation. The rate of 0.38 daily trips per 1,000 sq. ft. given in the Responses is so low that it does not appear plausible.

DEIR Daily Trip Rates Compared to ITE Trip Generation Daily Trip Generation Rates



The FEIR's trip generation assumptions must be properly documented, including information about when and where the data were collected, and appropriate trip generation rates should be used.

Significant VMT impacts Are Inadequately Mitigated (p. 141)

The FEIR discloses that the project would have a significant VMT impact that exceeds thresholds by 164 percent (even under the FEIR's low VMT assumptions). It states:

> The proposed Project was evaluated using the City of Tracy VMT Calculator. For the surrounding industrial land use area, the City's threshold is 9.2 VMT per employee. The City's VMT Calculator estimates that the Project would generate 24.8 VMT per employee, and the Project exceeds the threshold by 164 percent. This VMT per employee value is also applicable to the cumulative scenario, since it also applies under cumulative conditions. Because the Project exceeds the City threshold by 164 percent, a reduction below the City's VMT threshold is not feasible. (RDEIR, PDF p. 141 of 1287)

The FEIR summarily concludes that "a reduction below the City's VMT threshold is not feasible" without discussing VMT mitigation. A Kimley Horn memo dated September 12, 2022 re Costo Direct Delivery Traffic Analysis appears in the middle of the FEIR beginning on PDF p. 642 of 1287 that describes the TDM program, which is included in the FEIR as Mitigation Measure 3.13-1.

The FEIR, and consequently Mitigation Measure 3.13-1, arbitrarily establish a purported "feasible maximum of 15% VMT reduction." (RDEIR PDF p. 642 of 1287). In fact, the California Air Pollution Control Officers Association (CAPCOA) publication *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity: Designed for Local Governments, Communities, and Project Developers (Final Draft, December 2021)* establishes a 45% Commute Trip reduction as the maximum possible as shown in the excerpt here.

Subsector Maximum

$(\sum A_{max_{T\text{-}5 \text{ through } T\text{-}13}} \leq 45\%)$ This measure is in the Trip Reduction Programs subsector. This subcategory includes Measures T-5 through T-13. The employee commute VMT reduction from the combined implementation of all measures within this subsector is capped at 45 percent.[1]

The FEIR provides no basis for assuming that a 15% reduction is the maximum possible.

TDM information is not included in the body of the FEIR, but the Responses instead reference the DEIR (which was superseded by the RDEIR). The Responses state:

> As discussed in Impact 3.13-1 in Section 3.13, Transportation and Circulation, of the Draft EIR, the Project would be required to prepare and implement a Transportation Demand Management (TDM) Plan. As part of Mitigation Measure 3.13-1, the proposed Project would be required to monitor and evaluate the effectiveness of the Project's TDM Plan and provide the results to the City of Tracy. Based on the results of the evaluation, modifications to the TDM Plan may be required by the City in order to improve effectiveness toward achieving the home-based work VMT per worker target. A list of TDM measures is included in Table 3.13-2 in Section 3.13 of the Draft EIR.

> Mitigation Measure 3.13-1 was revised as part of this Response to Comments document to include eight additional TDM strategies. See Chapter 3.0 of this Response to Comments document for the final mitigation language. (Responses PDF p. 39 of 692)

The measures proposed are:

- Reduce Parking Supply,
- Travel Behavior Change Program,
- Promotions and Marketing,
- Emergency Ride Home (ERH) Program,
- Ride Share Program,
- Designated Parking Spaces for Car Share Vehicles,
- Include Bike Parking Per City Code,
- Include Secure Bike Parking and Showers,
- Bicycle Repair Station/Services,
- Pedestrian Network Improvements, an
- Provide On-Site Meals. (Responses, PDF p. 617-618 of 692)

The CAPCOA Handbook describes VMT reduction measures at the "Project/Site" and "Plan/Community" level. The Handbook states:

> *The GHG reductions of transportation measures from different scales of application should never be combined.* While it may be possible that a user's project involves measures that affect vehicle trips or VMT at both scales, it is likely that combining the percent reduction from measures of different scales would not be valid.

Most of the TDM measures proposed for this project are at the Project/Site level, but one measure listed, Pedestrian Network Improvements, is at the Plan/Community level and cannot be credited with a VMT reduction for this project.

The FEIR fails to demonstrate that the Project's significant VMT impact would be reduced to the greatest extent feasible by the TDM Plan required by Mitigation Measure 3.13-1. By committing to only a 15% reduction, and possibly achieving this reduction largely through impact fees rather than real reductions in commute trip VMT, the City fails to achieve the maximum feasible VMT mitigation. The FEIR must be revised to incorporate additional VMT mitigation.

The City must incorporate additional TDM reduction measures into the Project to further reduce the Project's significant VMT impacts and bring the Project as close to a 45% reduction as feasible. Absent additional VMT mitigation measures, the City lacks substantial evidence to support the conclusion that the Project's VMT, and corresponding GHG emissions impacts have been lessened to the extent feasible as required by CEQA.

Sincerely,

Norman L. Marshall

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Resume

NORMAN L. MARSHALL, PRESIDENT

nmarshall@smartmobility.com

EDUCATION:

Master of Science in Engineering Sciences, Dartmouth College, Hanover, NH, 1982
Bachelor of Science in Mathematics, Worcester Polytechnic Institute, Worcester, MA, 1977

PROFESSIONAL EXPERIENCE: (36 Years, 22 at Smart Mobility, Inc.)

Norm Marshall helped found Smart Mobility, Inc. in 2001. Prior to this, he was at RSG for 14 years where he developed a national practice in travel demand modeling. He specializes in analyzing the relationships between the built environment and travel behavior and doing planning that coordinates multi-modal transportation with land use and community needs.

Regional Land Use/Transportation Scenario Planning

Portland Area Comprehensive Transportation System (PACTS) – the Portland Maine Metropolitan Planning Organization. Updating regional travel demand model with new data (including AirSage), adding a truck model, and multiclass assignment including differentiation between cash toll and transponder payments.

Loudoun County Virginia Dynamic Traffic Assignment – Enhanced subarea travel demand model to include Dynamic Traffic Assignment (Cube). Model being used to better understand impacts of roadway expansion on induced travel.

Vermont Agency of Transportation-Enhanced statewide travel demand model to evaluate travel impacts of closures and delays resulting from severe storm events. Model uses innovate Monte Carlo simulations process to account for combinations of failures.

California Air Resources Board – Led team including the University of California in $250k project that reviewed the ability of the new generation of regional activity-based models and land use models to accurately account for greenhouse gas emissions from alternative scenarios including more compact walkable land use and roadway pricing. This work included hands-on testing of the most complex travel demand models in use in the U.S. today.

Climate Plan (California statewide) – Assisted large coalition of groups in reviewing and participating in the target setting process required by Senate Bill 375 and administered by the California Air Resources Board to reduce future greenhouse gas emissions through land use measures and other regional initiatives.

Chittenden County (2060 Land use and Transportation Vision Burlington Vermont region) – led extensive public visioning project as part of MPO's long-range transportation plan update.

Flagstaff Metropolitan Planning Organization – Implemented walk, transit and bike models within regional travel demand model. The bike model includes skimming bike networks including on-road and off-road bicycle facilities with a bike level of service established for each segment.

Chicago Metropolis Plan and Chicago Metropolis Freight Plan (6-county region)— developed alternative transportation scenarios, made enhancements in the regional travel demand model, and used the enhanced

model to evaluate alternative scenarios including development of alternative regional transit concepts. Developed multi-class assignment model and used it to analyze freight alternatives including congestion pricing and other peak shifting strategies.

Municipal Planning

City of Grand Rapids – Michigan Street Corridor – developed peak period subarea model including non-motorized trips based on urban form. Model is being used to develop traffic volumes for several alternatives that are being additional analyzed using the City's Synchro model

City of Omaha - Modified regional travel demand model to properly account for non-motorized trips, transit trips and shorter auto trips that would result from more compact mixed-use development. Scenarios with different roadway, transit, and land use alternatives were modeled.

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Capital Metropolitan Transportation Authority (Austin, TX) Transit Vision – analyzed the regional effects of implementing the transit vision in concert with an aggressive transit-oriented development plan developed by Calthorpe Associates. Transit vision includes commuter rail and BRT.

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Roadway Corridor Planning

I-30 Little Rock Arkansas – Developed enhanced version of regional travel demand model that integrates TransCAD with open source Dynamic Traffic Assignment (DTA) software, and used to model I-30 alternatives. Freeway bottlenecks are modeled much more accurately than in the base TransCAD model.

South Evacuation Lifeline (SELL) – In work for the South Carolina Coastal Conservation League, used Dynamic Travel Assignment (DTA) to estimate evaluation times with different transportation alternatives in coastal South Caroline including a new proposed freeway.

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Associate Member, Transportation Research Board (TRB)

Member and Co-Leader Project for Transportation Modeling Reform, Congress for the New Urbanism (CNU)

Resume

NORMAN L. MARSHALL, PRESIDENT

nmarshall@smartmobility.com

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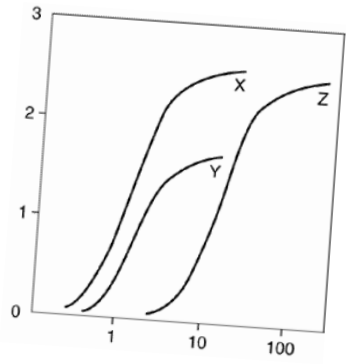
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EXHIBIT B



Clark & Associates
Environmental Consulting, Inc.

OFFICE
12405 Venice Blvd
Suite 331
Los Angeles, CA 90066

PHONE
310-907-6165

EMAIL
jclark.assoc@gmail.com

December 3, 2024

Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

Attn: Mr. Kevin Carmichael

Subject: Comments On Final Environmental Impact Report (FEIR) For Tracy COSTCO Depot Annex Project, (SCH # 2020080531) Tracy, California

At the request of Adams Broadwell Joseph & Cardozo (ABJC), Clark and Associates (Clark) has reviewed the materials related to the City of Tracy's (the City's) FEIR,[1] including the Responses to Comments (RTC) for the above referenced project.

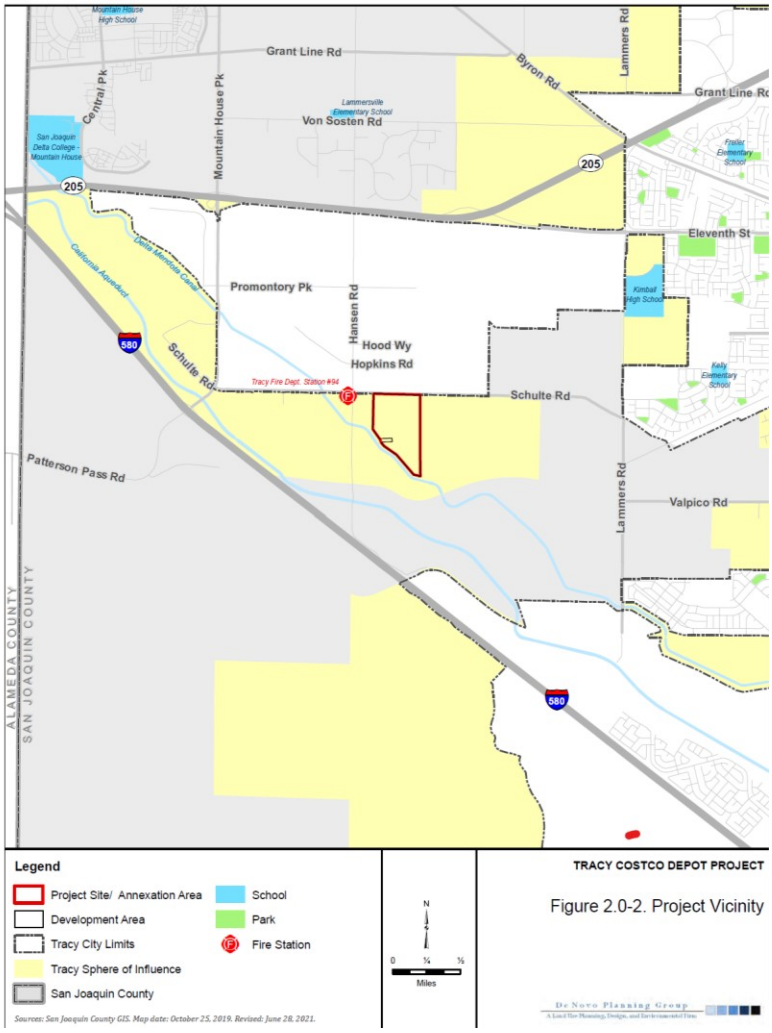
Clark's review does not constitute validation or endorsement of the conclusions or content presented in the FEIR. Any lack of comment on specific items should not be interpreted as acceptance or approval of those items.

Project Description:

The Project proposes the construction and operation of two warehouse buildings that would serve as an annex to the existing Costco Depot located approximately 1.5 miles to the west of the Project and as a Direct Distribution Center (DDC). The two buildings (approximately 543,526 square foot (sq ft) for Building 1 and 1,193,198 sq ft for Building 2) would total approximately 1,736,724 square feet. The smaller Building 1 is anticipated to serve as the annex by providing additional storage for high-turnover merchandise processed through the nearby

[1] De Novo Planning Group. 2024. Final Environmental Impact Report (Response To Comments) For The Tracy COSTCO Depot Annex Project (SCH # 2020080531) Dated September 2024

Costco Depot, a pallet repair facility, and a return to vendor facility for large items returned to a Costco warehouse. The larger Building 2 is anticipated to serve as a DDC, an ecommerce distribution center primarily for large and bulky items ordered online for direct delivery. According to the Project Description, cold storage would not be provided as part of the proposed Project.[2] The FEIR further notes "that there would be no refrigerated warehouse operations or transport refrigeration units (TRUs) as part of the Project. If the Project is approved, the City would include a condition of approval precluding cold uses for the Project." [3] However, the Conditions of Approval for the Project do not include a provision prohibiting the use of the Project for cold storage, therefore it is still possible that cold storage could be part of the Project that is finally approved.



[2] *Ibid.* pg ES-2

[3] *Ibid.* pg ES-2

Figure 1: Regional Location Map

According to the RDEIR[4] the Project Site (or **Annexation Area**) totals 104.46 acres and includes the whole of the Project, including the proposed 103.0-acre Development Area, and 1.46 acres of land along the Delta Mendota Canal (which would not be developed as part of the proposed Project). The Project Site is undeveloped land that was previously used for agricultural purposes. The Site is regularly disked and moved for weed abatement. Surrounding land uses include warehouse distribution and other industrial uses to the north (within the Cordes Ranch Specific Plan Area, located in the City of Tracy), vacant agricultural land within unincorporated San Joaquin County to the east, the Delta Mendota Canal and agricultural land within unincorporated San Joaquin County to the south, and a rural residence, CalFire station, and Delta Mendota Canal to the west (within unincorporated San Joaquin County).

[4] De Novo Planning Group. 2024. Recirculated Draft EIR For The Tracy COSTCO Depot Annex Project (SCH # 2020080531) Dated December 2023. Pg 2.0-1

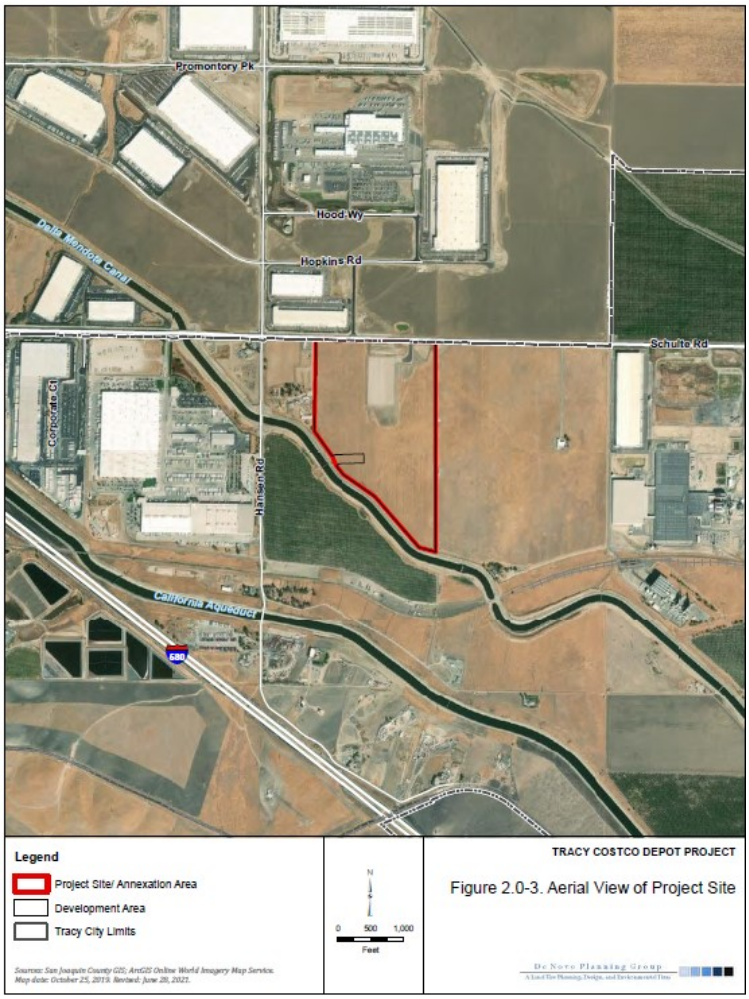


Figure 2: Project Site Location (Aerial Photo)

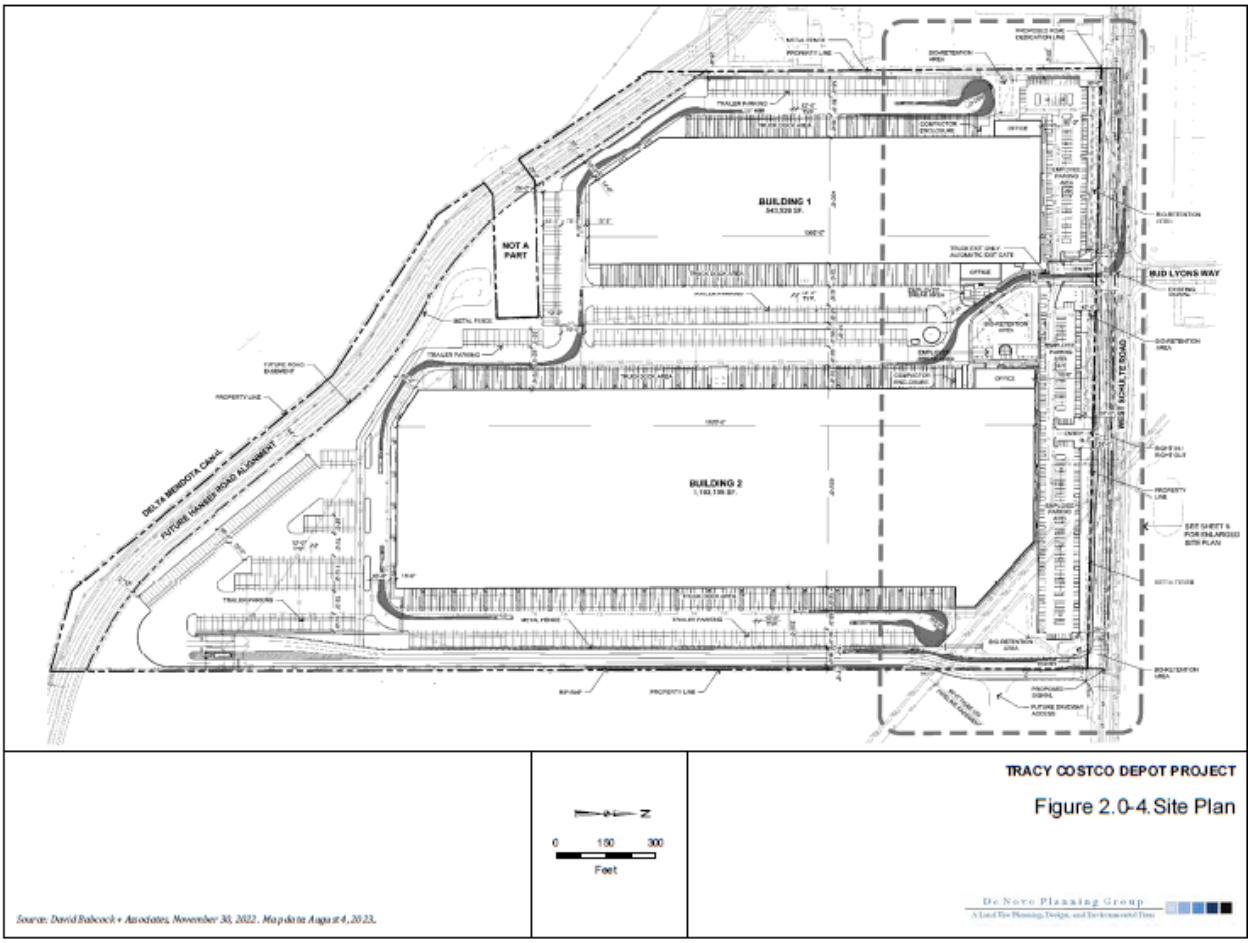


Figure 3: Project Site Plan

The construction of the Project Site is expected to last for approximately 2 years.[5] Construction activities associated with the Project would result in emissions of VOCs, NO_X, SO_X, CO, PM_{10}, and $PM_{2.5}$.

[5] Ibid. pg 3.3-26

TABLE 3.3-8: ANTICIPATED CONSTRUCTION SCHEDULE

CALEEMOD PHASE	CALEEMOD PHASE START DATE	CALEEMOD PHASE END DATE
Site Preparation	Monday, 7/8/2024	Friday, 7/26/2024
Grading	Monday, 7/29/2024	Friday, 12/20/2024
Off-Site Grading	Tuesday, 12/24/2024	Monday, 12/15/2025
Off-Site Improvements	Monday, 4/14/2025	Monday, 10/20/2025
Off-Site Paving	Tuesday, 10/21/2025	Monday, 12/15/2025
Phase 1 Building Construction	Monday, 12/23/2024	Monday, 12/29/2025
Phase 1 Site Finishing	Monday, 9/29/2025	Sunday, 11/16/2025
Phase 1 Paving	Monday, 11/17/2025	Friday, 12/19/2025
Phase 2 Building Construction	Monday, 12/29/2025	Friday, 8/21/2026
Phase 2 Site Finishing	Monday, 5/18/2026	Monday, 7/20/2026

Phase 2 Paving	Tuesday, 7/21/2026	Friday, 8/7/2026

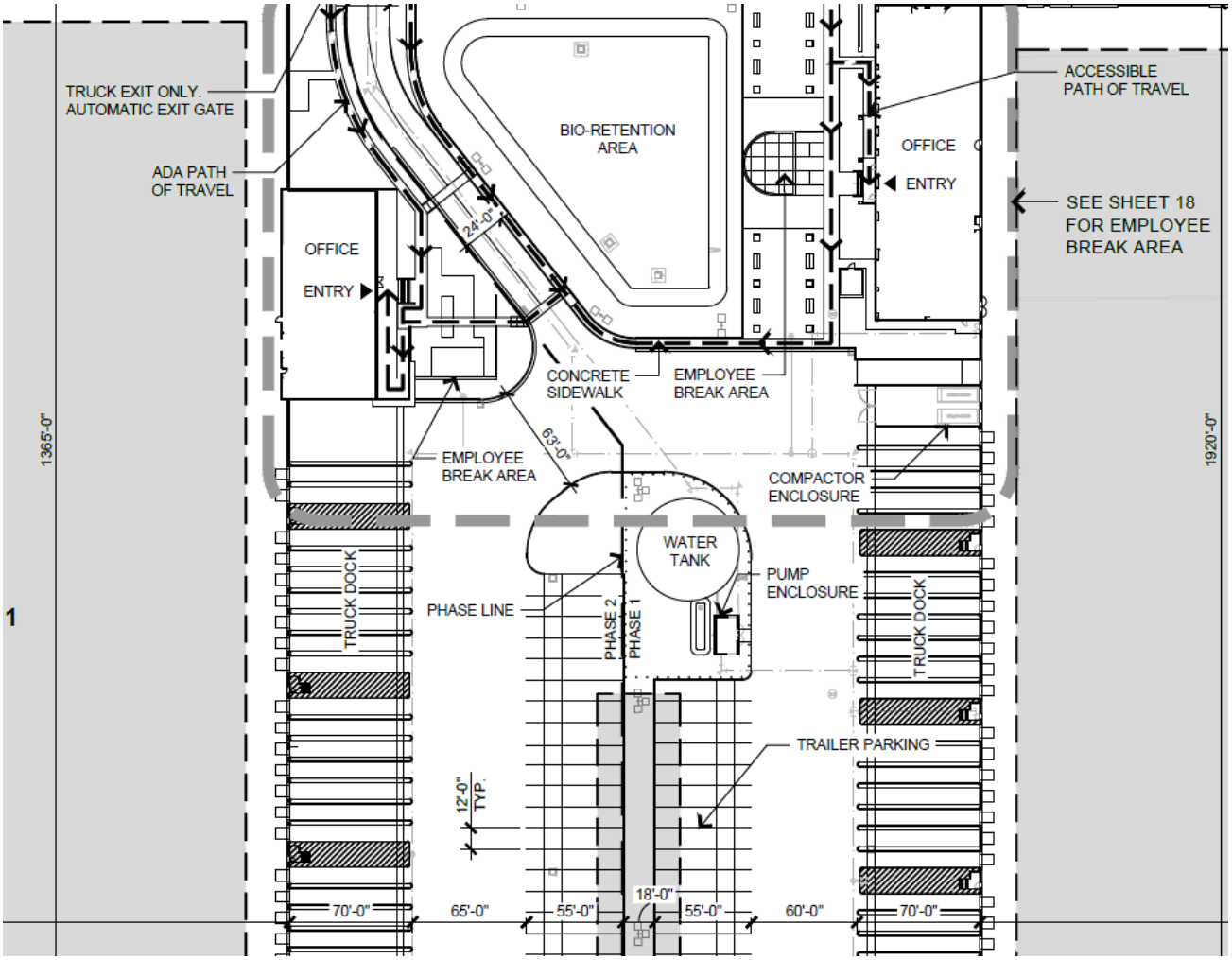
SOURCE: PROJECT APPLICANT (AUGUST 22, 2023).

The FEIR's assertion that there are not additional mitigation measures that could impact the significant air quality impacts from the Project is not supported by the data contained in the FEIR.

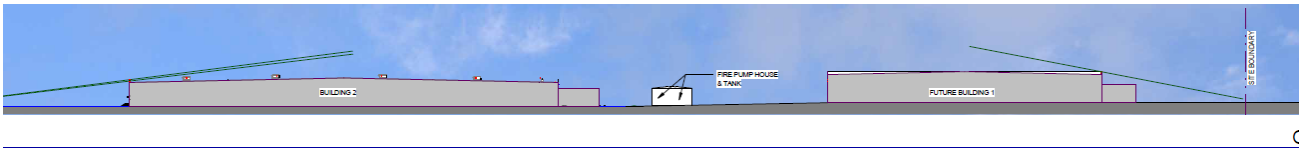
Specific Comments

1. The Air Quality Analysis Omits Analysis of Onsite Stationary Source Emissions.

To comply with the California Fire Code and local fire authority requirements, the Project will need to install fire pump systems and likely an on-site back-up generator (BUG). A review of Appendix A to the RDEIR includes the Project Site Plans. On sheet 5 of Appendix A the plans detail the presence of a water tank and pump enclosure.



Several sheets later, (sheet 14 of Appendix A) the plans described the presence of a fire pump house and tank in the same location.



The CalEEMOD analyses for the Project do not show a fire pump or backup generator(s) ("BUG") for the Project. A fire pump house typically contains several key components, each playing a vital role in maintaining the efficiency and reliability of the fire protection system:

1. **Fire Pumps:** The most critical component of the fire protection system is a fire pump house which is responsible for increasing the water pressure in the system. Fire pumps can be driven

by various power sources, including electric motors, diesel engines, and steam turbines.

2. **Controllers:** Fire pump controllers are devices that monitor and control the operation of the fire pump. They ensure the pump starts automatically in response to a drop in system pressure, providing consistent and reliable performance during an emergency.
3. **Jockey Pumps:** Also known as pressure maintenance pumps, jockey pumps are smaller pumps used to maintain system pressure during normal conditions. They compensate for small leaks and pressure drops, ensuring the fire pump remains primed and activated.
4. **Relief Valves:** These valves are designed to prevent excessive pressure buildup in the system, protecting the equipment from damage and ensuring safe operation.
5. **Flow Meters:** Flow meters measure the water flow rate in the system, providing crucial data for monitoring and maintaining optimal performance.
6. **Piping and Valves:** An extensive network of pipes and valves directs the water from the pump to the fire protection system, ensuring efficient and controlled distribution.

Given that the pump enclosure indicated on sheet 14 of Appendix A clearly describes a fire pump house the source of power for the system must be included in the air quality analysis of the Project. According to Mitigation Measure 3.3-6 states that the Project applicant shall ensure that diesel generators shall not be used on site during project operations, except in emergency situations, in which case such generators shall have Best Available Control Technology (BACT) that meets CARB's final Tier IV emission standards. This would make it appear that the use of generators using alternative fuels to diesel would be preferred but does not explicitly prevent the use of diesel-powered generators. Since Mitigation Measure 3.3-5 requires that no natural gas service shall be supplied to the site it is clear that natural gas-powered generators would not be allowed.

Both the fire pump and BUG will require annual testing and maintenance. Under the California Air Resources Board (CARB) Airborne Toxic Control Measure (ATCM) for Stationary Compression Ignition Engines Guidance, the local air district may permit a new stationary emergency standby diesel-fueled Cl engine (> 50 hp) to operate up to 100 hours per year for maintenance and testing if the DPM emissions are less than or equal to 0.01 g/bhp-hr. Assuming a generator for the fire pump house is approximately 900 brake horse power (bhp) and is operated for 100 hours a year to test and maintain the system, the system would generate 900 grams or approximately 2 pounds of DPM. This

additional emissions and resulting burden on the nearby sensitive receptors is unaccounted for in the FEIR. Beyond routine testing emissions, the air quality analysis in the FEIR must also account for the additional operational emissions from BUGs that occur due to unscheduled events, including Public Safety Power Shutoff events and extreme heat events. However, the City's analysis fails to include emissions from stationary equipment (i.e., fire pumps and or BUGs) in its operational emissions assessment, and these sources are omitted from the CalEEMOD modeling. The omission of fire pump and BUG emissions is a significant gap in the Project's emissions inventory, leaving a source of operational emissions unaddressed.

2. The FEIR Fails To Account For The Potential Hazards From Battery Storage On Site.

According to the FEIR, the Project would install a solar photovoltaic (PV) roof system, including on-site PV connection to the local electric grid. The on-site Solar PV roof system is anticipated to provide approximately 3-megawatts (MW) of building demand. In addition, a solar microgrid would be included within the Project with adequate battery storage. Sheet 4 from the RTCs indicates that the battery storage area would be adjacent to Building 2.

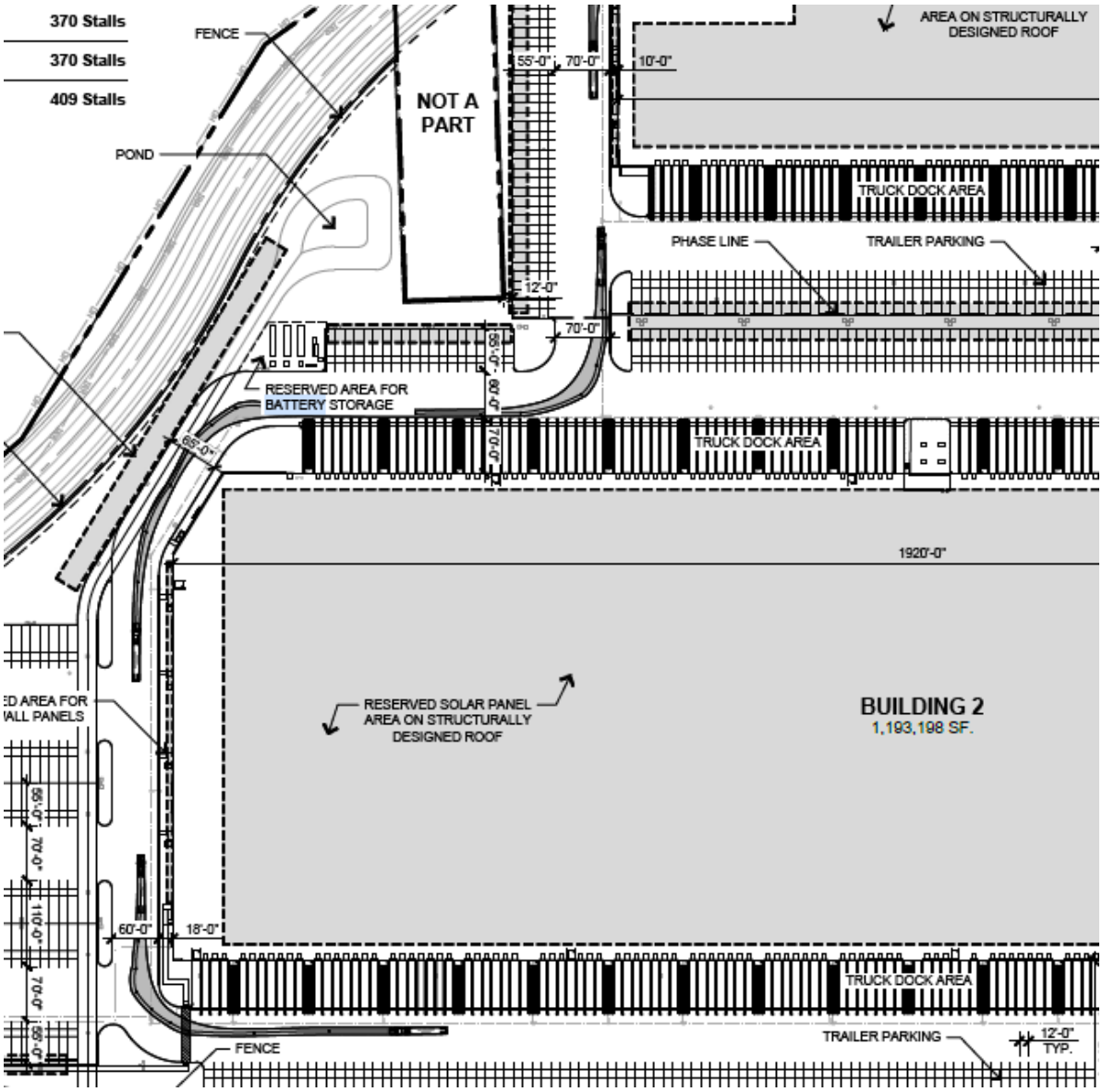


Figure 4: Location of Battery Storage Area

Mitigation Measure 3.3-4 requires that the battery storage system have enough capacity to power the Project's basic building function for 48 hours. Based on the energy consumption rate in the FEIR,[6] the system would need to be able to store 60,494 kWh in the system. As battery systems increase in size so do the potential hazards that they present. Frequently identified hazards from storage batteries include thermal runaway, off-gassing, and stranded energy, along with discharges of

[6] De Novo Planning Group. 2024. Recirculated Draft EIR For The Tracy COSTCO Depot Annex Project (SCH # 2020080531) Dated December 2023. Pg 3.7-33

hazardous chemicals from the batteries themselves.

- Thermal runaway - Thermal runaway is the uncontrollable self-heating of a battery cell. It begins when the heat generated within a battery exceeds the amount of heat that can be dissipated to its surroundings. The initial overheated cell then generates flammable and toxic gasses and can reach a heat high enough to ignite those gasses. This phenomenon can cascade to adjacent cells and progress through the ESS, thus the term “runaway”.
- Off Gassing – The gasses that are released from battery energy storage systems (ESS) are highly flammable and toxic. The type of gas released depends on the battery chemistry involved but typically includes gases such as: carbon monoxide, carbon dioxide, hydrogen, methane, ethane, and other hydrocarbons. If the gas is able to reach its lower explosive limit before finding an ignition source, then there is the potential for an explosion.
- Stranded Energy – Standard energy is the term used for when a battery has no safe way of discharging its stored energy. This commonly occurs after an ESS fire has been extinguished and the battery terminals have been damaged. This is a shock hazard to those working with the damaged ESS since it still contains an unknown amount of electrical energy. Stranded energy can also lead to reignition of a fire within minute, hours, or even days after the initial event.

Additionally, the environmental impacts from the placement of batteries in the environment needs to be assessed. Specifically, environmental impacts can lead to battery failure. This can be the result of ambient temperature extremes, seismic activity, floods, ingress of debris or corrosive mists such as dust (deserts) or salt fog (marine locations), or rodent damage to wiring. Some locations subjected to rapid temperature variations such as in the mountains can experience dewing leading to damage within the ESS located outdoors if not well-controlled. It is clear that the FEIR fails to address how the battery storage will be maintained and does assess the hazards from the long-term use of the batteries.

3. Mitigation Measures To Reduce NO_x and Diesel Particulate Matter (DPM) Emissions From The Operational Phase Of The Project Do Not Go Far Enough To Reduce The Emissions.

The Project is anticipated to generate approximately 2,576 passenger vehicle trips and 1,224 heavy-duty truck trips per day. The truck trips would include vehicles delivering materials to the Project Site and vehicles delivering goods from the Project Site. Using the quantifiable Project Sustainability features the FEIR estimated that the Project would generate 15.6 tons (31,200 lbs) of NO_x per year, a significant and unavoidable impact based on the SJVAPCD's threshold. The impact of Mitigation Measure 3.3-1, which requires that during Project operation, operators of heavy-duty trucks that travel to and from the Project site are required to use trucks that have 2010 model year or newer engines that meet the CARB's 2010 engine emission standards of 0.01 g/bhp-hr for particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions, or newer, cleaner trucks and equipment, was not included in the analysis.

Under a recent agreement between Costco and the Sierra Club (Enhanced Measures – EM-B), 72 percent (72%) of heavy-duty trucks transporting goods ***from*** the Project Site will be model year 2014 or zero emission (ZE) vehicles. This measure will only limit emissions starting from the Project Site and will not impact the emissions from vehicles delivering to the Project Site.

By updating the Mitigation Measure to require the use of only heavy-duty vehicles produced in the year 2018 or later (rather than the proposed 2010 or later) delivering products ***to and from*** the Project Site (where not otherwise within the 72% of incoming trucks covered in the Sierra Club settlement), emissions NO_x and DPM would further decrease and result in substantial reductions in otherwise unmitigated emissions. Based on an analysis of emissions from the EMFAC model produced by the California Air Resources Board (CARB), it is clear that vehicles model year 2018 and newer produce 37 percent to 45 percent less emission of NOx, DPM, and reactive organic gases (ROGs) that contribute to GHG formation than those produced from 2010 through 2017. This simply mitigation measure would have no impact on the construction and operational costs of the Project but will net a significant decrease in the emissions from the Project.

4. The FEIR Fails To Address The Necessary Mitigation Measures To Reduce Valley Fever Risks From Particulate Matter Released During Project Construction.

The FEIR fails to adequately address the known presence and significant risk of *Coccidiodes Immitis* (Valley Fever fungus) in Central California. Under California Labor Code Section 6709[e], the county of San Joaquin is an area known to have a high endemic rate of Valley Fever. In the FEIR[7] it was noted that by geographic region, hospitalizations for Valley Fever in the San Joaquin Valley increased from 230 (6.9 per 100,000 population) in 2000 to 701 (17.7 per 100,000 population) in 2007. According to the California Department Of Public Health's (CDPH) Valley Fever Website[8], the rate of Valley Fever illnesses in the County of San Joaquin (location of the Project Site) ranged from 11 in 2001 (a rate of 1.9 per 100,000 population) to 47 in 2007 (a rate of 7.0 in 100,000). From 2008 through 2022, the cases in the County increased, reaching a maximum of 281 cases in 2019 (a rate of 36.4 per 100,000). Based on the provisional reports from the CDPH for 2024, a new maximum of 318 cases has been reached in the first 9-months of the reporting year. Since Valley Fever cases are directly related to the disturbance of soils in the area, the City must directly address the impacts that the Project's construction phase will have on the community.

Dust exposure is a primary risk factor for contracting Valley Fever (via *Coccidiodes imimitis (cocci)* exposure). When soil containing the *cocci* spores are disturbed by construction activities, the fungal spores become airborne, exposing construction workers and other nearby sensitive receptors. The FEIR assumes that meeting San Joaquin Valley Air Pollution Control District's (SJV-APCD's) Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities) would be sufficient to control the impacts from Valley Fever exposure from the Project Site. District Rule 8021 requires limitation of fugitive dust emissions from construction, demolition, excavation, extraction, and other earthmoving activities, by implementing control measures such as pre-watering the Project site, phasing construction work to reduce the amount of disturbed surface at any one time, and applying water or other suppressants to unpaved haul/access roads and unpaved

[7] De Novo Planning Group. 2024. Recirculated Draft EIR For The Tracy COSTCO Depot Annex Project (SCH # 2020080531) Dated December 2023. Pg 3.3-39)

[8] CDPH. 2022. Epidemiologic Summary of Valley Fever (Coccidiodomycosis) In California, 2022. Surveillance and Statistics Section, Infection Diseases Branch, Division of Communicable Disease Control, Center For Infectious Diseases, California Department of Public Health.
https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/CocciEpiSummary2022.pdf

vehicle/equipment traffic areas. Rule 8021 relies on a visual-opacity reading for dust control and is insufficient to prevent exposure to Valley Fever spores. This rule is based on smoke-monitoring methods (U.S. EPA Methods 9 and 22) that require active monitoring by certified observers, rely on subjective observation, and are affected by variable such as lighting, distance, and weather conditions. Due to these limitations, opacity readings do not provide accurate, continuous data on fine airborne particles.

The most at-risk populations are construction and agricultural workers.[9] Here, construction workers are the very population that would be most directly exposed by the Project. A refereed journal article on occupational exposures notes that "[l]abor groups where occupation involves close contact with the soil are at greater risk, especially if the work involves dusty digging operations."[10]

The potentially exposed population in surrounding areas is much larger than construction workers because the nonselective raising of dust during Project construction will carry the very small spores, 0.002–0.005 millimeters ("mm"), into nonendemic areas, potentially exposing large non-Project-related populations.[11,12] These very small particles are not controlled by conventional construction dust control mitigation measures.

To address these shortcomings, the City should require active monitoring with dust monitors (particle measuring devices) immediately outside of the facility and around its perimeter. Continuous particle measures would offer several advantages. It eliminates the subjectivity inherent in visual opacity readings, leading to more reliable and consistent data. It allows for real-time tracking of dust particle levels, enabling prompt corrective actions if thresholds are exceeded. And it offers robust data sets that can be used for repeatability test and to validate compliance with air quality standards. Incorporating active dust monitoring systems would ensure that air quality impacts are accurately assessed and mitigated, fulfilling the intent of the mitigation measures and conditions of compliance

[9] Lawrence L. Schmelzer and R. Tabershaw, Exposure Factors in Occupational Coccidioidomycosis, *American Journal of Public Health and the Nation's Health*, v. 58, no. 1, 1968, pp. 107–113, Table 3; available at http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1228046/?page=1.

[10] *Ibid.*, p. 110.

[11] Schmelzer and Tabershaw, 1968, p. 110; Pappagianis and Einstein, 1978

[12] Pappagianis and Einstein, 1978, p. 527 ("The northern areas were not directly affected by the ground level windstorm that had struck Kern County but the dust was lifted to several thousand feet elevation and, borne on high currents, the soil and arthrospores along with some moisture were gently deposited on sidewalks and automobiles as 'a mud storm' that vexed the residents of much of California." The storm originating in Kern County, for example, had major impacts in the San Francisco Bay Area and Sacramento).

to protect public health and the environment.

Based on the conventional mitigation measures and modeling of dust movement in the CalEEMOD model (utilized in the FEIR) watering exposed areas twice a day would reduce PM_{10} and $PM_{2.5}$ emissions by 61 percent (61%). Increasing the watering frequency to 3 times per day would reduce PM_{10} and $PM_{2.5}$ emissions by 74%. Conventional dust control measures primarily focus on visible dust or larger dust particles—the PM_{10} fraction—and fail to address the very fine particles that transport Valley Fever spores, which are approximately 5 times smaller than typical PM_{10} particles and remain airborne much longer.[13] These fine particles, when disturbed by soil-disturbing activities, spread widely beyond site, posing a significant risk to both onsite workers and nearby communities.

Additionally, sampling for and removal of impacted soils prior to the initiation of construction activities is the best solution to *Coccidiodes immitis* spores. Since *Coccidiodes immitis* resides in soils and are not subject to degradation, entrainment of the potentially impacted soils may cause additional issues to further development of the site.

The City may be assuming that California Labor Code Section 6709[e], which requires "awareness training" on Valley Fever, coupled with SJV-APCD's Rule 8021 would be sufficient to protect construction workers. However, the education component of Section 6709[e] would not be protective enough to ensure worker safety and prevent exposure. The City should require that the Proponent implement mitigation measures to actively suppress the spread of Valley Fever by:

1. Include specific requirements in the Project's Injury and Illness Prevention Program (as required by Title 8, Section 3203) regarding safeguards to prevent Valley Fever.
2. Control dust exposure:
    - Apply water to all disturbed areas a minimum of three times per day. Watering frequency should be increased to a minimum of *four times per day* if there is any evidence of visible wind-driven fugitive dust;
    - Provide and require the use of National Institute for Occupational Safety and Health (NIOSH)-approved respirators for workers with a prior history of Valley Fever.

[13] See, e.g., Cummings and others, 2010, p. 509; Schneider et al., 1997, p. 908 ("Primary prevention strategies (e.g., dust-control measures) for coccidioidomycosis in endemic areas have limited effectiveness.").

- Require the use of half-face respirators equipped with a minimum N-95 protection factor for use during worker collocation with surface disturbance activities. Half-face respirators equipped with N-100 or P-100 filters should be used during digging activities. Employees should wear respirators when working near earth-moving machinery.
- Prohibit eating and smoking at the worksite, and provide separate, clean eating areas with hand-washing facilities.
- Avoid outdoor construction operations during unusually windy conditions or in dust storms.
- Consider limiting outdoor construction during the fall to essential jobs only, as the risk of cocci infection is higher during this season.

3. Prevent transport of cocci outside endemic areas:
    - Thoroughly clean equipment, vehicles, and other items before they are moved off-site to other work locations.
    - Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate;
    - Load all haul trucks such that the freeboard is not less than six inches when material is transported on any paved public access road and apply water to the top of the load and then cover haul trucks with a tarp or other suitable cover.
    - Provide workers with coveralls daily, lockers (or other systems for keeping work and street clothing and shoes separate), daily changing and showering facilities.
    - Clothing should be changed after work every day, preferably at the work site.
    - Train workers to recognize that cocci may be transported offsite on contaminated equipment, clothing, and shoes; alternatively, consider installing boot-washing.
    - Post warnings onsite and consider limiting access to visitors, especially those without adequate training and respiratory protection.
4. Improve medical surveillance for employees:
    - Employees should have prompt access to medical care, including suspected work-related illnesses and injuries.
    - Work with a medical professional to develop a protocol to medically evaluate employees who have symptoms of Valley Fever.

- Consider preferentially contracting with 1-2 clinics in the area and communicate with the health care providers in those clinics to ensure that providers are aware that Valley Fever has been reported in the area. This will increase the likelihood that ill workers will receive prompt, proper and consistent medical care.
- Respirator clearance should include medical evaluation for all new employees, annual re-evaluation for changes in medical status, and annual training, and fit-testing.
- Skin testing is not recommended for evaluation of Valley Fever.[14]
- If an employee is diagnosed with Valley Fever, a physician must determine if the employee should be taken off work, when they may return to work, and what type of work activities they may perform.

The City must adopt these evidence-based mitigation measures – proven effective in similar construction projects in endemic areas to ensure comprehensive protection of public health. Standard dust control measures are insufficient for preventing Valley Fever exposure, and only concrete, enforceable steps like those listed above will safeguard both onsite workers and surrounding communities.

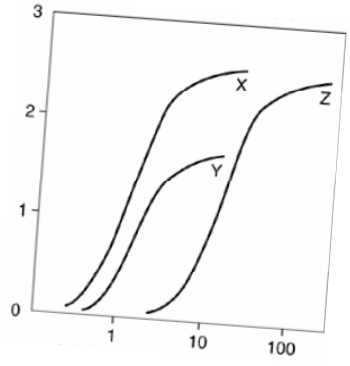
Conclusion

The facts presented in this comment letter lead me to reasonably conclude that the Project will result in significant impacts without additional mitigation efforts.

Sincerely,



[14] Short-term skin tests that produce results within 48 hours are now available. See Kerry Klein, NPR for Central California, New Valley Fever Skin Test Shows Promise, But Obstacles Remain, November 21, 2016; available at http://kvpr.org/post/new-valley-fever-skin-test-shows-promise-obstacles-remain.



Clark & Associates
Environmental Consulting, Inc

OFFICE
12405 Venice Blvd.
Suite 331
Los Angeles, CA 90066

PHONE
310-907-6165

FAX
310-398-7626

EMAIL
jclark.assoc@gmail.com

James J. J. Clark, Ph.D.

Principal Toxicologist

Toxicology/Exposure Assessment Modeling

Risk Assessment/Analysis/Dispersion Modeling

Education:

Ph.D., Environmental Health Science, University of California, 1995

M.S., Environmental Health Science, University of California, 1993

B.S., Biophysical and Biochemical Sciences, University of Houston, 1987

Professional Experience:

Dr. Clark is a well recognized toxicologist, air modeler, and health scientist. He has 20 years of experience in researching the effects of environmental contaminants on human health including environmental fate and transport modeling (SCREEN3, AEROMOD, ISCST3, Johnson-Ettinger Vapor Intrusion Modeling); exposure assessment modeling (partitioning of contaminants in the environment as well as PBPK modeling); conducting and managing human health risk assessments for regulatory compliance and risk-based clean-up levels; and toxicological and medical literature research.

Significant projects performed by Dr. Clark include the following:

LITIGATION SUPPORT

Case: James Harold Caygle, et al, v. Drummond Company, Inc. Circuit Court for the Tenth Judicial Circuit, Jefferson County, Alabama. Civil Action. CV-2009

Client: Environmental Litgation Group, Birmingham, Alabama

Dr. Clark performed an air quality assessment of emissions from a coke factory located in Tarrant, Alabama. The assessment reviewed include a comprehensive review of air quality standards, measured concentrations of pollutants from factory, an inspection of the facility and detailed assessment of the impacts on the community. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Rose Roper V. Nissan North America, et al. Superior Court of the State Of California for the County Of Los Angeles – Central Civil West. Civil Action. NC041739

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to multiple chemicals, including benzene, who later developed a respiratory distress. A review of the individual's medical and occupational history was performed to prepare an exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to respiratory irritants. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: O'Neil V. Sherwin Williams, et al. United States District Court Central District of California

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to petroleum distillates who later developed a bladder cancer. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Summary judgment for defendants.

Case: Moore V., Shell Oil Company, et al. Superior Court of the State Of California for the County Of Los Angeles

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to chemicals while benzene who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Raymond Saltonstall V. Fuller O'Brien, KILZ, and Zinsser, et al. United States District Court Central District of California

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to benzene who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Richard Boyer and Elizabeth Boyer, husband and wife, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-7G.

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of a family exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: JoAnne R. Cook, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-9R

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of an individual exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Patrick Allen And Susan Allen, husband and wife, and Andrew Allen, a minor, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-W

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of a family exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Michael Fahey, Susan Fahey V. Atlantic Richfield Company, et al. United States District Court Central District of California Civil Action Number CV-06 7109 JCL.

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to refined petroleum hydrocarbons who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Constance Acevedo, et al., V. California Spray-Chemical Company, et al., Superior Court of the State Of California, County Of Santa Cruz. Case No. CV 146344

Dr. Clark performed a comprehensive exposure assessment of community members exposed to toxic metals from a former lead arsenate manufacturing facility. The former manufacturing site had undergone a DTSC mandated removal action/remediation for the presence of the toxic metals at the site. Opinions were presented regarding the elevated levels of arsenic and lead (in attic dust and soils) found throughout the community and the potential for harm to the plaintiffs in question.

Case Result: Settlement in favor of defendant.

Case: Michael Nawrocki V. The Coastal Corporation, Kurk Fuel Company, Pautler Oil Service, State of New York Supreme Court, County of Erie, Index Number I2001-11247

Client: Richard G. Berger Attorney At Law, Buffalo, New York

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to refined petroleum hydrocarbons who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the

known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Judgement in favor of defendant.

SELECTED AIR MODELING RESEARCH/PROJECTS

Client – Confidential

Dr. Clark performed a comprehensive evaluation of criteria pollutants, air toxins, and particulate matter emissions from a carbon black production facility to determine the impacts on the surrounding communities. The results of the dispersion model will be used to estimate acute and chronic exposure concentrations to multiple contaminants and will be incorporated into a comprehensive risk evaluation.

Client – Confidential

Dr. Clark performed a comprehensive evaluation of air toxins and particulate matter emissions from a railroad tie manufacturing facility to determine the impacts on the surrounding communities. The results of the dispersion model have been used to estimate acute and chronic exposure concentrations to multiple contaminants and have been incorporated into a comprehensive risk evaluation.

Client – Los Angeles Alliance for a New Economy (LAANE), Los Angeles, California

Dr. Clark is advising the LAANE on air quality issues related to current flight operations at the Los Angeles International Airport (LAX) operated by the Los Angeles World Airport (LAWA) Authority. He is working with the LAANE and LAX staff to develop a comprehensive strategy for meeting local community concerns over emissions from flight operations and to engage federal agencies on the issue of local impacts of community airports.

Client – City of Santa Monica, Santa Monica, California

Dr. Clark is advising the City of Santa Monica on air quality issues related to current flight operations at the facility. He is working with the City staff to develop a comprehensive strategy for meeting local community concerns over emissions from flight operations and to engage federal agencies on the issue of local impacts of community airports.

Client: Omnitrans, San Bernardino, California

Dr. Clark managed a public health survey of three communities near transit fueling facilities in San Bernardino and Montclair California in compliance with California Senate Bill 1927. The survey included an epidemiological survey of the effected communities, emission surveys of local businesses, dispersion modeling to determine potential emission concentrations within the communities, and a comprehensive risk assessment of each community. The results of the study were presented to the Governor as mandated by Senate Bill 1927.

Client: Confidential, San Francisco, California

Summarized cancer types associated with exposure to metals and smoking. Researched the specific types of cancers associated with exposure to metals and smoking. Provided causation analysis of the association between cancer types and exposure for use by non-public health professionals.

Client: Confidential, Minneapolis, Minnesota

Prepared human health risk assessment of workers exposed to VOCs from neighboring petroleum storage/transport facility. Reviewed the systems in place for distribution of petroleum hydrocarbons to identify chemicals of concern (COCs), prepared comprehensive toxicological summaries of COCs, and quantified potential risks from carcinogens and non-carcinogens to receptors at or adjacent to site. This evaluation was used in the support of litigation.

Client – United Kingdom Environmental Agency

Dr. Clark is part of team that performed comprehensive evaluation of soil vapor intrusion of VOCs from former landfill adjacent residences for the United Kingdom's Environment

Agency. The evaluation included collection of liquid and soil vapor samples at site, modeling of vapor migration using the Johnson Ettinger Vapor Intrusion model, and calculation of site-specific health based vapor thresholds for chlorinated solvents, aromatic hydrocarbons, and semi-volatile organic compounds. The evaluation also included a detailed evaluation of the use, chemical characteristics, fate and transport, and toxicology of chemicals of concern (COC). The results of the evaluation have been used as a briefing tool for public health professionals.

EMERGING/PERSISTENT CONTAMINANT RESEARCH/PROJECTS

Client: Ameren Services, St. Louis, Missouri

Managed the preparation of a comprehensive human health risk assessment of workers and residents at or near an NPL site in Missouri. The former operations at the Property included the servicing and repair of electrical transformers, which resulted in soils and groundwater beneath the Property and adjacent land becoming impacted with PCB and chlorinated solvent compounds. The results were submitted to U.S. EPA for evaluation and will be used in the final ROD.

Client: City of Santa Clarita, Santa Clarita, California

Dr. Clark is managing the oversight of the characterization, remediation and development activities of a former 1,000 acre munitions manufacturing facility for the City of Santa Clarita. The site is impacted with a number of contaminants including perchlorate, unexploded ordinance, and volatile organic compounds (VOCs). The site is currently under a number of regulatory consent orders, including an Immanent and Substantial Endangerment Order. Dr. Clark is assisting the impacted municipality with the development of remediation strategies, interaction with the responsible parties and stakeholders, as well as interfacing with the regulatory agency responsible for oversight of the site cleanup.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of perchlorate in environment. Dr. Clark evaluated the production, use, chemical characteristics, fate and transport, toxicology, and remediation of perchlorate. Perchlorates form the basis of solid rocket fuels and have recently been detected in water supplies in the United States. The results of this research

were presented to the USEPA, National GroundWater, and ultimately published in a recent book entitled *Perchlorate in the Environment.*

Client – Confidential, Los Angeles, California

Dr. Clark is performing a comprehensive review of the potential for pharmaceuticals and their by-products to impact groundwater and surface water supplies. This evaluation will include a review if available data on the history of pharmaceutical production in the United States; the chemical characteristics of various pharmaceuticals; environmental fate and transport; uptake by xenobiotics; the potential effects of pharmaceuticals on water treatment systems; and the potential threat to public health. The results of the evaluation may be used as a briefing tool for non-public health professionals.

PUBLIC HEALTH/TOXICOLOGY

Client: Brayton Purcell, Novato, California

Dr. Clark performed a toxicological assessment of residents exposed to methyl-tertiary butyl ether (MTBE) from leaking underground storage tanks (LUSTs) adjacent to the subject property. The symptomology of residents and guests of the subject property were evaluated against the known outcomes in published literature to exposure to MTBE. The study found that residents had been exposed to MTBE in their drinking water; that concentrations of MTBE detected at the site were above regulatory guidelines; and, that the symptoms and outcomes expressed by residents and guests were consistent with symptoms and outcomes documented in published literature.

Client: Confidential, San Francisco, California

Identified and analyzed fifty years of epidemiological literature on workplace exposures to heavy metals. This research resulted in a summary of the types of cancer and non-cancer diseases associated with occupational exposure to chromium as well as the mortality and morbidity rates.

Client: Confidential, San Francisco, California

Summarized major public health research in United States. Identified major public health research efforts within United States over last twenty years. Results were used as a briefing tool for non-public health professionals.

Client: Confidential, San Francisco, California

Quantified the potential multi-pathway dose received by humans from a pesticide applied indoors. Part of team that developed exposure model and evaluated exposure concentrations in a comprehensive report on the plausible range of doses received by a specific person. This evaluation was used in the support of litigation.

Client: Covanta Energy, Westwood, California

Evaluated health risk from metals in biosolids applied as soil amendment on agricultural lands. The biosolids were created at a forest waste cogeneration facility using 96% whole tree wood chips and 4 percent green waste. Mass loading calculations were used to estimate Cr(VI) concentrations in agricultural soils based on a maximum loading rate of 40 tons of biomass per acre of agricultural soil. The results of the study were used by the Regulatory agency to determine that the application of biosolids did not constitute a health risk to workers applying the biosolids or to residences near the agricultural lands.

Client – United Kingdom Environmental Agency

Oversaw a comprehensive toxicological evaluation of methyl-*tertiary* butyl ether (M*t*BE) for the United Kingdom's Environment Agency. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of M*t*BE. The results of the evaluation have been used as a briefing tool for public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of *tertiary* butyl alcohol (TBA) in municipal drinking water system. TBA is the primary breakdown product of M*t*BE, and is suspected to be the primary cause of M*t*BE toxicity. This evaluation will include available information on the production, use, chemical characteristics, fate and transport in the environment, absorption, distribution, routes of detoxification, metabolites, carcinogenic potential, and remediation of TBA. The results of the evaluation were used as a briefing tool for non-public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of methyl *tertiary* butyl ether (MTBE) in municipal drinking water system. MTBE is a chemical added to gasoline to increase the octane

rating and to meet Federally mandated emission criteria. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of MTBE. The results of the evaluation have been were used as a briefing tool for non-public health professionals.

Client – Ministry of Environment, Lands & Parks, British Columbia

Dr. Clark assisted in the development of water quality guidelines for methyl tertiary-butyl ether (MTBE) to protect water uses in British Columbia (BC). The water uses to be considered includes freshwater and marine life, wildlife, industrial, and agricultural (e.g., irrigation and livestock watering) water uses. Guidelines from other jurisdictions for the protection of drinking water, recreation and aesthetics were to be identified.

Client: Confidential, Los Angeles, California

Prepared physiologically based pharmacokinetic (PBPK) assessment of lead risk of receptors at middle school built over former industrial facility. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client: Kaiser Venture Incorporated, Fontana, California

Prepared PBPK assessment of lead risk of receptors at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

RISK ASSESSMENTS/REMEDIAL INVESTIGATIONS

Client: Confidential, Atlanta, Georgia

Researched potential exposure and health risks to community members potentially exposed to creosote, polycyclic aromatic hydrocarbons, pentachlorophenol, and dioxin compounds used at a former wood treatment facility. Prepared a comprehensive toxicological summary of the chemicals of concern, including the chemical characteristics, absorption, distribution, and carcinogenic potential. Prepared risk characterization of the carcinogenic and non-carcinogenic chemicals based on the exposure assessment to quantify the potential risk to members of the surrounding community. This evaluation was used to help settle class-action tort.

Client: Confidential, Escondido, California

Prepared comprehensive Preliminary Endangerment Assessment (PEA) of dense non-aqueous liquid phase hydrocarbon (chlorinated solvents) contamination at a former printed circuit board manufacturing facility. This evaluation was used for litigation support and may be used as the basis for reaching closure of the site with the lead regulatory agency.

Client: Confidential, San Francisco, California

Summarized epidemiological evidence for connective tissue and autoimmune diseases for product liability litigation. Identified epidemiological research efforts on the health effects of medical prostheses. This research was used in a meta-analysis of the health effects and as a briefing tool for non-public health professionals.

Client: Confidential, Bogotá, Columbia

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of a 13.7 hectares plastic manufacturing facility in Bogotá, Colombia The risk assessment was used as the basis for the remedial goals and closure of the site.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally cadmium) and VOCs from soil and soil vapor at 12-acre former crude oilfield and municipal landfill. The site is currently used as a middle school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and was used as the basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Managed remedial investigation (RI) of heavy metals and volatile organic chemicals (VOCs) for a 15-acre former manufacturing facility. The RI investigation of the site included over 800 different sampling locations and the collection of soil, soil gas, and groundwater samples. The site is currently used as a year round school housing approximately 3,000 children. The Remedial Investigation was performed in a manner

that did not interrupt school activities and met the time restrictions placed on the project by the overseeing regulatory agency. The RI Report identified the off-site source of metals that impacted groundwater beneath the site and the sources of VOCs in soil gas and groundwater. The RI included a numerical model of vapor intrusion into the buildings at the site from the vadose zone to determine exposure concentrations and an air dispersion model of VOCs from the proposed soil vapor treatment system. The Feasibility Study for the Site is currently being drafted and may be used as the basis for granting closure of the site by DTSC.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally lead), VOCs, SVOCs, and PCBs from soil, soil vapor, and groundwater at 15-acre former manufacturing facility. The site is currently used as a year round school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and will be basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of VOC vapor intrusion into classrooms of middle school that was former 15-acre industrial facility. Using the Johnson-Ettinger Vapor Intrusion model, the evaluation determined acceptable soil gas concentrations at the site that did not pose health threat to students, staff, and residents. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client –Dominguez Energy, Carson, California

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of 6-acre portion of a 500-acre oil and natural gas production facility in Carson, California. The risk assessment was used as the basis for closure of the site.

Kaiser Ventures Incorporated, Fontana, California

Prepared health risk assessment of semi-volatile organic chemicals and metals for a fifty-year old wastewater treatment facility used at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

ANR Freight - Los Angeles, California

Prepared a comprehensive Preliminary Endangerment Assessment (PEA) of petroleum hydrocarbon and metal contamination of a former freight depot. This evaluation was as the basis for reaching closure of the site with lead regulatory agency.

Kaiser Ventures Incorporated, Fontana, California

Prepared comprehensive health risk assessment of semi-volatile organic chemicals and metals for 23-acre parcel of a 1,100-acre former steel mill. The health risk assessment was used to determine clean up goals and as the basis for granting closure of the site by lead regulatory agency. Air dispersion modeling using ISCST3 was performed to determine downwind exposure point concentrations at sensitive receptors within a 1 kilometer radius of the site. The results of the health risk assessment were presented at a public meeting sponsored by the Department of Toxic Substances Control (DTSC) in the community potentially affected by the site.

Unocal Corporation - Los Angeles, California

Prepared comprehensive assessment of petroleum hydrocarbons and metals for a former petroleum service station located next to sensitive population center (elementary school). The assessment used a probabilistic approach to estimate risks to the community and was used as the basis for granting closure of the site by lead regulatory agency.

Client: Confidential, Los Angeles, California

Managed oversight of remedial investigation most contaminated heavy metal site in California. Lead concentrations in soil excess of 68,000,000 parts per billion (ppb) have been measured at the site. This State Superfund Site was a former hard chrome plating operation that operated for approximately 40-years.

Client: Confidential, San Francisco, California

Coordinator of regional monitoring program to determine background concentrations of metals in air. Acted as liaison with SCAQMD and CARB to perform co-location sampling and comparison of accepted regulatory method with ASTM methodology.

Client: Confidential, San Francisco, California

Analyzed historical air monitoring data for South Coast Air Basin in Southern California and potential health risks related to ambient concentrations of carcinogenic metals and volatile organic compounds. Identified and reviewed the available literature and calculated risks from toxins in South Coast Air Basin.

IT Corporation, North Carolina

Prepared comprehensive evaluation of potential exposure of workers to air-borne VOCs at hazardous waste storage facility under SUPERFUND cleanup decree. Assessment used in developing health based clean-up levels.

Professional Associations

American Public Health Association (APHA)
Association for Environmental Health and Sciences (AEHS)
American Chemical Society (ACS)
California Redevelopment Association (CRA)
International Society of Environmental Forensics (ISEF)
Society of Environmental Toxicology and Chemistry (SETAC)

Publications and Presentations:

Books and Book Chapters

Sullivan, P., **J.J. J. Clark,** F.J. Agardy, and P.E. Rosenfeld. (2007). *Synthetic Toxins In The Food, Water and Air of American Cities*. Elsevier, Inc. Burlington, MA.

Sullivan, P. and **J.J. J. Clark**. 2006. *Choosing Safer Foods, A Guide To Minimizing Synthetic Chemicals In Your Diet*. Elsevier, Inc. Burlington, MA.

Sullivan, P., Agardy, F.J., and **J.J.J. Clark**. 2005. *The Environmental Science of Drinking Water*. Elsevier, Inc. Burlington, MA.

Sullivan, P.J., Agardy, F.J., **Clark, J.J.J.** 2002. *America's Threatened Drinking Water: Hazards and Solutions*. Trafford Publishing, Victoria B.C.

Clark, J.J.J. 2001. "TBA: Chemical Properties, Production & Use, Fate and Transport, Toxicology, Detection in Groundwater, and Regulatory Standards" in *Oxygenates in the Environment.* Art Diaz, Ed.. Oxford University Press: New York.

Clark, J.J.J. 2000. "Toxicology of Perchlorate" in *Perchlorate in the Environment.* Edward Urbansky, Ed. Kluwer/Plenum: New York.

Clark, J.J.J. 1995. Probabilistic Forecasting of Volatile Organic Compound Concentrations At The Soil Surface From Contaminated Groundwater. UMI.

Baker, J.; **Clark, J.J.J.**; Stanford, J.T. 1994. Ex Situ Remediation of Diesel Contaminated Railroad Sand by Soil Washing. Principles and Practices for Diesel Contaminated Soils, Volume III. P.T. Kostecki, E.J. Calabrese, and C.P.L. Barkan, eds. Amherst Scientific Publishers, Amherst, MA. pp 89-96.

Journal and Proceeding Articles

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 Equialency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. Organohalogen Compounds, Volume 70 (2008) page 002254.

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, Volume 70 (2008) page 000527

Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** (2007). "Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility." *Environmental Research.* 105:194-199.

Rosenfeld, P.E., **Clark, J. J.,** Hensley, A.R., and Suffet, I.H. 2007. "The Use Of An Odor Wheel Classification For The Evaluation of Human Health Risk Criteria For Compost Facilities" Water Science & Technology. 55(5): 345-357.

Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** 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, August 21 – 25, 2006. Radisson SAS Scandinavia Hotel in Oslo Norway.

Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2005. "The Value Of An Odor Quality Classification Scheme For Compost Facility Evaluations" The U.S. Composting Council's 13th Annual Conference January 23 - 26, 2005, Crowne Plaza Riverwalk, San Antonio, TX.

Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2004. "The Value Of An Odor Quality Classification Scheme For Urban Odor" WEFTEC 2004. 77th Annual Technical Exhibition & Conference October 2 - 6, 2004, Ernest N. Morial Convention Center, New Orleans, Louisiana.

Clark, J.J.J. 2003. "Manufacturing, Use, Regulation, and Occurrence of a Known Endocrine Disrupting Chemical (EDC), 2,4-Dichlorophnoxyacetic Acid (2,4-D) in California Drinking Water Supplies." National Groundwater Association Southwest Focus Conference: Water Supply and Emerging Contaminants. Minneapolis, MN. March 20, 2003.

Rosenfeld, P. and **J.J.J. Clark**. 2003. "Understanding Historical Use, Chemical Properties, Toxicity, and Regulatory Guidance" National Groundwater Association Southwest Focus Conference: Water Supply and Emerging Contaminants. Phoenix, AZ. February 21, 2003.

Clark, J.J.J., Brown A. 1999. Perchlorate Contamination: Fate in the Environment and Treatment Options. In Situ and On-Site Bioremediation, Fifth International Symposium. San Diego, CA, April, 1999.

Clark, J.J.J. 1998. Health Effects of Perchlorate and the New Reference Dose (RfD). Proceedings From the Groundwater Resource Association Seventh Annual Meeting, Walnut Creek, CA, October 23, 1998.

Browne, T., **Clark, J.J.J.** 1998. Treatment Options For Perchlorate In Drinking Water. Proceedings From the Groundwater Resource Association Seventh Annual Meeting, Walnut Creek, CA, October 23, 1998.

Clark, J.J.J., Brown, A., Rodriguez, R. 1998. The Public Health Implications of MtBE and Perchlorate in Water: Risk Management Decisions for Water Purveyors. Proceedings of the National Ground Water Association, Anaheim, CA, June 3-4, 1998.

Clark J.J.J., Brown, A., Ulrey, A. 1997. Impacts of Perchlorate On Drinking Water In The Western United States. U.S. EPA Symposium on Biological and Chemical Reduction of Chlorate and Perchlorate, Cincinnati, OH, December 5, 1997.

Clark, J.J.J.; Corbett, G.E.; Kerger, B.D.; Finley, B.L.; Paustenbach, D.J. 1996. Dermal Uptake of Hexavalent Chromium In Human Volunteers: Measures of Systemic Uptake From Immersion in Water At 22 PPM. Toxicologist. 30(1):14.

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Paulo, M.T.; Gong, H., Jr.; **Clark, J.J.J.** (1992). Effects of Pretreatment with Ipratroprium Bromide in COPD Patients Exposed to Ozone. American Review of Respiratory Disease. 145(4):A96.

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Ozone Exposures in Residents of Los Angeles County. American Review of Respiratory Disease. 141(4):A70.

Tierney, D.F. and **J.J.J. Clark.** (1990). Lung Polyamine Content Can Be Increased By Spermidine Infusions Into Hyperoxic Rats. American Review of Respiratory Disease. 139(4):A41.

City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
MAIN 209.831.6000
FAX 209.831.6120
www.ci.tracy.ca.us

Memorandum

DATE: December 3, 2024

TOPIC: Planning Commission Agenda Supplemental Documents

FROM: Forrest Ebbs, Community and Economic Development Director

SUBJECT: Additional documents received for the December 4, 2024 Planning Commission Item 1.D (Tracy Costco Depot Annex Project)

The following letter was received after the publication of the agenda:

1. A letter to the City from the Project Applicant, Costco (Including attachment re: Costco Wholesale Corporation and Sierra Club settlement agreement)
    a. Revised Project Description from the Project Applicant, Costco.

In addition, City staff recommends minor revisions to the project's conditions of approvals, which are described in the following:

2. Revised Conditions of Approval. Amendments are shown in underline/strikethrough.

11/27/24

Forrest Ebbs
City of Tracy
Community and Economic Development Department
333 Civic Center Plaza
Tracy, CA 95376

Dear Forrest,

As you are aware, the Sierra Club submitted comments in response to the Costco Tracy Depot Annex Environmental Impact Report ("EIR"). Given Costco's strong commitment to sustainability, we embarked upon extensive and productive negotiations with the Sierra Club concerning its concerns and suggestions. As a result, Costco and the Sierra Club have entered into a settlement agreement concerning our project. For your information and the City's records, the fully executed settlement agreement is attached to this letter.

In the settlement agreement, Costco commits to two sets of Enhanced Measures. The first set entails Enhanced Measures that Costco has previously requested in writing that the City include as mitigation measures within the EIR. We expect that the Final EIR will therefore include such measures, most of which were also discussed with the City's Environmental Sustainability Commission during the Draft EIR public hearing.

The second set of Enhanced Measures are ones to which Costco has contractually bound itself to the Sierra Club to implement as part of the project. In order to cement Costco's commitment to these measures and per the settlement agreement terms, Costco has revised the Project Description element of our application to reflect such measures being part of our project. The Project Description has also been updated to reflect the revisions and refinements that have been made to the project since our application was originally submitted. Our updated and revised Project Description is attached.

Costco is very pleased to have reached this milestone. We look forward to the upcoming public hearings on the EIR and project entitlements. Please do not hesitate to contact me with any questions.

Regards,



Christine Lasley
Director, Real Estate Development

Cc: Scott Claar, Genevieve Federighi, Teresa Jones, Dave Messner, Eric Orren, Margaret McCulla

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SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release of All Claims ("Agreement") is entered into by and between the Sierra Club, a California nonprofit public benefit association, and the Delta-Sierra Group (collectively, "Sierra Club"), and Costco Wholesale Corporation ("Developer"), (collectively referred to as "Parties" or singularly "Party"), to terminate fully and finally all disputes concerning the matters set forth below.

RECITALS

WHEREAS, Developer proposes to develop an approximately 105-acre warehouse facility commonly known as the Tracy Costco Depot Annex (the "Project") for light industrial land uses within the City of Tracy. The conceptual site plan proposes construction and operation of 1,736,724 square feet of warehouse space in two warehouse buildings, an employee parking lot with 576 parking stalls, approximately 600 truck and trailer parking stalls, and related infrastructure. Developer has applied to the City of Tracy ("City") for the following project approvals: (1) adoption of a Resolution certifying the Tracy Costco Annex Environmental Impact Report (SCH #2020080531) ("EIR"), including a Statement of Overriding Considerations, and adoption of a Mitigation Monitoring and Reporting Program ("MMRP"); (2) pre-zoning of the property to M-1; (3) annexation of the Project site into the City; (4) approval of building design, landscaping, and other site features; and (5) building, grading, and other permits necessary for project construction ((1) through (5), collectively, the "Project Approvals"); and

WHEREAS, the Sierra Club submitted comments on the EIR requesting that additional air quality and other mitigation measures be included in the EIR and MMRP for the Project; and

WHEREAS, the Parties wish to resolve fully and finally all disputes that may exist between the Parties concerning the Project Approvals.

NOW, THEREFORE, based upon the foregoing recitals and the terms, conditions, covenants, and agreements contained above and incorporated in full below, the Parties agree as follows:

AGREEMENT

For good and valuable consideration, the receipt of which is acknowledged by each Party hereto, the Parties promise and agree as follows:

1. If the City approves the Project, and the certified EIR and adopted MMRP include all of the Mitigation Measures in Part I of the attached Tracy Costco Depot Annex Project Enhanced Measures (Attachment A), and Developer submits to the City an amended Project Statement stating that the Project includes all of the Enhanced Measures in Part II of the attached Tracy Costco Depot Annex Project Enhanced Measures, then neither the Sierra Club nor any of its affiliates will, now or in the future, file or submit any petitions, complaints, claims, grievances, special proceedings or any other actions against the City or Developer with any state, federal, or local agency or court challenging the Project Approvals or the proposed annexation of the Project site into the City. If the Sierra Club or an affiliate of the Sierra Club makes any claim against any of the Project Approvals or

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the proposed annexation of the Project site into the City in violation of this Section 1, such violation shall constitute a breach of this Agreement by the Sierra Club.

2. In connection with the development of the Project, Developer agrees to comply with both Parts I and II of the Tracy Depot Annex Project Enhanced Measures set forth in Attachment A and will comply with all applicable City building code requirements.

3. Provided that no claim has been initiated by the Sierra Club or any of its affiliates, Developer shall reimburse Sierra Club $73,463.00 for Sierra Club's attorney's fees and costs incurred in the administrative phase of the Project Approvals. Payment shall be made to the Shute, Mihaly & Weinberger LLP trust account. Developer shall make this payment within ten (10) days of the expiration of the statute of limitations set forth in Section 21167 of the Public Resources Code applicable to actions or proceedings to attack, review, set aside, void, or annul the City of Tracy's determination of CEQA compliance for the Project Approvals, or within 90 days of the date this Agreement is fully executed, whichever is later.

4. This Agreement shall be effective and binding upon the Parties upon the execution of this Agreement by all parties.

5. Miscellaneous.

   a. Exclusive Remedies. The Parties' sole and exclusive remedy for breach of this Agreement shall be an action for specific performance or injunction. In no event shall any Party be entitled to monetary damages for breach of this Agreement. In addition, no legal action for specific performance or injunction shall be brought or maintained until: (a) the non-breaching Party provides written notice to the breaching Party which explains with particularity the nature of the claimed breach, and (b) within thirty (30) days after receipt of said notice, the breaching Party fails to cure the claimed breach or, in the case of a claimed breach which cannot be reasonably remedied within a thirty (30) day period, the breaching Party fails to commence to cure the claimed breach within such thirty (30) day period, and thereafter diligently completes the activities reasonably necessary to remedy the claimed breach.

   b. Notices. All notices and other communications required to be provided pursuant to this Agreement shall be by electronic mail and by first class mail to the following persons at the following addresses:

SIERRA CLUB:

Margo Praus
Delta-Sierra Group
P.O. Box 9258
Stockton, CA 95208
margopraus@msn.com

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with copy to:

Sierra Club
Aaron Isherwood, Coordinating Attorney
2101 Webster St., Suite 1300
Oakland, CA 94612
aaron.isherwood@sierraclub.org

with copy to:

Shute, Mihaly & Weinberger LLP
Heather Minner
396 Hayes Street
San Francisco, CA 94102
minner@smwlaw.com

COSTCO:

Costco Wholesale Corporation
Alice Truong
999 Lake Dr., Suite 200
Issaquah, WA 98027
altruong@costco.com
(location # 1731/1732)

with copy to:
Anna Shimko
Burke, Williams & Sorensen, LLP
1 California St. Suite 3050
San Francisco, CA 94111
ashimko@bwslaw.com

c. Binding on Successors. The terms, covenants, and conditions of this Agreement shall be binding upon and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the respective Parties. Developer shall record a copy of this Agreement against the Property. Developer will provide a copy of the recorded Agreement to Sierra Club within fifteen (15) days of such recording. The Parties shall give notice to all other Parties of any successor or assign of the Party.

d. Non-Admission of Liability. The Parties acknowledge and agree that this Agreement is a settlement of disputed claims. Neither the fact that the Parties have settled nor the terms of this Agreement shall be construed in any manner as an admission of any liability by any Party.

e. Assistance of Counsel. Each Party specifically represents that it has consulted to its satisfaction with and received independent advice from its respective counsel

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prior to executing this Agreement concerning the terms and conditions of this Agreement.

f. Waiver. Failure to insist on compliance with any term, covenant or condition contained in this Agreement shall not be deemed a waiver of that term, covenant or condition, nor shall any waiver or relinquishment of any right or power contained in this Agreement at any one time or more times be deemed a waiver or relinquishment of any right or power at any other time or times.

g. Severability. Should any portion, word, clause, phrase, sentence or paragraph of this Agreement be declared void or unenforceable, such portion shall be considered independent and severable from the remainder, the validity of which shall remain unaffected.

h. Governing Law and Venue. This Agreement is made and entered into in the State of California, and shall in all respects be interpreted, enforced and governed under the laws of said State without giving effect to conflicts of laws principles. Any action to enforce, invalidate, or interpret any provision of this Agreement shall be brought in San Joaquin County Superior Court.

i. Entire Agreement. This Agreement constitutes the entire agreement between the Parties who have executed it and supersedes any and all other agreements, understandings, negotiations, or discussions, either oral or in writing, express or implied between the Parties to this Agreement. No representation, inducement, promise, agreement or warranty not contained in this Agreement, including, but not limited to, any purported supplements, modifications, waivers, or terminations of this Agreement shall be valid or binding, unless executed in writing by all of the Parties to this Agreement.

j. Each of the signatories hereto represents and warrants that he or she is competent and authorized to enter into this Agreement on behalf of the Party for whom he or she purports to sign.

k. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be considered an original but all of which shall constitute on agreement.

[SIGNATURES COMMENCE ON FOLLOWING PAGE]

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IN WITNESS WHEREOF, the undersigned execute this Settlement Agreement and Release, and hereby agree to all terms and conditions herein, on the dates set forth below.

SIERRA CLUB

By: Margo Praus

Name: Margo Praus

Its: Chair, Delta-Sierra Group

Date: 11/8/2024

COSTCO WHOLESALE

Signed by:

By: Teresa Jones

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Name: Teresa Jones

Its: Executive Vice President of Depots & Traffic

Date: 11/14/2024

Attachment A: Tracy Costco Depot Annex Project Enhanced Measures

Attachment A: Tracy Costco Depot Annex Project
Enhanced Measures

Part I

EM-1: Renewable Power: The Project applicant shall supply 100% of project electricity demand from renewable sources. The Project applicant shall procure power from a combination of onsite solar generation and direct source renewable purchased energy; however, at no time shall the Project site be supplied with any greater than 3.4 megawatts of direct source renewable purchased energy. Upon project opening, the Project applicant shall generate at least 3.8 megawatts of renewable electricity from solar facilities located on site. Such facilities may include solar photovoltaic panels on the roofs of the buildings or elsewhere on site (e.g., awnings, canopies or "solar trees" in parking area). The Project shall be designed and constructed to allow future expansion of solar facilities on site as electricity demand increases. The Project applicant shall, as part of the solar microgrid, install a battery storage system with enough capacity to power the project's basic building functions for 48 hours.
EM-2: Indirect Source Review: The Project Applicant shall comply with SJVAPCD Rule 9510 (Indirect Source Review) to reduce growth in both NOx and PM10 emissions.
EM-3: Architectural Coatings: The Project applicant shall ensure that construction plans require that architectural and industrial maintenance coatings (e.g., paints) applied on the Project site shall be consistent with a VOC content of <50 g/L. However, the Project applicant shall not be expected to exercise control over materials painted offsite by a third party.
EM-4: SJVAPCD Regulation VIII Compliance: The Project Applicant shall, during construction, install signage on any unpaved primary construction accessways onsite on the project site to limit vehicle speeds to no more than 15 mph. The Project Applicant shall comply with SJVAPCD Regulation VIII (fugitive dust rule).
EM-5: Construction Meal Destinations: Project construction plans and specifications shall require the contractor to establish one or more locations for food or catering truck service to construction workers and to cooperate with food service providers to provide food service in a consistent manner.
EM-6: Zero Emission Forklifts, Yard Trucks and Yard Equipment: The Project Applicant shall ensure that all exclusively on-site vehicles owned and operated by Costco (i.e., forklifts, yard goats, pallet jacks, scissor lifts, etc.) shall be electric or zero-emission vehicles, and shall provide on-site electrical charging facilities to adequately service such electric vehicles.
EM-7: Truck Idling Restrictions: The Project Applicant shall take reasonable measures to restrict truck idling (during construction and operation) onsite to a maximum of two minutes, and in no instance shall idling exceed five minutes. To achieve this limit, (a) trucks owned or operated by Costco that access the project site must be equipped with engine idle shutdown timers and (b) developer will inform drivers and operators of idling time limits by including highly visible signage at key points onsite, such as at docks and delivery areas. The Project Applicant shall train managers and employees on efficient scheduling and load management to minimize queuing and idling of trucks.
EM-8: Electric Charging: The Project Applicant shall provide electrical outlets for charging of employee e-bikes. The Project Applicant shall install conduit as infrastructure for electric vehicle charging stations onsite to allow for the Project to serve electric trucks in the future. Such conduit shall be provided on the site to serve 50% of the number of truck docking stations, with the location of conduit at the discretion of the developer (e.g., truck trailer parking spaces or other locations). The Project Applicant shall ensure that sufficient electric vehicle charging stations are installed when necessary to serve the charging demands of electric trucks and vehicles domiciled at the Project site.
EM-9: Project Operations, Food Service: The Project Applicant shall provide food and drink service for sale onsite to provide meal options to operations employees in a consistent manner.

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EM-10: Project Operations, Employee Trip Reduction: The Project applicant shall implement feasible Transportation Demand Management (TDM) strategies, which would decrease the VMT generated by the Project by 15 percent. Specific potential TDM strategies include, but are not limited to, the following:

- Emergency Ride Home (ERH) Program
- Existing, Agency-Run Employee Rideshare Program
- Employee Ride-Share Messaging and Promotion
- Designated Parking Spaces for Car Share Vehicles
- City Minimum or Fewer Parking Stalls
- Bicycle Parking at Front Entrance of Buildings: Secure, and Indoors or Covered
- Electrical Outlets for E-Bike Charging
- Lockers and Showers for Employees
- Onsite Food and Drink Service for Sale for Employees
- Enhanced Pedestrian Crossing Treatment within Site

The TDM Plan shall be submitted to the City for review, and the effectiveness of the TDM Plan shall be evaluated, monitored, and revised, if determined necessary by the City. The TDM Plan shall include the TDM strategies that will be implemented during the lifetime of the proposed Project and shall outline the anticipated effectiveness of the strategies. The effectiveness of the TDM Plan may be monitored through annual surveys to determine employee travel mode split and travel distance for home-based work trips, and/or the implementation of technology to determine the amount of traffic generated by and home-based work miles traveled by employees, which shall be determined in coordination with the City. Additionally, should the initial TDM Plan submitted to the City for review be projected to fall short of achieving a 15 percent decrease in VMT, the Project applicant shall pay any VMT banking fee in effect at the time of building permit issuance to secure VMT credits of a total of 15 percent for the subject building, taking into account the stated percent efficacy for the TDM measures above. Should the initial TDM Plan submitted to the City for review be projected to fall short of achieving a 15 percent decrease in VMT and a VMT banking fee is not in effect at the time of building permit issuance, the Project applicant shall make a one-time contribution to the City of Tracy transit service provider, TRACER, equal to the amount that would be calculated using the City's draft VMT banking fee of $633.11 per VMT, as documented in the Transportation and Circulation section of the Draft EIR, to enable opportunity of transit services that would benefit the Tracy community in perpetuity and overcome the TDM Plan's shortfall in projected VMT reduction

EM-11: Yard Sweeping: The Project Applicant shall devise and implement a property maintenance plan prior to project operation that includes sweeping parking lots regularly to remove road dust, tire wear, brake dust, and other contaminants.

EM-12: Diesel Generators: The Project Applicant shall ensure that diesel generators shall not be used on site during project operations, except in emergency situations, in which case such generators shall have Best Available Control Technology (BACT) that meets CARB's final Tier IV emission standards.

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Attachment A: Tracy Costco Depot Annex Project
Enhanced Measures

Part II

EM-A: Construction Worker Trip Reduction: Project construction plans and specifications will require contractor to provide transit and ridesharing information for construction workers.
EM-B: Zero Emission Heavy-Duty Trucks: The following mitigation measures shall be implemented during all on-going business operations and shall be included as part of contractual lease agreement language, if the facility is leased in the future, to ensure the tenants/lessees are informed of all on-going operational responsibilities. The property owner/operator/tenant/lessee shall ensure that 72% of all heavy-duty (Class 7 and 8) truck trips transporting goods from the Direct Delivery Center warehouse facility on the project site to the Market Delivery Operations facilities (that 72% being the "MDO Trips") are model year 2014 or later from start of operations and shall expedite a transition to zero-emission vehicles, with the fleet making MDO Trips fully zero-emission by December 31, 2027 or when commercially available for the intended application, whichever date is later. The property owner/operator/tenant/lessee shall ensure that 100% of all heavy-duty (Class 7 and 8) truck trips originating on the project site to move goods between the project site and the existing Costco Tracy Depot are zero-emission at the start of operations. A zero-emission vehicle shall ordinarily be considered commercially available if the vehicle is capable of serving the intended purpose and is included in California's Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project, https://californiahvip.org/, or listed as available in the US on the Global Commercial Vehicle Drive to Zero inventory, https://globaldrivetozero.org/. In order for such vehicles to be considered commercially unavailable, at least three (3) months prior to the deadline above, the operator must secure documentation from a minimum of three (3) EV dealers identified on the californiahvip.org website demonstrating the inability to obtain the required EVs or equipment needed within 6 months. In addition to the obligations above, the property owner/operator/tenant/lessee shall ensure that, regardless of commercial availability determinations, a minimum of the following percentages of heavy-duty trucks (Class 7 and 8) making MDO Trips shall be zero-emission vehicles: 10% by December 31, 2027; 25% by December 31, 2030; 50% by December 31, 2033; 75% by December 31, 2036; and 100% by December 31, 2039. Zero-emission heavy-duty trucks which require service can be temporarily replaced with model year 2014 or later trucks. Replacement trucks shall be used for only the minimum time required for servicing fleet trucks.
EM-C: Zero Emission Vehicles: The property owner/tenant/lessee shall utilize a "clean fleet" of vehicles/delivery vans/trucks (Class 2 through 6) as part of business operations as follows: For any vehicle (Class 2 through 6) owned by the property owner/tenant/lessee that travels to and from the project site, the following "clean fleet" requirements apply: (i) 65% of the fleet will be zero emission vehicles at start of operations, (ii) 80% of the fleet will be zero emission vehicles by December 31, 2025, and (iv) 100% of the fleet will be zero emission vehicles by December 31, 2027.

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Zero-emission vehicles which require service can be temporarily replaced with alternate vehicles. Replacement vehicles shall be used for only the minimum time required for servicing fleet vehicles. The property owner/tenant/lessee shall not be responsible to meet "clean fleet" requirements for vehicles used by common carriers operating under their own authority that provide delivery services to or from the project site.
EM-D: Compliance Report: For the first five (5) years following project approval, the Operator of the warehouse facilities shall submit to the Sierra Club an annual compliance report within 30 days of December 31 each year addressing compliance with EM-B and EM-C. If the Sierra Club asks the Operator any clarifying questions or requests, the Operator shall respond to such inquiry in writing within thirty (30) days. If the Operator has not fully complied with EM-B within 5 years, the Operator shall submit a compliance report to the Sierra Club within 30 days of December 31, 2030, 2033, 2036, and 2039. Once the Operator has fully complied with EM-B or EM-C by transitioning to 100% zero-emission vehicles, no further reporting for that measure shall be required. Prior to receipt of a final certificate of occupancy for each of the two phases of the Project (DDC building and Annex building), Developer will submit to the Sierra Club a report demonstrating compliance with all applicable measures in the MMRP and in this Attachment A. Developer will endeavor to provide the Sierra Club with at least thirty (30) days' prior notice in advance of submitting the reports. If the Sierra Club asks the Developer any clarifying questions or requests, the Developer shall respond to such inquiry in writing within thirty (30) days.
EM-E: Lease Agreements and Future Owners: Any tenant lease agreements for the project site shall include a provision requiring the tenant/lessee to comply with all applicable requirements of the MMRP, a copy of which shall be attached to each tenant/lease agreement. All obligations of the Project Applicant in these Tracy Costco Depot Annex Enhancement Measures shall apply to any future owner or operator of the Project.
EM-F: SmartWay Program: Owners, operators or tenants shall enroll and participate the in SmartWay program for eligible businesses, which is a voluntary public-private program developed by the US EPA that provides a system for tracking, documenting and sharing information about fuel use and freight emissions across supply chains and helps companies identify and select more efficient carriers, transportation modes, and equipment; this requirement shall apply to vehicles owned and controlled by the Project owners, operators or tenants.
EM-G: Designated Smoking Areas: Owners, operators or tenants shall ensure that any outdoor areas allowing smoking are at least 25 feet from the nearest property line.
EM-H: Building Codes: Project construction shall be subject to all applicable City building codes, including the adopted Green Building Standards Code. Prior to the issuance of building permits, the applicant/developer shall demonstrate (e.g., provide building plans) that the proposed buildings are designed and will be built to, at a minimum, meet the Nonresidential Voluntary Measures of the applicable California Green Building Standards code, Divisions A5.1, 5.2 and 5.5, including but not limited to the Tier 2 standards in those Divisions, where applicable; provided, however, that the Tier 2 standards relating to the electric vehicle parking space requirements (e.g., CalGreen sections A5.106.5.1.2, A5.106.5.3.3, and A5.106.5.3.4) shall not pertain. Instead, Buildings 1 and 2 of the Project shall meet at least the July 2022 Green Building Standards Code mandatory requirements (effective January 1, 2023, or the requirements of a later version of the Green Building Standards Code, if applicable) for the number of employee and visitor parking stalls that shall be wired for electric vehicle charging (i.e., EV capable spaces) and that shall be active EV charging parking spaces (i.e., spaces supplied with EV Supply Equipment) upon the start of operation. Signage shall be installed at the parking stalls with EV wiring that are not active at the start of operation to indicate that such parking spaces will be converted to EV

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spaces once there is demand for such EV spaces. Beginning upon operation of the first building constructed and ending upon five (5) years after the completion of construction of the second building, the Project Applicant shall annually survey employees on their EV charging interest and demands and accommodate demand with additional EV charging equipment to meet demand.
EM-I: Agricultural Lands: The project shall comply with the requirements of the City's Agricultural Lands Mitigation Program.

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Updated and Revised Project Description

November 22, 2024

Tracy Costco Depot Annex
16000 West Schulte Road
Tracy, California

Applicant **Costco Wholesale**
999 Lake Drive
Issaquah, WA 98027
Attn: Christine Lasley
(425) 416-5096

Contact Person **David Babcock & Associates**
3581 Mt. Diablo Blvd., Suite 235
Lafayette, CA 94549
Attn: Jeff Berberich
(925) 283-5070

Site Information

Project Location:	16000 West Schulte Road Tracy, CA
Assessor Parcel Number:	2019-230-020
Site Area:	± 104.46 gross acres
Current Zoning:	None (City) AG-40 General Agriculture 40-acres (County)
Current General Plan Designation:	Industrial (City) Agricultural/Urban Reserve (County)
Proposed Zoning:	Light Industrial M-1 (City)
Proposed Use:	Warehousing, storage, and distribution, together with accessory uses and structures.

Project Proposal

1. The project site is located within unincorporated San Joaquin County, within the City of Tracy's Sphere of Influence (SOI), adjacent to the current city limits boundary.
2. The physical project is anticipated to include the construction and operation of two Costco warehouse and distribution buildings totaling approximately 1,736,724 square feet, with 576 employee and guest vehicle parking stalls as required by City Zoning Code, and 600 truck parking stalls although typically only approximately 100 trucks and 300 trailers would be parked on site at any given time.
3. Entitlements for the project will include:
    a. Pre-zoning of the property to the City's Light Industrial M-1 designation;
    b. Annexation of the project site into the City (also requires LAFCO approval);
    c. Development review permit for building design, landscaping, and other site features; and
    d. Building, grading, and other permits as necessary for project construction.

    It is anticipated that review of the environmental impacts of the project pursuant to the California Environmental Quality Act ("CEQA") will be in the form of an Environmental Impact Report.
4. The project is anticipated to be developed in two phases.

COSTCO PROJECT DESCRIPTION:

Costco Depot Site Plan

Two warehouse buildings would be constructed, including small areas of administrative and office uses located at the far northern portion of each building along West Schulte Road. Building 1 (also referred to as the "Annex Building") would consist of 543,526 square feet, and Building 2 (also referred to as the "Direct Delivery Center" or "DDC") would consist of 1,193,198 square feet with the warehousing and truck dock doors located at the center and southern portion of the buildings further back from West Schulte Road. Entries to the office and administrative uses would be oriented towards the north to provide security for the uses further south on the site and to also focus the main architectural design elements along the main street frontage.

The parking lot design along West Schulte has incorporated a 30' landscape buffer consistent with the Cordes Ranch Specific Plan Area, which is across West Schulte Road from the project site to the north. A 10' to 20' minimum landscape setback has been incorporated around the perimeter of the project site to provide screening of the buildings and dock doors by landscaping. Access to the buildings would be via three access points along West Schulte Road. The main entry would be located at the center of the site, at the signalized intersection with Bud Lyons Way. This main driveway access would allow for full turning movements in and out of the project site. The employee and guest parking is accessed to the east of Bud Lyons Way and would be a right in/out driveway only. The primary truck entrance is located at the eastern property line with a proposed new traffic signal to allow full turning movements. An ADA-compliant accessible pedestrian pathway would extend from the new warehouse buildings to the northern property boundary, where it would connect with West Schulte Road.

574 employee and guest parking stalls would be provided on the site, which meets but does not exceed the required City of Tracy parking requirement of 574 stalls. The project would provide standard parking stalls of 9' x 18' that also meet the City of Tracy standards. Trailer parking is provided at the perimeter of the project to provide for storage of trucks and trailers.

The project includes solar panels that will be installed on the roofs of the buildings and on structures within the parking and circulation areas around each building and along West Schulte

Road. Shade calculations have been prepared which show compliance with both CalGreen and the City of Tracy requirements.

The first phase of solar improvements will be installed on the roof and within the parking and circulation areas of the DDC building (Building 2) and will generate a minimum of 3.8 MW of electricity upon the beginning of operations. Installation of additional solar panels will occur with construction of the Annex building (Building 1) and it is anticipated that installation of solar panels and support structures, as well as battery storage equipment, will continue to increase and be phased to correlate with energy demand, expecting that demand will increase as the use of EV trucks and cars increases.

The parking lot and truck and trailer parking areas would be illuminated with standard downward pointing lights, each containing two LED fixtures affixed to a 38' foot light pole. The lighting fixtures would be of a "shoe-box" style. Parking lot light standards would be designed to provide even light distribution for vehicle and pedestrian safety as well as security for the warehouse. Lighting fixtures also would be located on the building approximately every 40 feet around the exterior of the building to provide safety and security.

Costco Warehouse Architecture

The proposed warehouse design is contemporary and uses a variety of massing and appropriate materials for the scale of the building. Architectural metal with varied textures and horizontal and vertical orientations would be used, while varying parapet cap heights would break up the long elevations both horizontally and vertically in order to conceal rooftop-mounted mechanical equipment. The proposed color palette is composed of warm natural earth tones, which would relate to the nearby Cordes Ranch development. These techniques of breaking a long elevation into smaller elements with varied materials and colors would create architecturally interesting warehouse buildings while minimizing the visual impact of the large-scale structures.

Costco Depot Landscape Plan

The landscape plan includes a mix of drought-tolerant shrubs and grasses, and a variety of shade trees would be used throughout the parking field and along the project perimeter that are appropriate for the climate in Tracy. The landscape design and plant palette will complement the existing development and streetscape planting established by the International Park of Commerce within the Cordes Ranch Specific Plan Area to the north. Tree planting within the parking area and adjacent to the solar structures together with the solar structures/panels themselves will provide the required shading to meet both City Code and CalGreen requirements. Three treatment planters are shown on the site plan spaced evenly along the north portion of the site to provide for detention and water quality treatment of the storm water runoff generated by the project. The features will be landscaped with a variety of grasses and oak trees per the preliminary landscape plan.

Costco Operations

The Project would include the construction and subsequent operation of two warehouse buildings that would serve as an annex to the existing Costco Depot located approximately 1.5-miles to the west of the Project and as a DDC. The two buildings (approximately 543,526 sf for Building 1 and 1,193,198 sf for Building 2) total approximately 1,736,724 sf on the Project site. The smaller Building 1 is anticipated to serve as the Annex by providing additional storage for high-turnover merchandise processed through the nearby Costco Depot, a pallet repair facility, and a return to vendor facility for large items returned to a Costco warehouse. The larger Building 2 is anticipated to serve as a Direct Delivery Center - an ecommerce distribution center primarily for large and bulky items ordered online by Costco members for direct delivery to customers through Market Delivery Operations located in

various smaller cities in the Northern California region. The Tracy Costco Depot would operate 24 hours per day, seven days per week to provide support to Costco's retail warehouse facilities in northern California and to distribute large goods for delivery to Costco members. Costco anticipates that an average of about 100 trucks and 300 trailers would be parked on site, with the typical truck size being approximately 70 feet long for double-axle trailers, but a total of 600 truck parking stalls will be provided for occasional atypical overflow conditions.

Costco Employment

The project is anticipated to generate approximately 400 jobs during the construction phase and approximately 150 - 250 full-time jobs once operational. Costco offers competitive wages above the minimum typically offered for similar positions and provides benefits to its employees, promoting long-term employment and opportunities for career advancement.

Project Construction

Construction is expected to occur in two phases. Initial construction will include Building 2, the DDC building. The second phase of construction will include Building 1 and is anticipated to commence shortly after the completion of Building 2, depending on business conditions and business needs. Construction duration for Building 2 is anticipated to be 12 to 18 months. Building 1 construction duration is expected to be a similar duration.

Costco Project Sustainability Measures

In an effort to reduce energy consumption and promote sustainability, the proposed Project would incorporate many energy saving measures during both construction and operation of the facility. Solar panels will be installed on the roofs of the buildings and within the parking and circulation areas around each building to produce clean power and battery storage equipment will be utilized to store that energy for use onsite.

Below are some of the significant practices that Costco would incorporate into the project buildings and overall operations that help reduce emissions and conserve energy and other natural resources:

Construction

- Costco will use Tier IV-compliant engines or better for all off-road construction vehicles/equipment.
- Through the use of construction worker training and/or signage, Costco will limit heavy duty construction equipment idling to no more than 2 minutes, and in no instance shall such idling exceed 5 minutes, and will maintain vehicle speeds on unpaved roads to < 15 mph.
- Electric hookups will be provided to reduce the need for diesel generators for electric construction equipment and, should diesel generators be needed, all such diesel generators will be equipped with emission control technology verified by EPA and/or CARB to reduce PM emissions by a minimum of 85%.
- All construction diesel hauling trucks will be model year 2010 or later.
- Costco will provide on-site meal options for construction workers.

Site

- A substantial amount of the proposed plant material for new facilities will be native and drought tolerant and will use less water than other common species. Site perimeter and parking lot landscaping will provide vegetated buffers that will include trees, tree canopies and other vegetation.

- Irrigation systems for new facilities include the use of deep root watering bubblers for parking lot trees to minimize water usage and ensure that water goes directly to the intended planting areas.
- Storm water management plans are designed to maintain quality control and storm water discharge rates based on the City's requirements.
- Parking lot lights are designed at 38' in height to provide even light distribution and utilize less energy compared to a greater number of fixtures at lower heights. LED lamps are used to provide a higher level of perceived brightness with less energy than other lamps such as high-pressure sodium.
- Dust, tire wear, brake dust and other parking lot contaminants will be minimized through regular sweeping/cleaning of parking lots.
- The project will provide no more parking spaces than the minimum required by the City (or less if authorized by the City and feasible for project operations) to encourage car-pooling and high-occupancy vehicle use.
- Costco will install Electric Vehicle (EV) capable (i.e., pre-wired) parking spaces as well as parking stalls with active EV charging stations per the California Building Code.

Building

- New and renewable building materials are typically extracted and manufactured within the region. Materials such as concrete and concrete masonry units will be purchased local to the project, minimizing the transport distances and resultant effects to road networks and regional air quality.
- Main building structures are comprised of pre-engineered systems that use 80% recycled steel. These pre-manufactured building components include structural framing and architectural metal wall and roof panels. These materials are shop finished, maximizing spans, and minimizing structure and waste during the construction process, reducing the overall construction duration.
- Solar PV panels will be installed on the roof of the buildings and/or elsewhere on site (e.g., awnings or canopies in parking areas) to generate approximately 3.8 MW of renewable electricity for use on site. Batteries will also be installed to store some of that electricity for on-site energy needs.
- To the extent they do not conflict with the proposed rooftop solar PV panels, all building roofs will maintain a reflectance rating of .68, emittance of .25 and Solar Reflectance Index of 63, lessening heat gain. Reflective cool roof materials are used to lower heat absorption, subsequently lowering energy requirements during the hot summer months. This roofing material meets the requirements for the EPA's Energy Star energy efficiency program. Building management systems monitor performance and energy usage of HVAC systems.
- HVAC comfort systems are controlled by a computerized building management system to maximize efficiency. Costco's HVAC units are high efficiency direct ducted units. Costco completely phased out the use of HCFCs in its HVAC units, long before the Montreal Protocol timeline.
- Mechanical systems are site specifically commissioned and designed and field tested to ensure that the HVAC systems are performing to the high efficiency standards. HVAC systems will be all-electric and will use High Efficiency Particulate Air (HEPA) filters.
- Electric charging infrastructure will be installed on the property to facilitate the conversion of the truck fleet to zero-emission electric trucks as they become available in the market and used for truck deliveries to and from the facility.
- Pre-manufactured insulated architectural metal walls meet or exceed current energy code requirements. Building heat absorption is further reduced by a decrease in the thermal mass

of the metal wall when compared to a typical masonry block wall. Insulated architectural metal wall panels contain approximately 76 percent of recycled material.

- High-efficiency restroom fixtures are used, which conserves water by achieving a 40% decrease over U.S. standards.
- Energy efficient transformers (i.e., Square D Type EE transformers) are used.
- To the extent emergency back-up diesel generators are needed, only Tier IV diesel generator engines will be used.
- Overall, the site's building energy efficiency will exceed Title 24 Building Envelope Energy Efficiency Standards by at least 1%.
- All appliances to be installed will meet or exceed Title 24 requirements.
- All building coatings and paints will be low-VOC coatings.
- Variable speed motors will be used on make-up air units and booster pumps.
- Gas water heaters will be direct vent and 94% efficient or greater.
- Construction waste will be recycled whenever possible.
- Lighting systems are designed with employee controllability in mind. Lighting is controlled by timers, but over-ride switches are provided for employee use.

Operations

- Deliveries are made in full trucks whenever feasible.
- The facility will not be designed for or include refrigerated cold storage; thus, no TRUs will be used at the facility.
- Delivery trucks will be model year 2010 or newer and use ultra-low sulfur diesel fuel (ULSD) or biodiesel blend with sulfur content of 15 ppm or less.
- Costco trucks will be equipped with engine idle shut off timers and appropriate training will be provided and signage will be installed to ensure that all truck idling is limited to a maximum of two minutes.
- All exclusively onsite vehicles (i.e., forklifts, yard goats, pallet jacks, etc.) will be electric or zero-emission vehicles.
- Costco will train managers and employees on efficient scheduling and load management and provide signage at docks, delivery areas and along truck routes to facilitate traffic efficiency and minimize queuing and limit idling.
- This project's warehouse space will provide the existing nearby Tracy Depot distribution facilities with increased capacity and storage of products and Costco will relocate key DDC depot operations from its existing Stockton location to this facility to maximize efficiency and minimize miles traveled for delivery.
- Costco has been an active user of recycled content in packaging for many years and continues to increase its use of recycled content.
- Costco will provide a separate employee parking area accessible by its own curb cut entry and will provide a clearly-delineated, separate pedestrian pathway for employees connecting project buildings to the employee parking area and such pathway will include a lit crosswalk with flashing indicator lights where the path crosses vehicle routes.
- Bicycle parking will be provided in the employee parking lot and at the front entry of each building.
- Costco will participate in and offer all employees the opportunity to make use of a ride share program.
- Costco will provide on-site meal options for employees (e.g., micro market vending machines that offer drink and food for sale to employees) to minimize off-site employee trips during shifts.

- Building organic waste (i.e., green waste, wood waste, food waste and fibers such as paper and cardboard) will be recycled to the maximum extent possible and in full compliance with Senate Bill 1383.

Additional Project Sustainability Measures

Costco has consulted with the Sierra Club, which submitted comments on the Environmental Impact Report for the project and, as a result, Costco includes as project features the following additional sustainability measures:

- Construction Worker Trip Reduction: Project construction plans and specifications will require contractor to provide transit and ridesharing information for construction workers.

- Zero Emission Heavy-Duty Trucks: The following mitigation measures shall be implemented during all on-going business operations and shall be included as part of contractual lease agreement language, if the facility is leased in the future, to ensure the tenants/lessees are informed of all on-going operational responsibilities.

  The property owner/operator/tenant/lessee shall ensure that 72% of all heavy-duty (Class 7 and 8) truck trips transporting goods from the Direct Delivery Center warehouse facility on the project site to the Market Delivery Operations facilities (that 72% being the "MDO Trips") are model year 2014 or later from start of operations and shall expedite a transition to zero-emission vehicles, with the fleet making MDO Trips fully zero-emission by December 31, 2027 or when commercially available for the intended application, whichever date is later. The property owner/operator/tenant/lessee shall ensure that 100% of all heavy-duty (Class 7 and 8) truck trips originating on the project site to move goods between the project site and the existing Costco Tracy Depot are zero-emission at the start of operations.

  A zero-emission vehicle shall ordinarily be considered commercially available if the vehicle is capable of serving the intended purpose and is included in California's Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project, https://californiahvip.org/, or listed as available in the US on the Global Commercial Vehicle Drive to Zero inventory, https://globaldrivetozero.org/. In order for such vehicles to be considered commercially unavailable, at least three (3) months prior to the deadline above, the operator must secure documentation from a minimum of three (3) EV dealers identified on the californiahvip.org website demonstrating the inability to obtain the required EVs or equipment needed within 6 months.

  In addition to the obligations above, the property owner/operator/tenant/lessee shall ensure that, regardless of commercial availability determinations, a minimum of the following percentages of heavy-duty trucks (Class 7 and 8) making MDO Trips shall be zero-emission vehicles: 10% by December 31, 2027; 25% by December 31, 2030; 50% by December 31, 2033; 75% by December 31, 2036; and 100% by December 31, 2039.

  Zero-emission heavy-duty trucks which require service can be temporarily replaced with model year 2014 or later trucks. Replacement trucks shall be used for only the minimum time required for servicing fleet trucks.

- Zero Emission Vehicles: The property owner/tenant/lessee shall utilize a "clean fleet" of vehicles/delivery vans/trucks (Class 2 through 6) as part of business operations as follows:

For any vehicle (Class 2 through 6) owned by the property owner/tenant/lessee that travels to and from the project site, the following "clean fleet" requirements apply: (i) 65% of the fleet will be zero emission vehicles at start of operations, (ii) 80% of the fleet will be zero emission vehicles by December 31, 2025, and (iv) 100% of the fleet will be zero emission vehicles by December 31, 2027.

Zero-emission vehicles which require service can be temporarily replaced with alternate vehicles. Replacement vehicles shall be used for only the minimum time required for servicing fleet vehicles.

The property owner/tenant/lessee shall not be responsible to meet "clean fleet" requirements for vehicles used by common carriers operating under their own authority that provide delivery services to or from the project site.

- Compliance Report: For the first five (5) years following project approval, the Operator of the warehouse facilities shall submit to the Sierra Club an annual compliance report within 30 days of December 31 each year addressing compliance with EM-B and EM-C. If the Sierra Club asks the Operator any clarifying questions or requests, the Operator shall respond to such inquiry in writing within thirty (30) days. If the Operator has not fully complied with EM-B within 5 years, the Operator shall submit a compliance report to the Sierra Club within 30 days of December 31, 2030, 2033, 2036, and 2039. Once the Operator has fully complied with EM-B or EM-C by transitioning to 100% zero-emission vehicles, no further reporting for that measure shall be required.

  Prior to receipt of a final certificate of occupancy for each of the two phases of the Project (DDC building and Annex building), Developer will submit to the Sierra Club a report demonstrating compliance with all applicable measures in the MMRP and measures committed to in the agreement with the Sierra Club. Developer will endeavor to provide the Sierra Club with at least thirty (30) days' prior notice in advance of submitting the reports. If the Sierra Club asks the Developer any clarifying questions or requests, the Developer shall respond to such inquiry in writing within thirty (30) days.

- Lease Agreements and Future Owners: Any tenant lease agreements for the project site shall include a provision requiring the tenant/lessee to comply with all applicable requirements of the MMRP, a copy of which shall be attached to each tenant/lease agreement. All obligations of the Project Applicant in these Tracy Costco Depot Annex Enhancement Measures shall apply to any future owner or operator of the Project.

- SmartWay Program: Owners, operators or tenants shall enroll and participate the in SmartWay program for eligible businesses, which is a voluntary public-private program developed by the US EPA that provides a system for tracking, documenting and sharing information about fuel use and freight emissions across supply chains and helps companies identify and select more efficient carriers, transportation modes, and equipment; this requirement shall apply to vehicles owned and controlled by the Project owners, operators or tenants.

- Designated Smoking Areas: Owners, operators or tenants shall ensure that any outdoor areas allowing smoking are at least 25 feet from the nearest property line.

- Building Codes: Project construction shall be subject to all applicable City building codes, including the adopted Green Building Standards Code. Prior to the issuance of building permits, the applicant/developer shall demonstrate (e.g., provide building plans) that the proposed buildings are designed and will be built to, at a minimum, meet the Nonresidential Voluntary Measures of the applicable California Green Building Standards code, Divisions A5.1, 5.2 and 5.5, including but not limited to the Tier 2 standards in those Divisions, where applicable; provided, however, that the Tier 2 standards relating to the electric vehicle parking space requirements (e.g., CalGreen sections A5.106.5.1.2, A5.106.5.3.3, and A5.106.5.3.4) shall not pertain. Instead, Buildings 1 and 2 of the Project shall meet at least the July 2022 Green Building Standards Code mandatory requirements (effective January 1, 2023, or the requirements of a later version of the Green Building Standards Code, if applicable) for the number of employee and visitor parking stalls that shall be wired for electric vehicle charging (i.e., EV capable spaces) and that shall be active EV charging parking spaces (i.e., spaces supplied with EV Supply Equipment) upon the start of operation. Signage shall be installed at the parking stalls with EV wiring that are not active at the start of operation to indicate that such parking spaces will be converted to EV spaces once there is demand for such EV spaces. Beginning upon operation of the first building constructed and ending upon five (5) years after the completion of construction of the second building, the Project Applicant shall annually survey employees on their EV charging interest and demands and accommodate demand with additional EV charging equipment to meet demand.

- Agricultural Lands: The project shall comply with the requirements of the City's Agricultural Lands Mitigation Program.

- Electric Charging: The project operator shall ensure that sufficient electric vehicle charging stations are installed when necessary to serve the charging demands of electric trucks and vehicles domiciled at the project site.

- SJVAPCD: The project applicant shall comply with SJVAPCD Regulation VIII (fugitive dust rule) and shall comply with SJVAPCD Rule 9510 (to reduce growth in both NOx and PM10 emissions.

CITY OF TRACY
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
DRAFT CONDITIONS OF APPROVAL

Tracy Costco Depot Annex
Development Review Permit, Application Number D19-0014
January 21, 2025

A. General Provisions and Definitions

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

The Project: A Development Review Permit, Application Number D19-0014, for the construction of two industrial warehouse buildings totaling approximately 1.74 million square feet and related site improvements on a 103-acre site located at 16000 W Schulte Road (APN 209-230-02) (the "Property").

A.2. Definitions.

a. "Applicant" means the owner of the Property, and any person, or other legal entity properly authorized by said owner to serve as the owner's agent for development of the Project on the Property. Such authorization shall be in writing and to the reasonable satisfaction of the Director. "Applicant" shall also mean any person, or other legal entity, defined as "Developer", and the two terms shall be used interchangeably.

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

c. "City Regulations" means all written laws, rules, and policies established by the City, including without limitation those set forth in the City of Tracy General Plan, the Tracy Municipal Code (TMC), all applicable City ordinances, resolutions, policies, and procedures, including all applicable City Design Documents (including the Standard Plans, Standard Specifications, and relevant Public Facility Master Plans).

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

e. "Conditions of Approval" shall mean the conditions of approval applicable to the development of the Project on the Property, Application Number D19-0014. The Conditions of Approval shall specifically include all conditions set forth herein.

f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project

boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.

A.3. To the extent permitted by law, the Applicant shall defend, indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties or the applicant to attack, set aside, or void the approval of the Project or any permit authorized hereby for the Project, including (without limitation) reimbursing the City its attorney's fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

A.4. Compliance with submitted plans. The Project shall be constructed in substantial compliance with the Project plans received by the Community and Economic Development Department on August 8, 2024 (the "Project Plans"), to the satisfaction of the Director.

A.5. 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 Applicant shall comply with all laws (federal, state, and local) related to the development of 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"),
- the Guidelines for California Environmental Quality Act (California Administrative Code, Title 14, Sections 1500, et seq., "CEQA Guidelines"),
- California Building Code, California Fire Code, and
- City Regulations.

A.6. Pursuant to Government Code section 66020, including section 66020(d)(1), the City hereby notifies the Applicant that the 90-day approval period (in which the Applicant may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Applicant fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Applicant will be legally barred from later challenging any such fees, dedications, reservations, or other exactions.

A.7. This Development Review Permit, Application Number D19-0014, shall not be effective until the Project site has been annexed into the City limits.

A.8. Mitigation Measures. The Applicant shall comply with the Mitigation Monitoring and Reporting Program for the Tracy Costco Depot Annex Project, adopted by the City Council on January 21, 2025, Resolution No. _____.

B. **Community and Economic Development Department, Planning Division Conditions**

B.1. Landscaping & Irrigation. Before the approval of a building permit, the Applicant shall provide detailed landscape and irrigation plans consistent with the following to the satisfaction of the Director:

B.1.1. Said plans shall comply with the City of Tracy Design Goals & Standards, and TMC Section 10.08.3560 for parking area landscaping. Said plans shall clearly delineate the property line and shall include a planting legend indicating, at minimum, the quantity, planting size, and height and width at maturity.

B.1.2. Where trees are planted ten feet or less from a sidewalk or curb, root barriers dimensioned 8 feet long by 24 inches deep shall be provided adjacent to such sidewalk and curb, centered on the tree.

B.1.3. Landscape & Irrigation Maintenance. Prior to the issuance of a building permit for each phase, the Applicant shall execute a two-year landscape and irrigation maintenance agreement and submit financial security, such as a performance bond, to ensure the success of all on-site landscaping for the term of the agreement. The security amount shall be equal to $2.50 per square foot of the landscaped area or equal to the actual labor and material installation cost of all on-site landscaping and irrigation for that phase.

B.1.4 Where landscape planters are parallel and adjacent to the side of vehicular parking spaces, a 12” wide concrete curb shall be placed adjacent to the parking space to allow for pedestrian access to vehicles without damage to the landscape areas.

B.2. Screening Utilities and Equipment. Before the approval of a building permit, the Applicant shall submit detailed plans that demonstrate the following:

B.2.1. All vents, gutters, downspouts, flashing, and electrical conduits shall be internal to the structures and bollards and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent surfaces or otherwise designed in harmony with the building exterior to the satisfaction of the Director.

B.2.2. No roof mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes, whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from any public right-of-way to the satisfaction of the Director. Plans to demonstrate such compliance shall be submitted and approved by the Director prior to the issuance of a building permit.

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B.2.3. All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Community and Economic Development Director.

B.3. No business identification signs are approved with this development review permit. The Applicant shall obtain a sign permit in accordance with the Tracy Municipal Code Chapter 10.08, Article 35, Signs for all business identification signs.

B.4. The parking lot lighting shall comply with the minimum requirement of one foot-candle power within the employee parking areas. Prior to final inspection or certificate of occupancy, all exterior and parking lot lighting shall be directed downward or shielded to prevent glare or spray of light into the public rights-of-way, to the satisfaction of the Community and Economic Development Director.

B.5. Prior to the issuance of a building permit, bicycle parking spaces shall be provided in accordance with Tracy Municipal Code Section 10.08.3510 to the satisfaction of the Community and Economic Development Director.

B.6. Prior to final inspection of certificate of occupancy, on-site circulation signs shall be installed to the satisfaction of the Community and Economic Development Director.

B.7. Prior to the issuance of a building permit, a detailed plan of any trash or trash compactor enclosures, shall be submitted, showing a height of at least eight feet with solid metal doors, a solid roof, an interior concrete curb, and exterior materials and colors compatible with the adjacent building exterior, to the satisfaction of the Community and Economic Development Director.

B.8. Prior to issuance of a building permit, the developer shall provide documentation of compliance with the San Joaquin Valley Air Pollution Control District Rule 9510, Indirect Source Review to the Community and Economic Development Department.

B.9. Prior to issuance of a building permit, the applicant shall provide details for all on-site fencing. Perimeter fencing of the site shall be comprised of tube steel, masonry, or a combination thereof. The use of chain link fencing may only be allowable along non-street frontage property lines if it is designed in conjunction with the overall site and landscape plan and is not visible from public view. Electronically charged, razor wire, barbed wire, integrated corrugated metal, or plain exposed plastic concrete/PCC fences, vinyl slats, and woven fabric fences are not permitted anywhere on site.

B.10. No outdoor storage of materials is permitted on the site.

B.11. Prior to approval of a building permit, the applicant shall submit detailed plans that demonstrate the truck loading areas, dock doors, storage areas, and above-ground utilities will be substantially screened from view from the public right-of-way, to the satisfaction of the Community and Economic Development Director.

B.12. Prior to approval of a building permit, the applicant shall submit detailed plans that show the location and improvements for a high-quality outdoor employee break area to the satisfaction of the Community and Economic Development Director. Such area shall be incorporated as part of site design and should include special paving, tables, benches, shade trees and other amenities that support employee events and serve as an informal gathering space.

C. Engineering Conditions of Approval

C.1. General Conditions

C.1.1. Developer shall comply with the applicable requirements of these conditions of approval as set forth below, which conditions are based on and may be interpreted by reference to the following technical analyses and reports prepared for the Project:

a) "Environmental Impact Report for Tracy Costco Depot Project", prepared by De Novo Planning Group, dated _____, 20__, and bearing State Clearinghouse Number 2020080531 adopted by City Council on _____, 20__ , Resolution No. 20___-_____ ("EIR").

b) "Mitigation Monitoring and Reporting Program for the Tracy Costco Depot Project" (the "MMRP"), adopted by the City Council on _____, 20__, Resolution No. 20___-_____.

c) "Costco Direct Delivery Center Traffic Analysis" prepared by Kimley Horn and Associates, dated September 12, 2022, and any subsequent amendments or updates thereto ("Traffic Study").

d) "Sizing Recommendations for Detention Basin LW11" prepared by West Yost, dated September 10, 2024, and any subsequent amendments or updates thereto ("Storm Drainage Study").

e) "Review of Detention Basin LW11 3rd Submittal Plans" prepared by Wood Rodgers, dated April 25, 2023 (Draft), and any subsequent review memorandums or updates thereto by Wood Rodgers or West Yost ("DET LW11 Design Review").

f) "Costco Annexation Project CCTV Inspection Review and Sewer Collection System Hydraulic Capacity Analysis" by Black Water Consulting Engineers, dated February 17, 2022, and any amendments or updates thereto ("Sewer Study").

g) "Hydraulic Evaluation of Costco Depot" prepared by West Yost

Associates, Inc., dated September 4, 2020, and any subsequent amendments or updates ("Water Study").

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C.2. Grading Permit

Prior to grading permit release, Applicant shall demonstrate conformance to City Design Documents, Tracy Municipal Code (TMC), and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

C.2.1 Grading and Storm Drainage Plans

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

Site Grading

a. Include all proposed erosion control methods and construction details to be employed and specify materials to be used. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Geotechnical Engineer. A copy of the Project's Geotechnical Report must be submitted with the Grading and Storm Drainage Plans.

b. When the grade differential between the Project Site and adjacent property(s) exceeds twelve (12) inches, a reinforced concrete or masonry block, or engineered retaining wall is required for retaining soil. The Grading Plan shall show construction detail(s) of the retaining wall or masonry wall. The entire retaining wall and footing shall be constructed on the Property. A structural calculation shall be submitted with the Grading and Storm Drainage Plans.

c. An engineered fill may be accepted as a substitute of a retaining wall, if any, subject to approval by the City Engineer. The Grading and Storm Drainage Plans must show the extent of the slope easement(s). The Applicant shall be responsible for obtaining permission from owner(s) of the adjacent and affected property(s). The slope easement must be recorded, prior to the issuance of the final building certificate of occupancy.

d. Grading for the site shall be designed such that the Project's storm water can overland release to either a public street or to a public storm drainage facility.

e. Prior to approval of a grading permit for the Project, the Applicant shall submit a drainage report and drainage calculations for the Project site based on the Master Plan criteria and starting water surface elevation for review by the City.

f. If applicable, Applicant shall depict all existing irrigation structure(s), channel(s) and pipe(s) that are to remain or to be relocated or to be removed, if any, after coordinating with the irrigation district or owner of the irrigation facilities on the Grading and Storm Drainage Plans. If there are irrigation facilities including tile drains, that are required to remain to serve existing adjacent agricultural uses, the Applicant shall design, coordinate and construct required modifications to the improvements, if required, to the reasonable satisfaction of the City.

C.2.2 Prior to grading permit release, Applicant shall obtain the approval (i.e. recorded easements for slopes, drainage, utilities, access, parking, etc.) of all other public agencies and/or private entities with jurisdiction over the required public and/or private facilities and/or property. Written permission from affected owner(s) must be submitted.

C.2.3 Prior to grading permit release, Applicant shall confirm that all existing on-site water well(s), septic system(s), and leech field(s), if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. Applicant shall be responsible for all costs associated with the abandonment or removal of the existing well(s), septic system(s), and leech field(s) including the cost of permit(s) and inspection. Applicant shall submit to the City a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s).

C.2.4 Prior to grading permit release, Applicant shall pay all applicable Grading Permit fees, which include grading plan checking and inspection fees, and all other applicable fees as required by these Conditions of Approval.

C.2.5 Prior to grading permit release, Applicant shall complete appropriate storm water pollution controls. For Projects on property larger than one (1) acre: Prior to the issuance of the Grading Permit, Applicant shall submit to Utilities (stephanie.hiestand@cityoftracy.org) one (1) electronic copy and one (1) hard copy of the Storm Water Pollution Prevention Plan (SWPPP) as submitted in Stormwater Multiple Applications and Reporting Tracker System (SMARTS) along with either a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID) or a copy of the receipt for the NOI. After the completion of the Project, the Applicant is responsible for filing the Notice of Termination (NOT) required by SWQCB, and shall provide the City, a copy of the completed Notice of Termination. Cost of preparing the SWPPP, NOI and NOT including the annual storm drainage fees and the filing fees of the NOI and NOT shall be paid by the Applicant. Applicant shall comply with all the requirements of the SWPPP, applicable Best Management Practices (BMPs) and the Stormwater Post-Construction Standards adopted by the City in 2015

and any subsequent amendment(s).

C.2.6 Prior to grading permit release, Applicant shall provide a PDF copy of the Project's Geotechnical Report signed and stamped by a Registered Geotechnical Engineer. The geotechnical report must include relevant information related to soil types and characteristics, soil bearing capacity, compaction recommendations, retaining wall recommendations, if necessary, paving recommendations, paving calculations such as gravel factors, gravel equivalence, etc., slope recommendations, and elevation of the highest observed groundwater level.

C.2.7 Prior to grading permit release, Applicant shall provide Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system.

C.2.8 Prior to grading permit release, Applicant shall provide a copy of the approved Incidental Take Minimization Measures (ITMM) habitat survey [San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)] from San Joaquin Council of Governments (SJCOG).

C.2.9 Prior to grading permit release, Applicant shall provide a copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD) requirements.

C.2.10 Prior to grading permit release, Applicant shall provide a copy of the approved Air Impact Assessment (AIA) with an Indirect Source Review (ISR) from San Joaquin Valley Air Pollution Control District (SJVAPCD).

C.2.11 Prior to grading permit release, Applicant shall remove all existing irrigation structures, channels, tile drains and pipes, if any, if the facilities are confirmed by the irrigation district are no longer required for irrigation purposes.

C.2.12 Prior to grading permit release, Applicant shall provide written permission from irrigation district to alter said irrigation facilities if said facilities are required to remain to serve existing adjacent agricultural uses. The Applicant will design, coordinate and construct required modifications to the facilities to the satisfaction of the affected agency and the City Engineer. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Applicant.

C.2.13 If at any point during grading the Applicant, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other paleontological findings, the Applicant shall address the findings as required per the General Plan Cultural Resource Policy and General Plan EIR; and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.

C.2.14 Prior to grading permit release, Applicant shall demonstrate that runoff originating on the Project site will be managed in a manner that meets stormwater quality

standards. The design and construction details of the Project's storm drainage system and stormwater treatment facilities shall meet City regulations and shall comply with the applicable requirements of the Multi-Agency Post-Construction Stormwater Standards Manual, dated June 2015, and any subsequent amendments.

C.2.15 Prior to grading permit release, Applicant shall provide calculations related to the design and sizing of on-site storm water treatment facilities must be submitted with the Grading and Storm Drainage Plans and approved by City's Stormwater Coordinator prior to issuance of the Grading Permit for the Project.

C.2.16 Prior to grading permit release, Applicant shall obtain approved improvement plans that shall direct the offsite flows from the foothills in a conveyance facility that runs along the Project's easterly boundary to the satisfaction of the City Engineer. Afterwards said conveyance facility will exit Applicant's parcel and then proceed along the City's parcel's frontage. Said conveyance facility will connect to LW11.

C.3. Improvement Plans

Prior to building permit release, Applicant shall obtain City approval of Applicant's Improvement Plans. Said Improvement Plans shall contain the design, construction details and specifications of public improvements that are necessary to serve the Project. The Improvement Plans shall be drawn on a 24-inch x 36-inch size sheet and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. The Improvement Plans shall be completed to comply with City Design Documents, these Conditions of Approval, and the following requirements:

C.3.1 The Improvement Plans shall be prepared with the City of Tracy standard title and signature block.

C.3.2 Prior to building permit release, Applicant shall obtain all applicable signatures by City departments and from outside agencies (where applicable) on the plans including signatures by the Fire Marshal, prior to the Applicant submitting the plans to Engineering for City Engineer's approval.

C.3.3 The Improvement Plans shall be prepared to specifically include, but not be limited to, the following items:

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

b. All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports.

c. Prior to building permit release, Applicant shall provide a PDF copy of the

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

C.3.4 Storm Drainage

a. Prior to building permit release, Applicant shall obtain City approval of Improvement Plans depicting DET LW11 and a fully executed offsite improvement agreement. DET LW11 shall have the capacity to store a minimum of 67.4 acre-feet of storage volume to the satisfaction of the City Engineer. Applicant may be eligible for fee credits per the current storm drain masterplan and the associated fee studies in accordance with the Tracy Municipal Code.

b. LW11's storage volume is based on the following design parameters:

    a. LW11 has an outlet-controlled system with SCADA with a minimum peak discharge rate of 3.59 cubic-feet per second.

    b. The chute over the Delta Mendota Canal has runoff volume of 176 acre-feet.

    c. LW12's pumped flow shall be at minimum two (2) cubic-feet per second.

    d. LW12 shall be constructed for a minimum of 85.9 acre-feet of storage volume.

    e. The parameters do not require Applicant to construct LW12 for this Project, however the sizing requirements for LW11 are contingent upon LW12 being built to the requirements in Section C and D above. However, construction of LW12 is not required of the Applicant as a condition of approval of this Project.

c. Prior to building permit release, Applicant shall confirm the Project and the outflow from LW11 has capacity within the proposed pipe on Pavilion Way. pipe capacity of the storm drain line on Pavilion Way from Schulte Road to DET LW6.

d. Prior to building permit release, if during the design phase it is known that the proposed pipe on Pavilion Way does not have capacity for the Project and outflow from LW11, Applicant shall obtain approved Improvement Plans depicting an additional storm drain system on Pavilion Way connecting downstream to the satisfaction of the City Engineer.

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e. Prior to building permit release, Applicant shall obtain City approval of Improvement Plans depicting a controlled system with SCADA for releasing water from DET LW11. The controlled system (which may include but would not be limited to a pump station and force main in addition to the storm drain line on Pavilion Way) shall allow water to flow from DET LW11 with a flow rate to the satisfaction of the City Engineer. The ultimate diameter will be determined during the design process and shall be to the satisfaction of the City Engineer.

f. Prior to building permit release, Applicant shall obtain City approval of Improvement Plans depicting a storm drain pipe on Schulte Road along the Project's frontage. The ultimate diameter will be determined in a future date. Storm drain pipe will convey runoff from the force main discussed in condition C.3.4.d, runoff from the Project site, and a portion of the runoff from the City's parcel.

C.3.5 Sanitary Sewer

a. Prior to the issuance of Building Permit for the Project, Applicant shall obtain the City Engineer's approval of Improvement Plans for the design of all on-site and off-site sewer improvements. The Applicant shall design and install sanitary sewer facilities including the Project's sewer connection in accordance with the approved Improvement Plans, and applicable City Design Documents and utility Improvement Plans approved by the City Engineer.

b. Prior to the first building permit release, Applicant shall pay all wastewater treatment plant development impact fees for all proposed buildings within the Project.

c. Prior to building permit release, Applicant shall obtain City approval of Improvement Plans that depict a gravity sewer line on Lammers Road per the Wastewater Master Plan.

C.3.6 Water Distribution System

a. Prior to building permit release, Applicant shall obtain City approval of Improvement Plans depicting the water infrastructure identified in the Water Study.

    a. Prior to any occupancy, Applicant shall install a pressure reducing valve at its water connection points.

b. During the construction phases of the Project, the Applicant is responsible for providing water infrastructure (temporary or permanent) capable of delivering adequate fire flows and pressure appropriate to the various stages of construction and as approved by the South San Joaquin County Fire Authority's Fire Marshal.

c. Prior to building permit release, Applicant shall obtain City approval of Improvement Plans that depict fire hydrants at the locations approved by the South San Joaquin County Fire Authority's Fire Marshal.

d. Prior to building permit release, Applicant shall submit calculations and plans as required by the Fire Authority and obtain the Fire Authority's written approvals for the proposed fire system for the design, location and construction details of the fire service connection to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

e. All costs associated with the installation of the Project's permanent water connection(s) as identified in the Water Study including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings, replacing traffic detecting loops, conduits, and wires, relocating existing utilities that may be in conflict with the water connection(s), and other improvements shall be paid by the Applicant and are not eligible for impact fee credits.

f. Prior to building permit release, Applicant shall obtain City approval of Improvement Plans that depict domestic and irrigation water service connection, including a remote-read master water meter (the water meter to be located within City's right-of-way) and a Reduced Pressure Type back-flow protection device in accordance with City Design Documents.

g. Prior to building permit release, Applicant shall obtain City approval of Building Safety plans to construct the proposed temporary fire water tank to provide adequate fire flows to the Property.

C.3.7 Roadway Improvements

Prior to building permit release, Applicant shall obtain City approval of Improvement Plans depicting on-site and frontage roadway improvements to serve the Project as identified in the Traffic Study and these Conditions of Approval. All improvements shall comply with City Design Documents. Such improvements shall include, but are not limited to, roadways, water distribution system, sewer system, storm drainage systems, curb and gutter, sidewalks, street lighting system, traffic signals, ITS systems, pavement and crosswalk striping, bicycle lanes, roadway signage and street signs, median islands, turn lanes, landscaping, and all necessary related improvements as required by the City. Timing of completion of street improvements shall comply with these Conditions of Approval.

C.3.8 Prior to building permit release, pursuant to Table 4 of the Traffic Study, Applicant shall obtain City approval of Improvement Plans depicting the

following on-site and frontage roadway improvements to serve the Project:

External Network Review

a. Driveway #1 (Bud Lyons Driveway) – Lengthen the westbound left-turn lane to accommodate 375 feet of deceleration and 100 feet of storage.

b. Driveway #1 (Bud Lyons Driveway) – Applicant shall modify the existing traffic signal and appurtenances to operate with the Project's driveway to the satisfaction of the City Engineer. Revise existing striping for the southbound approach to provide one (1) left-turn lane and one (1) through/right-turn lane to the satisfaction of the City Engineer.

c. Driveway #3 (Shared Driveway) – Construct a traffic signal and appurtenances to the satisfaction of the City Engineer. Striping shall accommodate the westbound approach and eastbound departure transition to existing conditions east of the Project to the satisfaction of the City Engineer.

d. Along the Project frontage of Old Schulte Road, Applicant shall provide modifications that accommodate transitions between the existing two-lane facility and proposed four (4)-lane facility at the westerly and easterly end of the Project to the satisfaction of the City Engineer.

Driveway Access

a. Driveway #1 (Bud Lyons Driveway) – Striping shall reflect the following lane configuration: one (1) northbound left-turn lane and one (1) northbound through/right-turn lane.

b. Driveway #2 – Provide Stop (R1-1), Right Turn Only (R3-5R), and One Way (R6-1) Signage.

c. Driveway #3 (Shared Driveway) – Provide one (1) northbound left-turn lane and one (1) northbound right-turn lane.

Internal Circulation

a. Driveway #1 – East/West pedestrian crossing shall only occur at the signalized intersection or at the southern internal crosswalk.

b. Driveway #1 – Internal intersection shall be three-way stop-controlled with the inbound (southbound) movement as the free movement.

c. Driveway #3 – Provide an eastbound U-turn lane at the Old Schulte Road and Project Driveway #3 signalized intersection. Said U-turn lane shall be constructed so that it can be converted into a future left-turn lane.

d. Driveway #3 – Provide clear signage and/or pavement markings for trucks entering driveway that designates security versus bypass lanes.

e. Driveway #3 – Provide a truck turning template for internal drive aisle reverse curve.

Vehicle Turning Templates

a) Driveway #1 – Provide design modifications to the proposed driveway curb return to allow STAA trucks to perform turns for entering and exiting the site.

b) Driveway #2 – Provide design modifications to the proposed driveway curb returns to allow automobile to perform eastbound and northbound right turns to access or exit the site.

c) Driveway #3 – Provide design modifications to the proposed driveway curb return to allow STAA trucks to perform turns for entering and exiting the site.

C.3.9 Schulte Road Frontage Improvements

Prior to building permit release, Applicant shall obtain City approval of Improvements Plans depicting frontage improvements on Schulte Road in accordance with the 2012 Transportation Master Plan, Traffic Analysis and City Design Documents per the Tracy Municipal Code. The Applicant shall dedicate all rights-of-way necessary for the widening of Schulte Road along the entire Project frontage to the satisfaction of the City Engineer.

C.3.10 Hansen Road Extension per 2012 Transportation Master Plan

Prior to building permit release, Applicant shall execute an improvement agreement with the City, in a form approved by the City Engineer and the City Attorney, to comply with Section 7.04.120 of the Tracy Municipal Code. Said improvement agreement shall provide for, among other things, the Applicant's dedication of right-of-way and construction of frontage improvements, including provision of security for such frontage improvements, and shall further provide that if the City modifies its Transportation Master Plan in a manner that the Hansen Road Extension requirements no longer apply to the Project, the Applicant will be relieved of the right-of-way dedication and frontage construction requirements. All costs of compliance with this condition, including all City costs associated with the improvement agreement, shall be borne by the Applicant.

C.3.11 Prior to any occupancy, after Hansen Road Extension is constructed, Applicant shall construct an emergency access at the rear the of the site to Hansen Road.

C.3.12 Traffic Control Plan

The Applicant shall submit a Traffic Control Plan for each phase of work, to

show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.

C.3.13 All private utility services to serve Project such as electric, telephone and cable TV to the building must be installed underground, and at the location(s) approved by the respective owner(s) of the utilities.

C.3.14 Offsite Improvements

a. Intersection 1 – International Pkwy and I-205 Westbound Off-Ramps - Within ninety (90) days of final approval of the Project by the City Council, the Applicant shall execute a conditional Offsite Improvement Agreement (OIA), in a form approved by the City Engineer and the City Attorney, for widening of the westbound off-ramps at I-205 and International Parkway to provide two (2) left-turn lanes, two (2) right-turn lanes, and to optimize signal timings. Said OIA shall, among other things, require the Applicant to provide adequate security to ensure completion of said Intersection 1 improvements, and require the Applicant to, within ninety (90) days of execution of the OIA, commence and diligently continue good faith efforts to complete the planning, permitting and construction of the Intersection 1 improvements.

b. Intersection 11 – Lammers Road and Old Schulte Road - Prior to any occupancy, Applicant shall obtain City approval of traffic signal timing sheets to retime the intersection to provide an overlap phase for the eastbound right-turn lane if not yet implemented by others.

c. Intersection 13 – Lammers Road and Valpico Road - Prior to building permit release, Applicant shall obtain City approval of Improvement Plans for the construction of a traffic signal and a southbound left-turn lane if not yet implemented by others.

C.4. FImprovement Agreement and Security

Prior to a building permit release, Applicant shall obtain a fully executed Offsite Improvement Agreement (OIA) with the City to provide for construction of, and improvement security for, all public improvements. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with section 12.36.080 of the TMC. The amount of improvement security shall be as follows:

C.4.1 Faithful Performance (100% of estimated cost of constructing public improvements);

C.4.2 Labor & Materials (100% of the estimated cost of constructing the public improvements); and

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C.4.3 Warranty (10% of the estimated cost of constructing the public improvements).

C.5. Encroachment Permit

Prior to a building permit release, Applicant shall submit an application for encroachment permit. Applicant shall demonstrate compliance with all applicable City regulations and these Conditions, to the satisfaction of the City Engineer, including, but not limited to, the following:

C.5.1 Improvement Plans prepared on a twenty-four (24) inch x thirty-six (36) inch sheet that incorporate all the requirements described in these Conditions of Approval. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

C.5.2 Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.

C.5.3 Prior to building permit release, Applicant shall execute an OIA with the City to guarantee completion of the public improvements that are necessary to serve the Project as required by these Conditions of Approval.

C.5.4 Prior to building permit release, Applicant shall pay all applicable engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and any other applicable fees.

C.5.5 Prior to encroachment permit release, Applicant shall submit for the City Engineer's review and approval a Traffic Control Plan signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California.

C.5.6 Prior to a building permit release, Applicant shall submit for the City's review and approval to the satisfaction of the Fire Marshal, Improvement Plans that are already signed South San Joaquin County Fire Authority's Fire Marshal. If applicable, said Improvement Plans shall also indicate fire service connection(s) and fire and emergency vehicle access.

C.6. Building Permit - Prior to a building permit release, Applicant shall pay all required City and County development impact fees as they relate to the Project and as otherwise required by these Conditions of Approval, to the satisfaction of the City Engineer, including but not limited to: Transportation, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, Parks, New Address Mapping, Water Meter and Connection Fees, County Facilities Fee, Regional Transportation Impact Fee, Agricultural Mitigation Fee and Habit Mitigation fees.

C.7. Acceptance of Public Improvements, Release of Improvement Security. and Certificate of Occupancy.

Prior to any occupancy, accepting public improvements, or release of improvement

security, Applicant shall demonstrate to the City Engineer satisfactory completion of the following:

C.7.1 Prior to any occupancy, accepting public improvements, or release of improvement security, Applicant shall correct all items listed in the deficiency report prepared by the City.

C.7.2 Prior to any occupancy, accepting public improvements, or release of improvement security, Applicant shall submit Engineer of Record Certified "As-Built" Improvement Plans (or Record Drawings) on mylars to the City.

C.7.3 Prior to any occupancy, accepting public improvements, or release of improvement security, Applicant shall submit Engineer of Record prepared Autocad and GIS shape files [with "Attributes"] of said Record Drawings in format acceptable to City.

C.7.4 Prior to any occupancy, accepting public improvements, or release of improvement security, Applicant shall complete all conditioned improvements.

C.7.5 Prior to any occupancy, accepting public improvements, or release of improvement security, Applicant shall complete construction of all required public improvements and conform to Section 12.36.080 of the TMC.

C.8. Special Conditions

C.8.1 All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Design Standards and the City's Infrastructure Master Plans for storm drainage, roadway, wastewater and water adopted by the City, or as otherwise specifically approved by the City.

C.8.2 Prior to release of a building permit, Applicant shall be responsible to obtain any easements, rights-of-way and/or agreements with other property owners as applicable for all improvements.

C.8.3 Prior to any occupancy, Applicant shall repair any damages to existing improvements within the street right-of-way due to construction related activities shall be repaired or replaced as directed by the City at Applicant's cost.

C.8.4 Applicant shall comply with the requirements relating to Fire Apparatus Access Roads and other Fire Code requirements to the satisfaction of the Fire Authority.

C.8.5 Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the Grading Permit, Encroachment Permit, Building Permit, Improvement Plans, OIA, and DIA, if the

City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City. The Applicant shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

C.8.6 Survey Monuments - Prior to any occupancy or acceptance, Applicant shall submit centerline tie sheets; corner records; or a record of survey for the following: new public streets; any altered, damaged, destroyed, or re-established survey monuments; altered street corners; and/or benchmarks. Any survey document will be submitted to the City and to the San Joaquin County Surveyor to comply with California Business and Professions Code Section 8771(c). Said work shall be executed by a California licensed Land Surveyor at the Applicant's sole expense.

C.8.7 Prior to any occupancy or acceptance, Applicant shall conform to Section 3.14 of the 2020 Design Standards and install a two (2) inch thick grind and asphalt concrete (AC) overlay with reinforcing fabric at least twenty-five (25) feet from all sides of each utility trench. Said overlay shall be uniform thickness to maintain current pavement grades, cross and longitudinal slopes. This pavement repair requirement is when cuts/trenches are perpendicular and parallel to the street's direction.

C.8.8 Prior to any occupancy, Applicant shall obtain a recorded access easement from the City for the Project's easterly driveway. Applicant shall also provide a reciprocal access easement for the City's parcel.

C.8.9 Prior to any occupancy, Applicant shall obtain City approval of a TDM plan to mitigate its VMT related impacts as outlined in the Traffic Study and Mitigation Monitoring and Reporting Program and shall add additional VMT mitigations, as approved by the City, if a VMT mitigation in-lieu fee is not adopted. The Applicant shall six-months after occupancy permit is issued submit to the City a VMT mitigation monitoring report showing compliance with the CEQA findings. The report shall include traffic counts at all driveways and evidence and data of the Applicant's implementation of the TDM measures. If the VMT mitigation is not compliant with the CEQA findings, the Applicant shall collaborate with the City Engineer and City Planner to develop measures to comply with the VMT reduction requirements. The TDM monitoring report shall be submitted once per annum for at least three years following the first submittal. If the Applicant successfully mitigates the VMT impact for three consecutive years, the requirement may be suspended by the City Engineer and City Planner.

C.8.10 Prior to any occupancy, Applicant shall submit a signed and notarized Stormwater Treatment Facilities Maintenance Agreement (STFMA) as a guarantee for the performance of Applicant's responsibility towards the repair and maintenance of on-site storm water treatment facilities.

D. Utilities Department, Water Resources Division Conditions

D.1. Prior to issuance of a construction or building permit, applicant shall demonstrate compliance with the 2015 Post-Construction Stormwater Standards (PCSWS) Manual and obtain approval through the following:

a. Develop a Project Stormwater Plan (PSP) that identifies the methods to be employed to reduce or eliminate stormwater pollutant discharges through the construction, operation and maintenance of source control measures, low impact development design, site design measures, stormwater treatment control measures and hydromodification control measures.

   i. Design and sizing requirements shall comply with PCSWS Manual.

   ii. Demand Management Areas must be clearly designated along with identification of pollutants of concern.

   iii. Calculations of the Stormwater Design Volume and/or Design Flow with results from the Post-Construction Stormwater Runoff Calculator must be submitted in the PSP for approval.

   iv. Per the PCSWS Manual, include a hydromodification management plan ensuring the post-project runoff flow rate shall not exceed estimated pre-project flow rate for the 2-year, 24-hour storm.

   v. Submit one (1) hard copy of the PSP and an electronic copy to the Utilities Department (WaterResources@cityoftracy.org), include the project name, address and Project # and/or Permit # in the title or subject line.

b. A separate plan sheet(s) designated SW shall be submitted in the plan set that includes the identified methods for pollution prevention outlined in the submitted PSP. You must include all standards, cross sections and design specifications such as landscape requirement in treatment areas including type of irrigation installation and/or height of drain inlet above the flow line, etc. in these SW plan sheets along with legend.

c. Develop and electronically submit to the Utilities Department for approval (WaterResources@cityoftracy.org) a preliminary Operations and Maintenance (O & M) Plan that identifies the operation, maintenance, and inspection requirements for all stormwater treatment and baseline hydromodification control measures identified in the approved PSP.

d. No later than two (2) months after approval notification of the submitted PSP, applicant shall electronically submit the following information to the Utilities Department (WaterResources@cityoftracy.org) for development of a draft stormwater maintenance access agreement, in accordance with the MAPCSWS;

   i. Property Owner(s) name and title report; or Corporate name(s) and binding documents (resolutions, etc) designating ability to sign agreement

   ii. Property Address

   iii. Exhibit A – legal property description

   iv. Exhibit B – approved O & M Plan

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D.2. Prior to issuance of a grading permit, applicant shall proof of permit coverage under the Construction General Permit shall be required and submittal of an electronic Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to WaterResources@cityoftracy.org.

D.3. Prior to Certificate of Occupancy, applicant shall:

a. Return to the City Clerk, a legally signed and notarized copy of the final maintenance access agreement including all exhibits and approved O & M plan received from the Utilities Department.

b. Obtain final approval by the Utilities Department of the constructed and installed Stormwater pollution prevention methods outlined in the PSP.

i. Frequent inspections of the Post-Construction treatment measures should occur during the construction phase by calling 209-831-6333

c. Upon completion, the project shall be in full compliance with Construction General Permit including 70% stabilization of the project with Notice of Termination approval.

D.4. Before the approval of a construction, grading or building permit, the applicant shall demonstrate compliance with Tracy Municipal Code Chapters 11.28 and 11.34 and Chapter 4 of the California Green Building Standards Code to the satisfaction of the Utilities Director.

D.5. Prior to issuance of a construction or building permit, applicant shall demonstrate compliance with the 2015 Model Water Efficient Landscape Ordinance and obtain approval by the Utilities Department through the following:

D.5.1 Develop and submit electronically and by hard copy, a Landscape Document Package (LDP) that identifies the methods to be employed to reduce water usage through proper landscape design, installation and maintenance. This LDP shall consist of:

i. A project information sheet that includes the checklist of all documents in the LDP;
ii. The Water Efficient Landscape Worksheets that include a hydro zone information table and the water budget calculations – Maximum Applied Water Allowance and Estimate Total Water Use;
iii. A soil management report, after compaction and from various locations throughout the project;
iv. A landscape design plan that includes the statement, “I agree to comply with the requirements of the 2015 water efficient landscape ordinance and shall submit for approval a complete Landscape Document Package:
v. An irrigation design plan with schedule; and
vi. A grading design plan.

D.5.2 A Certificate of Completion must be completed, signed, and submitted to the Utilities Department prior to Final approval for Occupancy.

E. Community and Economic Development Department, Building Division Conditions

E.1. Prior to the construction of onsite improvements including but not limited to walks, sidewalks, utilities, signs, lights, retaining walls, sound walls, underground vaults, transformer, trellis, trash enclosures, etc., Applicant shall submit to the Building Safety Division for review and approval construction drawings and supporting documents that conform to the current Title 24 California Code of Regulations at time of application.

E.2. Prior to commencement of construction, Applicant shall submit to the Building Safety division for review and approval construction plans and supporting documents that demonstrate compliance with CBC section 705.5 for fire-resistance rating requirements for exterior walls.

E.3. Prior to commencement of construction, Applicant shall submit to the Building Safety division for review and approval construction plans and supporting documents for the building conforming to Title 24 California Code of Regulations and Tracy Municipal Code that are current at the time of submittal.

E.4. Prior to commencement of construction, Applicant shall submit to the Building Safety division for review and approval construction plans that demonstrate compliance with CBC 302 for assigning the proper occupancy classification of each room or space based on its intended use, and CBC section 508 for implementing the proper occupancy separation requirements.

F. South San Joaquin County Fire Authority (SSJCFA) Conditions

F.1. Prior to construction, Applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval. 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.

F.2. Deferred submittals shall be listed on the coversheet of each page. Each deferred submittal shall be submitted, reviewed and approved by SSJCFA prior to installation.

F.3. Fire protection water supply must be submitted separately from construction permit. All piping and installation shall be in accordance with CFC §507 & NFPA standards. Approval of grading and/or on-site improvements does not grant approval for the installation of underground fire service.

F.4. Fire sprinklers shall be designed by a licensed fire protection contractor or engineer. Hydraulic calculations, specifications and plans shall be submitted prior to issuance of building permit.

F.5. A request for fire flow shall be submitted to the South San Joaquin County Fire Authority and results shall be approved by the Fire Marshal prior to construction. Fire flow requirements shall be in accordance with CFC Appendix B.

F.6. Fire department connections shall be installed in accordance with CFC §912 and NFPA standards. A hydrant shall be placed within 100' of the FDC, in accordance with NFPA 14 §6.4.5.4. FDC locations shall be approved by the fire code official prior to issuance of construction permit.

F.7. Fire control room locations shall be approved the fire code official prior to the issuance of construction permit.

F.8. Prior to construction, all-weather fire apparatus access roads shall be installed. Fire apparatus access roads during construction shall have a minimum 20' unobstructed width in accordance with CFC §503.

F.9. All hydrants shall be installed, inspected and tested prior to bringing combustible materials onsite, including storage.

F.10. Knox boxes shall be required. Each tenant shall have keys placed in the key box. The operator of the building shall immediately notify the Fire Authority and provide the new key where a lock is changed or rekeyed. The key to such shall be secured in the key box.

F.11. Building and each tenant space shall be provided with approved address identification in accordance with CFC §505.

F.12. Prior to final inspection, emergency radio responder coverage shall be tested to confirm coverage areas. It is beneficial for the Applicant to conduct testing at foundation as retrofitting for the conduit is costly. If coverage is inadequate, a separate permit for emergency radio responder coverage shall be submitted to SSJCFA for review and approval prior to installation. Additional improvements may warrant additional testing to be performed. Testing shall be the determination of the fire code official.

F.13. Prior to construction, an address must be posted at the construction site entrance. Address must be a minimum of 4 inches high by ½ inch numerals. Address must be provided so that emergency service personnel can locate the construction site in the event of an emergency.

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

G.1. Streets and Streetlights

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

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

Or

b. POA and dormant CFD. If the POA is the chosen funding mechanism, Developer must do the following:

1) Form a Property Owner's Association (POA) or other maintenance association, with CC&Rs reasonably acceptable to the City, to assume the obligation for the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the "Infrastructure");

2) Cause the POA to enter into an agreement with the City, in a form to be approved by the City and to be recorded against the Property prior to the final inspection, setting forth, among other things, the required maintenance obligations, the standards of maintenance, and all other associated obligation(s) of the POA to ensure the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the "Infrastructure");

3) Before final inspection, annex into a CFD in a "dormant" capacity, to be triggered if the POA fails (as determined by the City in its sole and exclusive discretion) to perform the required level of operation, maintenance and replacement for the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the "Infrastructure"). The dormant tax or assessment shall be disclosed to all property owners, even during the dormant period.

Or

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

If the provisions for adequate funding of the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the "Infrastructure") are met prior to issuance of the building permit for the Property, subject to the Finance Director's review and approval, the terms of this condition shall be considered to have been met and this condition shall become null and void.

G.2. Landscaping Maintenance

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

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

associated with formation or annexation of the CFD.

Or

b. POA and dormant CFD. If the POA is the chosen funding mechanism, the Developer must do the following:

    1. Form a Property Owner's Association (POA) or other maintenance association, with CC&Rs reasonably acceptable to the City, to assume the obligation for the on-going maintenance of all public landscaping areas that will serve the Property;

    2. Cause the POA to enter into an agreement with the City, in a form to be approved by the City and to be recorded against the Property prior to the final inspection, setting forth, among other things, the required maintenance obligations, the standards of maintenance, and all other associated obligation(s) to ensure the long-term maintenance by the POA of all public landscape areas that will serve the Property;

    3. Make and submit to the City, in a form reasonably acceptable to the City, an irrevocable offer of dedication of all public landscape areas that will serve the Property;

    4. Before final inspection, annex into a CFD in a "dormant" capacity, to be triggered if the POA fails (as determined by the City in its sole and exclusive discretion) to perform the required level of public landscape maintenance. The dormant tax or assessment shall be disclosed to all property owners, even during the dormant period.

Or

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

DRAFT

-END-

DRAFT

PLANNING COMMISSION STAFF REPORT
Item No. 1.A

DATE	January 22, 2025
TITLE	Extension for RNG Fueling Station (CUP21-0007, D21-0023)
LOCATION	2200 N. Chrisman Rd (APN 25003032)
APPLICATION TYPE	Development Review Permit and Conditional Use Permit (EXT24-0003)
CEQA STATUS	Categorically Exempt CEQA Guidelines Section 15183
PROJECT PLANNER	Kellie Jones (209) 831-6432 Kellie.Jones@cityoftracy.org

RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution approving the extension of Conditional Use Permit (CUP21-0007) and Development Review Permit (D21-0023) for a Renewable Natural Gas (RNG) fueling facility at 2200 N. Chrisman Road (Assessor's Parcel Number 250-030-32) for two-years from the original expiration date.

PROJECT DESCRIPTION

Background

On May 25, 2022, The Planning Commission granted a Conditional Use Permit (CUP) and a Development Review Permit for an RNG Fueling Facility at 2200 N. Chrisman Road for a two-year term to obtain a building permit and commence and diligently pursue construction of the site. Attachment A contains the May 25, 2022, Planning Commission meeting staff report, plans, resolution and conditions of approval.

Proposed Action

Pursuant to TMC Section 10.0.4360, the CUP may be extended by the Planning Commission provided (1) the new time limit is "reasonable, based on size, nature, and complexity of the proposed development," and (2) the Planning Commission finds "good cause, such as proof of an unusual hardship not of the applicant's own making."

The Applicant's CUP took effect on June 9, 2022, and was granted two-years for the use to be established or for a building permit to be secured and construction commenced. Due to an unusual hardship not of the applicant's own making, a building permit was not secured nor was construction commenced, thus the applicant submitted an application requesting additional time to establish the use.

The Applicant has demonstrated good cause for an extension based on hardships derived from the downstream Northeast Industrial (NEI) Basin delays which were no fault of the applicant. The applicant has submitted a building permit application to the City of Tracy and successfully completed the necessary review process for the issuance of the permit, but said permit has not been issued due to the delay in the completion of the permanent storm drain basin for the Northeast Industrial (NEI) Specific Plan area. As noted by the applicant in their request and verified by City staff, the need for the extension is warranted, as the delays in their ability to construct their project are due to causes out of their control. The Commission has the authority to approve or deny an application for the extension of a CUP as well as an extension for a Development Review Permit. The Applicant proposes no changes to the project from what was approved under CUP21-0007 and D21-0023 on May 25, 2022.

As for the date of the CUP extension, staff recommends the Planning Commission grant the CUP a renewal to June 9, 2026, to allow time for the downstream NEI Basin to be completed and functioning and provide the applicant ample time to secure the building permit, commence construction and begin operations.

REQUIRED FINDINGS

Extension requests must meet the requirements set forth in Tracy Municipal Code (TMC) Article 30, including a noticed public hearing. Pursuant to TMC Section 10.08.3980, before approving an extension request, the Planning Commission must review application materials and public comments submitted prior to or at the public hearing, and consider the following several site-specific factors set forth in TMC 10.08.3980:

- No substantial changes in: (i) the project; or (ii) the circumstances, City policies, standards, or laws that affect the approval

Staff recommends that the Planning Commission adopt a resolution approving a two-year time extension for the Conditional Use Permit (CUP21-0007) and the Development Review Permit (D21-0023) for the RNG Fueling Station located at 2200 N. Chrisman Rd.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS

The project is categorically exempt from the California environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15183, which allows a streamlined environmental review process for projects that are consistent with the densities established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified. On February 1, 2011, the Tracy City Council certified the General Plan EIR (State Clearinghouse # 2008092006). As noted above, the project is consistent with the land use designation and densities established by the Tracy General Plan, for which an EIR was certified. The provisions contained in Section 15183 of the CEQA Guidelines are presented in an environmental analysis prepared by De Novo Planning Group (Attachment A). In accordance with CEQA Guidelines, no further environmental assessment is required.

SUMMARY

The requested Extension Request (EXT24-0003) would allow for a two-year extension of CUP21-0007 and D21-0023, which were originally approved May 25, 2022. The Applicant proposes no changes to the project from what was approved under CUP21-0007 and D21-0023 on May 25, 2022. Staff recommends approval of the project.

ATTACHMENTS

A. CUP21-0007 and D21-0023 (May 25, 2022 Planning Commission Staff Report, Plans, environmental Checklist by De Novo Planning Group, Resolution and Conditions of Approval)
B. Planning Commission Resolution

May 25, 2022

AGENDA ITEM 1.B

REQUEST

PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT AND A DEVELOPMENT REVIEW PERMIT FOR AN RNG FUELING FACILITY AT 2200 N. CHRISMAN ROAD - APPLICANT IS COLE MOODY AND PROPERTY OWNER IS L&C EAGLE PROPERTIES, LLC - APPLICATION NUMBERS CUP21-0007 & D21-0023

DISCUSSION

Project Description and Analysis

The proposal is a service station dispensing renewable natural gas (RNG) fuel for trucks, accompanied by associated equipment and parking, on an approximately 5-acre site located in Tracy's northeast industrial area (Attachment A). The subject site is designated Industrial by the General Plan, zoned Northeast Industrial (NEI) Specific Plan, and is designated Light Industrial (LI) in the Specific Plan. Service stations are conditionally permitted in the NEI Specific Plan, and a conditional use permit and development review permit are required before the proposed project could be developed. Because the development review permit is paired with a conditional use permit subject to the Planning Commission, the development review permit is a Tier 2 application subject to Planning Commission review in accordance with Tracy Municipal Code (TMC) Section 10.08.3950.

The proposed service station will be comprised of two fast-fill dispensers under a fuel island canopy at the front of the site and 156 time-fill stalls on the rear of the site (Attachment B). The fast-fill facility will look and operate similarly to a traditional gasoline service station with the exception that it will be an unattended cardlock facility, meaning there will be no onsite personnel or retail component as part of the business. According to the applicant, the users of the fast-fill facility will primarily be large commercial trucks and medium box trucks, and the anticipated fueling time ranges from a few minutes up to approximately 20 minutes. The time-fill facility will look and operate more similarly to an electric vehicle charging station. The facility will be comprised of 156 time-fill stalls with individual fuel dispensers. According to the applicant, the time-fill facility will be used by Amazon's day cabs, which will park and refuel overtime (e.g. several hours to overnight). There are several Amazon facilities in Tracy, including one directly across Chrisman Road, that will be served by this fueling facility. Employee parking is provided near the time-fill area for employees to park their personal vehicles during their work shifts. At the end of work shifts, employees would park the day cabs at time-fill stalls for refueling. Only day cabs would be parked for fueling and no trailers will be parked at the site.

The service station would be served by driveways on Chrisman Road as shown in Attachment B. The facility will have a large above-ground equipment area at the front of the site, fully enclosed with eight-foot tall gray-colored split-face masonry walls and solid doors. The time-fill facility will be screened by a matching gray split-face masonry wall and perimeter wrought-iron fencing. Landscaping comprised of evergreen trees, shrubs,

and groundcover will be planted in front and around the equipment enclosure as well as throughout the site to screen equipment vents and provide aesthetic appeal, and the masonry screen wall will be planted with vines that will give visual breaks in the otherwise long wall. The fueling canopy columns will be decorated with gray masonry to match the equipment enclosure to provide architectural consistency throughout the onsite structures. The proposed green-colored canopy will be complemented by the landscaping greenery proposed throughout the site.

Because the truck fueling facility will be located in an industrial business area and near existing Amazon facilities, and because the design of the site, including all structures, circulation, and parking and landscaping, comply with the NEI Specific Plan and the City's Design Goals and Standards for commercial architecture, the proposed project will be a complementary use and development at this site.

Environmental Document

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15183, which allows a streamlined environmental review process for projects that are consistent with the densities established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified. On February 1, 2011, the Tracy City Council certified the General Plan EIR (State Clearinghouse # 2008092006). As noted above, the proposed project is consistent with the land use designation and densities established by the Tracy General Plan, for which an EIR was certified. The provisions contained in Section 15183 of the CEQA Guidelines are presented in an environmental analysis prepared by De Novo Planning Group (Attachment C). In accordance with CEQA Guidelines, no further environmental assessment is required.

RECOMMENDATION

Staff recommends the Planning Commission approve a conditional use permit and a development review permit for the RNG fueling facility at 2200 N. Chrisman Road (CUP21-0007 & D21-0023), based on the findings contained in the Planning Commission Resolution dated May 25, 2022.

RECOMMENDED MOTION

Move that the Planning Commission approve a conditional use permit and a development review permit for the RNG fueling facility at 2200 N. Chrisman Road (CUP21-0007 & D21-0023), based on the findings contained in the Planning Commission Resolution dated May 25, 2022.

Prepared by: Kimberly Matlock, Associate Planner
Reviewed by: Scott Claar, Senior Planner
Approved by: Bill Dean, Interim Development Services Director

ATTACHMENTS

Attachment A – Vicinity Map
Attachment B – Site, Civil, Landscape, and Elevation Plans, dated received on May 10, 2022
Attachment C – Environmental Checklist by De Novo Planning Group dated May 2022
Attachment D – Planning Commission Resolution for CUP21-0007 & D21-0023

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Vicinity Map

ATTACHMENT A



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RECEIVED
May 10, 2022
City of Tracy
Development Services

MATCHLINE - SEE SHEET 1A

NORTHEAST INDUSTRIAL AREA (NEI) SPECIFIC PLAN

1850 E. GRANT LINE ROAD
NORTHEAST INDUSTRIAL AREA (NEI) SPECIFIC PLAN

EX. FIRE HYDRANT
EX. LIGHT POLE
EX. UNDERGROUND ELECTRIC CONDUIT
EX. STORM DRAIN EASEMENT

PROP. GRIND & OVERLAY ASPHALT LIMITS PER CITY STD. 3.13(B)

W=350' TO CURB FACE AT GRANT LINE RD

PROPERTY LINE

PROP. 8' HIGH CMU SCREEN WALL (TYP.)

PROP. RELOCATED CATCH BASIN
PROP. RELOCATED LIGHT POLE
PROP. 40' WIDTH DRIVEWAY
PROP. SIGNAGE R5-1 DO NOT ENTER
PROP. SIGNAGE R1-1 STOP R3-5R RIGHT TURN
137.6' SETBACK
PROP. 20' WIDE ELECTRIC SECURITY GATE W/ KNOX BOX
PROP. PEDESTRIAN ACCESS GATE
PROP. ELECTRICAL TRANSFORMER
PROP. 9'x18' GENSET PARKING STALL
PROP. 77'x52' WALLED FUELING STATION COMPONENT ENCLOSURE
PROP. SIGNAGE R6-1R ONE WAY
PROP. SIGNAGE R1-1 STOP R3-5R RIGHT TURN
PROP. 8' HIGH CMU WALL
PROP. SIGNAGE R5-1 DO NOT ENTER
72' (69') (64') (133')
W=40
25' SETBACK
136'
81' SETBACK
RIGHT OF WAY
PROP. 8' HIGH CMU WALL
20'
PROP. FUELING STATION CANOPY H=19'
59.8'
PROP. 8' HIGH CMU SCREEN WALL (TYP.)
PROP. BOOSTER FIRE HYDRANT
PROP. GAS METER SET ASSEMBLY
EX. LIGHT POLE
10' WIDE PUBLIC UTIL ESMT
175.7' SETBACK
RIGHT OF WAY
PROP. SIGNAGE R6-1R ONE WAY
PROP. PEDESTRIAN ACCESS GATE
PROP. 20' WIDE ELECTRIC SECURITY GATE W/ KNOX BOX
PROP. 8' HIGH CMU SCREEN WALL (TYP.)
W=45'
PROP. SIGNAGE R5-1 DO NOT ENTER
PROP. 45' WIDTH DRIVEWAY
45" PALM
PROP. 8' HIGH WROUGHT IRON FENCE (TYP.)
55.5'
2'
EX. SS MANHOLE

PROPOSED CNG FUELING STATION SITE
NORTHEAST INDUSTRIAL AREA (NEI) SPECIFIC PLAN

SECTION B-B
SEE SHEET 4

SECTION A-A
SEE SHEET 4

18.5' 24' 35' 27.5' 27.5' 35' 12' TYP. 524.4' SETBACK 9' TYP.

PROPERTY LINE
PROP. 8' HIGH WROUGHT IRON FENCE (TYP.)

N. CHRISMAN ROAD

NORTHEAST INDUSTRIAL AREA (NEI) SPECIFIC PLAN

1851 E. PARADISE ROAD
NORTHEAST INDUSTRIAL AREA (NEI) SPECIFIC PLAN

CP 1 CP 2 CP 3 CP 4 CP 5 CP 6 CP 7 CP 8 CP 9

N

GRAPHIC SCALE
30 0 30 60 120
(IN FEET)
1 inch = 30 ft.

LEGEND

PROPOSED	EXISTING	
		PROPERTY LINE
		LOT LINE
		MONUMENT/MONUMENT LINE
		BLOCK WALL
X X X	X X X	FENCE LINE
		EDGE OF PAVEMENT
		ASPHALT BERM
		CONCRETE CURB
		CONCRETE CURB & GUTTER
		DRIVEWAY
		SIDEWALK
		STREET LIGHT CONDUIT
100.00	100.00	SPOT ELEVATION
100	100	CONTOUR LINE
SS	SS	SANITARY SEWER-MANHOLE & CLEANOUT
SD	SD	STORM DRAIN-MANHOLE & CATCH BASIN
FO	FO	FIBER OPTICS LINE
G	G	GAS LINE-VALVE & METER
OH	OHE	OVERHEAD ELECTRIC
T	T	POWER LINE TELEPHONE LINE
W	W	WATER LINE & VALVE
JT JT		JOINT TRENCH CROSSING
SL/FO		STREET LIGHT & FIBER OPTIC TRENCH CROSSING
		ELECTROLIER
		UTILITY BOX
		POWER POLE/JOINT POLE
		TRAFFIC SIGN
		TREE
		BLOW OFF VALVE
		FIRE HYDRANT
		GRIND & OVERLAY LIMITS



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PREPARED BY:	PREPARED FOR:		DATE:
Stantec 38 TECHNOLOGY DRIVE, SUITE 100 IRVINE, CA 92618 949.923.6000 stantec.com	CT REALTY 4343 VON KARMAN AVE., STE. 200 NEWPORT BEACH, CA 92660	**CT REALTY** **CNG FUELING STATION** **ENTITLEMENT SITE PLAN** **TRACY, CA**	05/11/2022 SHEET 1 OF 8 JOB NO. 2042610803

ATTACHMENT A

LEGEND

PROPOSED	EXISTING	
		PROPERTY LINE
		LOT LINE
		MONUMENT/MONUMENT LINE
		BLOCK WALL
X X X	X X X	FENCE LINE
		EDGE OF PAVEMENT
		ASPHALT BERM
		CONCRETE CURB
		CONCRETE CURB & GUTTER
		DRIVEWAY
		SIDEWALK
		STREET LIGHT CONDUIT
100.00	100.00	SPOT ELEVATION
100	100	CONTOUR LINE
SS	SS	SANITARY SEWER-MANHOLE & CLEANOUT
SD	SD	STORM DRAIN-MANHOLE & CATCH BASIN
FO	FO	FIBER OPTICS LINE
G	G	GAS LINE-VALVE & METER
OH	OHE	OVERHEAD ELECTRIC POWER LINE
T	T	TELEPHONE LINE
W	W	WATER LINE & VALVE
JT JT	JT JT	JOINT TRENCH CROSSING
SL/FO		STREET LIGHT & FIBER OPTIC TRENCH CROSSING
7		ELECTROLIER
		UTILITY BOX
		POWER POLE/JOINT POLE
		TRAFFIC SIGN
		TREE
		BLOW OFF VALVE
		FIRE HYDRANT
		GRIND & OVERLAY LIMITS

FUTURE RIGHT OF WAY

EX. RIGHT OF WAY

PROPOSED NATURAL GAS LINE

E. GRANT LINE ROAD

RIGHT OF WAY

PROP. GRIND & OVERLAY ASPHALT LIMITS PER CITY STD. 3.13(B)

MATCHLINE - SEE SHEET 1

N. CHRISMAN ROAD

W=350'

TO CURB FACE AT GRANT LINE RD

NORTHEAST INDUSTRIAL AREA (NEI) SPECIFIC PLAN

EX. FIRE HYDRANT

EX. LIGHT POLE

EX. UNDERGROUND ELECTRIC CONDUIT

PROP. GRIND & OVERLAY ASPHALT LIMITS PER CITY STD. 3.13(B)

7.0'

1850 E. GRANT LINE ROAD
NORTHEAST INDUSTRIAL AREA (NEI) SPECIFIC PLAN

N

GRAPHIC SCALE

30 0 30 60 120

(IN FEET)
1 inch = 30 ft.

PREPARED BY:

Stantec
38 TECHNOLOGY DRIVE, SUITE 100
IRVINE, CA 92618
949.923.6000 stantec.com

PREPARED FOR:

CT REALTY
4343 VON KARMAN AVE., STE. 200
NEWPORT BEACH, CA 92660

CT REALTY
CNG FUELING STATION
ENTITLEMENT SITE PLAN
TRACY, CA

DATE: 05/11/2022

SHEET 1A OF 8

JOB NO. 2042610803

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ATTACHMENT A

MATCHLINE - SEE TOP CENTER

CONNECT TO EX. GAS LINE AT GRANT LINE ROAD SEE VIEWPORT – TOP CENTER

EX. UTILITY POLE

EX. FIRE HYDRANT

EX. LIGHT POLE

NORTHEAST INDUSTRIAL AREA (NEI) SPECIFIC PLAN

EX. 16" DIP DW

EX. 12" VCP SS

EX. STORM DRAIN EASEMENT

PROP. GRIND & OVERLAY ASPHALT LIMITS PER CITY STD. 3.13(B)

EX. UNDERGROUND ELECTRIC CONDUIT

EX. 18" RCP SD

JOIN ELECTRICAL IN PROP. P.U.E. PER BIG BIRD JOINT TRENCH PLAN

PROP. RELOCATED CATCH BASIN

PROP. RELOCATED LIGHT POLE

PROP. 18" SD L=445'

PROP. 8'x12' MWS UNIT

PROPERTY LINE

PROP. 8'x8' MWS UNIT

PROP. 18" SD L=53'

PROP. 8'x12' MWS UNIT

PROP. 30" SD DROP INLET

PROP. 1 ½" METER & BACKFLOW

PROP. ELECTRICAL TRANSFORMER & SERVICE L=203'

72'

(64')

(69')

(133')

25' SETBACK

136'

RIGHT OF WAY

N. CHRISMAN ROAD

NORTHEAST INDUSTRIAL AREA (NEI) SPECIFIC PLAN

PROP. METER SET ASSEMBLY AND GAS SERVICE TO CONNECT AT GRANT LINE ROAD L=±650'

PROP. RELOCATED FIRE HYDRANT

PROP. 30" SD DROP INLET

EX. LIGHT POLE

PROP. GRIND & OVERLAY ASPHALT LIMITS PER CITY STD. 3.13(B)

RIGHT OF WAY

10' WIDE PUBLIC UTIL ESMT

PROPOSED CNG FUELING STATION SITE

NORTHEAST INDUSTRIAL AREA (NEI) SPECIFIC PLAN

PROPERTY LINE

PROPERTY LINE

PROP. GRIND & OVERLAY ASPHALT LIMITS PER CITY STD. 3.13(B)

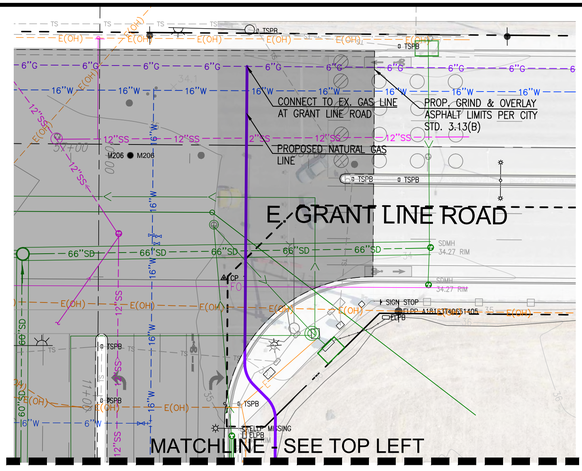
EX. 18" RCP SD

EX. SS MANHOLE

45" PALM

1851 E. PARADISE ROAD

NORTHEAST INDUSTRIAL AREA (NEI) SPECIFIC PLAN





LEGEND

PROPOSED	EXISTING	
		PROPERTY LINE
		LOT LINE
		MONUMENT/MONUMENT LINE
		BLOCK WALL
		FENCE LINE
		EDGE OF PAVEMENT
		ASPHALT BERM
		CONCRETE CURB
		CONCRETE CURB & GUTTER
		DRIVEWAY
		SIDEWALK
		STREET LIGHT CONDUIT
		SPOT ELEVATION
100.00	100.00	CONTOUR LINE
SS	SS	SANITARY SEWER-MANHOLE & CLEANOUT
SD	SD	STORM DRAIN-MANHOLE & CATCH BASIN
FO	FO	FIBER OPTICS LINE
G	G	GAS LINE-VALVE & METER
OH	OHE	OVERHEAD ELECTRIC
T	T	POWER LINE TELEPHONE LINE
W	W	WATER LINE & VALVE
JT	JT	JOINT TRENCH CROSSING
SL/FO		STREET LIGHT & FIBER OPTIC TRENCH CROSSING
7		ELECTROLIER
		UTILITY BOX
		POWER POLE/JOINT POLE
		TRAFFIC SIGN
		TREE
		BLOW OFF VALVE
		FIRE HYDRANT
		GRIND & OVERLAY LIMITS

N

GRAPHIC SCALE

30 0 30 60 120

(IN FEET)
1 inch = 30 ft.

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PREPARED BY: Stantec, 38 TECHNOLOGY DRIVE, SUITE 100, IRVINE, CA 92618, 949.923.6000, stantec.com	PREPARED FOR: CT REALTY, 4343 VON KARMAN AVE., STE. 200, NEWPORT BEACH, CA 92660	CT REALTY CNG FUELING STATION PRELIMINARY UTILITY PLAN TRACY, CA	DATE: 05/11/2022 SHEET 2 OF 8	JOB NO. 2042610803

ATTACHMENT A

NORTHEAST INDUSTRIAL AREA (NEI) SPECIFIC PLAN

NORTHEAST INDUSTRIAL AREA (NEI) SPECIFIC PLAN

N. CHRISMAN ROAD

1851 E. PARADISE ROAD
NORTHEAST INDUSTRIAL AREA (NEI) SPECIFIC PLAN

PROPOSED CNG FUELING STATION SITE
NORTHEAST INDUSTRIAL AREA (NEI) SPECIFIC PLAN

PROPOSED 8'x12' MWS UNIT PER DETAIL HEREON

PROPOSED 8'x8' MWS UNIT PER DETAIL HEREON

PROPOSED 30" DROP INLET PER STD. 301

PROPERTY LINE

RIGHT OF WAY

25' SETBACK

72' (64') (69')

133'

136'

ELUP MISSING
ELPB
SIGN STOP
TSPB
ELUP
ELPB
LIGHT
ELPB
ELUP 4788
ELPB
SDMH 37.80 RIM INV
45" PALM

CP 4 CP 5 CP 7 CP 9

M202 M203 M201

36.6 FS 36.7 FS 37.1 FS

36.9 TC 35.5 FS
36.4 TC 35.9 FS
37.0 TC 36.5 FS
36.8 TC 36.3 FS
37.3 TC 36.8 FS
37.1 TC 36.6 FS
37.6 TC 37.1 FS
38.0 TC 37.5 FS
38.6 TC 38.1 FS
39.0 TC 38.5 FS
37.4 TC 36.8 FS
37.7 TC 37.2 FS
38.1 TC 37.6 FS
39.2 TC 38.7 FS
38.5 TC 38.0 FS
38.9 TC 38.4 FS
39.4 TC 38.9 FS
39.8 TC 39.3 FS
40.3 TC 39.8 FS
40.7 TC 40.2 FS
40.9 TC 40.4 FS
41.6 TC 41.1 FS

10.86:1

LEGEND

PROPOSED STORM DRAIN

EXISTING STORM DRAIN

GRAPHIC SCALE
30 0 30 60 120
(IN FEET)
1 inch = 30 ft.

N

SITE SPECIFIC DATA			
PROJECT NUMBER	13237		
PROJECT NAME	CT REALTY CNG FUELING STATION		
PROJECT LOCATION	TRACY, CA		
STRUCTURE ID	MWS A		
TREATMENT REQUIRED			
VOLUME BASED (CF)	FLOW BASED (CFS)		
N/A	0.32		
TREATMENT HGL AVAILABLE (FT)	N/A		
PEAK BYPASS REQUIRED (CFS) – IF APPLICABLE	1.80		
PIPE DATA	I.E.	MATERIAL	DIAMETER
INLET PIPE 1	31.50	PVC	8"
INLET PIPE 2	N/A	N/A	N/A
OUTLET PIPE	31.25	PVC	8"
	PRETREATMENT	BIORETENTION	DISCHARGE
RIM ELEVATION	36.00	36.00	36.00
SURFACE LOAD	PEDESTRIAN	N/A	PEDESTRIAN
FRAME & COVER	30" X 30"	OPEN PLANTER	4.25"
METLANDMESH VOLUME (CY)			7.10
ORIFICE SIZE (DIA. INCHES)			#2.61"

NOTES: PRELIMINARY SOT FOR CONSTRUCTION.

VERTICAL UNDERDRAIN MANIFOLD
METLANDMESH BED
PATENTED PERIMETER VOID AREA
PRE-FILTER CARTRIDGE
OUTLET PIPE - SEE NOTES
INLET PIPE - SEE NOTES
SITE CURBING BY OTHERS
DRAIN DOWN LINE
3'-4"

PLAN VIEW

MANHOLE
TYP CLEAR
LEFT END VIEW

CURB OPENING
VEGETATION
PLANT ESTABLISHMENT MEDIA
ELEVATION VIEW

RIGHT END VIEW

INTERNAL BYPASS DISCLOSURE:
THE DESIGN AND CAPACITY OF THE PEAK CONVEYANCE METHOD TO BE REVIEWED AND APPROVED BY THE ENGINEER OF RECORD. HGL(S) AT PEAK FLOW SHALL BE ASSESSED TO ENSURE NO UPSTREAM FLOODING. PEAK HGL AND BYPASS CAPACITY SHOWN ON DRAWING ARE USED FOR GUIDANCE ONLY.

LOW INFLOW PIPE DISCLOSURE:
IT IS RECOMMENDED THAT A SUFFICIENT VARIATION IN ELEVATION BETWEEN THE INLET AND OUTLET BE PROVIDED TO ALLOW FOR ACCUMULATION OF SEDIMENT IN THE PRE-TREATMENT CHAMBER. FAILURE TO DO SO MAY RESULT IN BLOCKAGE AT INFLOW POINT(S) WHICH MAY CAUSE UPSTREAM FLOODING.

TREATMENT FLOW (CFS)	0.32
OPERATING HEAD (FT)	3.1
PRETREATMENT LOADING RATE (GPM/SF)	1.0
METLAND MESH LOADING RATE (GPM/SF)	1.0

INSTALLATION NOTES
1. CONTRACTOR TO PROVIDE ALL LABOR, EQUIPMENT, MATERIALS AND INCIDENTALS REQUIRED TO OFFLOAD AND INSTALL THE SYSTEM AND ASSOCIATED APPURTENANCES AS SHOWN ON THESE PLANS AND THE MANUFACTURERS' SPECIFICATIONS, UNLESS OTHERWISE STATED IN MANUFACTURER'S CONTRACT.
2. UNIT MUST BE INSTALLED ON LEVEL BASE. MANUFACTURER RECOMMENDS A MINIMUM 8" LEVEL ROCK BASE UNLESS SPECIFIED BY PROJECT ENGINEER'S RECOMMENDED BASE SPECIFICATIONS. CONSULT WITH PROJECT ENGINEER'S RECOMMENDED BASE SPECIFICATIONS.
3. CONTRACTOR TO SUPPLY AND INSTALL ALL EXTERNAL CONNECTING PIPES. ALL PIPES MUST BE FLUSH WITH INSIDE SURFACE OF CONCRETE (PIPES CANNOT INTRUDE BEYOND FLUSH). INVERT OF ALL PIPES SHALL BE SEALED WATERTIGHT PER MANUFACTURER'S STANDARD CONNECTION DETAIL.
4. CONTRACTOR RESPONSIBLE FOR INSTALLATION OF ALL PIPES, RISERS, MANHOLES, AND HATCHES. CONTRACTOR TO USE GROUT AND/OR MORTAR TO MATCH COVERS WITH FINISHED SURFACE UNLESS SPECIFIED OTHERWISE.
5. VEGETATION SUPPLIED AND INSTALLED BY OTHERS. ALL UNITS WITH VEGETATION MUST HAVE DRIP OR SPRAY IRRIGATION SUPPLIED AND INSTALLED BY OTHERS.
6. CONTRACTOR RESPONSIBLE FOR CONNECTING BIO CLEAN FOR ACTIVATION OF UNIT. MANUFACTURER'S WARRANTY IS VOID WITHOUT PROPER ACTIVATION BY A BIO CLEAN REPRESENTATIVE.

GENERAL NOTES
1. MANUFACTURER TO PROVIDE ALL MATERIALS UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS, ELEVATIONS, SPECIFICATIONS AND CAPACITIES ARE SUBJECT TO CHANGE. FOR PROJECT SPECIFIC DRAWINGS DETAILING EXACT DIMENSIONS, WEIGHTS AND ACCESSORIES PLEASE CONTACT BIO CLEAN.

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Bio Clean — A Harsco Company
MWS-L-8-12-4'-8"-C
STORMWATER BIOFILTRATION SYSTEM
STANDARD DETAIL

SITE SPECIFIC DATA			
PROJECT NUMBER	13237		
PROJECT NAME	CT REALTY CNG FUELING STATION		
PROJECT LOCATION	TRACY, CA		
STRUCTURE ID	MWS A		
TREATMENT REQUIRED			
VOLUME BASED (CF)	FLOW BASED (CFS)		
N/A	0.19		
TREATMENT HGL AVAILABLE (FT)	N/A		
PEAK BYPASS REQUIRED (CFS) – IF APPLICABLE	1.03		
PIPE DATA	I.E.	MATERIAL	DIAMETER
INLET PIPE 1	30.68	PVC	6"
INLET PIPE 2	N/A	N/A	N/A
OUTLET PIPE	29.83	PVC	6"
	PRETREATMENT	BIORETENTION	DISCHARGE
RIM ELEVATION	36.00	36.00	36.00
SURFACE LOAD	PEDESTRIAN	N/A	PEDESTRIAN
FRAME & COVER	30" X 30"	OPEN PLANTER	4.25"
METLANDMESH VOLUME (CY)			6.11
ORIFICE SIZE (DIA. INCHES)			#2.07"

NOTES: PRELIMINARY SOT FOR CONSTRUCTION.

VERTICAL UNDERDRAIN MANIFOLD
METLANDMESH BED
PATENTED PERIMETER VOID AREA
SITE CURBING BY OTHERS
DRAIN DOWN LINE
OUTLET PIPE - SEE NOTES
PRE-FILTER CARTRIDGE
INLET PIPE - SEE NOTES

PLAN VIEW

MANHOLE
TYP CLEAR
LEFT END VIEW

CURB OPENING
FLOW CONTROL ORIFICE
VEGETATION
PLANT ESTABLISHMENT MEDIA
ELEVATION VIEW

RIGHT END VIEW

INTERNAL BYPASS DISCLOSURE:
THE DESIGN AND CAPACITY OF THE PEAK CONVEYANCE METHOD TO BE REVIEWED AND APPROVED BY THE ENGINEER OF RECORD. HGL(S) AT PEAK FLOW SHALL BE ASSESSED TO ENSURE NO UPSTREAM FLOODING. PEAK HGL AND BYPASS CAPACITY SHOWN ON DRAWING ARE USED FOR GUIDANCE ONLY.

LOW INFLOW PIPE DISCLOSURE:
IT IS RECOMMENDED THAT A SUFFICIENT VARIATION IN ELEVATION BETWEEN THE INLET AND OUTLET BE PROVIDED TO ALLOW FOR ACCUMULATION OF SEDIMENT IN THE PRE-TREATMENT CHAMBER. FAILURE TO DO SO MAY RESULT IN BLOCKAGE AT INFLOW POINT(S) WHICH MAY CAUSE UPSTREAM FLOODING.

TREATMENT FLOW (CFS)	0.19
OPERATING HEAD (FT)	2.8
PRETREATMENT LOADING RATE (GPM/SF)	1.7
METLAND MESH LOADING RATE (GPM/SF)	1.0

INSTALLATION NOTES
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MWS-L-8-8-6'-1"-C
STORMWATER BIOFILTRATION SYSTEM
STANDARD DETAIL

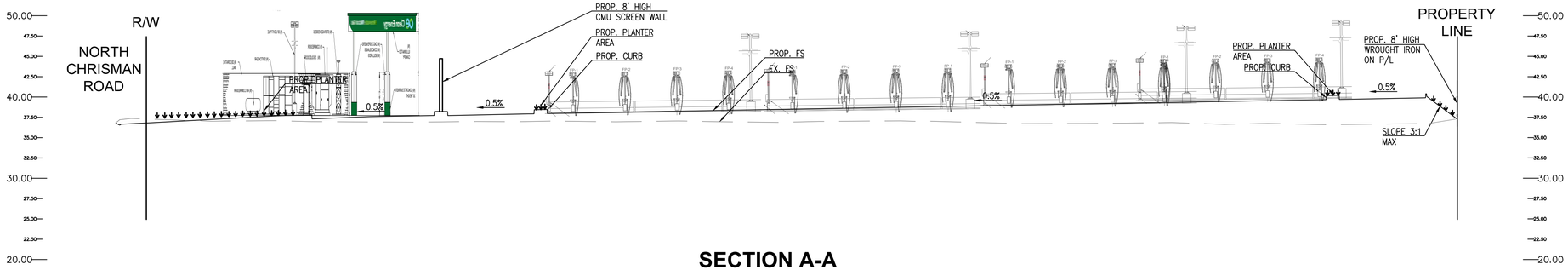
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949.923.6000 stantec.com

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CT REALTY
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NEWPORT BEACH, CA 92660

CT REALTY
CNG FUELING STATION
PRELIMINARY GRADING PLAN
TRACY, CA

DATE: 05/11/2022
SHEET 3 OF 8
JOB NO. 2042610803

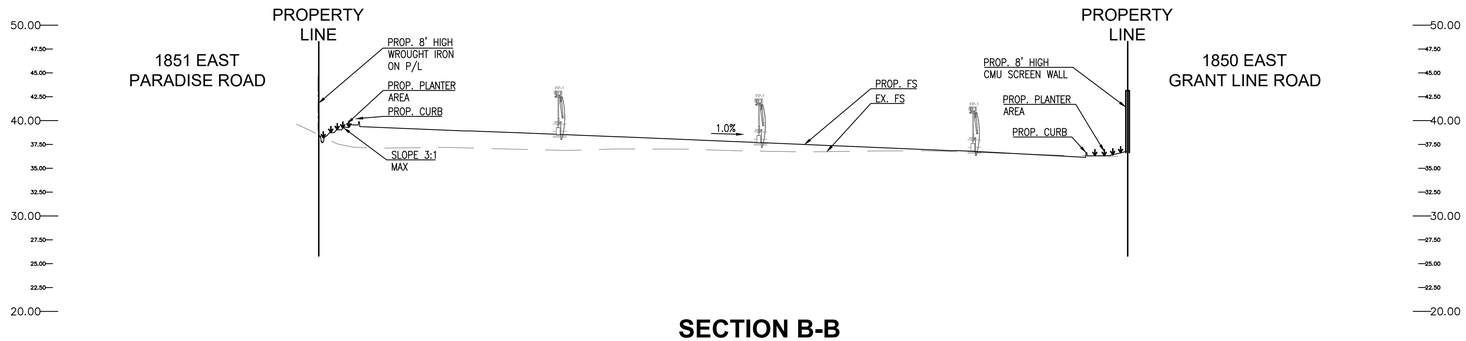
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SECTION A-A

HORIZ SCALE: 1" = 30'

VERT SCALE: 1" = 5'



SECTION B-B

HORIZ SCALE: 1" = 30'

VERT SCALE: 1" = 5'

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949.923.6000 stantec.com

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NEWPORT BEACH, CA 92660

CT REALTY
CNG FUELING STATION
ENTITLEMENT SITE SECTIONS
TRACY, CA

DATE: 05/11/2022

SHEET 4 OF 8

JOB NO. 2042610803

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ATTACHMENT A

N. CHRISMAN ROAD

EXISTING PROPERTY LINE / RIGHT-OF-WAY

EXISTING PROPERTY LINE

PROPERTY LINE

PROP. 8' HIGH CMU SECURITY WALL

PROP. 20' WIDE AUTOMATIC VEHICULAR GATE

PROP. PEDESTRIAN ACCESS GATE

PROP. 8' HIGH WROUGHT IRON FENCE (TYP.)

10' WIDE PUBLIC UTIL ESMT

RIGHT OF WAY

500' FIRE HYDRANT RADIUS

R=47'-7"

R=29'-9"

13+00

14+00

15+00

16+00

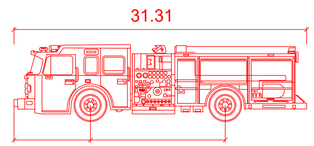
17+00

1851 E. PARADISE ROAD
NORTHEAST INDUSTRIAL AREA (NEI)
SPECIFIC PLAN

LEGEND

- EXISTING FIRE LANE
- PROPOSED FIRE LANE
- 500' FIRE HYDRANT RADIUS
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- FIRE TRUCK
- PROPOSED KNOX BOX/SWITCH/OPTICAL SENSOR
- PROPOSED SECURITY GATE
- PROPOSED SECURITY FENCE/WALL

FIRE TRUCK TEMPLATE



Spartan Gladiator

	feet
Width	: 8.25
Track	: 8.20
Lock to Lock Time	: 6.0
Steering Angle	: 29.3

N

GRAPHIC SCALE

20 0 20 40 80

(IN FEET)
1 inch = 20 ft.

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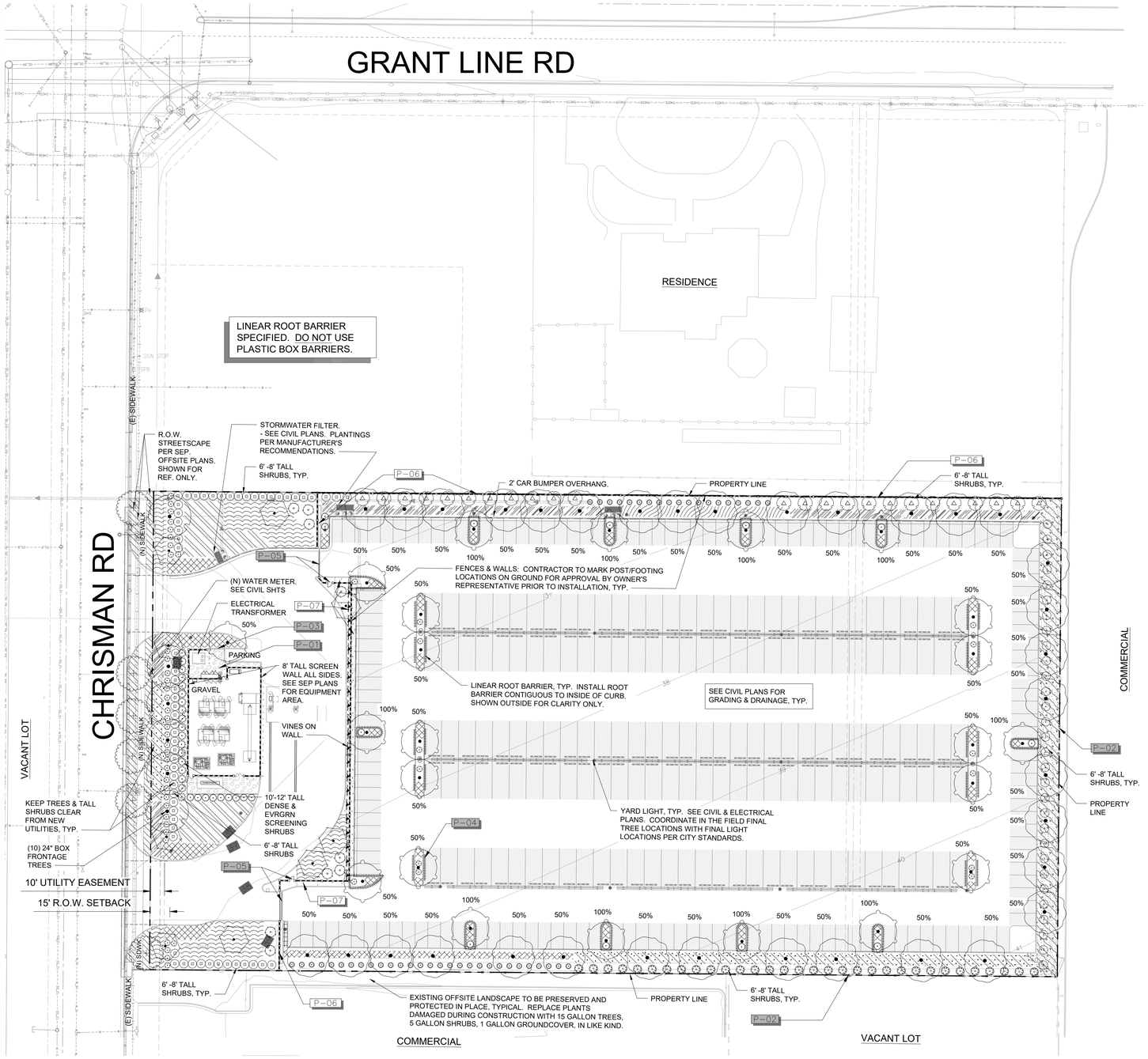
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CNG FUELING STATION
FIRE ACCESS PLAN
TRACY, CA

DATE: 05/11/2022
SHEET 5 OF 8
JOB NO. 2042 610803

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ATTACHMENT A



N

GRAPHIC SCALE

30 0 30 60 120

(IN FEET)
1 inch = 30 ft.

PARKING LOT TREES AND STREET TREES ARE IN THE 'MODERATE WATER USE' HYDROZONE. ALL OTHER PLANTS ARE IN THE 'LOW WATER USE' HYDROZONE.

DUE TO EXTENSIVE GRADING, SOILS MANAGEMENT REPORT TO BE SUBMITTED AFTER FINAL GRADING.

THE LANDSCAPE/IRRIGATION CONTRACTOR SHALL COORDINATE ALL ELECTRICAL COMPONENTS WITHIN THE SCOPE OF THIS WORK: LANDSCAPE, FENCING, GATES, AND IRRIGATION, WITH THE ELECTRICAL AND GENERAL CONTRACTORS FOR CLEAN ENERGY.

PLANT SCHEDULE

TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	HT X WIDTH	WUCOLS WATER RATING	
	23	FRAXINUS VELUTINA 'RIO GRANDE' PARKING LOT TREE – 35' DIA	RIO GRANDE VELVET ASH	24"BOX	40'X35'	MOD	
	10	LAGERSTROEMIA INDICA FLOWERING STREET TREE – 25' DIA	CRAPE MYRTLE	24"BOX	25'X20'	LOW	
	6	PISTACIA CHINENSIS (MALE) STREET TREE – 30' DIA. TO MATCH EXISTING ADJACENT PROPERTY	CHINESE PISTACHE	24"BOX	30'X30'	LOW	
	6	ULMUS X 'FRONTIER' STREET TREES TO MATCH NORTHEAST INDUSTRIAL STREET IMPROVEMENT PLANS	FRONTIER ELM. SEE SEPARATE OFFSITE PLAN	24"BOX	50'X40'	MOD	
	34	ZELKOVA SERRATA 'GREEN VASE' PARKING LOT TREE 35' DIA	GREEN VASE SAWLEAF ZELKOVA	24"BOX	40'X35'	MOD	
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	CONT	HT X WIDTH	WATER USE	
	50	CALLISTEMON VIMINALIS 'LJ1' TM PARKING LOT SHRUBS	BETTER JOHN BOTTLEBRUSH	5 GAL	3'X4'	LOW	
	9	CEANOTHUS X 'JULIA PHELPS' OR 'LOUIS EDMONDS' OR 'DARK STAR'	JULIA PHELPS WILD LILAC	5 GAL	6'X8'	LOW	
	21	FRANGULA CALIFORNICA 'EVE CASE'	EVE CASE COFFEEBERRY	5 GAL	5'X5'	LOW	
	18	JUNIPERUS SCOPULORUM 'COLOGREEN' STREET FRONTAGE SCREENING SHRUB, 9" MIN HT AT PLANTING	COLOGREEN JUNIPER	15 GAL	15' X 6'	LOW	
	61	LEUCOPHYLLUM FRUTESCENS PARKING LOT SCREENING SHRUB	TEXAS SAGE	5 GAL	7'X7'	LOW	
	30	MYRTUS COMMUNIS PARKING LOT SCREENING SHRUB	COMMON MYRTLE	5 GAL	6'X6'	LOW	
	48	NANDINA DOMESTICA PARKING LOT SCREENING SHRUB	HEAVENLY BAMBOO	5 GAL	6'X4'	LOW	
	32	PRUNUS CAROLINIANA 'COMPACTA' PARKING LOT SCREENING SHRUB	COMPACT CAROLINA LAUREL CHERRY	5 GAL	8'X8'	LOW	
	24	XYLOSMA CONGESTUM PARKING LOT SCREENING SHRUB	SHINY XYLOSMA	5 GAL	10'X10'	LOW	
VINES	QTY	BOTANICAL NAME	COMMON NAME	CONT	HT X WIDTH	WATER USE	
	21	MACFADYENA UNGUIS–CATI	CAT'S CLAW CREEPER	5 GAL	10'X10'	LOW	
GROUND COVERS	QTY	BOTANICAL NAME	COMMON NAME	CONT	HT X WIDTH	WATER USE	SPACING
	4,965 SF	ACACIA REDOLENS 'DESERT CARPET' TM	DESERT CARPET BANK CATCLAW	1 GAL	2'X10'	LOW	72" o.c.
	4,172 SF	ARCTOSTAPHYLOS UVA–URSI 'EMERALD CARPET'	KINNIKINNICK	1 GAL	1'X6'	LOW	60" o.c.
	3,355 SF	CISTUS SALVIIFOLIUS 'PROSTRATUS'	SAGELEAF ROCKROSE	1 GAL	3'X8'	LOW	60" o.c.
	878 SF	COTONEASTER DAMMERI 'LOWFAST'	LOWFAST BEARBERRY COTONEASTER	1 GAL	1'X8'	LOW	72" o.c.
	2,895 SF	LANTANA MONTEVIDENSIS	PURPLE TRAILING LANTANA	1 GAL	1'X6'	LOW	72" o.c.
	2,610 SF	LANTANA X 'NEW GOLD' ACCENT GROUNDCOVER	NEW GOLD LANTANA	1 GAL	2'X6'	LOW	48" o.c.
	2,699 SF	MYOPORUM PARVIFOLIUM	TRAILING MYOPORUM	1 GAL	1'X8'	LOW	72" o.c.
	2,451 SF	OFF–SITE LANDSCAPE TREES, SHRUBS AND GNDCOVERS TO MATCH PLANTINGS ON NORTHEAST INDUSTRIAL STREET IMPROVEMENT PLANS	SEE SEPARATE OFF–SITE PLANS	1 GAL	–		
	1,017 SF	SOLLYA HETEROPHYLLA	AUSTRALIAN BLUEBELL	1 GAL	2'X5'	LOW	48" o.c.

ON SITE LANDSCAPED AREA: 42,419 S.F.
OFFSITE LANDSCAPED AREA (R.O.W.) : 2,451 S.F.
TOTAL LANDSCAPED AREA: 44,870 S.F.

THE LANDSCAPE CONTRACTOR TO PROVIDE ALL ITEMS LISTED IN REFERENCE NOTES SCHED. COORDINATE WITH GENERAL CONTRACTOR.

REFERENCE NOTES SCHEDULE

SYMBOL	PLANTING DESCRIPTION	QTY
P-01	1/4" MINUS DECOMPOSED GRANITE, 3" DEEP, COLOR: GREY. SEE SHEET L5 DETAILS.	894 SF
P-02	8' TALL WROUGHT IRON FENCE. SEE SHEET L8.	888 LF
P-03	STEEL EDGING BETWEEN LAWN AND GRAVEL BED. COLOR: GREEN.	143 LF
P-04	ROOT BARRIER: INSTALL AT TREES PLANTED 4' OR LESS FROM CURBS, BUILDINGS, OR PAVEMENT. USE 24" LINEAR PLASTIC PANEL FROM DEEP ROOT OR EQUAL	1,048 LF
P-05	GATE EQUIPMENT. (2) VEHICULAR GATES, (2) MAN GATES, (2) SLIDING GATE OPENERS & (1) ACCESS PAD. SEE SHT L8	
P-06	8' TALL SCREEN WALL. SEE STRUCTURAL PLANS, SHT X.	879 LF
P-07	WOOD MULCH TOP DRESSING – NO PLANTINGS.	1,260 SF

MAN GATE
VEHICULAR GATE

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Stantec
38 TECHNOLOGY DRIVE, SUITE 100
IRVINE, CA 92618
949.923.6000 stantec.com

PREPARED FOR:
CT REALTY
4343 VON KARMAN AVE., STE. 200
NEWPORT BEACH, CA 92660

CT REALTY
CNG FUELING STATION
LANDSCAPE PLANTING PLAN
TRACY, CA

DATE: 03/08/2022
SHEET L1
OF
JOB NO. 2042610803

DRAWING: \\us0352-prfss01\workgroup\2042\active\2042610803\landscape\design\drawing\2042610803 l1-l3 permit lfx.dwg PLOTTED: 5/10/2022 10:21 AM BY: Maddock, Gaylyn

MAINTENANCE SCHEDULE

SEE LANDSCAPE SPECIFICATIONS FOR ADDITIONAL MAINTENANCE REQUIREMENTS

1.1 PLANT MATERIALS

A. MAINTENANCE OF PLANTING:

1. CONTINUOUSLY MAINTAIN ALL PLANTINGS IN AREAS INCLUDED IN THE CONTRACT FROM THE BEGINNING OF CONTRACT WORK, DURING THE PROGRESS OF WORK, AND FOR A MINIMUM OF A 90 DAY PERIOD AND A MAXIMUM OF 120 DAYS PER CONTRACT WITH OWNER/GENERAL CONTRACTOR. MAINTENANCE PERIOD BEGINS AT THE COMPLETION OF ALL WORK OR FINAL ACCEPTANCE OF ALL CONTRACT WORK BY THE OWNER'S REPRESENTATIVE.
2. TREE/SHRUB CARE:
   a. INSECTICIDES, HERBICIDES, FUNGICIDES SHALL BE THE FINEST QUALITY OBTAINABLE.
   b. CHEMICALS SHALL BE DESIGNED FOR THE PROBLEM AND APPLIED IN A PROFESSIONAL MANNER.
   c. PRUNING SHALL BE DONE BY A QUALIFIED PROFESSIONAL USING APPROVED METHODS/TECHNIQUES.
   d. PRUNE ONLY TO CORRECT MIS-SHAPING, ENCROACHMENT OR REMOVE DAMAGED/DEAD WOOD.
   e. AVOID MAJOR PRUNING DURING SUMMER MONTHS: POTENTIAL DAMAGE IS PREVALENT.
   f. REMOVE WEEDS THROUGH MANUAL METHODS ONLY.
   g. CONTROL DISEASE AND INSECT INFESTATIONS WITH APPROVED CHEMICALS.
   h. FERTILIZE TREES/SHRUBS AT 60 DAYS WITH A BALANCED ORGANIC 15-5-7 SLOW RELEASE FERTILIZER AT MANUFACTURER'S RECOMMENDED RATES.
   i. RESTAKE AND RE-TIE TREES AS NEEDED ACCORDING TO TREE GROWTH, USING ORIGINAL METHODS AND MATERIALS SPECIFIED.
   j. TRIM TREES AT SIDEWALKS AND ROADWAYS TO PROVIDE 7' VERTICAL CLEARANCE MINIMUM.
   k. TRIM TREES AND SHRUBS TO ENSURE SIGN VISIBILITY.
   l. SHRUBS AND TREES ADJACENT TO ROADWAY INTERSECTIONS TO BE TRIMMED TO PROVIDE ADEQUATE SITE DISTANCE FOR ENTERING/EXITING VEHICLES.
3. REPLACEMENTS: IMMEDIATELY REPLACE ANY PLANT MATERIALS THAT DIE OR ARE DAMAGED. REPLACEMENTS SHALL BE MADE TO THE SPECIFICATIONS AS REQUIRED FOR ORIGINAL PLANTINGS.
4. CONDITION OF PLANTINGS AT THE END OF THE MAINTENANCE PERIOD:
   a. ALL PLANT MATERIALS SHALL BE LIVE, HEALTHY, UNDAMAGED, AND FREE FROM INFESTATIONS.
   b. GROUND COVER, SHRUB AREAS, AND OTHER PLANTING AREAS SHALL BE FREE OF ALL WEEDS (BROADLEAF AND GRASS WEEDS).
   c. PLANTINGS THAT DO NOT CONFORM TO SPECIFICATIONS SHALL BE REPLACED AND BROUGHT TO A SATISFACTORY CONDITION BEFORE FINAL ACCEPTANCE OF THE WORK CAN BE MADE.
   d. GROUNDCOVERS AND ANNUAL/SHRUB BEDS TO BE EDGED AND TRIMMED.
   e. REPLENISH MULCH TO DEPTH SPECIFIED. KEEP MULCH 3" AWAY FROM ROOTCROWN.
5. LAWN MAINTENANCE:
   a. MOW TO A UNIFORM HEIGHT OF 2" MAX ONCE A WEEK.
   b. WHILE MOWING "SCALPING" AND WHEEL "RUTTING" SHALL NOT BE PERMITTED.
   c. TRIM EDGES ALONG MOW STRIPS.
   d. APPLY 15-5-7 COMMERCIAL FERTILIZER AT LEAST ONE TIME DURING MAINTENANCE PERIOD.
   e. AERATE & DETHATCH TURF TO MAINTAIN WATER EFFICIENCY.
6. ORNAMENTAL GRASSES MAINTENANCE:
   a. MOW TO A UNIFORM HEIGHT OF 6" MAX ANNUALLY.
   b. WHILE MOWING "SCALPING" AND WHEEL "RUTTING" SHALL NOT BE PERMITTED.
   c. TRIM EDGES ALONG MOW STRIPS & PLANTERS.
   d. APPLY COMMERCIAL FERTILIZER PER SOILS TEST RESULTS.

2.1 IRRIGATION SYSTEM

1. LANDSCAPE SHALL BE MAINTAINED TO ENSURE WATER EFFICIENCY. IRRIGATION SYSTEM MAINTENANCE TO INCLUDED, BUT NOT BE LIMITED TO, CHECKING, ADJUSTING, & REPAIRING IRRIGATION EQUIPMENT & RESETTING THE AUTOMATIC CONTROLLER.
2. REPAIR OF IRRIGATION EQUIPMENT SHALL BE WITH THE ORIGINALLY SPECIFIED MATERIALS OR THEIR APPROVED EQUIVALENTS.

Landscape Planting Maintenance Schedule

Planting Type	Annual Maintenance Procedure Winter	Spring	Summer	Fall	2 Yrs	5 Yrs	10+ Yrs
Trees and Shrubs							
Planting	x						
Fertilization		April	June	Sept.	Note 1	Note 4	Note 6
Mulch		x			Note 2	Note 5	
Pest Control		x	x		Note 3		
Plant Repair	x	x	x	x			
Pruning	x						
Groundcovers and Lawns							
Planting	x				Note 7,8	Note 9	Note 9
Fertilization		April	June	Sept.			
Mulch		x					
Pest Control		x	x				
Trimming x							
Weed Control	x	x	x	x			
Mow	As needed when Turf Reaches 3" and mow to a HGT. of 1.5" Do not Scalp						
Fertilize Lawns		x	x	x			
Vines							
Planting	x	Note 10	Note 10	Note 10	Note 10,10,10,10		
Fertilization		April	June	Sept.			
Mulch		x					
Pest Control		x	x				
Plant Repair	x	x	x	x			
Pruning	x						

Landscape Irrigation Maintenance Schedule

Winter	Spring	Summer	Fall
System			
Flush	x		
Test Controller		April	
Seasonal Adjust	x	x	x
Valves Test	x	x	x
Full Audit		x	

NOTES

Note 1: Remove tree stakes.
Note 2: Prune lower branches that will form a hazard. Do not prune leader.
Note 3: Prune back woody branches of shrubs where this will improve look of shrub. Do not shear shrubs.
Note 4: Selectively replace shrubs that have become overly woody. Prune back woody branches of shrubs where this will improve look of shrub. Do not shear shrubs.
Note 5: Remove sections of tree grate that will interfere with tree trunk.
Note 6: Replace shrubs that have become overly woody.
Note 7: In areas where establishment proves unsuccessful, amend soil and re-plant.
Note 8: Where pedestrian traffic is prohibiting groundcover establishment, replant and fence area off during establishment period.
Note 9: Replace groundcovers in areas where they have become too woody.
Note 10: Train vines to trellises and prune selectively to direct growth. Prune runners that grow along ground. Protect Young vines at base against damage from pedestrians.

i

WATER AUDIT SCHEDULE

1. AN ANNUAL WATER AUDIT SHALL BE PERFORMED.
2. AUDIT TO BE PERFORMED BY A LICENSED AUDITOR. AUDIT TO BE SUBMITTED TO THE CITY OF TRACY PUBLIC WORKS AND WATER DEPARTMENTS.
3. AUDIT TO MINIMALLY CONSIST OF THE FOLLOWING:
   A. SPRINKLERS TO BE CHECKED FOR WORN OR NON-WORKING PARTS. NOZZLES AND CHECK VALVES TO BE INCLUDED.
   B. LEAKS TO BE IDENTIFIED.
   C. SOIL TO BE PROBED FOR MOISTURE PENETRATION.
   D. PLANT MATERIALS TO BE GENERALLY ASSESSED.
   E. WATER USE RECORD TO BE REVIEWED.
   F. CONTROLLER OPERATION TO BE CONFIRMED.
   G. AUTOMATIC RAIN SHUT-OFF OPERATION TO BE CONFIRMED.
   H. PRECIPITATION RATE AND COVERAGE UNIFORMITY TEST TO BE DONE.
   I. RECOMMENDATIONS FOR REPAIR AND CORRECTION TO BE MADE.
4. OWNER TO SUBMIT PROOF OF REPAIRS AND CORRECTIONS MADE.

PARKING LOT SHADING CALCULATION

TREE TYPE	SYMB	FULL (100%)	HALF (50%)	ONE-QTR (25%)
35' DIA. PARKING TREES		9@962=8,658 S.F.	48@481=23,088 S.F.	0@240=0 S.F.

SUBTOTAL SHADING AREA :	8,658 S.F.	23,088 S.F.	0 S.F.
TOTAL PARKING LOT AREA:	78,829 S.F.	= 100%	
SHADE AREA REQUIRED:	31,531 S.F.	= 40%	
SHADE AREA PROVIDED:	31,746 S.F.	= 40%	

MAXIMUM APPLIED WATER ALLOWANCE

PROJECT #: CT Realty, Tracy, CA

MAWA = (ETo) x (0.62) x [(0.45 x LA)+(0.55 x SLA)]

ETo**	48.50	ETo (inches/year)
Enter total project Landscaped Area	44,870.00	LA (square feet)
Enter Special Landscaped Area	0.00	SLA (square feet)
RESULTS:		
	607,158	MAWA (gallons/year)
	811.71	MAWA (100 CF/year)

** Eto Values derived from Appendix A of the CA Model Water Efficient Landscape Ordinance, CA Dept. of Water

MAWA Maximum applied water allowance (gallons per year)
Eto Reference Evapotranspiration (inches per year)
0.45 ET Adjustment Factor (ETAF) per AB1881
LA Planted landscaped area including SLA and not including hardscapes. Also include surface area of water features not
0.62 Conversion Factor (to gallons per square foot)
SLA Portion of the Landscaped Area identified as Special Landscaped Area. Also include surface area of water features using recycled
0.55 The additional ET Adjustment Factor for SLA (1.0 - 0.45 = 0.55)

ESTIMATED TOTAL WATER USE

PROJECT: CT Realty, Tracy, CA

ETWU = (ETo) x (0.62) x [(PF x HA)/IE + SLA]

Irrigation Efficiency Value =	
Bubblers	0.81
Laser Tube (Drip)	0.81
Rotary / Rotor	0.75
Spray	0.75

Plant Water Use Type	Plant Factor		
Low	0.10	0.20	0.30
Moderate	0.40	0.50	0.60
High	0.70	0.80	0.90
SLA	1.00		

MAWA= 607,158.00 Maximum Allowable Water Use
ETWU = 345,099 Estimated total water use per year
ETo = 48.50 Reference Evapotranspiration (inches per year)
PF = See Table at Left Plant Factor from WUCOLS* or equivalent reference
HA = See Table Below Hydrozone Area (square feet)
SLA = 0 Special Landscaped Area (square feet)
0.62 = Conversion Factor (to gallons per square foot)
IE = See Table at Left Irrigation Efficiency (minimum 0.75)

HYDROZONE TABLE

Hydrozone	Plant Water Use Type(s) (low, moderate, high)	Plant Factor (PF)	Irrigation Type	Hydrozone Area (HA) (sq ft)	PF x HA (sq ft)	ETWU 100 CF/ Year	ETWU Gallons / Year
1	Low	0.20	Laser Tube (Drip)	43,798	8,760	434.76	325,201
2	Moderate	0.50	Bubblers	1,072	536	26.60	19,898
3	Low	0.20	Rotary / Rotor	0	0	0.00	0
4	low	0.50	Spray	0	0	0.00	0
5	High	0.80	Bubblers	0	0	0.00	0
6	High	0.80	Laser Tube (Drip)	0	0	0.00	0
7	High	0.80	Rotary / Rotor	0	0	0.00	0
8	High	0.90	Spray	0	0	0.00	0
	SLA	1			0		
		Sum		44,870	9,296	461.36	345,099

RESULTS						100 CF/Year	Gal./year
MAWA =		607,158	ETWU =	(ETo) x (0.62) x [(PF x HA)/IE + SLA]		461	345,099

ETWU must be less than or equal to MAWA **ETWU complies with MAWA**

CITY OF TRACY REQUIREMENTS

MUNICIPAL CODE

- ☑ 40% SHADING OF PARKING AREA WITH MIN 35' DIAMETER CANOPY TREES. 40% PROVIDED - SEE SHADE CALC THIS SHEET
- ☑ PARKING SCREENING FROM R.O.W. : 8' TALL SOLID WALL. SEE SHT L3.
- ☑ EQUIPMENT, LOADING, SERVICE AREAS SCREENED FROM R.O.W. VIEW.
- ☑ LANDSCAPE AREAS TO BE AUTO-IRRIGATED AND HAVE A 6" HT CURB.
- ☑ COMBINATION OF TREES, SHRUBS, GROUNDCOVERS IN EACH PLANTER BED.
- ☑ 6' HT SCREENING OF PARKING ADJACENT TO RESIDENTIAL - SOLID MASONRY WALL.

NORTHEAST SPECIFIC PLAN STANDARDS

- ☑ STREET TREES 40' OC MAX.
- ☑ REVISIONS TO MUNICODE FOR NEI SPECIFIC PLAN:
  1. INDUSTRIAL:
     - 1 TREE PER 10 PARKING SPACES
       363 SPACES X 0.1= 36 TREES REQD.
       59 PARKING SHADE TREES PROVIDED - 35' MIN DIAMETER.
     - 15' FRONTAGE SETBACK PROVIDED
     - 10% LANDSCAPE IN PARKING AREA (60+ SPACES)
       78,829 SF PARKING X 0.1 = 7,882 SF REQD. 14,534 SF PROVIDED (18%)
  2. FRONTAGE SETBACK:
     - 1 TREE / 400 SF.
       15' SETBACK = 4056 SF / 400 = 10 TREES REQD IN FRONTAGE.
       10 TREES PROVIDED WITHIN 15' FRONTAGE SETBACK
  3. PLANTING CONTAINER SIZES & SPACING:
     - 24" BOX TREES, MIN.
     - SHRUBS 5 GALLON, MIN.
     - GROUNDCOVER 1 GALLON, MIN

ESTABLISHMENT IRRIGATION SCHEDULE

T.B.D.

ESTABLISHED IRRIGATION SCHEDULE

T.B.D.

PREPARED BY:
Stantec
38 TECHNOLOGY DRIVE, SUITE 100
IRVINE, CA 92618
949.923.6000 stantec.com

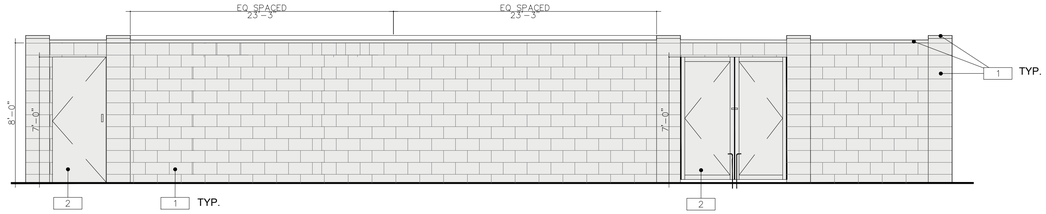
PREPARED FOR:
CT REALTY
4343 VON KARMAN AVE., STE. 200
NEWPORT BEACH, CA 92660

CT REALTY
CNG FUELING STATION
LANDSCAPE NOTES & CALCS
TRACY, CA

DATE: 03/08/2022
SHEET L2
OF
JOB NO. 2042610803

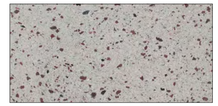
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EQUIPMENT ENCLOSURE - SOUTH ELEVATION



COLORS & MATERIALS

SYMBOL	DESCRIPTION	MATERIAL	COLOR
1	EQUIPMENT ENCLOSURE WALL WALL, COLUMN & TOPCAP	SPLITFACE CMU	ORCO TAN OR EQUAL
2	EQUIPMENT ENCLOSURE WALL SOLID MAN DOOR & MAN GATE	METAL	LIGHT GREY
3	PERIMETER WALL MAN DOOR & MAN GATE	WROUGHT IRON	BLACK

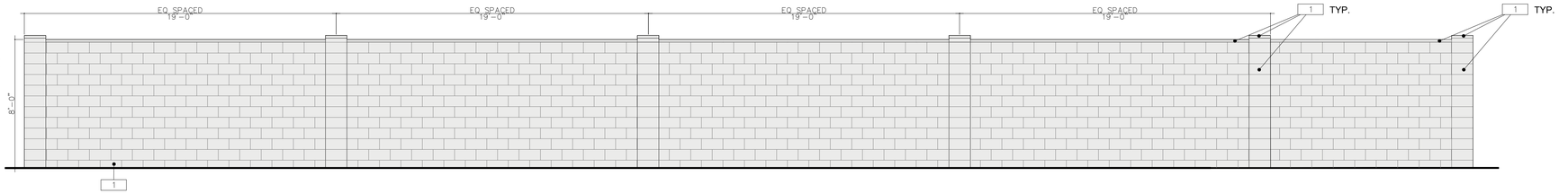


ORCO MW GREY INDIO PLANT OR EQUAL



8' HEIGHT SCREEN WALL - REPRESENTATIVE PHOTO
MATERIAL: SPLITFACE CMU, WITH TOP CAP AND COLUMNS
COLOR: LIGHT GREY

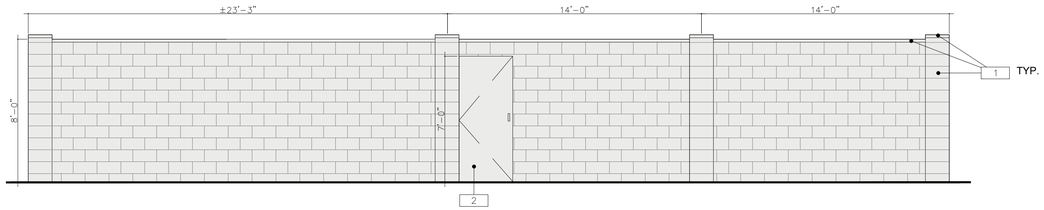
EQUIPMENT ENCLOSURE - EAST ELEVATION



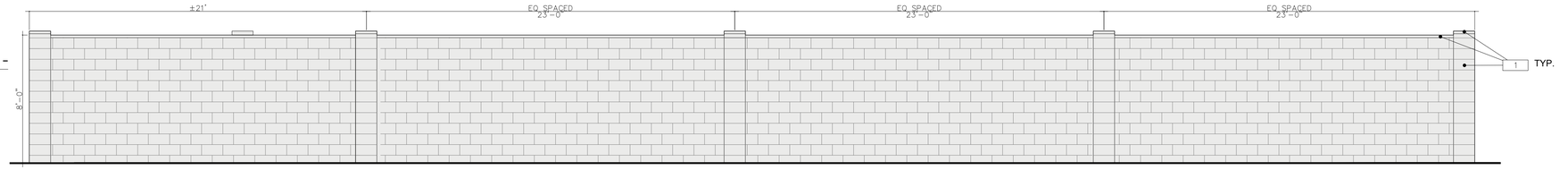


8' HEIGHT WROUGHT IRON FENCE REPRESENTATIVE PHOTO
MATERIAL: METAL
COLOR: BLACK

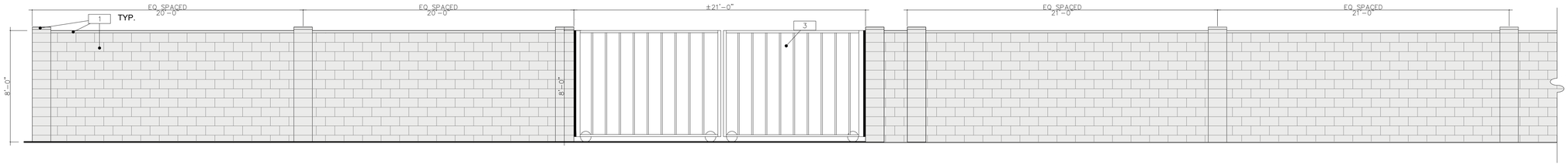
EQUIPMENT ENCLOSURE - NORTH ELEVATION



EQUIPMENT ENCLOSURE - WEST ELEVATION



PERIMETER WALL - WEST ELEVATION (NORTH)



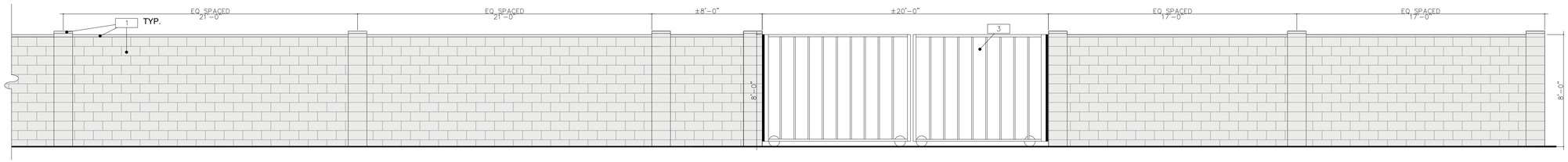
SEE BELOW FOR SOUTHERN END OF WALL.

FULL LENGTH OF WALL ELEVATION NOT SHOWN. ELEVATIONS ARE TYPICAL.

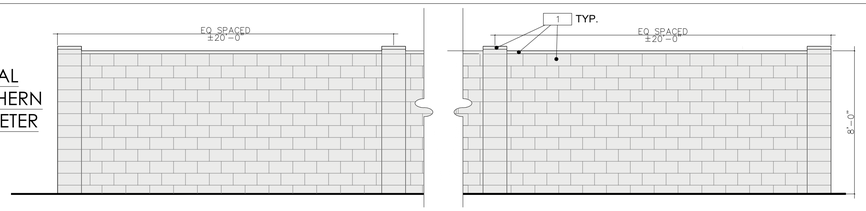
PERIMETER WALL - WEST ELEVATION (SOUTH)

SEE ABOVE FOR NORTHERN END OF WALL.

FULL LENGTH OF WALL ELEVATION NOT SHOWN. ELEVATIONS ARE TYPICAL.



TYPICAL NORTHERN PERIMETER WALL



PREPARED BY:

Stantec
38 TECHNOLOGY DRIVE, SUITE 100
IRVINE, CA 92618
949.923.6000 stantec.com

PREPARED FOR:

CT REALTY
4343 VON KARMAN AVE., STE. 200
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CT REALTY
CNG FUELING STATION
WALL ELEVATIONS
TRACY, CA

DATE: 03/08/2022
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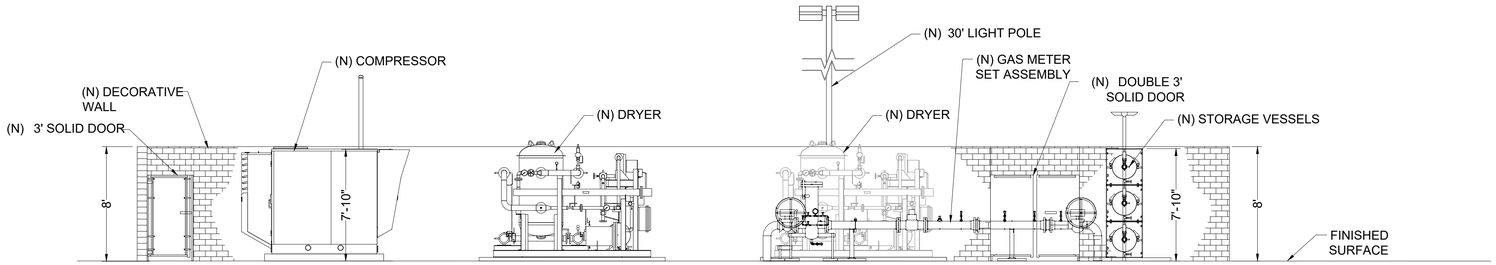
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ATTACHMENT A

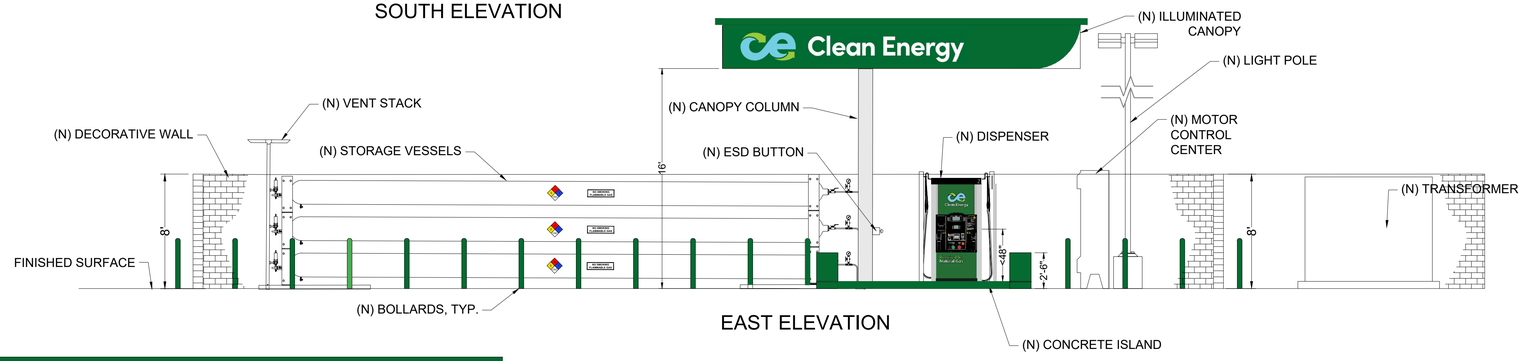
CANOPY COLOR CHART	
PANTONE 3500 C	
PANTONE 630 C	
PANTONE 2300 C	

NOTES

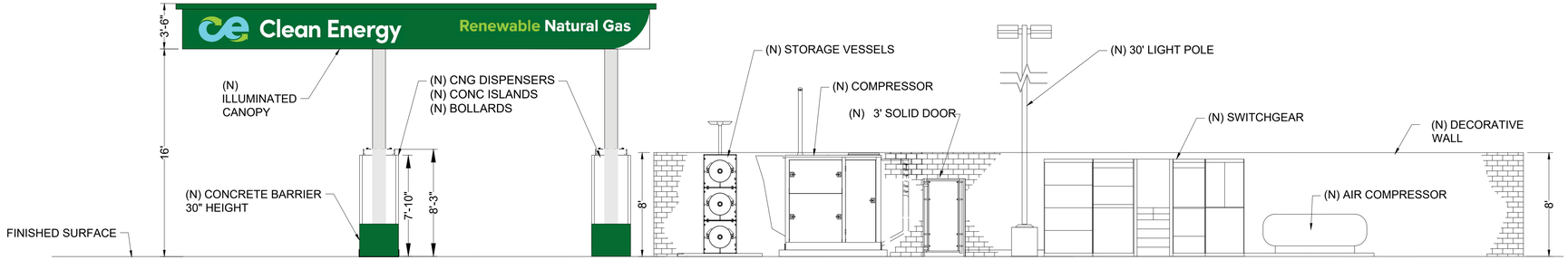
1. COLOR TO MATCH PANTONE COLOR SYSTEM OR EQUIVALENT 1101 HIGH GLOSS LACQUER ENAMEL OR EQUIVALENT.
2. CONTRACTOR SHALL PRIME AND PAINT OR PROVIDE GREEN PLASTIC COVERS ON ALL BOLLARDS AND RAILING.
3. CONTRACTOR SHALL PRIME ALL BOLLARDS USING PLASTIC COVERS FOR CORROSION PROTECTION.
4. CANOPY COLUMS TO COLOR MATCH SPLIT FACE DECORATIVE BLOCK WALL.
5. COMPOUND SOLID DOORS TO COLOR MATCH SPLIT FACE DEORATIVE BLOCK WALL.



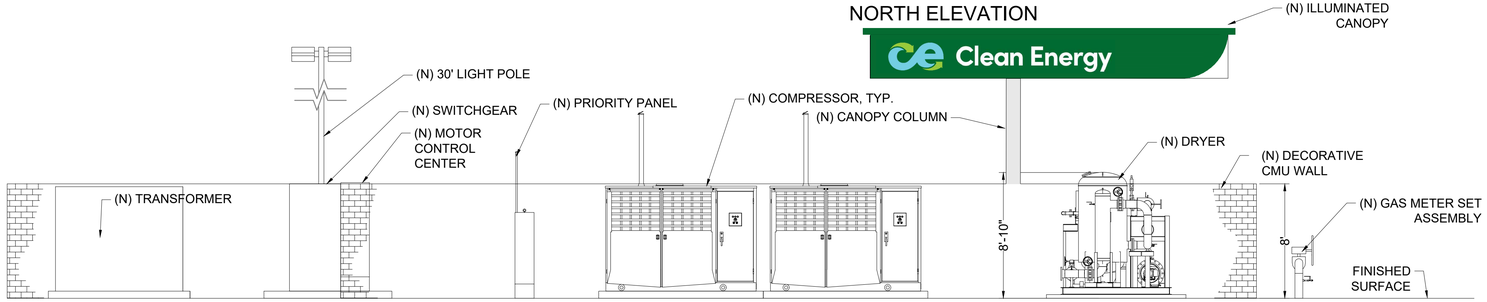
SOUTH ELEVATION



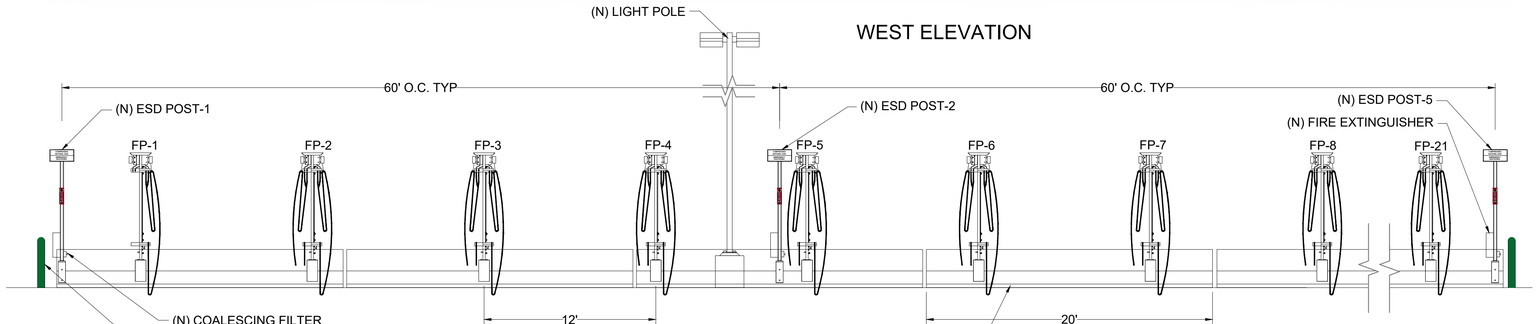
EAST ELEVATION



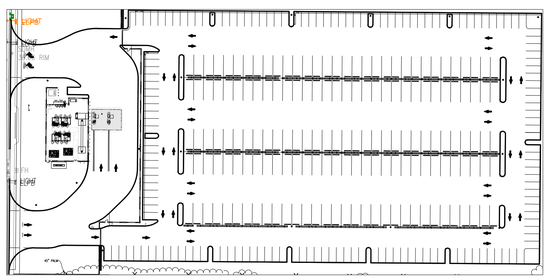
NORTH ELEVATION



WEST ELEVATION



TIME FILL STATION ELEVATIONS (1" = 5')



KEY MAP

N
W E
S

0 5 10 20
1" = 5'

REV	DATE	REVISIONS	BY
0	5/20/2021	RELEASED FOR CONSTRUCTION	JV

DIGALERT
Know what's **below. CALL 811** before you dig.
REDUCED PLAN
CAUTION: THIS DRAWING MAY BE REDUCED
0 2" IN ORIGINAL DRAWING

Clean Energy
4675 MACARTHUR COURT, STE. 800 | NEWPORT BEACH, CA 92660
TEL (949) 437-1000 | FAX (949) 724-2091 | WWW.CLEANENERGYFUELS.COM

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CNG FUELING STATION
OAK E. TRACY
CHRISMAN RD,
TRACY, CA.
GENERAL ARRANGEMENT & ELEVATIONS

ASSET NO:21073.00

REGISTERED PROFESSIONAL ENGINEER
MATTHEW W. LOSER
No. C-63002
Exp. 6-30-2022
CIVIL
STATE OF CALIFORNIA
2022/05/10

DATE	DRAWN BY:	ON
05/01/2022	CHECKED BY:	ML
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ENVIRONMENTAL CHECKLIST

FOR THE

RNG FUELING STATION PROJECT

MAY 2022

Prepared for:

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

Prepared by:

De Novo Planning Group
1020 Suncast Lane, Suite 106
El Dorado Hills, CA 95762
(916) 580-9818

ATTACHMENT A

ATTACHMENT A

ENVIRONMENTAL CHECKLIST

FOR THE

RNG FUELING STATION PROJECT

MAY 2022

Prepared for:

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

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ATTACHMENT A

INTRODUCTION

The following pages provide an analysis of the proposed RNG Refueling Station (proposed project) with respect to the project's consistency with the City of Tracy General Plan, the analysis contained in the General Plan EIR, and any site-specific environmental impacts or cumulative impacts that may result from project implementation.

As explained in the following pages, the proposed project is consistent with the City's General Plan, for which an EIR was prepared and certified, and there are no site-specific or cumulative impacts associated with the proposed project that have not been fully addressed in a previous environmental document, or that cannot be mitigated to a less than significant level through the application of uniformly applied development policies and/or standards. The findings presented below demonstrate that no additional environmental analysis is required under the California Environmental Quality Act (CEQA) prior to approval of the proposed project.

NORTHEAST INDUSTRIAL SPECIFIC PLAN

The City of Tracy adopted the Northeast Industrial Concept Development Plan for an area comprised of approximately 870 gross acres in the northeastern portion of the city on May 8, 1996 (Resolution Number 96-146) and, pursuant to the California Environmental Quality Act (CEQA), certified an Environmental Impact Report (EIR) (SCH # 95102050) for the Northeast Industrial Concept Development Plan (Resolution Number 96-144).

On August 7, 2012, the Northeast Industrial Concept Development Plan was repealed and replaced by the adoption of the Northeast Industrial Specific Plan (Ordinance 1174). The Northeast Industrial Specific Plan was determined to be consistent with the EIR prepared for the Northeast Industrial Concept Development Plan in 1996 (SCH #95102050) (the "NEISP EIR") and no further environmental analysis was found necessary to be prepared.

PROJECT OVERVIEW

PROJECT LOCATION

The project site consists of approximately 5 acres located near the southeast corner of Grant Line Road and Chrisman Road in the northeast quadrant of the City of Tracy. The project site is located on Assessor Parcel Number (APN) 250-03-320. The project's location is shown in Figure 1.

PROJECT DESCRIPTION

The project proposes to construct a renewable natural gas (RNG) fueling station, which includes a secured parking lot to house and refill Amazon's sustainable truck cabs. The fueling system connects to the standard natural gas line in the street, pulls gas through above ground compression equipment, and pumps the compressed natural gas (CNG) fuel directly into trucks on demand. The RNG refilling station will be both "fast-fill" and "time fill." The facility will be unmanned, operating through a cardlock system, and the time-fill parking and dispensing facility will accommodate a 156-unit operation for truck parking and refueling.

Figure 2 displays the proposed site plan layout. Parking would be provided throughout the project site. Access to and from the project site would be provided from Chrisman Road; entry to and exit from the project site would occur at the southwestern and northwestern portion of the project site, respectively.

There are two classes (sizes) of trucks that are expected to fuel at this station: (1) Class 8 semi-trucks; and (2) Class 6 medium-duty box trucks. The Class 8 semi-trucks are used to haul trailers while the Class 6 medium-duty box trucks have a built-in integrated cargo box. As suggested by the names, the medium duty trucks are smaller Class 6 trucks, while the semi-trucks are large, heavy-duty Class 8 trucks. The semi-trucks would haul trailers to and from the area distribution centers. The truck itself is called a "day cab".

The Amazon day cabs would refuel at the project site without trailers between driver shifts. Only the cabs would be parked on-site; not the trailers. The cabs have a stationary period on-site between the driver shifts, which would provide the opportunity to time-fill the trucks. The time-filling would top-off the fuel tank so that the next driver would have a full tank of fuel, thereby saving time by not going to the fast-fill dispensers.

The Class 6 medium-duty box trucks would not be parked at the project site, but would use the fast-fill station for fueling. These trucks are medium size trucks, so they carry less fuel than the semi-trucks, and are therefore quicker to fuel at the fast-fill dispensers.

Other third-party commercial trucks that are not owned by Amazon could also fuel at the fast-fill lanes. Amazon-owned semi-trucks could also fuel at the fast-fill dispensers, if something unexpected happens where the driver needs to get fuel without waiting for time-fueling.

The project is located within the Northeast Industrial (NEI) Specific Plan, which identifies 'service station' land uses as a conditionally permitted use within the NEI. The proposed project would therefore be a conditionally permitted use within the NEI. The project would be required to obtain a conditional use permit from the City of Tracy to operate.

EXISTING SITE USES

The project site is currently vacant and undeveloped. No structures are located on-site. The site was previously used for agricultural uses but is no longer irrigated or harvested. Figure 3 shows an aerial view of the project site.

SURROUNDING LAND USES

The project site is located in a residential, agricultural, and industrial area. The surrounding area adjacent to the project site includes industrial and warehouse uses to the south and east of the project site. A residence is located to the north of the project site. The lot to the west of the project site is currently vacant. An additional vacant lot is located south of the project site. The project site and the surrounding uses are designated Industrial by the City's General Plan. The project site is located within the City's Northeast Industrial Specific Plan area.

GENERAL PLAN AND ZONING DESIGNATIONS

The Tracy General Plan land use designation for the project site is Industrial (consistent with the proposed project) and the site is within the Northeast Industrial Specific Plan Area. Specific uses allowed in the Industrial land use designation 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. Industrial uses are located to provide proper truck access, buffering from incompatible uses and proximity with rail corridors and transit links. Figure 4 displays the General Plan land use designation for the project site and surrounding area.

The project site is currently zoned Northeast Industrial Specific Plan. The Northeast Industrial Specific Plan addresses 870 acres in the northeast corner of the City. Anticipated land uses include a mixture of manufacturing, warehousing, and distribution uses including rail-dependent industries and "flex-tech" light industrial. Figure 4 also displays the zoning designation for the project site and surrounding area.

REQUESTED ENTITLEMENTS AND OTHER APPROVALS

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

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

- Adoption of the CEQA Exemption (Guidelines Section 15183).
- Development Review.
- Approval of the Site Plan.
- Approval of a Conditional Use Permit.
- Development of Conditions of Approval (COA).

The following agencies may be required to issue permits or approve certain aspects of the proposed project:

- Central Valley Regional Water Quality Control Board (CVRWQCB) - Storm Water Pollution Prevention Plan (SWPPP) approval prior to construction activities.
- San Joaquin Valley Air Pollution Control District (SJVAPCD) - Approval of construction-related air quality permits.
- San Joaquin Council of Governments (SJCOG) - Review of project application to determine consistency with the San Joaquin County Multi-Species Habitat, Conservation, and Open Space Plan (SJMSCP).

PREVIOUS ENVIRONMENTAL ANALYSES OF THE PROPOSED PROJECT

One previous environmental analysis has been prepared and certified which is applicable to the proposed project.

On February 1, 2011, the City adopted a new General Plan and certified the associated General Plan EIR (State Clearinghouse (SCH) # 2008092006). The proposed project would be consistent

with the General Plan designation of Industrial, as described above. The General Plan EIR assumed full development and buildout of the project site, consistent with the uses and development standards proposed by the project. The cumulative impacts associated with buildout of the City of Tracy General Plan, including the project site, were fully addressed in the General Plan EIR.

CEQA GUIDELINES SECTION 15183 EXEMPTIONS

CEQA Guidelines Section 15183 allows a streamlined environmental review process for projects that are consistent with the densities established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified. As noted above, the proposed project is consistent with the land use designation and densities established by the Tracy General Plan, for which an EIR was certified. The provisions contained in Section 15183 of the CEQA Guidelines are presented below.

15183. Projects Consistent with a Community Plan or Zoning

(a) CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

(b) In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:

> *(1) Are peculiar to the project or the parcel on which the project would be located,*
> *(2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,*
> *(3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or*
> *(4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.*

(c) If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.

(d) This section shall apply only to projects which meet the following conditions:

> *(1) The project is consistent with:*
>
> > *(A) A community plan adopted as part of a general plan,*

(B) A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or
(C) A general plan of a local agency, and

(2) An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.

(e) This section shall limit the analysis of only those significant environmental effects for which:

(1) Each public agency with authority to mitigate any of the significant effects on the environment identified in the planning or zoning action undertakes or requires others to undertake mitigation measures specified in the EIR which the lead agency found to be feasible, and
(2) The lead agency makes a finding at a public hearing as to whether the feasible mitigation measures will be undertaken.

(f) An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the City or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. The finding shall be based on substantial evidence which need not include an EIR. Such development policies or standards need not apply throughout the entire City or county, but can apply only within the zoning district in which the project is located, or within the area subject to the community plan on which the lead agency is relying. Moreover, such policies or standards need not be part of the general plan or any community plan, but can be found within another pertinent planning document such as a zoning ordinance. Where a City or county, in previously adopting uniformly applied development policies or standards for imposition on future projects, failed to make a finding as to whether such policies or standards would substantially mitigate the effects of future projects, the decision-making body of the City or county, prior to approving such a future project pursuant to this section, may hold a public hearing for the purpose of considering whether, as applied to the project, such standards or policies would substantially mitigate the effects of the project. Such a public hearing need only be held if the City or county decides to apply the standards or policies as permitted in this section.

(g) Examples of uniformly applied development policies or standards include, but are not limited to:

(1) Parking ordinances.
(2) Public access requirements.
(3) Grading ordinances.
(4) Hillside development ordinances.
(5) Flood plain ordinances.
(6) Habitat protection or conservation ordinances.
(7) View protection ordinances.

(8) Requirements for reducing greenhouse gas emissions, as set forth in adopted land use plans, policies, or regulations.

(h) An environmental effect shall not be considered peculiar to the project or parcel solely because no uniformly applied development policy or standard is applicable to it.

(i) Where the prior EIR relied upon by the lead agency was prepared for a general plan or community plan that meets the requirements of this section, any rezoning action consistent with the general plan or community plan shall be treated as a project subject to this section.

(1) "Community plan" is defined as a part of the general plan of a City or county which applies to a defined geographic portion of the total area included in the general plan, includes or references each of the mandatory elements specified in Section 65302 of the Government Code, and contains specific development policies and implementation measures which will apply those policies to each involved parcel.
(2) For purposes of this section, "consistent" means that the density of the proposed project is the same or less than the standard expressed for the involved parcel in the general plan, community plan or zoning action for which an EIR has been certified, and that the project complies with the density-related standards contained in that plan or zoning. Where the zoning ordinance refers to the general plan or community plan for its density standard, the project shall be consistent with the applicable plan.

(j) This section does not affect any requirement to analyze potentially significant offsite or cumulative impacts if those impacts were not adequately discussed in the prior EIR. If a significant offsite or cumulative impact was adequately discussed in the prior EIR, then this section may be used as a basis for excluding further analysis of that offsite or cumulative impact.

PROJECT-SPECIFIC ENVIRONMENTAL REVIEW

The attached Environmental Checklist includes a discussion and analysis of any peculiar or site-specific environmental impacts associated with construction and operation of the proposed project. The Environmental Checklist identifies the applicable City of Tracy development standards and policies that would apply to the proposed project during both the construction and operational phases, and explains how the application of these uniformly applied standards and policies would ensure that no peculiar or site-specific environmental impacts would occur.

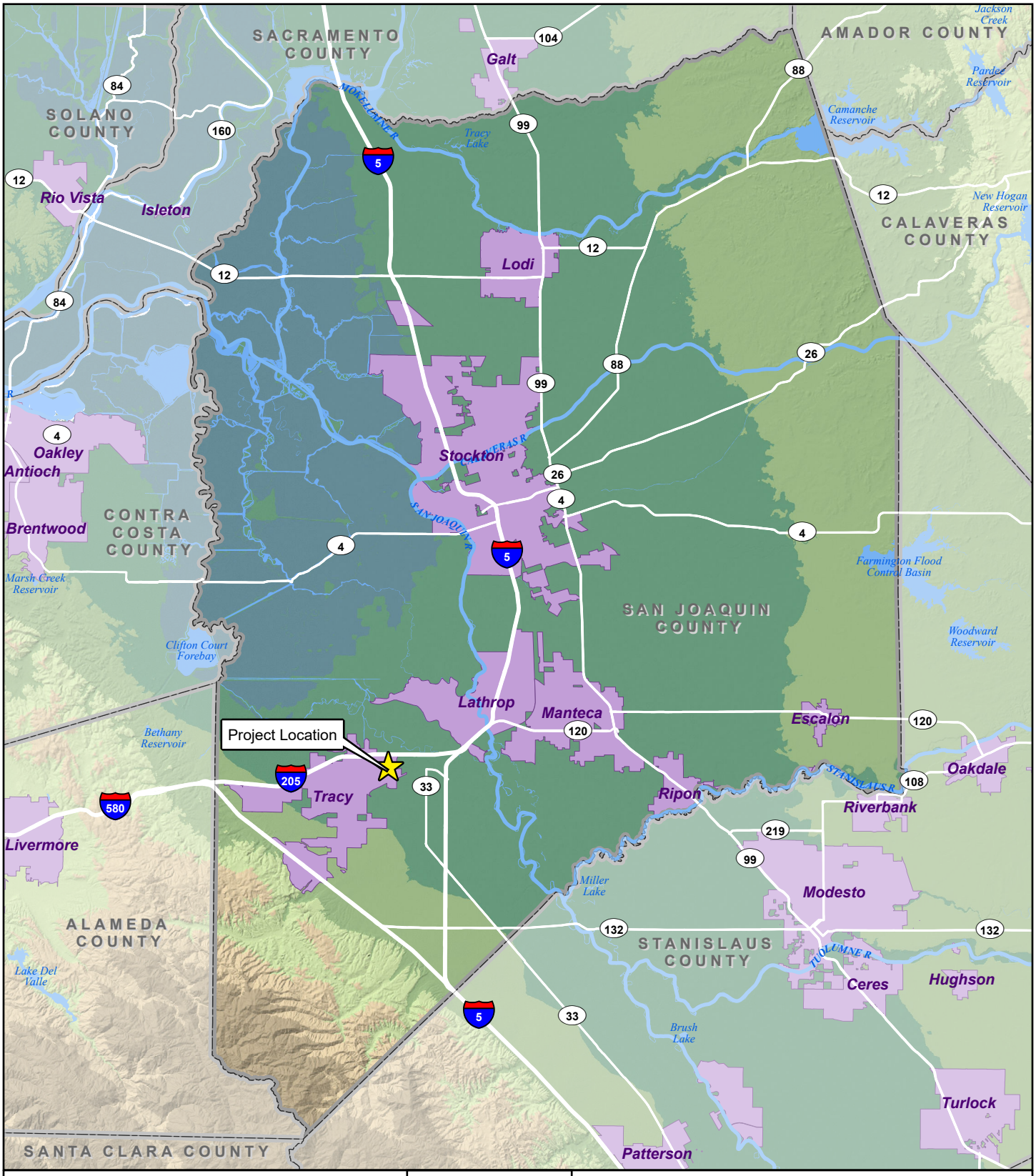
CONCLUSION

As described above, the proposed RNG Refueling Station Project (proposed project) is consistent with the land use designations and development intensities assigned to the project site by the City of Tracy General Plan. Cumulative impacts associated with development and buildout of the project site, as proposed, were fully addressed in the City of Tracy General Plan EIR (SCH# 2008092006). Since the proposed project is consistent with the land use designation and development intensity for the site identified in the General Plan and analyzed in the General Plan EIR, implementation of the proposed project would not result in any new or altered cumulative impacts beyond those addressed in the General Plan EIR.

The analysis in the attached CEQA Environmental Checklist demonstrates that there are no site-specific or peculiar impacts associated with the project, and identifies uniformly applied standards and policies that would be applied to the project. The Project Requirements identified in the attached environmental analysis include requirements that must be implemented by the proposed project in order to ensure that any site-specific impacts or construction-related impacts are reduced to a less than significant level. All Project Requirements identified in the attached Environmental Checklist shall be made a condition of project approval and shall be implemented within the timeframes identified.

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ATTACHMENT A



LEGEND

- County Boundary
- Incorporated Area

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Miles

Sources: San Joaquin County GIS. Map date: March 29, 2022.

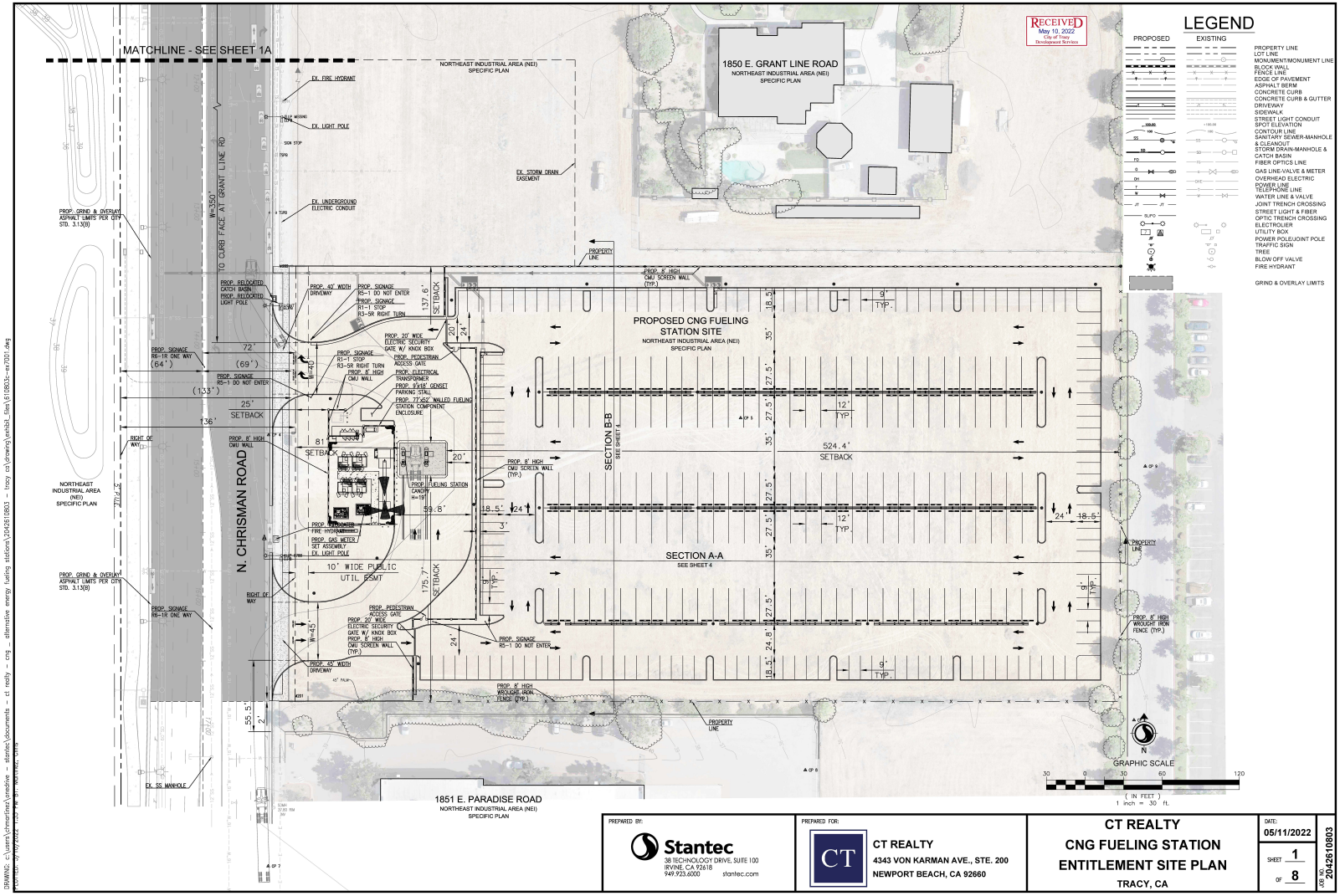
CITY OF TRACY
SCHULTE ROAD WAREHOUSE PROJECT

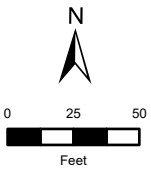
Figure 1. Regional Project Location

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ATTACHMENT A





Tracy RNG Truck Fueling and Northeast Industrial SP Amendment

Figure 2. Site Plan

Sources: Stantec; CT Realty. Map date: March 29, 2022.

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LEGEND

Project Site

N

0 100 200

Feet

Sources: San Joaquin County GIS. ArcGIS Online World Imagery Map Service(03/29/2022). Map date: March 29, 2022.

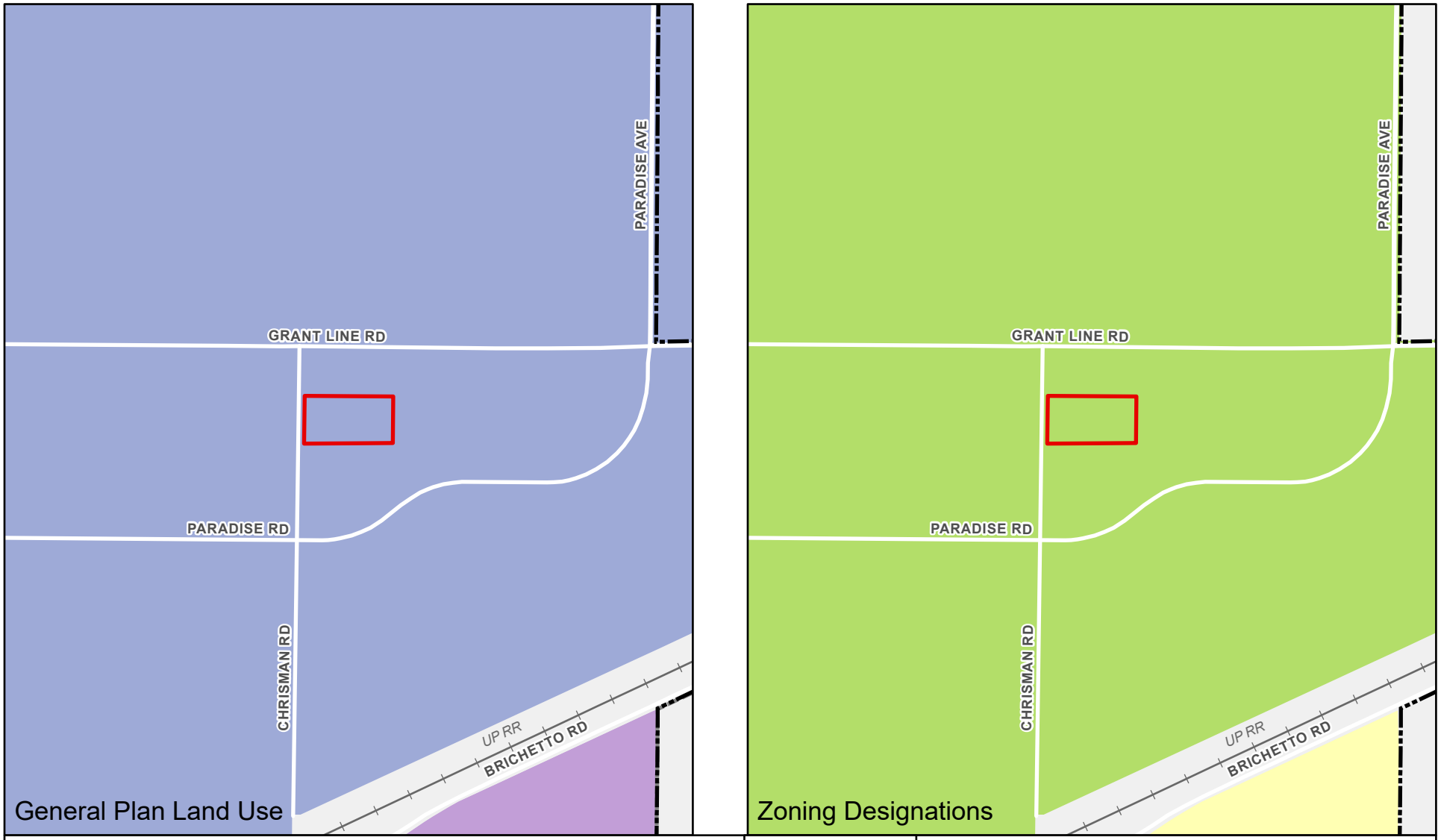
Tracy RNG Truck Fueling and Northeast Industrial SP Amendment

Figure 3. Aerial View of Project Site

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ATTACHMENT A



Tracy RNG Truck Fueling and Northeast Industrial SP Amendment

Figure 4. Land Use and Zoning Designations

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ENVIRONMENTAL CHECKLIST

I. AESTHETICS -- WOULD THE PROJECT:

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

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant. There are no scenic vistas located on or adjacent to the project site. The proposed project uses are consistent and compatible with the surrounding industrial land use designations. Lands surrounding the project site consist of industrial and non-conforming residential uses.

Implementation of the proposed project would provide for additional industrial development on a project site that is bordered by similarly scaled development to the east, west, and south. The project site is not topographically elevated from the surrounding lands and is not highly visible from areas beyond the immediate vicinity of the site. There are no prominent features on the site, such as trees, rock outcroppings, or other visually distinctive features that contribute to the scenic quality of the site. The project site is not designated as a scenic vista by the City of Tracy General Plan.

Implementation of the proposed project would not significantly change the existing visual character of the project area, as much of the areas immediately adjacent to the site are industrial in nature. The proposed site plan would place the CNG refueling station on the west portion of the site, adjacent to Chrisman Road, with the parking lot encompassing the central and eastern portions of the site.

Implementation of the proposed project would introduce a CNG refueling station to the project area that would be generally consistent with the surrounding industrial developments. Therefore, this impact is considered **less than significant**.

Response b): Less than Significant. As described in the Tracy General Plan EIR**,** there are two Officially Dedicated California Scenic Highway segments in the Tracy Planning Area, which extend a total length of 16 miles. The first designated scenic highway is the portion of Interstate (I) 580 between I-205 and I-5, which offers views of the Coast Range to the west and the Central Valley's urban and agricultural lands to the east. The second scenic highway is the portion of I-5 that starts at I-205 and continues south to Stanislaus County, which allows for views of the surrounding agricultural lands and the Delta-Mendota Canal and California Aqueduct.

The scenic portion of the I-580 highway is approximately 6.4 miles southwest from the project site. The project site is not visible from this highway. Additionally, the project is not at all visible along any scenic section of I-5.

Development of the proposed project would not result in the removal of any substantial trees, rock outcroppings, or buildings of historical significance, and would not result in changes to any of the viewsheds from the designated scenic highways in the vicinity of the City of Tracy. Therefore, there is a **less than significant** impact.

Response c): Less than Significant. As described under Response a), above, the proposed project would add additional industrial uses to an area that currently contains numerous residential and industrial uses. The proposed project would be visually compatible with the surrounding industrial land uses and would not significantly degrade the existing visual quality of the site or the surrounding area. Additionally, the project will comply with City standards, including, but not limited to, the City's Design Goals and Standards, which would ensure that the exterior facades of the proposed structures, streetscape improvements, landscaping improvements, and exterior lighting improvements are compatible with the surrounding land uses. Landscape improvements would also surround the project site, to help visually shield the activities within the project site from the nearby land uses. Additionally, the proposed project is consistent with the existing zoning. This is a **less than significant** impact.

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

The proposed project would include exterior lighting around the fueling stations, security building and parking areas. The City of Tracy Standard Plan #140 establishes street light standards, and requirements for light illumination. Additionally, the Northeast Industrial Specific Plan contains design guidelines and development standards to guide site planning and architecture within the Specific Plan area. The Northeast Industrial Specific Plan design guidelines contain provisions for street lighting. The City addresses light and glare issues on a

case-by-case basis during project approval and typically adds requirements as a condition of project approval to shield and protect against light spillover from one property to the next. The implementation of City standards and requirements would reduce any impacts related to light and glare to a **less than significant** level.

Project Requirement(s)

Project Requirement 1*: A lighting plan shall be prepared in accordance with the City of Tracy Standard Plan #140 that establishes street light standards, and requirements for light illumination, and the Tracy Northeast Industrial Specific Plan design guidelines. The lighting plan shall include the following:*

- *Design of site lighting and exterior light fixtures to reduce the effects of light pollution and glare off of glass and metal surfaces;*
- *Lighting shall be directed downward and light fixtures shall be shielded to reduce upward and spillover lighting.*

II. AGRICULTURE AND FOREST RESOURCES: WOULD THE PROJECT:

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

RESPONSES TO CHECKLIST QUESTIONS

Response a): No Impact. The project site is underlain by Capay clay, zero to one percent slopes, and Stomar clay loam, zero to two percent slopes. Both soils are considered Prime Farmland soils, if irrigated. However, the project site is not irrigated.

The project site is currently vacant and undeveloped. The site was previously used for agricultural uses but is no longer irrigated or harvested. The proposed project is identified for urban land uses in the Tracy General Plan, and the project is consistent with the uses established by the General Plan. Development of the site for urban uses and the corresponding conversion of agricultural land associated with buildout of the Tracy General Plan, including the project site, was taken into consideration in the City of Tracy General Plan and General Plan EIR. On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for the direct impacts to farmland resulting from adoption of the General Plan and EIR. As such, implementation of the proposed project would have **no impact** related to this environmental topic.

Response b): No Impact. The project site is not under a Williamson Act Contract, nor are any of the parcels immediately adjacent to the project site under a Williamson Act Contract, or designated for agricultural uses. Therefore, implementation of the proposed project would not conflict with a Williamson Act Contract, and would not conflict with any agricultural zoning. As such, there is **no impact**.

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

Response e): No Impact. As described under Responses (a) and (b) above, the proposed project site is not currently designated or zoned for agricultural uses. The project site is also not currently used for agricultural purposes and does not contain forest resources. There is **no impact** related to this environmental topic.

III. AIR QUALITY -- WOULD THE PROJECT:

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

EXISTING SETTING

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b): Less than Significant. Air quality emissions would be generated during construction of the proposed project and during operation of the proposed project. Operational emissions would come primarily from vehicle emissions from vehicle trips generated by the proposed project.

Construction-Related Emissions

Construction would result in numerous activities that would generate dust. The fine, silty soils in the project area and often strong afternoon winds exacerbate the potential for dust, particularly in the summer months. Grading, leveling, earthmoving and excavation are the activities that generate the most particulate emissions. Impacts would be localized and variable. The initial phase of project construction would involve grading and leveling the project site and installation of supporting underground infrastructure, such as water, sewer, storm drain, and electrical lines.

A quantification of project construction emissions of ROG, NO_X, PM_{10}, and $PM_{2.5}$ has been performed using the California Emissions Estimator Model (CalEEMod™) (v. 2020.4.0). Below is a list of model assumptions used in the construction screens of CalEEMod. Table 1 presents the estimated construction phase schedule, which shows the duration of each construction phase. Table 2 shows the off-road construction equipment used during construction for each phase.

Table 1: Construction Phase

PHASE #	PHASE NAME	START DATE	END DATE	# DAYS WEEK	# DAYS
1	Site Preparation	7/1/2022	7/14/2022	5	10
2	Grading	7/15/2022	8/11/2022	5	20
3	Paving	8/12/2022	9/22/2022	5	30
4	Utilities Installation	9/23/2022	1/26/2023	5	90

SOURCE: CALEEMOD, V.2020.4.0.

Table 2: Off-Road Equipment

EQUIPMENT TYPE	UNIT AMOUNT	HOURS/DAY	HORSEPOWER	LOAD FACTOR
Site Preparation				
Rubber Tired Dozers	3	8.00	247	0.40
Tractors/Loaders/Backhoes	4	8.00	97	0.37
Grading				
Excavators	2	8.00	158	0.38
Graders	1	8.00	187	0.41
Rubber Tired Dozers	1	8.00	247	0.40
Scrapers	2	8.00	367	0.48
Tractors/Loaders/Backhoes	2	8.00	97	0.37
Paving				
Pavers	2	8.00	130	0.42
Paving Equipment	2	8.00	132	0.36
Rollers	2	8.00	80	0.38
Utilities Installation				
Trenchers	2	8	78	0.50

SOURCE: CALEEMOD, V.2020.4.0.

Table 3 shows the construction emissions.

Table 3: Construction Emissions in Tons Per Year

YEAR	THRESHOLDS			
	ROG	NO_x	PM_{10} TOTAL	$PM_{2.5}$ TOTAL
	≤ 10 TONS/YEAR	≤ 10 TONS/YEAR	≤ 15 TONS/YEAR	≤ 15 TONS/YEAR
2022	0.1	0.1	0.2	<0.1
Maximum per year	**0.1**	**0.1**	**0.2**	**<0.1**
Threshold exceeded in any year?	**No**	**No**	**No**	**No**

NOTES: THE AIR DISTRICT IS ATTAINMENT FOR CO, AND SO_2.

SOURCE: CALEEMOD, V.2020.4.0.

The SJVAPCD has established construction-related emissions thresholds of significance as follows: 10 tons per year of NO_X, 10 tons per year of ROG, or 15 tons per year of PM_{10} or $PM_{2.5}$. If the proposed project's emissions will exceed the SJVAPCD's threshold of significance for construction-generated emissions, the proposed project will have a significant impact on air quality and all feasible mitigation are required to be implemented to reduce emissions. As shown in Table 3 above, annual emissions will not exceed the SJVAPCD thresholds of significance in any given year. However, regardless of emission quantities, the SJVAPCD requires construction-related mitigation in accordance with their rules and regulations. Implementation of the

following project requirements would ensure that the proposed Project would reduce construction-related emissions to a **less than significant** impact.

Project Requirement(s)

Project Requirement 2*: Prior to the commencement of grading activities, the City shall require the contractor hired to complete the grading activities to prepare a construction emissions reduction plan that meets the requirements of SJVAPCD Rule VIII. The construction emissions reductions plan shall be submitted to the SJVAPCD for review and approval. The City of Tracy shall ensure that all required permits from the SJVAPCD have been issued prior to commencement of grading activities. The construction emissions reduction plan should include the following requirements and measures:*

- *Properly and routinely maintain all construction equipment, as recommended by manufacturer's manuals, to control exhaust emissions.*
- *Shut down equipment when not in use for extended periods of time, to reduce exhaust emissions associated with idling engines.*
- *Encourage ride-sharing and use of transit transportation for construction employees commuting to the project site.*
- *Use electric equipment for construction whenever possible in lieu of fossil fuel-powered equipment.*
- *Curtail construction during periods of high ambient pollutant concentrations.*
- *Construction equipment shall operate no longer than eight cumulative hours per day.*
- *All construction vehicles shall be equipped with proper emission control equipment and kept in good and proper running order to reduce NOx emissions.*
- *On-road and off-road diesel equipment shall use aqueous diesel fuel if permitted under manufacturer's guidelines.*
- *On-road and off-road diesel equipment shall use diesel particulate filters if permitted under manufacturer's guidelines.*
- *On-road and off-road diesel equipment shall use cooled exhaust gas recirculation (EGR) if permitted under manufacturer's guidelines.*
- *Use of Caterpillar pre-chamber diesel engines or equivalent shall be utilized if economic and available to reduce NOx emissions.*
- *All construction activities within the project site shall be discontinued during the first stage smog alerts.*
- *Construction and grading activities shall not be allowed during first stage ozone alerts. (First stage ozone alerts are declared when ozone levels exceed 0.20 ppm for the 1-hour average.)*

Implementation of the above requirements shall occur during all grading or site clearing activities. The SJVAPCD shall be responsible for monitoring.

Project Requirement 3*: The following requirements, in addition to those required under Regulation VIII of the SJVAPCD, shall be implemented by the project's contractor during all phases of project grading and construction to reduce fugitive dust emissions:*

- *Water previously disturbed exposed surfaces (soil) a minimum of three-times/day or whenever visible dust is capable of drifting from the site or approaches 20 percent opacity.*
- *Water all haul roads (unpaved) a minimum of three-times/day or whenever visible dust is capable of drifting from the site or approaches 20 percent opacity.*
- *All access roads and parking areas shall be covered with asphalt-concrete paving or water sprayed regularly.*
- *Dust from all on-site and off-site unpaved access roads shall be effectively stabilized by applying water or using a chemical stabilizer or suppressant.*
- *Reduce speed on unpaved roads to less than 15 miles per hour.*
- *Install and maintain a trackout control device that meets the specifications of SJVAPCD Rule 8041 if the site exceeds 150 vehicle trips per day or more than 20 vehicle trips per day by vehicles with three or more axles.*
- *Stabilize all disturbed areas, including storage piles, which are not being actively utilized for construction purposes using water, chemical stabilizers or by covering with a tarp, other suitable cover or vegetative ground cover.*
- *Control fugitive dust emissions during land clearing, grubbing, scraping, excavation, leveling, grading or cut and fill operations with application of water or by presoaking.*
- *When transporting materials offsite, maintain a freeboard limit of at least six inches and over or effectively wet to limit visible dust emissions.*
- *Limit and remove the accumulation of mud and/or dirt from adjacent public roadways at the end of each workday. (Use of dry rotary brushes is prohibited except when preceded or accompanied by sufficient wetting to limit visible dust emissions and the use of blowers is expressly forbidden.)*
- *Remove visible track-out from the site at the end of each workday.*
- *Cease grading activities during periods of high winds (greater than 20 mph over a one-hour period).*
- *Asphalt-concrete paving shall comply with SJVAPCD Rule 4641 and restrict use of cutback, slow-sure, and emulsified asphalt paving materials.*

Implementation of the above requirements shall occur during all grading or site clearing activities. The SJVAPCD shall be responsible for monitoring.

Operational Emissions

CalEEMod™ (v.2020.4.0) was used to estimate emissions for buildout of the proposed project. Table 4 shows the emissions, which include mobile, area source, and energy emissions of criteria pollutants that would result from operations of the proposed project.

Table 4: Operational Buildout Generated Emissions in Tons Per Year

POLLUTANT	ROG	NO_x	PM_{10}	$PM_{2.5}$
THRESHOLD CATEGORY	≤ 10 TONS/YEAR	≤ 10 TONS/YEAR	≤ 15 TONS/YEAR	≤ 15 TONS/YEAR
Area	<0.1	0	0	0
Energy	<0.1	<0.1	<0.1	<0.1
Mobile	0.3	0.3	0.2	0.1
Total	**0.3**	**0.3**	**0.2**	**0.1**
Threshold Exceeded?	**No**	**No**	**No**	**No**

SOURCE: CALEEMOD, V.2020.4.0.

The SJVAPCD has established thresholds of significance to which proposed project emissions are compared to determine the level of significance. The SJVAPCD has established operations- related emissions thresholds of significance as follows: 10 tons per year of NO_x, 10 tons per year of ROG, 15 tons per year of PM_{10}, and 15 tons per year of $PM_{2.5}$. If the proposed project's emissions will exceed the SJVAPCD's threshold of significance for operational-generated emissions, the proposed project will have a significant impact on air quality and all feasible mitigation are required to be implemented to reduce emissions to the extent feasible. As shown in Table 4, annual emissions of ROG, PM_{10}, and $PM_{2.5}$ would not exceed the SJVAPCD thresholds of significance. However, NO_X emissions would exceed the threshold.

It should be noted that the CalEEMod model assumes vehicles are fueled primarily by gasoline, because of model limitations. However, CNG is a cleaner fuel than gasoline. Compared to gasoline, using CNG reduces carbon monoxide emissions by as much as 90 to 97% and decreases nitrogen oxide emissions by 35 to 60%. Therefore, the emissions results provided in Table 4 are conservative in comparison to the actual anticipated project emissions. CNG vehicles also produce fewer carcinogenic pollutants.

Development of the site for urban uses and the subsequent increase in ROG, NO_X, PM_{10}, and $PM_{2.5}$ emissions was taken into consideration in the City of Tracy General Plan and General Plan EIR. On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for the significant generation of long-term ROG, NO_X, and PM_{10} emissions resulting from adoption of the General Plan.

The proposed project is identified for urban land uses in the Tracy General Plan. The proposed project is consistent with the overriding considerations that were adopted for the General Plan and the established mitigation measures under that Plan. As such, implementation of the proposed project would not create new impacts over and above those identified in the General Plan EIR, nor significantly change previously identified impacts. Overall, the project would result in **less than significant** air quality impacts.

Response c): Less than Significant. Sensitive receptors are those parts of the population that can be severely impacted by air pollution. Sensitive receptors include children, the elderly, and the infirm. The nearest sensitive receptor to the project site is the residence located just north of the project site. As described above, the proposed project would not generate significant emissions of criteria air pollutants and would not result in substantial pollutant concentrations.

The proposed project would be subject to the SJVAPCD requirements for construction and operational emissions outlined in requirements 2 through 4. Therefore, this is considered a **less than significant** impact.

Response d): Less than Significant. Operation of the proposed project would not generate notable odors or other emissions. The refueling station uses included in the proposed project are compatible with the surrounding land uses. People in the immediate vicinity of construction activities may be subject to temporary odors typically associated with construction activities (diesel exhaust, hot asphalt, etc.). However, any odors generated by construction activities would be minor and would be short and temporary in duration.

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

It should be noted that CNG is odorless. However, a chemical odor is added to CNG for safety purposes before CNG is put into the distribution network. Nevertheless, notable amounts of CNG would not be released into the air, and if some is released, the CNG naturally rises and would disperse into the atmosphere. Therefore, this is a **less than significant** impact.

IV. BIOLOGICAL RESOURCES -- WOULD THE PROJECT:

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

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant. Special-status invertebrates that occur within the San Joaquin County region include: longhorn fairy shrimp, vernal pool fairy shrimp, and midvalley fairy shrimp, which requires vernal pools and swale areas within grasslands; and the valley elderberry longhorn beetle, which is an insect that is only associated with blue elderberry plants, oftentimes in riparian areas and sometimes on land in the vicinity of riparian areas. The biological site conditions and the potential for the presence of special-status species were assessed by De Novo Planning Group's staff biologist on May 11, 2022.

The project site does not contain essential habitat for these special status invertebrates. Implementation of the proposed project would have a **less than significant** impact on these species.

Special-status reptiles and amphibians that occur within the region include: the western pond turtle, which requires aquatic environments located along ponds, marshes, rivers, and ditches; the California tiger salamander, which is found is grassland habitats where there are nearby seasonal wetlands for breeding; the silvery legless lizard, which is found in sandy or loose loamy soils under sparse vegetation with high moisture content; San Joaquin whipsnake, which requires open, dry habitats with little or no tree cover with mammal burrows for refuge; the Alameda whipsnake, which is restricted to valley-foothill hardwood habitat on south-facing slopes; the California horned lizard, which occurs in a variety of habitats including, woodland, forest, riparian, and annual grasslands, usually in open sandy areas; the foothill yellow-legged frog, which occurs in partly shaded and shallow streams with rocky soils; the California red legged frog, which occurs in stream pools and ponds with riparian or emergent marsh vegetation; and the western spadefoot toad, which requires grassland habitats associated with vernal pools. The biological site conditions and the potential for the presence of special-status species were assessed by De Novo Planning Group's staff biologist on May 11, 2022. The project site does not contain essential habitat for these special status reptiles and amphibians. Implementation of the proposed project would have a **less than significant** impact on these species.

Numerous special-status plant species are known to occur in the region. Many of these special status plant species require specialized habitats such as serpentine soils, rocky outcrops, slopes, vernal pools, marshes, swamps, riparian habitat, alkali soils, and chaparral, which are not present on the project site. The project site is located in an area that was likely valley grassland prior to human settlement, and there are several plant species that are found in valley and foothills grasslands areas. These species include large-flowered fiddleneck, bent-flowered fiddleneck, big-balsamroot, big tarplant, round-leaved filaree, Lemmon's jewelflower, and showy golden madia. Human settlement has involved a high frequency of ground disturbance associated with the historical farming activities in the region, including the project site. The biological site conditions and the potential for the presence of special-status species were assessed by De Novo Planning Group's staff biologist on May 11, 2022. The project site does not contain suitable habitat for special-status plant species. Implementation of the proposed project would have a **less than significant** impact on these species.

Special-status birds that occur within the region include: tricolored blackbird, Swainson's hawk, northern harrier, and bald eagle, which are associated with streams, rivers, lakes, wetlands, marshes, and other wet environments; loggerhead shrike, and burrowing owl, which lives in open areas, usually grasslands, with scattered trees and brush; and raptors that are present in varying habitats throughout the region. The biological site conditions and the potential for the presence of special-status species and raptors were assessed by De Novo Planning Group's staff biologist on May 11, 2022.

Swainson's Hawk. The Swainson's hawk is threatened in California and is protected by the California Department of Fish and Wildlife (CDFW) and the Migratory Bird Treaty Act (MBTA). Additionally, Swainson's hawk foraging habitat is protected by the CDFG. Swainson's hawks forage in open grasslands and agricultural fields and commonly nest in solitary trees and riparian areas in close proximity to foraging habitat. The foraging range for Swainson's hawk is ten miles

from its nesting location. There are numerous documented occurrences of Swainson's hawk within ten miles of the project site. None of the occurrences are within the project site boundary; the nearest occurrence is approximately 0.4 miles to the northeast of the site. Although no nesting habitat for this species occur onsite, Swainson's hawks are present within the vicinity of the project site. The site and the scattered open non-native grassland habitat to the north, west, and south may provide medium quality foraging opportunities for local Swainson's hawks. Incidental take minimization measures are not required for this species due to the fact that there is no suitable nesting habitat on the project site. As such, impacts to Swainson's hawk are **less than significant** and no mitigation is required.

Burrowing Owls. Burrowing owls are a California Species of Special Concern and are protected by the CDFG and the MBTA. Burrowing owls forage in open grasslands and shrublands and typically nest in old ground squirrel burrows. The project site contains suitable, but not high-quality habitat for burrowing owls. Impacts to burrowing owls are considered unlikely, due to the presence of urban development surrounding the site to the south, east, west, and north. However, the land to the north of the project site contains rural residential uses and some agricultural land, which offers moderate foraging and roosting habitat for wintering or breeding owls. The implementation of Project Requirement 4 would ensure that burrowing owls are not impacted during construction activities. The implementation of Project Requirement 4 would ensure a **less than significant** impact to burrowing owls.

Project Requirement(s)

Project Requirement 4: *Prior to the commencement of grading activities or other ground disturbing activities on the project site, the project applicant shall arrange for a qualified biologist to conduct a preconstruction survey for western burrowing owls. If no owls or owl nests are detected, then construction activities may commence. If burrowing owls or occupied nests are discovered, then the following shall be implemented:*

- *During the breeding season (February 1 through September 1) occupied burrows shall not be disturbed and shall be provided with a 75 meter protective buffer until and unless the SJCOG Technical Advisory Committee (TAC), with the concurrence of the Permitting Agencies' representatives on the TAC; or unless a qualified biologist approved by the Permitting Agencies verifies through non-invasive means that either: 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Once the fledglings are capable of independent survival, the burrow can be destroyed. They should only be destroyed by a qualified biologist using passive one-way eviction doors to ensure that owls are not harmed during burrow destruction. Methods for removal of burrows are described in the California Department of Fish and Game's Staff Report on Burrowing Owls (October, 1995)*

- *During the non-breeding season (September 1 through January 31) burrowing owls occupying the project site should be evicted from the project site by passive relocation as described in the California Department of Fish and Game's Staff Report on Burrowing Owls (Oct., 1995)*

Implementation of this requirement shall occur prior to grading or site clearing activities. SJCOG shall be responsible for monitoring and a qualified biologist shall conduct surveys and relocate owls as required.

Responses b): No Impact. Riparian natural communities support woody vegetation found along rivers, creeks and streams. Riparian habitat can range from a dense thicket of shrubs to a closed canopy of large mature trees covered by vines. Riparian systems are considered one of the most important natural resources. While small in total area when compared to the state's size, they provide a special value for wildlife habitat.

Over 135 California bird species either completely depend upon riparian habitats or use them preferentially at some stage of their life history. Riparian habitat provides food, nesting habitat, cover, and migration corridors. Another 90 species of mammals, reptiles, invertebrates and amphibians depend on riparian habitat. Riparian habitat also provides riverbank protection, erosion control and improved water quality, as well as numerous recreational and aesthetic values.

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

Response c): Less than Significant. A wetland is an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

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

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

- Farmed Wetlands: This category of wetlands includes areas that are currently in agricultural uses. This type of area occurs in the northern portion of the Tracy Planning Area.

- Lakes, Ponds and Open Water: This category of wetlands includes both natural and human-made water bodies such as that associated with working landscapes, municipal water facilities and canals, creeks and rivers.

- Seasonal Wetlands: This category of wetlands includes areas that typically fill with water during the wet winter months and then drain enough to become ideal plant habitats

throughout the spring and summer. There are numerous seasonal wetlands throughout the Tracy Planning Area.

- Tidal Salt Ponds and Brackish Marsh: This category of wetlands includes areas affected by irregular tidal flooding with generally poor drainage and standing water. There are minimal occurrences along some of the larger river channels in the northern portion of the Tracy Planning Area.

There are no wetlands located on the project site. Therefore, this is a **less than significant** impact and no mitigation is required.

Response d): Less than Significant. The CNDDB record search did not reveal any documented wildlife corridors or wildlife nursery sites on or adjacent to the project site. Implementation of the proposed project would have a **less than significant** impact.

Responses e), f): Less than Significant. The project site is located within the jurisdiction of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan ("Plan" or "SJMSCP") and is located within the Central/Southwest Transition Zone of the SJMSCP. The San Joaquin Council of Governments (SJCOG) prepared the Plan pursuant to a Memorandum of Understanding adopted by SJCOG, San Joaquin County, the United States Fish and Wildlife Service (USFWS), the CDFW, Caltrans, and the cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy in October 1994. On February 27, 2001, the Plan was unanimously adopted in its entirety by SJCOG. The City of Tracy adopted the Plan on November 6, 2001.

According to Chapter 1 of the SJMSCP, its key purpose is to "provide a strategy for balancing the need to conserve open space and the need to convert open space to non-open space uses, while protecting the region's agricultural economy; preserving landowner property rights; providing for the long-term management of plant, fish and wildlife species, especially those that are currently listed, or may be listed in the future, under the Federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA); providing and maintaining multiple use Open Spaces which contribute to the quality of life of the residents of San Joaquin County; and, accommodating a growing population while minimizing costs to project proponents and society at large."

In addition to providing compensation for conversion of open space to non-open space uses, which affect plant and animal species covered by the SJMSCP, the SJMSCP also provides some compensation to offset impacts of open space conversions on non-wildlife related resources such as recreation, agriculture, scenic values and other beneficial open space uses. Specifically, the SJMSCP compensates for conversions of open space to urban development and the expansion of existing urban boundaries, among other activities, for public and private activities throughout the County and within Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy.

Participation in the SJMSCP is voluntary for both local jurisdictions and project applicants. Only agencies adopting the SJMSCP would be covered by the SJMSCP. Individual project applicants have two options if their project is located in a jurisdiction participating in the SJMSCP: mitigating under the SJMSCP or negotiating directly with the state and/or federal permitting agencies. If a

project applicant opts for SJMSCP coverage in a jurisdiction that is participating under the SJMSCP, the following options are available, unless their activities are otherwise exempted: pay the appropriate fee; dedicate, as conservation easements or fee title, habitat lands; purchase approved mitigation bank credits; or, propose an alternative mitigation plan.

Responsibilities of permittees covered by the SJMSCP include collection of fees, maintenance of implementing ordinances/resolutions, conditioning permits (if applicable), and coordinating with the Joint Powers Authority (JPA) for Annual Report accounting. Funds collected for the SJMSCP are to be used for the following: acquiring Preserve lands, enhancing Preserve lands, monitoring and management of Preserve lands in perpetuity, and the administration of the SJMSCP. Because the primary goal of SJMSCP is to preserve productive agricultural use that is compatible with SJMSCP's biological goals, most of the SJMSCP's Preserve lands would be acquired through the purchase of easements in which landowners retain ownership of the land and continue to farm the land. These functions are managed by SJCOG.

The proposed project is classified as Urban Habitat under the SJMSCP. The proposed project was analyzed for consistency with the SJMSCP by De Novo Planning Group, and it was determined that the proposed project would not conflict with the SJMSCP. The City of Tracy and the project applicant shall consult with SJCOG to utilize coverage of the project pursuant to the SJMSCP prior to development of the site. Therefore, this is a **less than significant** impact.

Project Requirement(s)

Project Requirement 5: *Prior to development of the site, including the commencement of grading activities, the City of Tracy and the project applicant shall consult with SJCOG to utilize coverage of the project pursuant to the SJMSCP*.

V. CULTURAL RESOURCES -- WOULD THE PROJECT:

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

RESPONSES TO CHECKLIST QUESTIONS

Response a), b), c): Less than Significant. The City of Tracy General Plan and subsequent EIR do not identify the project site as having prehistoric period, or cultural resources. Additionally, there are no known unique cultural, historical, paleontological or archeological resources known to occur on, or within the immediate vicinity of the project site.

Because the site has been previously disturbed by the agricultural operations, it is not anticipated that site grading and preparation activities would result in impacts to cultural, historical, archaeological or paleontological resources. There are no known human remains located on the project site, nor is there evidence to suggest that human remains may be present on the project site. However, as with most projects in California that involve ground-disturbing activities, there is the potential for discovery of a previously unknown cultural and historical resource or human remains.

The implementation of Project Requirement 6 would require appropriate steps to preserve and/or document any previously undiscovered resources that may be encountered during construction activities, including human remains. Implementation of this requirement would reduce this impact to a **less than significant** level.

Project Requirement(s)

Project Requirement 6: *If any prehistoric or historic artifacts, human remains or other indications of archaeological resources are found during grading and construction activities, an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be consulted to evaluate the finds and recommend appropriate mitigation measures.*

- *If cultural resources or Native American resources are identified, every effort shall be made to avoid significant cultural resources, with preservation an important goal. If significant sites cannot feasibly be avoided, appropriate mitigation measures, such as data recovery excavations or photographic documentation of buildings, shall be undertaken consistent with applicable state and federal regulations.*

- *If human remains are discovered, all work shall be halted immediately within 50 meters (165 feet) of the discovery, the County Coroner must be notified, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.*
- *If any fossils are encountered, there shall be no further disturbance of the area surrounding this find until the materials have been evaluated by a qualified paleontologist, and appropriate treatment measures have been identified.*

VI. ENERGY

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

RESPONSES TO CHECKLIST QUESTIONS

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

The amount of energy used at the project site would directly correlate to the energy consumption (including fuel) used by vehicle trips generated during project construction, fuel used by off-road construction vehicles during construction, fuel used by vehicles during project operation, and electricity and other energy usage during project operation. The proposed project operational vehicles generated would utilize CNG, which is an alternative fuel that typically uses lower emissions that typical gasoline or diesel-powered vehicle types. The CalEEMod modeling results for the proposed project estimate annual operational electricity usage at approximately 78,415kWh/year. Natural gas usage would depend on the number and size of CNG vehicles that would use the proposed project for refueling throughout the year. Assuming 864 vehicle trips per day (per the Traffic Review Memorandum), and assuming a mileage factor of approximately 10 miles per gallon (MPG) per gasoline-gallon equivalent (GGE),[1] the proposed project would be anticipated to utilize approximately 6,207,600 kbtu/year of CNG for vehicle refueling. It should be noted that CNG is a cleaner fuel than gasoline. Compared to gasoline, using CNG reduces carbon monoxide emissions by as much as 90 to 97% and decreases nitrogen oxide emissions by 35 to 60%. Although CNG can still emit greenhouse gases, the emissions are 20-30% lower than those

[1] One GGE = 1.25 therms of natural gas (approximately). See: https://www.virginianaturalgas.com/business/natural-gas-vehicles/cng-vs-traditional-fueling.html

from gasoline engines. Also, CNG can potentially lower non-methane hydrocarbon emissions by as much as 50 to 70%. CNG vehicles also produce fewer carcinogenic pollutants.

Conclusion

The proposed project would be in compliance with all applicable federal, state, and local regulations regulating energy usage. For example statewide measures, including those intended to improve the energy efficiency of the statewide passenger and heavy-duty truck vehicle fleet (e.g. the Pavley Bill and the Low Carbon Fuel Standard) are improving vehicle fuel economies, thereby conserving gasoline and diesel fuel. These energy savings would continue to accrue over time.

As a result, the proposed project would not result in any significant adverse impacts related to project energy requirements, energy use inefficiencies, and/or the energy intensiveness of materials by amount and fuel type for each stage of the project including construction, operations, maintenance, and/or removal. PG&E, the electricity and natural gas provider to the site, maintains sufficient capacity to serve the proposed project. In addition, PG&E is on its way to achieving the statewide requirement of 50% of total energy mix generated by eligible renewables by hear 2030. As of 2018, PG&E generated approximately 38% of its energy from eligible renewables (PG&E, 2019). The proposed project would comply with all existing energy standards, including the statewide Title 24 Energy Efficiency Standards, and would not result in significant adverse impacts on energy resources. Therefore, the proposed project would not result in potentially significant environmental impacts due to inefficient, wasteful, or unnecessary use of energy resources during construction and operation, nor conflict with or construct with a State or local plan for renewable energy or energy efficiency. This is a ***less than significant*** impact.

VII. GEOLOGY AND SOILS -- WOULD THE PROJECT:

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

RESPONSES TO CHECKLIST QUESTIONS

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

Fault, located approximately 17 miles to the west of the site. Figure 5 shows nearby faults in relation to the project site.

Portions of the Great Valley fault are considered seismically active thrust faults; however, since the Great Valley fault segments are not known to extend to the ground surface, the State of California has not defined Earthquake Fault Hazard Zones around the postulated traces. The Great Valley fault is considered capable of causing significant ground shaking at the site, but the recurrence interval is believed longer than for more distant, strike-slip faults. Further seismic activity can be expected to continue along the western margin of the Central Valley, and as with all projects in the area, the project will be designed to accommodate strong earthquake ground shaking, in compliance with the applicable California building code standards.

Other active faults capable of producing significant ground shaking at the site include the Calaveras, 26 miles southwest; the Hayward fault, 28 miles west; the Ortigalita fault, 31 miles southwest; and the San Andreas Fault, 49 miles southwest of the site. Any one of these faults could generate an earthquake capable of causing strong ground shaking at the subject site. Earthquakes of Moment Magnitude (Mw) 7 and larger have historically occurred in the region and numerous small magnitude earthquakes occur every year.

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

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

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

Building new structures for human use would increase the number of people exposed to local and regional seismic hazards. Seismic hazards are a significant risk for most property in California.

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

SA-1.1, Policy P1: Underground utilities, particularly water and natural gas mains, shall be designed to withstand seismic forces.

SA-1.1, Policy P2: Geotechnical reports shall be required for development in areas where potentially serious geologic risks exist. These reports should address the degree of hazard, design parameters for the project based on the hazard, and appropriate mitigation measures.

SA-1.2, Policy P1: All construction in Tracy shall conform to the California Building Code and the Tracy Municipal Code including provisions addressing unreinforced masonry buildings.

The City reviews all proposed development projects for consistency with the General Plan policies and California Building Code provisions identified above. This review occurs throughout the project application review and processing stage, and throughout plan check and building inspection phases prior to the issuance of a certificate of occupancy.

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

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

As identified in the Tracy General Plan EIR, the majority of the Tracy Planning Area is at low risk for liquefaction, with the exception for the river banks within the Planning Area. Objective SA-1.1 states that geologic hazards should be minimized. The Safety Element contains a policy requiring that geotechnical engineering studies be undertaken for any development in areas where potentially serious geologic risks exist (Objective SA- 1.1, P1), which would include liquefaction. The General Plan EIR concluded that the implementation of this policy would reduce the potential risk of liquefaction to a **less-than-significant** level.

Prior to development of the project site, a subsurface geotechnical investigation must be performed to identify onsite soil conditions and identify any site-specific engineering measures to be implemented during the construction of building foundations and subsurface utilities. Adherence to the engineering requirements contained in the subsurface geotechnical report would ensure that this impact is **less than significant.**

Project Requirement(s)

Project Requirement 7: *Prior to development of the project site, a subsurface geotechnical investigation must be performed to identify onsite soil conditions and identify any site-specific engineering measures to be implemented during the construction of building foundations and subsurface utilities.*

Responses a.iv): Less than Significant. The project site is relatively flat and there are no major slopes in the vicinity of the project site. As such, the project site is exposed to little or no risk associated with landslides. This is a **less than significant** impact.

Response b): Less than Significant. During the construction preparation process, exposed surfaces could be susceptible to erosion from wind and water. Effects from erosion include impacts on water quality and air quality. Exposed soils that are not properly contained or capped increase the potential for increased airborne dust and increased discharge of sediment and other pollutants into nearby stormwater drainage facilities. Risks associated with erosive surface soils can be reduced by using appropriate controls during construction and properly re-vegetating exposed areas. Project Requirements 2 through 3 (Air Quality), require the implementation of various dust control measures during site preparation and construction activities that would reduce the potential for soil erosion and the loss of topsoil. Additionally, Project Requirement 9 (Hydrology and Water Quality) would require the implementation of various best management practices (BMPs) and a SWPPP that would reduce the potential for disturbed soils and ground surfaces to result in erosion and sediment discharge into adjacent surface waters during construction activities. The implementation of these requirements would ensure impacts are **less than significant**.

Responses c), d): Less than Significant. The potential for the project to be exposed to unstable soil conditions resulting from on-or off-site landslide, and liquefaction are discussed above under Responses a.iii, and a.iv., and were found to be **less than significant** impacts.

Lateral Spreading: The geologic conditions conducive to lateral spreading include gentle surface slope (0.3-5% slope), and liquefiable soils. As identified in the Tracy General Plan EIR, the majority of the Tracy Planning Area is at low risk for liquefaction, with the exception for the river banks within the Planning Area. Soils that underlay the project site consist of predominantly clay soil particle sizes, which are generally not subject to liquefaction.

The potential for ground surface damage at the site resulting in lateral spreading is low due to lack of saturated liquefiable soils. Therefore, impacts related to lateral spreading from project implementation would be **less than significant**.

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

Soil expansion is dependent on many factors. The more clayey, critically expansive surface soil and fill materials will be subjected to volume changes during seasonal fluctuations in moisture content. As indicated in the Tracy General Plan EIR, Tracy does have a moderate to high risk for expansive soils, depending on the location and soil type. The Safety Element contains objectives to minimize geologic hazards, and a policy to require geotechnical reports for all development proposed in areas with risk of geological hazard (Objective SA-1.1, P2). Therefore, it was concluded that implementation of the General Plan policy would reduce the potential impact related to the risk of soil expansion to a less-than-significant level. Figure 6 shows the shrink-swell potential of soils on the project site. As shown in Figure 6, soils that underlay the project site are considered to have a moderate to very high potential for expansion. It is noted that the majority of the soils that underlay the project are considered to have a moderate potential for expansion.

To reduce the potential for post-construction distress to the proposed structures resulting from swelling and shrinkage of these materials, a geotechnical evaluation is required by Project Requirement 7 in order to reduce the potential for damaging differential settlement of overlying improvements. Additionally, the California Building Code Title 24, Part 2, Chapter 18, Section 1803.1.1.2 requires specific geotechnical evaluation when a preliminary geotechnical evaluation determines that expansive or other special soil conditions are present, which, if not corrected, would lead to structural defects. As such, this is a **less than significant** impact.

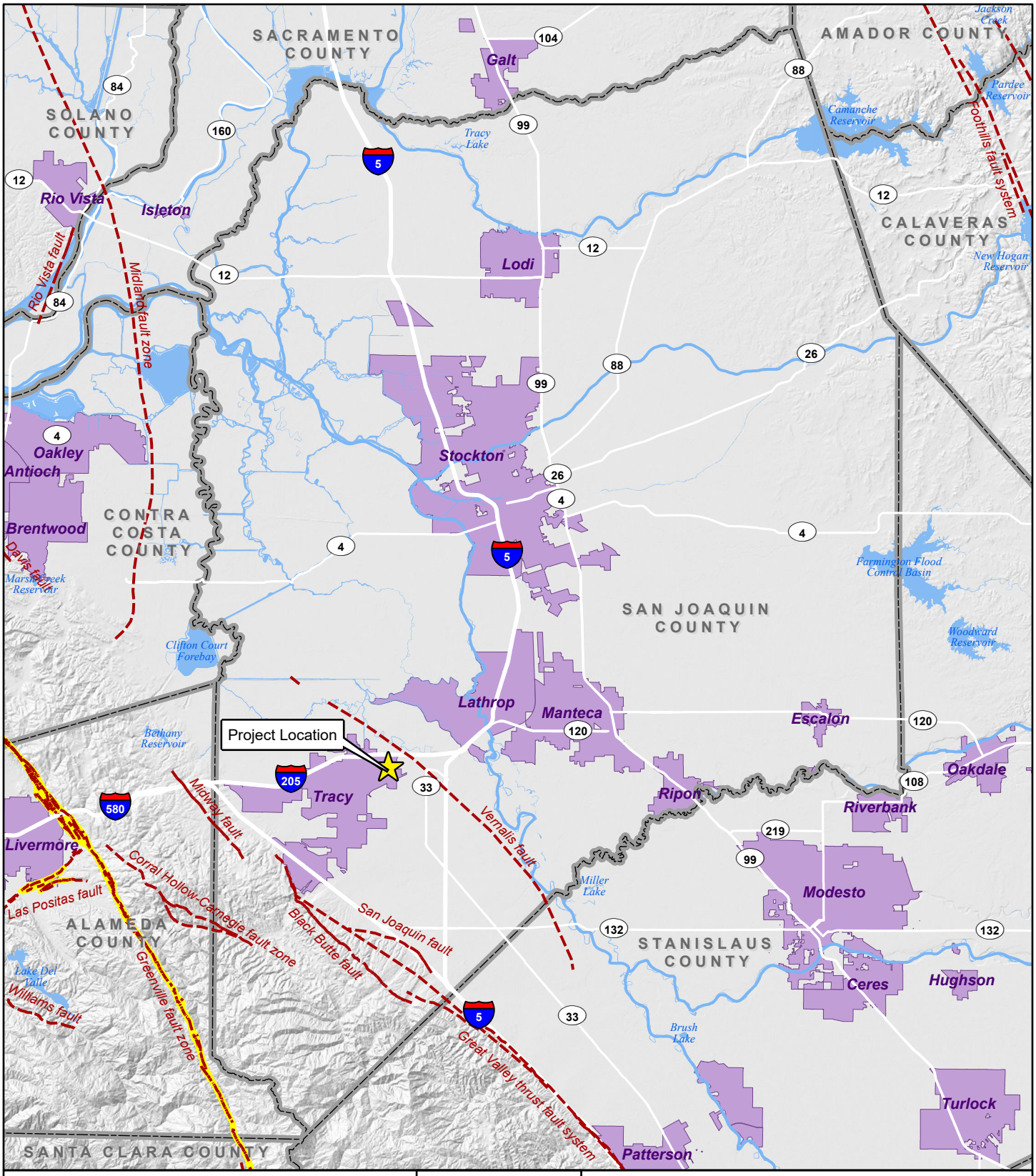
Response e): No Impact. The project site would be served by public wastewater facilities and does not require an alternative wastewater system such as septic tanks. Implementation of the proposed project would have **no impact** on this environmental issue.

Response f): Known paleontological resources or sites are not located on the project site. Additionally, unique geologic features are not located on the site. The site is currently undeveloped and surrounded by existing or future urban development. Additionally, as discussed in Section V, Cultural Resources, in the event that plant or animal fossils are discovered during subsurface excavation activities, Project Requirement 6 would require appropriate steps to preserve and/or document any previously undiscovered resources that may be encountered during construction activities, including paleontological resources. With implementation of Project Requirement 7, impacts to paleontological resources or unique geologic features are not expected. This is a ***less than significant*** impact.

Project Requirement(s)

Implement Project Requirement 6.

ATTACHMENT A



LEGEND

- Incorporated Area
- County Boundary
- Quaternary Fault
- Alquist Priolo Fault Zone

N

0 2½ 5

Miles

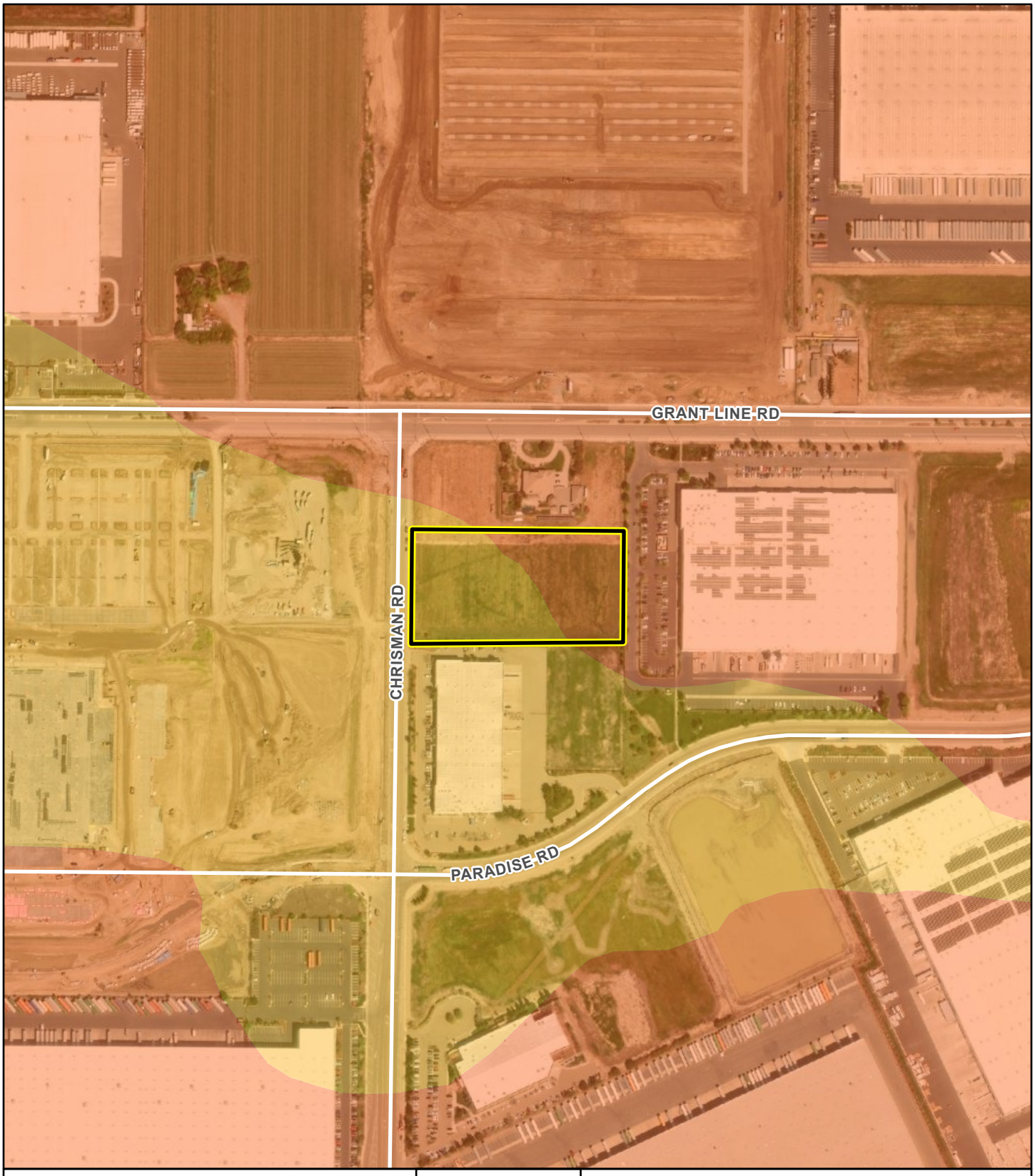
Sources: USGS. California State GeoPortal; San Joaquin County GIS. Map date: March 29, 2022.

Tracy RNG Truck Fueling and Northeast Industrial SP Amendment

Figure 5. Earthquakes Fault Map

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LEGEND

- Project Site
- Moderate
- Very High

N

0 100 200

Feet

Sources: NRCS Web Soil Survey. San Joaquin County GIS.
Map date: March 29, 2022.

Tracy RNG Truck Fueling and Northeast Industrial SP Amendment

Figure 6. Shrink-Swell Soil Potential Map

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A Land Use Planning, Design, and Environmental Firm

Path: C:\GIS_00\SanJoaquin\Tracy\RNG\Tracy\RNG.aprx

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XIII. GREENHOUSE GAS EMISSIONS – WOULD THE PROJECT:

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

BACKGROUND DISCUSSION

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

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

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

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Consumption of fossil fuels in the transportation sector was the single largest source of California's GHG emissions in 2018, accounting for 41% of total GHG emissions in the state. This category was followed by the industrial sector (24%), the electricity generation sector (including both in-state and out of-state sources) (15%) and the agriculture and forestry sector (8%) (California Energy Commission, 2021).

As the name implies, global climate change is a global problem. GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern, respectively. California produced approximately 425 million gross metric tons of carbon dioxide equivalents ($MMTCO_2e$) in 2018 (California Energy Commission, 2021). Given that the

U.S. EPA estimates that worldwide emissions from human activities totaled nearly 46 billion gross metric tons of carbon dioxide equivalents ($BMTCO_2e$) in 2010, California's incremental contribution to global GHGs is approximately 2% (U.S. EPA, 2014).

Carbon dioxide equivalents are a measurement used to account for the fact that different GHGs have different potential to retain infrared radiation in the atmosphere and contribute to the greenhouse effect. This potential, known as the global warming potential of a GHG, is also dependent on the lifetime, or persistence, of the gas molecule in the atmosphere. Expressing GHG emissions in carbon dioxide equivalents takes the contribution of all GHG emissions to the greenhouse effect and converts them to a single unit equivalent to the effect that would occur if only CO_2 were being emitted.

EFFECTS OF GLOBAL CLIMATE CHANGE

The effects of increasing global temperature are far-reaching and extremely difficult to quantify. The scientific community continues to study the effects of global climate change. In general, increases in the ambient global temperature as a result of increased GHGs are anticipated to result in rising sea levels, which could threaten coastal areas through accelerated coastal erosion, threats to levees and inland water systems and disruption to coastal wetlands and habitat.

If the temperature of the ocean warms, it is anticipated that the winter snow season would be shortened. Snowpack in the Sierra Nevada provides both water supply (runoff) and storage (within the snowpack before melting), which is a major source of supply for the state. The snowpack portion of the supply could potentially decline by 70% to 90% by the end of the 21st century (Cal EPA 2006)[2]. This phenomenon could lead to significant challenges securing an adequate water supply for a growing state population. Further, the increased ocean temperature could result in increased moisture flux into the state; however, since this would likely increasingly come in the form of rain rather than snow in the high elevations, increased precipitation could lead to increased potential and severity of flood events, placing more pressure on California's levee/flood control system.

Sea level has risen approximately seven inches during the last century and it is predicted to rise an additional 22 to 35 inches by 2100, depending on the future GHG emissions levels (Cal EPA 2006). If this occurs, resultant effects could include increased coastal flooding, saltwater intrusion and disruption of wetlands (Cal EPA 2006). As the existing climate throughout California changes over time, mass migration of species, or failure of species to migrate in time to adapt to the perturbations in climate, could also result. Under the emissions scenarios of the Climate Scenarios report (California Environmental Protection Agency, 2010), the impacts of global warming in California are anticipated to include, but are not limited to, the following.

[2] California Environmental Protection Agency, Climate Action Team. 2006. Climate Action Team Report to Governor Schwarzenegger and the Legislature. Available: <http://www.climatechange.ca.gov/climate_action_team/reports/>.

Public Health

Higher temperatures are expected to increase the frequency, duration, and intensity of conditions conducive to air pollution formation. For example, days with weather conducive to ozone formation are projected to increase from 25% to 35% under the lower warming range and to 75% to 85% under the medium warming range. In addition, if global background ozone levels increase as predicted in some scenarios, it may become impossible to meet local air quality standards. Air quality could be further compromised by increases in wildfires, which emit fine particulate matter that can travel long distances depending on wind conditions. The Climate Scenarios report indicates that large wildfires could become up to 55% more frequent if GHG emissions are not significantly reduced.

In addition, under the higher warming scenario, there could be up to 100 more days per year with temperatures above 90°F in Los Angeles and 95°F in Sacramento by 2100. This is a large increase over historical patterns and approximately twice the increase projected if temperatures remain within or below the lower warming range. Rising temperatures will increase the risk of death from dehydration, heat stroke/exhaustion, heart attack, stroke, and respiratory distress caused by extreme heat.

Water Resources

A vast network of man-made reservoirs and aqueducts capture and transport water throughout the state from Northern California rivers and the Colorado River. The current distribution system relies on Sierra Nevada snow pack to supply water during the dry spring and summer months. Rising temperatures, potentially compounded by decreases in precipitation, could severely reduce spring snow pack, increasing the risk of summer water shortages.

The state's water supplies are also at risk from rising sea levels. An influx of saltwater would degrade California's estuaries, wetlands, and groundwater aquifers. Saltwater intrusion caused by rising sea levels is a major threat to the quality and reliability of water within the southern edge of the Sacramento/San Joaquin River Delta, a major state fresh water supply. Global warming is also projected to seriously affect agricultural areas, with California farmers projected to lose as much as 25% of the water supply they need; decrease the potential for hydropower production within the state (although the effects on hydropower are uncertain); and seriously harm winter tourism. Under the lower warming range, the snow dependent winter recreational season at lower elevations could be reduced by as much as one month. If temperatures reach the higher warming range and precipitation declines, there might be many years with insufficient snow for skiing, snowboarding, and other snow dependent recreational activities.

If GHG emissions continue unabated, more precipitation will fall as rain instead of snow, and the snow that does fall will melt earlier, reducing the Sierra Nevada spring snow pack by as much as 70% to 90%. Under the lower warming scenario, snow pack losses are expected to be only half as large as those expected if temperatures were to rise to the higher warming range. How much snow pack will be lost depends in part on future precipitation patterns, the projections for which remain uncertain. However, even under the wetter climate projections, the loss of snow pack

would pose challenges to water managers, hamper hydropower generation, and nearly eliminate all skiing and other snow-related recreational activities.

Agriculture

Increased GHG emissions are expected to cause widespread changes to the agriculture industry reducing the quantity and quality of agricultural products statewide. Although higher carbon dioxide levels can stimulate plant production and increase plant water-use efficiency, California's farmers will face greater water demand for crops and a less reliable water supply as temperatures rise.

Plant growth tends to be slow at low temperatures, increasing with rising temperatures up to a threshold. However, faster growth can result in less-than-optimal development for many crops, so rising temperatures are likely to worsen the quantity and quality of yield for a number of California's agricultural products. Products likely to be most affected include wine grapes, fruits and nuts, and milk.

Crop growth and development will be affected, as will the intensity and frequency of pest and disease outbreaks. Rising temperatures will likely aggravate ozone pollution, which makes plants more susceptible to disease and pests and interferes with plant growth.

In addition, continued global warming will likely shift the ranges of existing invasive plants and weeds and alter competition patterns with native plants. Range expansion is expected in many species while range contractions are less likely in rapidly evolving species with significant populations already established. Should range contractions occur, it is likely that new or different weed species will fill the emerging gaps. Continued global warming is also likely to alter the abundance and types of many pests, lengthen pests' breeding season, and increase pathogen growth rates.

Forests and Landscapes

Global warming is expected to alter the distribution and character of natural vegetation thereby resulting in a possible increased risk of large wildfires. If temperatures rise into the medium warming range, the risk of large wildfires in California could increase by as much as 55%, which is almost twice the increase expected if temperatures stay in the lower warming range. However, since wildfire risk is determined by a combination of factors, including precipitation, winds, temperature, and landscape and vegetation conditions, future risks will not be uniform throughout the state. For example, if precipitation increases as temperatures rise, wildfires in southern California are expected to increase by approximately 30% toward the end of the century. In contrast, precipitation decreases could increase wildfires in northern California by up to 90%.

Moreover, continued global warming will alter natural ecosystems and biological diversity within the state. For example, alpine and sub-alpine ecosystems are expected to decline by as much as 60% to 80% by the end of the century as a result of increasing temperatures. The productivity of the state's forests is also expected to decrease as a result of global warming.

Rising Sea Levels

Rising sea levels, more intense coastal storms, and warmer water temperatures will increasingly threaten the state's coastal regions. Under the higher warming scenario, sea level is anticipated to rise 22 to 35 inches by 2100. Elevations of this magnitude would inundate coastal areas with saltwater, accelerate coastal erosion, threaten vital levees and inland water systems, and disrupt wetlands and natural habitats.

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant. Development of the site for urban uses and the corresponding generation of GHG emissions associated with buildout of the Tracy General Plan, including the project site, was taken into consideration in the City of Tracy General Plan and General Plan EIR. As described in Chapter 3 of the 2010 Recirculation Supplemental General Plan Draft EIR, the Tracy General Plan and Sustainability Action Plan include policies and measures to reduce GHG emissions, supporting the State's emission reduction targets and other environmental goals. In total, it is estimated that measures in the General Plan and Sustainability Action Plan would reduce 2020 business-as-usual (BAU) GHG emissions by between 382,422 and 486,115 metric tons CO2e. Although the General Plan and Sustainability Action Plan include many goals, policies, and measures that would reduce GHG emissions from projected BAU levels, the Tracy General Plan would not meet the San Joaquin Valley Air Pollution Control District's threshold of a 29 percent reduction in GHG emissions from BAU projected emissions. Therefore, the General Plan and Sustainability Action Plan would result in a significant GHG emission impact.

On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for the significant generation of GHG emissions resulting from adoption of the General Plan.

The proposed project is identified for urban land uses in the Tracy General Plan. The proposed project is consistent with the overriding considerations that were adopted for the General Plan and the established mitigation measures under that Plan. As such, implementation of the proposed project would not create new impacts over and above those identified in the General Plan EIR, nor significantly change previously identified impacts. This is a **less than significant** impact.

Response b): Less than Significant. The City of Tracy adopted the Tracy Sustainability Action Plan. The Sustainability Action Plan includes programs and measures to reduce GHGs through community and municipal operations. Programs and measures contained in the Sustainability Action Plan that relate to the proposed project include, but are not limited to:

- **Measure E-1:** Implement California Green Building Standards, as contained in Title 24, Part 11, CCR.
- **Measure T-17**: Increased use of Low Carbon Fueled Vehicles.
- **Measure T-**20: Employment-Generating and High-Density Infill Developments.
- **Measure E-2 e:** Requiring energy efficient exterior lighting.

The City of Tracy will require the project to fully implement all applicable requirements of the Sustainability Action Plan. The proposed project would be constructed in compliance with the California Green Building Standards, and would install energy efficient exterior lighting. Implementation of the requirements of the Sustainability Action Plan, and other relevant policies in the Tracy General Plan represent the application of uniformly applied measures aimed at reducing GHG emissions from new development projects. This is a **less than significant** impact.

Project Requirement(s)

Project Requirement 8: *Prior to construction, the project applicant shall demonstrate compliance* of *all applicable requirements of the Sustainability Action Plan to the City of Tracy Development Services Department for review and approval.*

IX. HAZARDS AND HAZARDOUS MATERIALS -- WOULD THE PROJECT:

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b): Less than Significant. The project is located within the Northeast Industrial (NEI) Specific Plan, which identifies 'service station' land uses as a conditionally permitted use within the NEI. The proposed project would therefore be a conditionally permitted use within the NEI. The project would be required to obtain a conditional use permit from the City of Tracy to operate.

The proposed project would place a new CNG refueling station use that is conditionally permitted for the industrial land use in an area of the City that currently contains predominantly industrial uses. The proposed refueling station land uses do not routinely transport, use, or dispose of hazardous materials, or present a reasonably foreseeable release of hazardous materials, with the exception of common residential grade hazardous materials such as household cleaners, paint, etc. The CNG that would be supplied to the project site for refueling of vehicles would be

transported the project site via underground pipes. The proposed project would comply with all Federal, state, and local requirements associated with safe transport of CNG. Therefore, the operational phase of the proposed project does not pose a significant hazard to the public or the environment.

Construction equipment and materials would likely require the use of petroleum-based products (oil, gasoline, diesel fuel), and a variety of common chemicals including paints, cleaners, and solvents. Transportation, storage, use, and disposal of hazardous materials during construction activities would be required to comply with applicable federal, state, and local statutes and regulations. Compliance would ensure that human health and the environment are not exposed to hazardous materials. In addition, Project Requirement 9 (Hydrology and Water Quality) requires the project applicant to implement a SWPPP during construction activities, which would prevent any contaminated runoff from leaving the project site. Therefore, compliance with applicable federal, state, local statutes and regulations, and the SWPPP provided in Project Requirement 9, the proposed project would have a **less than significant** impact relative to this issue.

Response c): Less than Significant. The project site is not located within 1/4-mile of an existing school. The nearest sensitive receptor to the project site is Tracy High School, located approximately, one mile southwest of the project site. Therefore, this is a **less than significant** impact

Response d): Less than Significant. According the California Department of Toxic Substances Control (DTSC) there are no Federal Superfund Sites, State Response Sites, or Voluntary Cleanup Sites on, or adjacent to the project site. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5.

The nearest site to the proposed project is located approximately 0.68 miles northeast of the project site. Information relating to this site is provided below:

Haley Flying Service (site # 39070037)

- Cleanup Status: Backlog as of 10/4/2018
- Site Type: Voluntary Agreement
- National Priorities List: No
- Acres: 10 acres
- Cleanup Oversight Agencies:
    - DTSC - Site Cleanup Program (Lead Agency)

As stated in the City's General Plan and General Plan EIR, developers are required to conduct the necessary level of environmental investigation prior to project approval to ensure that development sites would not affect the environment or the health or safety of future property owners (Objective SA-4.1, P2). The General Plan EIR concluded that this policy would reduce the potential impact to a less-than-significant level.

Additionally, there are no Federal Superfund Sites, State Response Sites, or Voluntary Cleanup Sites on, or adjacent to the project site. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5. Therefore, implementation of the proposed project would result in a **less than significant** impact relative to this environmental topic.

Responses e), f): Less than Significant. The Federal Aviation Administration (FAA) establishes distances of ground clearance for take-off and landing safety based on such items as the type of aircraft using the airport.

The Tracy Municipal Airport is the closest airport to the project site, located approximately 4.6 miles to the southwest. The Airport is a general aviation airport owned by the City and managed by the Public Works Department. Guidelines for Airport Land Use were developed by SJCOG Airport Land Use Commission in 2013. Furthermore, the City of Tracy adopted an Airport Master Plan in 1998, analyzing the impacts to safety on surrounding development from the Tracy Municipal Airport.

The probability of an aircraft accident is highest along the extended runway centerline, and within one mile of the runway end. According to SJCOG Guidelines there are seven zones in which land use restrictions apply due to proximity to the airport:

1. Zone 1 Runway Protection Zone (RPZ)
2. Zone 2 Inner Approach/Departure Zone (IADZ)
3. Zone 3 Inner Turning Zone (ITZ)
4. Zone 4 Outer Approach/Departure Zone (OADZ)
5. Zone 5 Sideline Safety Zone (SSZ)
6. Zone 7 Traffic Pattern Zone (TPZ)
7. Zone 8 Airport Influence Area (AIA)

Land use constraints in these zones become progressively less restrictive from the RPZ to the TPZ. The proposed project is not located within any of the safety zones. The proposed project is not located within one mile of the airport, nor along the extended runway centerline, or within an AIA. Additionally, there are no private airstrips within the vicinity of the project site. The proposed project consists of single story and two story structures, and does not propose any structures of substantial height that would protrude into active airspace. Therefore safety hazards related to the project's proximity to the Tracy Municipal Airport are **less than significant.**

Response g): No Impact. The General Plan includes policies that require the City to maintain emergency access routes that are free of traffic impediments (Objective SA-6.1, P1 and A2). The proposed project does not include any actions that would impair or physically interfere with an adopted emergency response plan or emergency evacuation plan. The project involves the development of a CNG refueling station within an urbanized environment and would not interfere with any emergency response or evacuation plans. Implementation of the proposed project would result in **no impact** on this environmental topic.

Response h): Less than Significant. The risk of wildfire is related to a variety of parameters, including fuel loading (vegetation), fire weather (winds, temperatures, humidity levels and fuel moisture contents) and topography (degree of slope). Steep slopes contribute to fire hazard by intensifying the effects of wind and making fire suppression difficult. Fuels such as grass are highly flammable because they have a high surface area to mass ratio and require less heat to reach the ignition point, while fuels such as trees have a lower surface area to mass ratio and require more heat to reach the ignition point.

The City has areas with an abundance of flashy fuels (i.e. grassland) in the outlying residential parcels and open lands that, when combined with warm and dry summers with temperatures often exceeding 100 degrees Fahrenheit, create a situation that results in higher risk of wildland fires. Most wildland fires are human caused, so areas with easy human access to land with the appropriate fire parameters generally result in an increased risk of fire.

The California Department of Forestry has designated the southwestern edge of the City as having a moderate wildland fire potential. This is predominately a result of the hills and grassland habitat that persists. The identified moderate wildland fire potential area in and around Tracy does not include the project site. Since the project site is not located within a designated wildfire hazard area, this is a **less than significant** impact.

X. HYDROLOGY AND WATER QUALITY -- WOULD THE PROJECT:

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a), c.i), c.ii), c.iii), e): Less than Significant. When land is in a natural or undeveloped condition, soils, mulch, vegetation, and plant roots absorb rainwater. This absorption process is called infiltration or percolation. Much of the rainwater that falls on natural or undeveloped land slowly infiltrates the soil and is stored either temporarily or permanently in underground layers of soil. When the soil becomes completely soaked or saturated with water or the rate of rainfall exceeds the infiltration capacity of the soil, the rainwater begins to flow on the surface of land to low lying areas, ditches, channels, streams, and rivers. Rainwater that flows off of a site is defined as storm water runoff. When a site is in a natural condition or is undeveloped, a larger percentage of rainwater infiltrates into the soil and a smaller percentage flows off the site as storm water runoff.

The infiltration and runoff process is altered when a site is developed with urban uses. Houses, buildings, roads, and parking lots introduce asphalt, concrete, and roofing materials to the landscape. These materials are relatively impervious, which means that they absorb less rainwater. As impervious surfaces are added to the ground conditions, the natural infiltration process is reduced. As a result, the volume and rate of storm water runoff increases. The increased volumes and rates of storm water runoff may result in flooding if adequate storm drainage facilities are not provided.

There are no rivers, streams, or water courses located on or immediately adjacent to the project site. As such, there is no potential for the project to alter a water course, which could lead to on or offsite flooding. Drainage improvements associated with the project site would be located on the project site, and the project would not alter or adversely impact offsite drainage facilities.

Development of the project site would place impervious surfaces on the 5-acre project site. Development of the project site would potentially increase local runoff production, and would introduce constituents into storm water that are typically associated with urban runoff. These constituents include heavy metals (such as lead, zinc, and copper) and petroleum hydrocarbons. BMPs will be applied to the proposed site development to limit the concentrations of these constituents in any site runoff that is discharged into downstream facilities to acceptable levels.

In order to ensure that stormwater runoff from the project site does not adversely increase pollutant levels in adjacent surface waters and stormwater conveyance infrastructure, Project Requirement 9 requires the preparation of a SWPPP. Additionally, the project is subject to the requirements of Chapter 11.34 of the Tracy Municipal Code – Stormwater Management and Discharge Control. The purpose of this Chapter is to "*Protect and promote the health, safety and general welfare of the citizens of the City by controlling non-stormwater discharges to the stormwater conveyance system, by eliminating discharges to the stormwater conveyance system from spills, dumping, or disposal of materials other than stormwater, and by reducing pollutants in urban stormwater discharges to the maximum extent practicable.*"

This chapter is intended to assist in the protection and enhancement of the water quality of watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Water Pollution Control Act (Clean Water Act, 33 USC Section 1251 et seq.), Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.) and National Pollutant Discharge Elimination System ("NPDES") Permit No. CAS000004, as such permit is amended and/or renewed.

New development projects in the City of Tracy are required to provide site-specific storm drainage solutions and improvements that are consistent with the overall storm drainage infrastructure approach presented in the 2012 City of Tracy Citywide Storm Drainage Master Plan. The project applicant is required to submit a detailed storm drainage infrastructure plan to the City of Tracy Development Services Department for review and approval. The project's storm drainage infrastructure plans must demonstrate adequate infrastructure capacity to collect and direct all stormwater generated on the project site within the on-site retention facilities to the

City's existing stormwater conveyance system and demonstrate that the project would not result in on- or off-site flooding impacts.

The project is also required to pay all applicable development impact fees, which would include funding for offsite Citywide storm drainage infrastructure improvements identified in the 2012 City of Tracy Citywide Storm Drainage Master Plan. The collection of fees and determined fair share fee amounts are adopted by the City as COAs for all new development projects prior to project approval. The payment of applicable development impact fees by the proposed project would ensure that the project pays its fair-share of capital improvement fees towards future system expansions, as identified in the 2012 Citywide Storm Drainage Master Plan.

In order to ensure that stormwater runoff from the project site does not adversely increase pollutant levels in adjacent surface waters and stormwater conveyance infrastructure, or otherwise degrade water quality, Project Requirement 9 requires the preparation of a SWPPP, and structural BMPs. The SWPPP would require the application of BMPs to effectively reduce pollutants from stormwater leaving the site, which would ensure that stormwater runoff does not adversely increase pollutant levels, and would reduce the potential for disturbed soils and ground surfaces to result in erosion and sediment discharge into adjacent surface waters during construction and operational phases of the project. The implementation of this requirement would reduce this impact to a less than significant level.

Further, a Storm Drain Review Memorandum was prepared for the proposed Project (Wood Rogers, 2022). The Storm Drain Review Memorandum identified that the Project plans call for the storm drain system that will drain the project site to be connected to the future storm drain improvements planned in the "Mass Grading and Storm Drainage Improvements on Chrisman Road and Paradise Road Plans of Tracy NEI Phase 3 for Prologis" plans. The storm drain system of the project site will connect a proposed 18-inch storm drain pipe to the future 60-inch storm drain pipe which then connects to an existing 60-inch storm drain pipe conveying flow to Detention Basin DET NEI. The planned point of connection has a ground elevation of approximately 36.5 feet (Wood Rogers, 2022).

The storm drainage system to which the proposed project would drain has ample capacity for the 10-year discharge from the site (calculated to be 5.3 cubic feet per second). The hydraulic grade line at the point of connection associated with the 10-year peak flow based on build-out conditions was calculated to be 31.2 feet. The peak flow conditions that would result from a 100-year storm would exceed the capacity of the storm drain for a short period of time, resulting in street flooding. This flooding would cause overland flow along the street that would ultimately drain into Detention Basin DET NEI. The 100-year hydraulic grade line would be approximately at the top-of-curb (Wood Rogers, 2022).

The City also indicated to Wood Rodgers that the Detention Basin DET NEI and its associated pump station would be operational prior to construction of the subject Project. Supplement No. 2 to the 2012 Citywide Storm Drainage Master Plan reduced the 100-year peak volume required at DET NEI from 198 acre-feet to 127.8 acre-feet. The Citywide Storm Drainage Master Plan Update, expected to be adopted by the City in May 2022, calls for the DET NEI to have a 100-year

peak storage capacity of 189.9 acre-feet including freeboard. The proposed project's share of the recommended volume of 189.9 acre-feet is 1.3 acre-feet (Wood Rogers, 2022).

Ultimately, in order to ensure that stormwater runoff generated at the project site as a result of new impervious surfaces does not exceed the capacity of the existing or planned stormwater drainage system, Project Requirement 10 above requires the project applicant to submit a detailed storm drainage infrastructure plan to the City of Tracy Development Services Department for review and approval. The project's storm drainage infrastructure plans shall, to the satisfaction of the City Engineer, demonstrate adequate infrastructure capacity to collect and direct all stormwater generated on the project site within onsite retention/detention facilities to the City's existing stormwater conveyance system, and demonstrate that the project would not result in on- or off-site flooding impacts. The implementation of this requirement would reduce this impact to a less than significant level.

The collection of fees and determined fair share fee amounts are adopted by the City as Conditions of Approval (COAs) for all new development projects prior to project approval. The payment of applicable development impact fees by the proposed project would ensure that the project pays its fair-share of capital improvement fees towards future system expansions, as identified in the 2012 Tracy Wastewater Master Plan, as applicable. Separately, through compliance with the NPDES permit requirements, and compliance with the SWPPP, the proposed project would not result in a violation of any water quality standards or waste discharge requirements.

Therefore, through compliance with the NPDES, the SWPPP required by Project Requirement 9, and the final storm drainage infrastructure plan required by Project Requirement 10, impacts are considered **less than significant**.

Project Requirement(s)

Project Requirement 9*: The project applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) that includes specific types and sources of stormwater pollutants, determine the location and nature of potential impacts, and specify appropriate control measures to eliminate any potentially significant impacts on receiving water quality from stormwater runoff. The SWPPP shall require treatment BMPs that incorporate, at a minimum, the required hydraulic sizing design criteria for volume and flow to treat projected stormwater runoff. The SWPPP shall comply with the most current standards established by the Central Valley RWQCB. Best Management Practices shall be selected from the City's Manual of Stormwater Quality Control Standards for New Development and Redevelopment according to site requirements and shall be subject to approval by the City Engineer and Central Valley RWQCB.*

Project Requirement 10: *Prior to approval of the Final Map, the project applicant shall submit a detailed storm drainage infrastructure plan to the City of Tracy Development Services Department for review and approval. The project's storm drainage infrastructure plans shall, to the satisfaction of the City Engineer, demonstrate adequate infrastructure capacity to collect and direct all stormwater generated on the project site within onsite retention/detention facilities to the City's*

existing stormwater conveyance system, and demonstrate that the project would not result in on- or off-site flooding impacts. The project shall also pay all applicable development impact fees, which would include funding for offsite Citywide storm drainage infrastructure improvements identified in the 2012 City of Tracy Citywide Storm Drainage Master Plan.

Responses b): Less than Significant. The proposed project would not result in the construction of new groundwater wells, nor would it increase existing levels of groundwater pumping. The proposed project would be served by the City's municipal water system. The City of Tracy uses several water sources, including the US Bureau of Reclamation, the South County Water Supply Project (SCWSP), and groundwater.

The City's existing Groundwater Management Policy prohibits groundwater extraction to exceed 9,000 AF (the determined safe yield). The General Plan contains policies to address groundwater use and conservation that will assist in avoiding impacts to groundwater sources. The City will use surface water supplies to the greatest extent feasible to reduce reliance on groundwater (Objective PF-6.1, P3) and to reserve groundwater supplies for emergency use, such as droughts or short-term shortages (Objective PF-6.4, P1). As a result of adopted City policies and General Plan policies, a less-than-significant groundwater impact was determined by the General Plan EIR. The proposed project is consistent with land use designation and density analyzed under the General Plan EIR. Thus, the proposed project potential for groundwater depletion is consistent with the General Plan EIR finding of less than significant.

Groundwater recharge occurs primarily through percolation of surface waters through the soil and into the groundwater basin. The addition of significant areas of impervious surfaces (such as roads, parking lots, buildings, etc.) can interfere with this natural groundwater recharge process. Upon full project buildout, portions of the project site would be covered in impervious surfaces, which would limit the potential for groundwater percolation to occur on the project site. However, given the relatively large size of the groundwater basin in the Tracy area, the areas of impervious surfaces added as a result of project implementation will not adversely affect the recharge capabilities of the local groundwater basin. Additionally, the project would maintain pervious surfaces within the on-site landscaping and retention basins. These pervious areas could maintain opportunities for groundwater recharge.

A Water Supply Technical Memorandum was prepared for the proposed project by Blackwater Consulting Engineers (Blackwater Consulting, 2022). The Water Supply Technical Memorandum concluded that the proposed project would not significantly impact the existing system deficiencies. There is sufficient storage capacity to serve the proposed project. No off-site improvements are required to serve the proposed project.

Because the City has adequate existing water service capacity to serve the project, and the limited scope of impervious surface coverage (when compared to the larger groundwater basin), the proposed project would result in **less than significant** impacts related to depletion of groundwater supplies and interference with groundwater recharge.

Responses c.iv), d): Less than Significant. The 100-year floodplain denotes an area that has a one percent chance of being inundated during any particular 12-month period.

Floodplain zones are determined by the Federal Emergency Management Agency (FEMA) and used to create Flood Insurance Rate Maps (FIRMs). These tools assist cities in mitigating flooding hazards through land use planning. FEMA also outlines specific regulations for any construction, whether residential, commercial, or industrial within 100-year floodplains. The project site is not located within the FEMA designated 100-year or 500-year floodplain.

Additionally, the project site is not located within an inundation risk area. The nearest inundation areas are at the northernmost parts of the City (approximately 0.7 miles north of the project site) and are subject to inundation by the San Luis Reservoir and New Melones Dams.

The safety of dams in California is stringently monitored by the California Department of Water Resources, Division of Safety of Dams (DSD). The DSD is responsible for inspecting and monitoring the dam in perpetuity. The proposed project would not result in actions that could result in a higher likelihood of dam failure at San Luis Reservoir and New Melones Dams. There will always be a remote chance of dam failure that results in flooding of portions of the City. However, the project site lies outside of this risk area.

There are no significant bodies of water near the project site that could result in the occurrence of a seiche or tsunami. Additionally, the project site and the surrounding areas are relatively flat, which precludes the possibility of mudflows occurring on the project site. This is a **less than significant** impact.

XI. LAND USE AND PLANNING - Would the project:

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a): No Impact. The project site is surrounded by residential and industrial uses. The project would be consistent and compatible with the surrounding land uses, and would not divide an established community. There is **no impact.**

Responses b): Less than Significant. The City Tracy General Plan land use designation for the project site is Industrial (consistent with the proposed project, which will require a conditional use permit to operate within the Industrial land use designation). Specific uses allowed in the Industrial Land Use Designation category range from flex/office space to manufacturing to warehousing and distribution.

The project site is currently zoned Northeast Industrial Specific Plan. The Northeast Industrial Specific Plan addresses 870 acres in the northeast corner of the City. Anticipated land uses include a mixture of manufacturing, warehousing, and distribution uses including rail-dependent industries and "flex-tech" light industrial. The project is located within the Northeast Industrial (NEI) Specific Plan, which identifies 'service station' land uses as a conditionally permitted use within the NEI. The proposed project would therefore be a conditionally permitted use within the NEI.

The proposed use and density on the project site are consistent with the General Plan designation of Industrial and is consistent with the Northeast Industrial Specific Plan Zoning designation. The project's consistency with other General Plan policies that provide environmental protections are addressed within the relevant sections of this document. This is a **less than significant** impact.

XII. MINERAL RESOURCES -- Would the project:

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

RESPONSES TO CHECKLIST QUESTIONS

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

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

Figure 4.8-1 of the General Plan EIR identifies Mineral Resource Zones (MRZs) throughout the Tracy Planning Area. The project site is located within an area designated as MRZ-1. The MRZ-1 designation applies to areas where adequate information indicates that no significant mineral deposits are present, or where there is little likelihood for their presence. There are not substantial aggregate materials located within the project site. Therefore, the project would not result in the loss of availability of a known mineral resource. There is **no impact**.

XIII. NOISE -- WOULD THE PROJECT RESULT IN:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Generation of a 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?			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant.

Construction Noise

Construction activities at the project site would result in temporary increases in noise levels that could expose adjacent residences to increased noise levels and noise nuisances. Construction activities could create temporary noise levels of up to 90 dBA at distances of 50 feet. Because an existing residence is located the north of the project site, this temporary increase in construction noise is considered potentially significant.

The following requirement would place restrictions on the time of day that construction activities can occur, and includes additional techniques to reduce noise levels at adjacent residences during construction activities. The implementation of this requirement would reduce this temporary impact to a **less than significant** level.

Project Requirement(s)

Project Requirement 11*: The following requirements shall be implemented during all construction phases of the project:*

a) *Construction activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. Construction activities shall be prohibited on Sundays and federal holidays.*

b) *Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations.*

c) *Construction equipment staging areas shall be located at the furthest distance possible from nearby noise-sensitive land uses.*

Operational Noise

The proposed project is located in an area consisting predominately of residential, and industrial land uses. The proposed land use would generate operational noise levels similar to those associated with refueling stations. However, traffic generated by the proposed project has the potential to contribute to roadway noise levels in the vicinity of the project site and throughout other areas of the City. Increases in roadway noise associated with buildout of the Tracy General Plan were addressed in the 2010 General Plan Recirculated Supplemental Draft EIR. As described in this Draft EIR, vehicular traffic on existing roadways in Tracy would increase as development proceeds and the city's population increases. Under buildout of the General Plan, which includes the proposed project site, noise levels would increase substantially (3 A-weighted decibels [dBA] day/night average sound level [L_{DN}] or greater) along major roadways throughout Tracy, including portions of I-205, I-580, Grant Line Road, Schulte Road, Valpico Road, Linne Road, Lammers Road, Corral Hollow Road, Tracy Boulevard, and MacArthur Drive. Other than Valpico Road and I-580, all significant increases would occur adjacent to existing noise sensitive areas.

Development of the site for urban uses and the subsequent increase in vehicle roadway noise was taken into consideration in the City of Tracy General Plan and General Plan EIR. On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for the increase in vehicle roadway noise resulting from adoption of the General Plan and EIR.

The Tracy General Plan Noise Element contains several policies that are intended to ensure that new development projects are not exposed to excessive noise levels. The General Plan Noise Element policies applicable to the proposed project are summarized below.

Objective N-1.1 Ensure appropriate exterior and interior noise levels for new land uses.

Policies

P1. Noise sensitive land uses shall not be located in areas with noise levels that exceed those considered normally acceptable for each land use unless measures can be implemented to reduce noise to acceptable levels.

P2. Land uses shall require appropriate interior noise environments when located in areas adjacent to major noise generators.

P3. Recognizing that some new single-family residential uses may be located adjacent to non-residential uses, new single- family residential development shall not exceed 60 L_{DN} (day/night average noise level) for exterior noise in private use areas.

P4. New residential uses exposed to noise levels exceeding 60 L_{DN} shall be analyzed following protocols in the operative California Building Code or other operative code.

P5. For new residential land uses, noise from external sources shall not cause building interiors to exceed 45 L_{DN}.

P7. New residential development affected by noise from railroads or aircraft operations shall be designed to limit typical maximum instantaneous noise levels to 50 dBA in bedrooms and 55 dBA in other rooms.

P8. Measures to attenuate exterior and/or interior noise levels to acceptable levels shall be incorporated into all development projects. Acceptable, conditionally acceptable and unacceptable noise levels are presented in Figure 9-3.

Objective N-1.3 Consider noise issues in the Development Review process.

Policies

P1. Development projects shall be evaluated for potential noise impacts and conflicts as part of the Development Review process.

P2. Significant noise impacts shall be mitigated as a condition of project approval.

P3. New development projects shall have an acoustical specialist prepare a noise analysis with recommendations for design mitigation if a noise-producing project is proposed near existing or planned noise-sensitive uses.

P4. Proposed noise sensitive projects within noise-impacted areas shall submit acoustical studies and provide necessary mitigation from noise.

P5. Site design techniques shall be considered as the primary means to minimize noise impacts as long as they do not conflict with the goals of the Community Character Element. Techniques include:

- Designing landscaped building setbacks to serve as a buffer between the noise source and receptor.
- Placing noise-tolerant land uses, such as parking lots, maintenance facilities, and utility areas between the noise source, such as highways and railroad tracks, and receptor.
- Orienting buildings to shield noise sensitive outdoor spaces from a noise source.
- Locating bedrooms or balconies on the sides of buildings facing away from noise sources.
- Utilizing noise barriers (e.g., fences, walls, or landscaped berms) to reduce adverse noise levels in noise-sensitive outdoor activity areas.

The proposed project would be subject to these General Plan policies. As described previously, development of the site for urban uses and the subsequent increase in operational noise was taken into consideration in the City of Tracy General Plan and General Plan EIR. On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-

028) for the increase in vehicle roadway noise resulting from adoption of the General Plan and EIR. As such, this is a **less than significant** impact and no mitigation is required.

Response b): Less than Significant. No major stationary sources of groundborne vibration were identified in the project area that would result in the long-term exposure of proposed onsite land uses to unacceptable levels of ground vibration. In addition, the proposed project would not involve the use of any major equipment or processes that would result in potentially significant levels of ground vibration that would exceed these standards at nearby existing land uses. However, construction activities associated with the proposed project would require the use of various tractors, trucks, and potentially jackhammers that could result in intermittent increases in groundborne vibration levels. The use of major groundborne vibration-generating construction equipment/processes (i.e., blasting, pile driving) is not anticipated to be required for construction of the proposed project.

Groundborne vibration levels commonly associated with construction equipment are summarized in Table 5. Based on the levels presented in Table 5, groundborne vibration generated by construction equipment would not be anticipated to exceed approximately 0.09 inches per second (in/sec) peak particle velocity (ppv) at 25 feet. Predicted vibration levels would not be anticipated to exceed recommended criteria for structural damage and human annoyance (0.2 and 0.1 in/sec ppv, respectively) at nearby land uses. As a result, short-term groundborne vibration impacts would be considered **less than significant** and no mitigation is required**.**

Table 5: Representative Vibration Source Levels for Construction Equipment

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

SOURCE: FTA 2006, CALTRANS 2004.

Response c): Less than Significant. The Tracy Municipal Airport is the closest airport to the project site, located approximately 4.6 miles to the southwest. The Airport is a general aviation airport owned by the City and managed by the Public Works Department. The City of Tracy adopted an Airport Master Plan in 1998, analyzing the impacts to safety on surrounding development from the Tracy Municipal Airport.

The San Joaquin County Airport Land Use Plan establishes noise contours surrounding the Tracy Municipal Airport. The project site is located outside of both the 65 dB Community Noise Equivalent Level (CNEL) and the 60 dB CNEL noise contours for the Tracy Municipal Airport, and the project site is outside of the Airport Influence Area (AIA). As such, the project site would not be exposed to excessive noise from the Tracy Municipal Airport. This is a **less than significant** impact.

XIV. POPULATION AND HOUSING -- WOULD THE PROJECT:

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

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant. The proposed refueling station would not induce population growth, either directly or indirectly. The refueling station would not generate significant employment opportunities in Tracy and would not expand the job base such that population growth may occur.

The potential for the project to directly induce population growth in the City of Tracy is not a significant impact in and of itself. Population growth can result in impacts to other environmental topics, such as traffic, service demands, etc. The employment growth that would occur as a result of approval and development of the proposed project was considered in the Tracy General Plan and General Plan EIR. The proposed project is consistent with the land use designation for the site that was addressed in the General Plan EIR, and the environmental effects of the employment growth generated by the project were considered in the analysis of buildout of the Tracy General Plan. Additionally, as described throughout this environmental document, the employment growth attributable to the proposed project would not result in any significant site-specific environmental impacts to other environmental topics that cannot be mitigated to a less than significant level. Therefore, this impact is **less than significant**, as demonstrated throughout this document.

Response b): Less than Significant. There are no residential or other structures located on the project site Therefore, the project would not displace substantial numbers of people or existing housing. The project would have a **less than significant** impact.

XV. PUBLIC SERVICES

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

RESPONSES TO CHECKLIST QUESTIONS

Response a):
i) Fire Protection and Emergency Medical Services: Less than Significant.

South San Joaquin County Fire Authority (South County Fire) provides fire protection and emergency medical services to 160 square miles and over 100,000 people, encompassing the City as well as all surrounding rural areas from the Stanislaus County line to the Alameda County line.[3] The City created a new Joint Exercise of Powers Agreement between the Tracy Fire Department and the Tracy Rural Fire Protection District (Tracy Rural) forming South County Fire in 2018. South County Fire maintains seven stations and an administrative office. Five stations are located within the City, while two are located within the boundaries of Tracy Rural.

The goal of South County Fire is to arrive on scene within 6.5 minutes total reflex time (911 call, call processing, firefighter turnout, and travel time) 90 percent of the time for a municipal level of service.[4] The average reflex time for the 2015/2016 year was approximately 9 minutes and 30 seconds. In fiscal year 2019-2020, South County Fire responded to 9,025 calls for emergency services.[5]

South County Fire provides ALS (Advanced Life Support) emergency medical services to citizens located within the San Joaquin County Emergency Medical Services Agency (San Joaquin County EMS Agency) Zone C. South County Fire started providing paramedic services in 2003. South County Fire services approximately 170 square miles with 7 strategically located fire stations, 8 fire units, staffed by 82 firefighters, 41 of whom are paramedics and 41 Emergency medical

[3] South San Joaquin County Fire Authority. History. Website: https://www.sjcfire.org/about-us/overview/history. Accessed May 17, 2022.
[4] Ibid.
[5] Ibid.

Technicians (EMTs). All of South County Fire's first out apparatus are staffed by at least one, but usually two, paramedics to provide quick emergency service to all areas of their jurisdiction. South County Fire adheres to the medical control policies and procedures set forth by the San Joaquin County EMS Agency (SJCEMSA), and all of the paramedics and EMTs are licensed by the State of California EMS Authority and accredited with SJCEMSA.

In 2019, South County Fire responded to 5,300 EMS calls, or about 15 per day. South County Fire is unique in that they respond Code 3 (lights and sirens) to every single 9-1-1 emergency call, regardless of the severity level.[6]

Recognizing the potential need for increases in fire protection and emergency medical services, the City's General Plan includes policies to ensure that adequate related facilities are funded and provided to meet future growth (Objective PF-1.1, P1). This policy will be implemented through the review of all new projects within the City, prior to development, and through the collection of development impact fees for the funding of facilities.

Implementation of the proposed project would not adversely impact existing fire and emergency services within the City and would not require the construction of new fire protection facilities. Impact fees from new development are collected based upon projected impacts from each development. The adequacy of impact fees is reviewed on an annual basis to ensure that the fee is commensurate with the service. Payment of the applicable impact fees by the project applicant as COAs prior to project approval, and ongoing revenues that would come from property taxes, sales taxes, and other revenues generated by the project, would fund capital and labor costs associated with fire protection services.

Adequate access to the project site for fire vehicles will be provided from Chrisman Road. In order to provide adequate fire protection and suppression services to the project site, the Tracy Fire Department must have access to adequate onsite hydrants with adequate fire-flow pressure available to meet the needs of fire suppression units. The final site plans and development specifications developed for the proposed project will indicate the location and design specifications of the fire hydrants that will be required within the project site. Therefore, this is considered a **less than significant** impact.

ii) Police Protection: Less than Significant. The Tracy Police Department provides police protection services to the City of Tracy. Its headquarters are located at 1000 Civic Center Drive, approximately 3 miles east of the project site. There are currently no satellite offices.

The Department divides calls into three categories, Priority 1, 2, and 3 calls. Priority 1 calls are defined as life threatening situations. Priority 2 calls are not life threatening, but require immediate response. Priority 3 calls cover all other calls received by the police. Average response time for Priority 1 calls within City limits is approximately six to eight minutes. Response time for Priority 2 and 3 calls is, on average, 22 minutes.

[6] South San Joaquin County Fire Authority. Emergency Medical Services. Website: https://www.sjcfire.org/ems. Accessed May 17, 2022.

The Tracy Police Department provides mutual aid to the San Joaquin County Sheriff's office, and vice versa, when a situation exceeds the capabilities of either department. Mutual aid is coordinated through the San Joaquin County Sheriff.

Impact fees from new developments are collected based upon projected impacts from each development by the City as COAs prior to project approval. The adequacy of impact fees is reviewed on an annual basis to ensure that the fee is commensurate with the service. Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from property taxes, and other revenues generated by the project, would fund capital and labor costs associated with police services.

It is not anticipated that implementation of the proposed project would result in significant new demand for police services. Project implementation would not require the construction of new police facilities to serve the project site, nor would it result in impacts to the existing response times and existing police protection service levels. Furthermore, the City's General Plan ensures the City maintains adequate police staffing, performance levels and facilities to serve Tracy's existing population as well as any future growth (Goal PF-2, policy P.1). Therefore, this is considered a **less than significant** impact.

iii) Schools: Less than Significant. Implementation of the proposed project would result in employment growth within the City of Tracy, which may increase enrollment at schools within the Tracy Unified School District. The Tracy Unified School District collects impact fees from new developments under the provisions of SB 50. Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from taxes, would fund capital and labor costs associated with school services. The adequacy of fees is reviewed on an annual basis to ensure that the fee is commensurate with the service. Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from property taxes, sales taxes, and other revenues generated by the project, would fund improvements associated with school services and would ensure that project impacts to school services are **less than significant**.

iv) Parks: Potential project impacts to parks and recreational facilities are addressed in the following section of this document.

v) Other Public Facilities: Less than Significant. Other public facilities in the City of Tracy include libraries, hospitals, and cultural centers such as museums and music halls. The proposed project may increase demand on these facilities. The City of Tracy General Plan requires new development to pay its fair share of the costs of public buildings by collecting the Public Buildings Impact Fee. The Public Buildings Impact fee is used by the City to expand public services and maintain public buildings, including the Civic Center and libraries in order to meet the increased demand generated by new development. Payment of the applicable impact fees by the project applicant, as COAs prior to project approval, and ongoing revenues that would come from taxes, would ensure that project impacts to libraries and public buildings are **less than significant**.

XVI. RECREATION

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b): Less than Significant. The proposed project would not increase demand for parks and recreational facilities within the City of Tracy and would not increase the use of the City's existing parks and recreation system. The City of Tracy requires the payment of the project's fair share in-lieu parks fees, as required by the City's General Plan. The collection of fees and determined fair share fee amounts are adopted by the City as COAs for all new development projects prior to project approval. Fees paid aid in the development of new park-space and maintenance as required, to ensure continued high quality park facilities for all City residents. As such, this is a **less than significant** impact.

XVII. TRANSPORTATION/TRAFFIC -- WOULD THE PROJECT:

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

RESPONSES TO CHECKLIST QUESTIONS

Response a), b): Less than Significant. Development of the proposed project would add vehicle trips to the City's roadway network. In order to identify roadway facility and intersection improvements needed to accommodate the traffic generated by buildout of the City's General Plan, the City of Tracy prepared and adopted the 2012 Citywide Roadway and Transportation Master Plan (Transportation Master Plan). The Transportation Master Plan identifies a range of roadway and intersection improvements to be implemented over the next several years in order to maintain acceptable levels of service on City streets. The proposed project is consistent with the General Plan land use designation for the site and is consistent with the assumed density level for development of the site. The generation of vehicle traffic associated with the proposed project was considered during preparation of the Transportation Master Plan. The Transportation Master Plan identifies the roadway and intersection improvements needed in order to maintain acceptable levels of service throughout the City.

The collection of fees and determined fair share fee amounts are adopted by the City as COAs for all new development projects prior to project approval. The payment of applicable traffic impact fees by the proposed project would ensure that the project pays its fair-share of capital improvement fees towards the future transportation system improvements and expansions, as identified in the Transportation Master Plan. The payment of these fair-share traffic impact fees would assist the City of Tracy with implementation of the various improvements identified in the Transportation Master Plan, in order to maintain acceptable levels of service throughout the City.

A Traffic Review Memorandum was prepared by Kimley-Horn for the proposed project. The Memorandum includes trip generation information and trip distributions and assignments. The Memorandum also includes analysis of driveways and access, which is discussed further below. Table 6 shows the trip generation for the project.

Table 6: Project Trip Generation

VEHICLE CATEGORY	AMOUNT	RATE	DAILY	AM PEAK HOUR			PM PEAK HOUR		
				IN	OUT	TOTAL	IN	OUT	TOTAL
Slow-fill Delivery Vehicles	156 spaces	2 trips/day	312	0	56	56	56	0	56
Slow-fill Delivery Vehicles		2 trips/day	312	56	0	56	0	56	56
Fast-fill	2 lanes	6 trips/hr/lane	240	12	12	24	12	12	24
		Total	864	68	68	136	68	68	136

NOTE: KSF = THOUSAND SQUARE FEET.
SOURCE: KIMLEY HORN, MAY 2022.

As shown in the table, the project is anticipated to generate 126 AM peak hour trips (68 in / 68 out), 136 PM peak hour trips (68 in / 68 out), and 864 daily trips.

Kimley-Horn provided several comments regarding the design of the proposed site access points, including suggestions for signage, pavement markings, intersection controls, frontage improvements, and driveway locations. These comments are included in Project Requirement 13. One of the comments indicate that a traffic control signal should be installed at the Chrisman Road and Paradise Road intersection. This signal is not in the City's Transportation Impact Fee (TIF) program. Payment of the fair share cost for installation of a signal at this intersection is included in Project Requirement 12. As described in the Traffic Review Memorandum prepared by Kimley Horn, the proposed Project has a fair share percentage of 4.8% of the future improvement costs for this signal. The proposed project would not induce any additional required improvements. The collection of fees and determined fair share fee amounts are adopted by the City as COAs for all new development projects prior to project approval. The payment of the required traffic impact fees to the City of Tracy would reduce project-related traffic impacts to a **less than significant** level.

Project Requirement(s)

Project Requirement 12*: The project proponent shall pay its fair share for the installation of a traffic control signal at the intersection of Chrisman Road / Paradise Road.*

Project Requirement 13*: The project proponent shall incorporate the following improvements into the project site design:*

1. *Ensure Driveway #2 (i.e. the northern driveway) is located at least 350 feet south of the Grant Line Road and Chrisman Road intersection, per the NEI Specific Plan, which requires 350 feet for minimum distance for a right-in/right-out (RIRO) driveway upstream of an intersection.*
2. *Provide R5-1 (Do Not Enter) signage facing Chrisman Road at Project Driveway #2 (i.e. the northern driveway).*
3. *Provide right turn pavement arrow markings at the driveway exit instead of through arrows at Project Driveway #2 (i.e. the northern driveway).*

4. *Install R3-5R (Right Turn Only) and R1-1 (Stop Sign) signage at Project Driveway #2 (i.e. the northern driveway).*
5. *Provide R5-1 (Do Not Enter) signs, and any other applicable signs facing east in the event a vehicle exits the parking area at the southern gate at Project Driveway #1 (i.e. the southern driveway).*
6. *Provide 17-feet (7-foot landscaping, 5-foot sidewalk, and 7-foot landscaping) for landscaping and sidewalk along the Project frontage.*
7. *Provide R6-1R signs (one-way) in Chrisman Road median facing each driveway.*

Responses c) and d): **Less than Significant.** Site access and circulation for the proposed project was addressed in the Traffic Review Memorandum prepared by Kimley-Horn. Kimley-Horn found that, with the above referenced project requirements and improvements, the proposed site access is adequate and will not have any on-site operational issues. The proposed access driveway from Chrisman Road is projected to be adequate for vehicles accessing the site, including emergency vehicles and other service vehicles. However, Kimley-Horn recommends the improvements, which are encapsulated within Project requirement 13.

With implementation of the above-referenced project requirements, implementation of the proposed project would have a less than significant impact related to emergency access and would not interfere with an emergency evacuation plan. Additionally, the proposed project would not substantially increase hazards associated with any design feature. Therefore, this is considered a **less than significant** impact.

XVIII. TRIBAL CULTURAL RESOURCES

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a) and b): There is a potential for the discovery of prehistoric, ethnohistoric, or historic archaeological sites that may meet the definition of Tribal Cultural Resources (TCRs). Although no TCRs have been documented on the project site, the project is in a region where significant cultural resources have been recorded and there remains a potential that undocumented archaeological resources that may meet the TCR definition could be unearthed or otherwise discovered during ground-disturbing and construction activities. Examples of significant archaeological discoveries that may meet the TCR definition would include villages and cemeteries. Due to the possible presence of undocumented TCRs within the project site, construction-related impacts on tribal cultural resources may occur.

Project Requirement 6 would require appropriate steps to preserve and/or document any previously undiscovered resources that may be encountered during construction activities, including human remains. Implementation of this requirement would reduce this impact to a **less than significant** level.

XIX. UTILITIES AND SERVICE SYSTEMS -- WOULD THE PROJECT:

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b) and c): Less than Significant.

Wastewater

Wastewater generated by the proposed project would be conveyed to the Tracy Wastewater Treatment Plan (WWTP) for treatment and disposal. The City's wastewater collection system consists of gravity sewer lines, pump stations and the WWTP. Wastewater flows toward the northern part of the City where it is treated at the WWTP and then discharged into the Old River in the southern Sacramento-San Joaquin Delta.

The City's WWTP provides secondary-level treatment of wastewater followed by disinfection. Treated effluent from the WWTP is conveyed to a submerged diffuser for discharge into the Old River. The WWTP has an NPDES permit for discharge into the Old River from the State Regional Water Quality Control Board. The City of Tracy expanded the treatment capacity to 10.8 million gallons per day (mgd) in 2008.

The Tracy General Plan EIR determined that no significant wastewater-related impacts were identified as a result of buildout of the General Plan. Because the project is consistent with the

intended uses allowed under the General Plan no impacts beyond those identified should result from implementation of the proposed project.

Moreover, the proposed project does not propose any sanitary sewer connections, since the proposed project, as a CNG refueling station, would not generate wastewater. Therefore, the City has adequate capacity to serve the project's projected demand for wastewater treatment services in addition to its existing commitments, and no improvements or expansions to the existing WWTP are required to serve the proposed project. Implementation of the proposed project would have a **less than significant** impact.

Storm Drainage

Development of the project site would place impervious surfaces the approximately 5-acre project site. Development of the project site would potentially increase local runoff production and would introduce constituents into storm water that are typically associated with urban runoff. These constituents include heavy metals (such as lead, zinc, and copper) and petroleum hydrocarbons. BMPs will be applied to the proposed site development to limit the concentrations of these constituents in any site runoff that is discharged into downstream facilities to acceptable levels.

Permanent onsite storm drainage would be installed to serve the proposed project. The potential environmental impacts of construction of the onsite storm drainage system are addressed throughout this Initial Study, given that all improvements would occur onsite, within the area proposed for disturbance. As described above under the Hydrology and Water Quality Section, new development projects in the City of Tracy are required to provide site-specific storm drainage solutions and improvements that are consistent with the overall storm drainage infrastructure approach presented in the 2012 City of Tracy Citywide Storm Drainage Master Plan.

Prior to approval of the Final Map, the project applicant is required to submit a detailed storm drainage infrastructure plan to the City of Tracy Development Services Department for review and approval (Project Requirement 10). The project's storm drainage infrastructure plans must demonstrate adequate infrastructure capacity to collect and direct all stormwater generated on the project site within onsite retention/detention facilities to the City's existing stormwater conveyance system, and demonstrate that the project would not result in on- or off-site flooding impacts.

The project is also required to pay all applicable development impact fees, which would include funding for offsite Citywide storm drainage infrastructure improvements identified in the 2012 City of Tracy Citywide Storm Drainage Master Plan. The collection of fees and determined fair share fee amounts are adopted by the City as COAs for all new development projects prior to project approval. The adequacy of impact fees is reviewed on an annual basis to ensure that the fee is commensurate with the service.

The development of an onsite storm drainage system that is approved by the City engineer (Project Requirement 10), the payment of all applicable fees, and the implementation of a SWPPP

that includes specific types and sources of stormwater pollutants, determines the location and nature of potential impacts, and specifies appropriate control measures to eliminate any potentially significant impacts on receiving water quality from stormwater runoff (as required under Project Requirement 9), ensure that impacts to storm water drainage facilities are **less than significant**.

Water

Potable water for the proposed project would be supplied from the City's municipal water system. The project site would receive potable water via a connection to existing water mains located on Chrisman Road.

A Water Supply Technical Memorandum was prepared for the proposed project by Blackwater Consulting Engineers (Blackwater Consulting, 2022). The Water Supply Technical Memorandum identified that the proposed project would generate approximately 1.61 acre-feet per year of potable water demand, based on a unit water demand factor of 1.9 acre-feet per acre per year. Based on the modeling results, the City's existing potable water system has adequate capacity serve the proposed projects water demand. The hydraulic modeling analysis confirms that the existing system can meet the project demands while maintaining City's design criteria for average day, maximum day, maximum day demand with fire flow, and peak hour demands at the project and throughout the existing water system with no off-site improvements required.

The City of Tracy obtains water from both surface water and groundwater sources. The amount of water that Tracy uses from each of its water supply sources to make up its total water use varies from year to year based on contractual agreements, annual precipitation, and City policies about how to expand, utilize, and manage its water resources. As described in the 2020 City of Tracy Urban Water Management Plan, Tracy's maximum annual water supply amounts to over 26,883 acre-feet per year (afy) in normal years from its various supply sources.

The total 2025 water demand in the City is anticipated to be 21,509 afy. The additional water demand (1.61 afy) of the proposed project would not exceed the City's available water supply. The City's water treatment and conveyance infrastructure is adequate to serve existing demand, in addition to the demand created by the proposed project. Therefore, this is a **less than significant** impact.

Responses d) and e): Less than Significant. The City of Tracy has an exclusive franchise agreement with Tracy Disposal Service for solid waste collection and disposal and recycling collection. Solid waste is collected and taken to the 40-acre Tracy Material Recovery Facility (MRF) and Transfer Station on South MacArthur Drive before being sent to the Foothill Sanitary landfill, 48 miles northeast of Tracy, off of Shelton Road east of Linden, California. The MRF is operated by Tracy Material Recovery and Solid Waste Transfer, Inc., and has capacity of approximately 1,000 tons per day, but averages approximately 350 tons per day, of which 85 percent is generated in Tracy. Approximately 175,000 tons of solid waste is generated in Tracy each year, of which approximately 27 percent is residential garbage.

The approximately 800-acre Foothill landfill, owned by San Joaquin County, is the primary disposal facility accepting the City's solid waste. The Foothill landfill receives approximately 810 tons per day. The landfill is permitted to accept up to 1,500 tons per day, and has a permitted capacity of 138 million cubic yards, of which approximately 125 million cubic yards of capacity remains. It is estimated that the Foothill landfill will have the capacity to accept solid waste from the City of Tracy until 2054.

The proposed project would not generate significant volumes of solid waste. The proposed project is an unmanned CNG refueling station, operating through a cardlock system. Using CalRecycle's transportation/communication/utilities solid waste generation rate 9.2 pounds per employee per day, and assuming approximately zero daily employees, the project is not expected to generate any solid waste per day. Therefore, the project would not exceed the capacity of the local landfills.

As described above, there is adequate landfill capacity to serve the proposed project, and the project will comply with all applicable statutes and regulations related to solid waste. This is a **less than significant** impact.

XX. WILDFIRE

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

Existing Setting

There are no State Responsibility Areas (SRAs) within the vicinity of the Tracy Planning Area. In addition, there are no areas within the City of Tracy that are categorized as a "Very High" Fire Hazard Severity Zone (FHSZ) by CalFire or a local agency. Although this CEQA topic only applies to areas within a SRA or Very High FHSZ, out of an abundance of caution, these checklist questions are analyzed below.

Responses to Checklist Questions

Response a): The project site will connect to the existing Chrisman Road. The proposed circulation improvements would allow for sufficient emergency access. The project site would provide adequate emergency vehicular access via driveway connections with adjoining roadways and an internal circulation network. All internal roadways would be designed to accommodate large emergency vehicles such as fire engines. These improvements would contribute to effective emergency response and evacuation, and they would promote efficient circulation in the project vicinity. Furthermore, the proposed project does not propose any permanent road closures, lane reductions, or other adverse circulation conditions that may adversely affect emergency response or evacuation in the project vicinity. Additionally, the proposed project would not conflict with or impair the City's current City of Tracy Comprehensive Management Plan (2008), nor any other emergency response plans and emergency evacuation plans. Lastly, the proposed project would not conflict with emergency plans or procedures as promulgated by South County Fire. Therefore, impacts from project implementation would be considered ***less than significant*** relative to this topic.

Response b): The risk of wildfire is related to a variety of parameters, including fuel loading (vegetation), fire weather (winds, temperatures, humidity levels and fuel moisture contents) and topography (degree of slope). Steep slopes contribute to fire hazard by intensifying the effects of wind and making fire suppression difficult. Fuels such as grass are highly flammable because they have a high surface area to mass ratio and require less heat to reach the ignition point. San Joaquin County has areas with an abundance of flashy fuels (i.e. grassland) in the foothill areas of the eastern and western portion of the County. The project site is located in an area that is predominately agricultural and urban, which is not considered at a significant risk of wildfire. Therefore, impacts from project implementation would be considered ***less than significant*** relative to this topic.

Response c): The proposed project would develop a CNG refueling station. According to the U.S. Department of Energy's Alternative Fuels Data Center,[7] CNG is much safer than traditional fuels because it is lighter than air and less volatile (harder to ignite). This means that the chance of fire or combustion is much lower. The development of the proposed project would not exacerbate fire risks, nor would there be installation or maintenance of any other infrastructure associated with the project that would significantly exacerbate fire risk or result in temporary or ongoing impacts to the environment. Therefore, impacts from project implementation would be considered ***less than significant*** relative to this topic.

Response d): Landslides include rockfalls, deep slope failure, and shallow slope failure. Factors such as the geological conditions, drainage, slope, vegetation, and others directly affect the potential for landslides. One of the most common causes of landslides is construction activity that is associated with road building (i.e. cut and fill). The project site is relatively flat; therefore, the potential for a landslide, as a result of runoff, post-fire slope instability, or drainage changes, in the project site is essentially non-existent.

Therefore, impacts from proposed project implementation would be considered ***less than significant*** relative to this topic.

[7] See: https://afdc.energy.gov

XXI. MANDATORY FINDINGS OF SIGNIFICANCE --

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

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant. As described throughout the analysis above, the proposed project would not result in any significant impacts that would substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal to the environment.

All potentially significant impacts related to plant and animal species would be reduced to a less than significant level through the application of uniformly applied development policies and/or standards. The proposed project is required to implement a range of standard and uniformly applied development policies and standards, most of which are identified in the Tracy General Plan or various infrastructure master plans, which would reduce any potentially significant impacts to a less than significant level. The cumulative impacts associated with development of the project were considered, analyzed and disclosed in the City of Tracy General Plan and General Plan EIR. On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for all significant impacts associated with buildout of the Tracy General Plan. The project would not result in any cumulative impacts that were not contemplated in the General Plan EIR. The project would not result in any peculiar site-specific impacts, impacts to biological resources or impacts to cultural and/or historical resources.

The proposed project would implement requirements aimed at reducing stormwater pollutants and runoff, as well as through compliance of various state, regional and local standards. Specifically related to ensuring the continued sustainability of biological resources through

adaptive management, Project Requirement 5 ensures the project proponent seeks coverage under the SJMSCP to mitigate for habitat impacts to covered special status species. Through the application of uniformly applied development policies and/or standards, the project would not result in any cumulative impacts related to biological resources. Therefore, these are **less than significant** impacts.

Response b): **Less than Significant.** The General Plan EIR assumed full development and buildout of the project site, consistent with the use and density proposed by the project. The cumulative impacts associated with buildout of the City of Tracy General Plan, including the project site, were fully addressed in the General Plan EIR. Additionally, as described throughout the analysis above, the proposed project would not result in any significant individual or cumulative impacts that would not be reduced to less than significant levels through the application of uniformly applied development policies and/or standards. Therefore, this is considered a **less than significant** impact.

Response c): Less than Significant. As described throughout the analysis above, the proposed project would not result in any significant impacts that would have environmental effects which will cause substantial adverse effects on humans. The analysis in the relevant sections above provides the application of uniformly applied development policies and/or standards reduce any potentially significant impacts on humans to less than significant levels. A variety of requirements including those related to aesthetics and light and glare, GHG and air quality, cultural resources, hazardous materials, seismic hazards, water pollution and water quality, and noise, ensure any adverse effects on humans are reduce to an acceptable standard. Therefore, this is considered a **less than significant** impact.

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ATTACHMENT A

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

TRACY PLANNING COMMISSION

RESOLUTION NO. 2022-014

APPROVAL OF A CONDTIONAL USE PERMIT AND A DEVELOPMENT REVIEW PERMIT FOR AN RNG FUELING FACILITY AT 2200 N. CHRISMAN ROAD - APPLICANT IS COLE MOODY AND PROPERTY OWNER IS L&C EAGLE PROPERTIES, LLC - APPLICATION NUMBERS CUP21-0007 & D21-0023

WHEREAS, The City received applications for the development of a service station dispensing renewable natural gas (RNG) fuel for trucks, accompanied by associated equipment and parking, on an approximately 5-acre site located in the Northeast Industrial (NEI) Specific Plan area; and

WHEREAS, Because the development review permit application is paired with a conditional use permit application subject to the Planning Commission, the development review permit is a Tier 2 application subject to Planning Commission review; and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15183, which allows a streamlined environmental review process for projects that are consistent with the densities established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified. The proposed project is consistent with the Tracy General Plan EIR certified on February 1, 2011. In accordance with CEQA Guidelines, no further environmental assessment is required; and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the applications on May 25, 2022; now, therefore, be it

RESOLVED: That the Planning Commission does hereby approve a conditional use permit and a development review permit for the RNG fueling facility 2200 N. Chrisman Road, Application Numbers CUP21-0007 & D21-0023, subject to the conditions contained in Exhibit 1 to this Resolution and based on the findings below.

1. There are circumstances applicable to the use which make the granting of a use permit necessary for the preservation and enjoyment of substantial property right, because the granting of the use permit would allow for the fueling facility to be established in the City's northeast industrial area where truck RNG fueling isn't currently available.

2. The proposed location of the use and the conditions under which it would be operated or maintained is in accordance with the objectives of the Tracy Municipal Code and the NEI Specific Plan, because the proposed service station would complement the industrial nature of the project vicinity and provide a service to trucks operating in the business area.

3. The project will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use, or to the general welfare of the City because the project, as conditioned, is consistent with the land use, design, and other elements of the NEI Specific Plan, the Tracy Municipal Code the City of Tracy General Plan, the Design Goals and Standards, City Standards, California Building Codes, California Fire Codes, and California air quality regulations.

4. The proposal increases the quality of the project site and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy, because the proposed project will result in high quality development of a currently undeveloped parcel and provide a service to the surrounding industrial business area. The most publicly visible improvements will be the above-ground equipment enclosure, which will be comprised of eight-foot-tall split-face masonry walls and an evergreen landscape screen, and the fueling canopy, which will have columns designed to match the equipment enclosure. The proposed green-colored canopy will be complemented by the landscaping greenery proposed throughout the site. A matching masonry wall will be provided to screen the view of the parked day cabs in the time-fill area, and vines will be planted along the wall to visually break up the otherwise long expanse of masonry. The site will be served by two driveways on Chrisman Road, and the site is designed with good through-circulation. Generous landscaping will be provided along the site's frontage as well as throughout the site, adding to the aesthetic appeal of the streetscape.

5. The proposal, as conditioned, conforms to the NEI Specific Plan, the Tracy Municipal Code, the City of Tracy General Plan, the Citywide Design Goals and Standards, applicable City Standards, California Building Codes, and California Fire Codes, including land use (with granting of a conditional use permit), site and structure design, vehicular circulation, landscaping and equipment screening.

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The foregoing Resolution 2022-014 was adopted by the Planning Commission on May 25, 2022, by the following vote:

AYES:	COMMISSION MEMBERS:	AUGUSTUS, BOAKYE-BOATENG, HUDSON
NOES:	COMMISSION MEMBERS:	ATWAL, ORCUTT
ABSENT:	COMMISSION MEMBERS:	NONE
ABSTENTION:	COMMISSION MEMBERS:	NONE

CLIFF HUDSON
Chair of the Planning Commission
City of Tracy, California

ATTEST: Scott Claar
SCOTT CLAAR
Senior Planner of the City of Tracy, California

City of Tracy
Conditions of Approval
RNG Fueling Facility
Application Numbers CUP21-0007 & D21-0023

A. General Provisions and Definitions.

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

The Project: An fueling facility with associated equipment and parking

The Property: 2200 N. Chrisman Road, Assessor's Parcel Number 250-030-32

A.2. Definitions.

a. "Applicant" means any person, or other legal entity, defined as a "Developer."

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

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

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

e. "Conditions of Approval" shall mean the conditions of approval applicable to Project located at the Property, Application Numbers CUP21-0007 & D21-0023. The Conditions of Approval shall specifically include all City of Tracy conditions set forth herein.

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

A.3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the plans received by the Development Services Department on May 10, 2022.

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

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

- the Planning and Zoning Law (Government Code sections 65000, et seq.)
- the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
- the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").

A.6. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), the Northeast Industrial (NEI) Specific Plan, Standard Plans, and Design Goals and Standards.

A.7. Protest of fees, dedications, reservations, or other exactions. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

B. Planning Division Conditions

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

B.1. Screening utilities and equipment.

B.1.1. Before approval of a building permit, the applicant shall submit detailed plans that demonstrate that all above-ground utilities and equipment are substantially screened from view from the public right-of-way with a decorative screen wall designed to architecturally complement the fueling canopy and an evergreen landscape screen to the satisfaction of the Development Services Director.

B.1.2. Before final inspection or certificate of occupancy, all PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or substantially screened from view from any public right-of-way behind decorative screen walls and landscaping to the satisfaction of the Development Services Director.

B.2. Parking area.

B.2.1. Before the approval of a building permit, the applicant shall provide site plans and construction details that demonstrate 12-inch wide concrete curbs along the perimeter of landscape planters where such planters are parallel and

adjacent to vehicular parking spaces to provide access to vehicles without stepping into the landscape planters.

B.2.2. Before the approval of a building permit, the applicant shall provide detailed plans that demonstrate a minimum of one foot candle per Standard Plan 154 throughout the parking area as defined in TMC Section 10.08.3450.

B.2.3. Before final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into the public rights-of-way and onto any adjacent private property to the satisfaction of the Development Services Director.

B.3. Landscaping & irrigation. Before the approval of a building permit, the applicant shall provide detailed landscape and irrigation plans to address the following:

B.3.1. Said plans shall demonstrate compliance with the landscaping requirements of the NEI Specific Plan.

B.3.2. Said plans shall demonstrate that all planters be comprised of trees, shrubs, and groundcover. Said plans shall demonstrate trees and shrubs are generally dispersed throughout the large groundcover areas.

B.3.3. At planting, trees shall be a minimum of 24" box size, shrubs shall be a minimum size of 5 gallon, and groundcover shall be a minimum size of 1 gallon.

B.3.4. No gravel may be used where it is visible on the outside of the screen walls. Rock mulch may be used in combination with landscaping.

B.3.5. Where trees are planted ten feet or less from a sidewalk or curb, root barriers dimensioned 8 feet long by 24 inches deep shall be provided adjacent to such sidewalk and curb, centered on the tree.

B.3.6. The applicant shall execute an Agreement for Maintenance of Landscape and Irrigation Improvements and submit financial security to the Development Services Department. The Agreement shall ensure maintenance of the on-site landscape and irrigation improvements for a period of two years. Said security shall be equal to the actual material and labor costs for installation of the on-site landscape and irrigation improvements or $2.50 per square foot of on-site landscape area.

B.4. Landscaping & irrigation installation. Prior to final inspection or certificate of occupancy, all landscaping and irrigation substantially conforming with the development review permit plans and the approved building permit construction plans shall be installed to the satisfaction of the Development Services Director.

B.5. Signs. Before issuance of a sign permit, the applicant shall submit an application and plans for all business identification signs. All signs, including temporary signage, shall be on private property and shall not encroach into the public right-of-way.

B.6. Habitat conservation. Prior to issuance of any permits for ground disturbance, the applicant shall comply with the San Joaquin County Habitat Conservation Division and a signed copy of the Incidental Take Minimization Measures shall be submitted to the City as verification of compliance.

B.7. Expiration. The conditional use permit shall expire after two years if the use has not yet been established, unless prior to the expiration, a building permit is issued and construction is commenced and diligently pursued toward completion on the site.

C. Engineering Division Conditions

Contact: Majeed Mohamed (209) 831-6425 majeed.mohamed@cityoftracy.org

C.1. General Conditions

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

1) Traffic Technical Memorandum prepared by Kimley Horn and Associates dated May 5, 2022

C.2. RESERVED
C.3. RESERVED

C.4. Grading Permit

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

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

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

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

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

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

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

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

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

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

ESCP, applicable BMPs and the Post-Construction Stormwater Standards adopted by the City in 2015 and any subsequent amendment(s).

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

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

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

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

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

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

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

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

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

C.4.14 RESERVED

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

C.5. Improvement Agreement(s)

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

C.5.1. Off-site and/or Public Infrastructure Improvement Plans prepared on a twenty-four (24) inch x thirty-six (36) inch size four (4) millimeter thick mylar that incorporate all requirements described in the documents described in these Conditions of Approval, the City's Design Documents as defined in Title 12 of the Tracy Municipal Code. Developer shall use the latest title block

and, if necessary, contain a signature block for the Fire Marshal. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by Fire Marshal to submitting the mylars to Engineering Division for City Engineer's signature. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:

C.5.1.a. All existing and proposed utilities such as domestic water line, irrigation service, fire service line, storm drain, and sanitary sewer, including the size and location of the pipes.

C.5.1.b. All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports. All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers such as benchmarks.

C.5.1.c. A PDF copy of the Project's approved Geotechnical/Soils Report that was prepared for the grading permit submittal.

C.5.1.d. Storm Water - The Project's on-site storm water drainage connection to the City's storm water system shall be approved by the City Engineer. Drainage calculations for the sizing of the on-site storm drainage system. Improvement Plans to be submitted with the hydrology and storm water.

Storm drainage release point is a location at the boundary of the Project adjacent public right-of-way where storm water leaves the Property, in a storm event and that the Property's on-site storm drainage system fails to function or it is clogged. Site grading shall be designed such that the Project's storm drainage overland release point will be directly to an adjacent public street with a functional storm drainage system and the existing storm drainage line has adequate capacity to drain storm water from the Property. The storm drainage release point is recommended to be at least 0.70-feet lower than the building finish floor elevation and shall be designed and improved to the satisfaction of the City Engineer.

The Project's permanent storm drainage connection(s) shall be designed and constructed in accordance with City Regulations. The design of the permanent storm drainage connection shall be shown on the Grading and Drainage Plans with calculations for the sizing of the storm drain pipe(s), and shall comply with the applicable

requirements of the City's storm water regulations adopted by the City Council in 2012 and any subsequent amendments.

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

NORTHEAST INDUSTRIAL (NEI) DET BASIN
Developer shall design both a storm water drainage connection to the City's storm water system in Chrisman Road and a temporary off-site retention basin (retention basin), and its appurtenances.

Scenario 1:
If the City's NEI Detention Basin and NEI Basin Pump Station are not yet fully operational, Developer shall construct the retention basin and divert the Project's storm water flow to the retention basin until such time that the NEI Detention Basin and NEI Basin Pump Station are fully operational. For Scenario 1, Condition C.6.5 applies.

Scenario 2:
If the City's NEI Detention basin and NEI Basin Pump Station are fully operational, Developer shall connect the Project's storm drain to the City's storm water drainage system.

C.5.1.e. Sanitary Sewer - It is the Developer's responsibility to design and construct the Project's permanent on-site sanitary sewer (sewer) improvements including the Project's sewer connection in accordance with the City's Design Standards, City Regulations and Standard Specifications. Sewer improvements shall include but not limited to, replacing asphalt concrete pavement, reconstructing curb, gutter and sidewalk, restoring pavement marking and striping, and other improvements that are disturbed as a result of installing the Project's permanent sewer connection. Developer shall submit improvement plans that include the design of the sewer line from the Property to the point of connection.

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

C.5.1.f. Water Distribution - Developer shall design and construct domestic and irrigation water service that comply with the City Regulations. Water line sizing, layout and looping requirements for this Project

shall comply with City Regulations. During the construction of the Project, the Developer is responsible for providing water infrastructure (temporary or permanent) capable of delivering adequate fire flows and pressure appropriate to the various stages of construction and as approved by the Fire Marshal.

Interruption to the water supply to the existing businesses and other users will not be allowed to facilitate construction of improvements related to the Project. Developer shall be responsible for notifying business owner(s) and users, regarding construction work. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least seventy-two (72) hours before start of work. Prior to starting the work described in this section, the Developer shall submit a Work Plan acceptable to the City that demonstrates no interruptions to the water supply, and Traffic Control Plan to be used during the installation of the off-site water mains and connections.

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

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

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

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

C.5.1.g. Streets – The Developer shall construct frontage improvements. Frontage improvements include but are not limited to the following: curb, gutter, sidewalk, street widening, landscaping, street lighting, undergrounding of overhead utilities and other improvements. All streets and utilities improvements within City right-of-way shall be designed and constructed in accordance with City Regulations, and City's Design Standards including the City's Facilities Master Plan for storm drainage, roadways, wastewater, and water as adopted, amended, and updated by the City, or as otherwise specifically approved by the City.

Developer shall also construct the recommended mitigations from the traffic technical memorandum.

Chrisman Road
The Developer shall dedicate right-of-way as required to conform with the City of Tracy Transportation Master Plan (TMP), dated November 2012, Horizon Year six (6) lane parkway cross section with a seventeen (17) feet wide parkway for landscaping and sidewalk along the Project frontage. In, addition, the Developer shall record an additional Public Utility Easement (P.U.E.) immediately to create a 10-feet behind the new property line.

Developer will construct two (2) new commercial driveways per Standard Detail 130 as modified by the approved site plan

Developer shall construct five (5) feet of landscaping located immediately behind a five (5) foot sidewalk located, immediately behind a seven (7) foot landscaped parkway.

Developer shall construct curb, gutter and sidewalk that shall conform to Section 3.07 of the 2020 Design Standards.

Developer shall construct driveways that conform to Section 3.08 of the 2020 Design Standards. Driveways shall have one and half (1.5) feet of full-height (i.e. six (6) inches) of vertical curb from the driveway's edge. Driveways shall be fire truck accessible to the satisfaction of the City Engineer.

Developer shall install R6-1R signs (one-way) in the existing Chrisman Road median facing each driveway.

The northerly driveway shall conform with the Northeast Industrial Specific Plan dated July 17, 2012 and shall be located a minimum of three hundred fifty (350) feet south from the intersection of

Chrisman Road and Grant Line Road as measured from Grant Line Road's curb face.

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

Street cuts and trenching related to utility installation in Chrisman Road and Grant Line Road shall be subject to Condition C.8.1.

C.5.2. Joint Trench Plans and Composite Utility Plans, prepared on a twenty-four (24) inch x thirty-six (36) inch size four (4) millimeter thick mylar for the installation of dry utilities such as electric, gas, TV cable, telephone, and others that will be located within the twenty-four (24) feet wide to forty-six (46) feet wide [the width varies) PUE to be installed to serve the Project. All private utility services to serve Project must be installed underground or relocated to be underground, and to be installed at the location approved by the respective owner(s) of the utilities from the street or an existing or proposed utility easement to the building(s). If necessary, the Developer shall dedicate ten (10) feet wide PUE for access to these new utilities for re-installation, replacement, repair, and maintenance work to be performed by the respective utility owner(s) in the future.

C.5.3. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans. The cost estimate shall show the cost of designing the public improvements.

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

C.5.4. Traffic Control Plan - Prior to starting the work for any work within City's right-of-way, the Developer shall submit a Traffic Control Plan (TCP). TCP can be split among the different construction phases. TCP will show the method and

type of construction signs to be used for regulating traffic at the work areas within these streets. TCP shall conform to the Manual on Uniform Traffic Control Devices as amended by the State of California, latest edition (MUTCD-CA). TCP shall be prepared under the supervision of, signed and stamped by a Registered Civil Engineer or Registered Traffic Engineer.

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

C.5.5. No street trench shall be left open, uncovered, and/or unprotected during night hours and when the Developer's contractor is not performing construction activities. Appropriate signs and barricades shall be installed on the street and on all trenches during such times. If the Developer or its contractor elects to use steel plates to cover street trenches, said steel plates will be skid-resistance, and shall be ramped on all sides. Ramps will be a minimum two-foot wide and will run the entire length of each side.

C.5.6 If at any point during utility installation or construction in general that the Developer, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other paleontological findings, the Developer shall address the findings as required per the General Plan Cultural Resource Policy and General Plan EIR; and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.

C.5.7 Improvement Security - Developer shall provide improvement security for all public facilities, as required by the Improvement Agreement. The form of the improvement security may be a bond, or other form in accordance with the Government Code, and the TMC. The amount of the improvement security shall be in accordance with Title 12 of the TMC.

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

C.6. Building Permit

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

C.6.1 Developer has completed all requirements set forth in Condition C.1, through C.5, above.

C.6.2 Developer pays the applicable development impact fees as required in the TMC, these Conditions of Approval, and City Regulations.

C.6.2.a. Water. The Developer shall pay the water impact fees prior to pulling the first building permit for the Project.

C.6.2.b. Wastewater. The Developer shall pay the wastewater treatment capacity development Impact fees prior to pulling the first building permit for the Project.

C.6.3 RESERVED

C.6.4 Developer has completed all requirements set forth in Condition C.8

C.6.5 Prior to the release of the building permit for the Project, Developer shall execute and enter into a Deferred Improvement Agreement (DIA) with the City and post improvement security acceptable to the City Attorney. The Deferred Improvement Agreement shall be approved by the City Council and be filed by San Joaquin County Recorder against the property. DIA is to guarantee removal of the temporary off-site retention basin, its appurtenances; and re-route the storm drain flow to Chrisman Road. This condition becomes applicable if the City requires the Developer to construct the temporary off-site retention basin.

C.7 Acceptance of Public Improvements

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

C.7.1 Developer has satisfied all the requirements set forth in these Conditions of Approval.

C.7.2 Developer submitted the Storm water Treatment Facilities Maintenance Agreement (STFMA) to the Utilities Department.

C.7.3 Developer has satisfactory completed construction of all required/conditioned improvements. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

C.7.4 Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Developer, the City, at its sole

discretion, temporarily release the original mylars of the Improvement Plans to the Developer so that the Developer will be able to document revisions to show the "As-Built" configuration of all improvements.

C.7.5 Developer shall be responsible for any repairs or reconstruction of street pavement, curb, gutter and sidewalk and other public improvements along the frontage of the Project, if determined by the City Engineer to be in poor condition or damaged by construction activities related to the Project.

C.7.6 Developer has completed the ninety (90) day public landscaping maintenance period.

C.7.7 Per Section 21107.5 of the California Vehicle Code, Developer shall install signs at all entrance(s) of the Project stating that the streets are privately owned and maintained and are not subject to the public traffic regulations or control. Said signs must be conspicuously placed, plainly visible, and legible during daylight hours from a distance of one hundred (100) feet.

C.7.8 Survey Monuments – Any altered, damaged, or destroyed survey monuments and/or benchmarks shall be re-established. Developer shall submit centerline tie sheets or a record of survey for the following: new public streets; re-established survey monuments, and/or benchmarks. If the Developer destroyed, altered, and/or reconstructed any existing curb returns, Developer shall also submit corner records. Any survey document will be submitted the City and to the San Joaquin County Surveyor to comply with California Business and Professions Code Section 8771(c). Said work shall be executed by a California licensed Land Surveyor at the Developer's sole expense.

C.8 Special Conditions

C.8.1 Prior to release of Improvement Security, all requirements set forth in this condition must be completed.

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

Chrisman Road and Grant Line Road are currently subject to the City's pavement excavation moratorium. As a result, the repave limits as defined in Section 3.14 of the 2020 Design Standards, as they apply to this Project, will be superseded with limits defined below:

- Entire pavement width of Chrisman Road, from the southerly Property line to Grant Line Road; and
- Entire intersection of Grant Line Road and Chrisman Road, including the area around the curb returns.

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

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

C.8.4 Prior to the release of the Building Permit, the Developer shall pay its fair share in the amount of **Ninety-Two Thousand Seven Hundred Twenty-Nine Dollars ($92,729)** which is 4.8% of the cost estimate for the Chrisman Road and Paradise Road Ultimate Signal Improvements, as described in the Traffic Technical Memorandum.

C.8.5 Prior to Acceptance, Developer shall comply with the recommendations as stated in the *Engineering Review: On-Site Circulation* section of the approved Traffic Technical Memorandum. The recommendations are as follows:

- Provide R5-1 (Do Not Enter) signage facing Chrisman Road at Project Driveway #2
- Provide right turn pavement arrow markings at the driveway exit instead of through arrows at Project Driveway #2
- Install R3-5R (Right Turn Only) and R1-1 (Stop Sign) signage at Project Driveway #2
- Provide R5-1 (Do Not Enter) signs and any other applicable signs in the event a vehicle exits the parking area at the southern gate at Project Driveway #1

D. Utilities Department Conditions

Contact: Stephanie Hiestand (209) 831-4333 stephanie.hiestand@cityoftracy.org

D.1. Prior to issuance of a construction or building permit, the applicant shall demonstrate compliance with the 2015 Post-Construction Stormwater Standards (PCSWS) Manual and obtain approval through the following:

D.1.1. Develop a Project Stormwater Plan (PSP) that identifies the methods to be employed to reduce or eliminate stormwater pollutant discharges through the construction, operation and maintenance of source control measures, low impact development design, site design measures, stormwater treatment control measures and hydromodification control measures.

D.1.1.a. Design and sizing requirements shall comply with PCSWS Manual.

D.1.1.b. Demand Management Areas must be clearly designated along with identification of pollutants of concern.

D.1.1.c. Calculations of the Stormwater Design Volume and/or Design Flow with results from the Post-Construction Stormwater Runoff Calculator must be submitted in the PSP for approval.

D.1.1.d. Per the PCSWS Manual, include a hydromodification management plan ensuring the post-project runoff flow rate shall not exceed estimated pre-project flow rate for the 2-year, 24 hour storm.

D.1.1.e. Submit one (1) hard copy of the PSP and an electronic copy to the Utilities Department (WaterResources@cityoftracy.org), include the project name, address and Project # and/or Permit # in the title or subject line.

D.1.2. A separate plan sheet(s) designated SW shall be submitted in the plan set that includes the identified methods for pollution prevention outlined in the submitted PSP. You must include all standards, cross sections and design specifications such as landscape requirement in treatment areas including type of irrigation installation and/or height of drain inlet above the flow line, etc. in these SW plan sheets along with legend.

D.1.3. Develop and electronically submit to the Utilities Department for approval (WaterResources@cityoftracy.org) a preliminary Operations and Maintenance (O & M) Plan that identifies the operation, maintenance, and inspection requirements for all stormwater treatment and baseline hydromodification control measures identified in the approved PSP.

D.1.4. No later than two (2) months after approval notification of the submitted PSP, the applicant shall electronically submit the following information to the Utilities Department (WaterResources@cityoftracy.org) for development of a draft stormwater maintenance access agreement, in accordance with the MAPCSWS:

i. Property Owner(s) name and title report; or Corporate name(s) and binding documents (resolutions, etc) designating ability to sign agreement
ii. Property Address
iii. Exhibit A – legal property description

iv. Exhibit B – approved O & M Plan

D.2. Prior to issuance of a grading permit, the applicant shall provide proof of permit coverage under the Construction General Permit and submittal of an electronic Stormwater Pollution Prevention Plan (SWPPP), to be submitted to WaterResources@cityoftracy.org.

D.3. Prior to Certificate of Occupancy, the applicant shall complete the following to the satisfaction of the Utilities Director:

D.3.1. Return to the City Clerk, a legally signed and notarized copy of the final maintenance access agreement including all exhibits and approved O & M plan received from the Utilities Department.

D.3.2. Obtain final approval by the Utilities Department of the constructed and installed Stormwater pollution prevention methods outlined in the PSP. Frequent inspections of the Post-Construction treatment measures should occur during the construction phase by calling 209-831-6333.

D.3.3. The project shall be in full compliance with Construction General Permit including 70% stabilization of the project with Notice of Termination approval.

D.4. Before the approval of a construction, grading or building permit, the applicant shall demonstrate compliance with Tracy Municipal Code Chapters 11.28 and 11.34 and Chapter 4 of the California Green Building Standards Code to the satisfaction of the Utilities Director.

D.5. Prior to issuance of a construction or building permit, applicant shall demonstrate compliance with the 2015 Model Water Efficient Landscape Ordinance and obtain approval by the Utilities Department through the following:

D.5.1. Develop and submit electronically and by hard copy, a Landscape Document Package (LDP) that identifies the methods to be employed to reduce water usage through proper landscape design, installation and maintenance. This LDP shall consist of:

i. A project information sheet that includes the checklist of all documents in the LDP;
ii. The Water Efficient Landscape Worksheets that include a hydrozone information table and the water budget calculations – Maximum Applied Water Allowance and Estimate Total Water Use;
iii. A soil management report, after compaction and from various locations throughout the project;
iv. A landscape design plan that includes the statement, "I agree to comply with the requirements of the 2015 water efficient landscape ordinance and shall submit for approval a complete Landscape Document Package:
v. An irrigation design plan with schedule; and
vi. A grading design plan.

D.5.2. A Certificate of Completion must be completed, signed, and submitted to the Utilities Department prior to Final approval for Occupancy.

E. Building Division Conditions

Contact: Danis Isho (209) 831-6484 danis.isho@cityoftracy.org

E.1. Prior to the construction of fuel dispenser structures and any associated equipment, applicant shall submit code analysis specifying the types and amounts of hazardous materials to be stored onsite and where exceeding the maximum allowable quantities per California Building Code and/or California Fire Code appropriately designating and designing the occupancy in accordance with Title 24 California Code of Regulations most current at time of application.

E.2. Prior to the construction of 8 foot screen walls, applicant shall submit construction plans and structural calculations in conformance with California Building Code section 105.

E.3. Prior to the construction of filling station, applicant shall submit construction plans and details that demonstrate conformance with the California Building Code, chapter 11B, section 11B-220.2 that is current at time of application.

E.4. Prior to the construction of fuel dispensers, applicant shall submit construction plans and details that demonstrate conformance with the California Building Code, chapter 11B, section 11B-228 that is current at time of application.

E.5. Prior to the construction of any onsite structures, applicant shall submit to the Building Safety Division construction drawings and supporting documents that demonstrate availability of minimum number of plumbing fixtures including toilet facilities per California Plumbing Code 422.0.

E.6. Prior to the construction of onsite improvement including but not limited to walks, sidewalks, utilities, signs, lights, retaining walls, sound walls, underground vaults, transformer, trash enclosures, etc., applicant shall submit to the Building Safety Division construction drawings and supporting documents that conform to the current Title 24 California Code of Regulations at time of application.

E.7. Prior to the construction of onsite improvement including but not limited to walks, sidewalks, utilities, signs, lights, retaining walls, sound walls, underground vaults, transformer, trash enclosures, etc., applicant shall submit to the Building Safety Division construction drawings and supporting documents that conform to the current Title 24 California Code of Regulations at time of application.

F. South San Joaquin County Fire Authority Conditions

Contact: Tim Spears (209) 831-6707 fire.plancheck@sjcfire.org

F.1. Prior to construction, applicant shall submit construction documents to the South San JoaquinCounty Fire Authority for review and approval.

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

F.1.2. Deferred submittals shall be listed on the coversheet of each page. Each deferred submittal shall be submitted, reviewed and approved by SSJCFA prior to installation.

F.1.3. Fire protection water supply must be submitted separately from construction permit. All piping and installation shall be in accordance with CFC §507 & NFPA standards. Approval of grading and/or on-site improvements does not grant installation of underground fire service.

F.1.4. A request for fire flow shall be submitted to the South San Joaquin County Fire Authority and results shall be approved by the Fire Marshal prior to construction. Fire flow requirements shall be in accordance with CFC Appendix B.

F.1.5. Hydrants shall be placed on-site in accordance with CFC Appendix C and City of Tracy Design Standards.

F.1.6. Gates shall have a clear width of 20'. The installation of security gates across a fire apparatus access road shall require, prior to installation, approval by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. All electrically operated automatic gates across fire apparatus access roads shall be equipped with traffic preempting optical signal receivers compatible with the emitters utilized by the Fire Department, which will activate the gate and override all command functions of the gate controller. Knox Switches shall be provided at automatic gates. The traffic preemptive optical signal receiver and key switch shall be provided on both sides of an automatic access gate where an exit loop is not provided. The automatic gate shall have a battery backup or manual mechanical disconnect readily accessible to emergency personnel in case of power failure. All gates must meet Fire Department standards deemed necessary by the fire code official for rapid, reliable access. Electric gate operators, where provided, shall be listed in accordance with UL 325.

F.1.7. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200. All manual gates shall be equipped with a Knox-Box containing a key to the gate, or an approved Knox-Padlock.

F.1.8. Provide a truck turning template which clearly shows the truck turning radius of 29'-9" inside and 47'-7" outside. Truck turning template shall show all ingress and egress paths available.

F.2. Engineering and building permit applications received by our offices are subject to the current feeschedule for South San Joaquin County Fire Authority. Contact our offices for additional information.

F.2.1. Application processing fees and minimum plan review fees are due at time of submittal ofconstruction documents.

F.2.2. Additional plan review fees, minimum inspection fees and administrative fees are calculatedon approval of project and shall be paid prior to issuance of permit.

F.2.3. Permit holder is responsible for any additional inspection fees incurred, and shall be paidprior to final inspection.

F.3. Prior to occupancy of new business, the tenant shall contact South San Joaquin County Fire Authority for a new business inspection. Additional fees may be required for New Business, Annualand Operational Fire Permits. All fees shall be paid prior to approval of inspections.

F.4. Prior to construction, all-weather fire apparatus access roads shall be installed. Fire apparatus access roads during construction shall have a minimum 20' unobstructed width in accordance withCFC §503.

F.5. All hydrants shall be installed, inspected and tested prior to bringing combustible materials onsite, including storage.

F.6. Knox boxes shall be required. The operator of the site shall immediately notify the Fire Authority and provide the new key where a lock is changed or rekeyed. The key to such shall be secured in the key box.

F.7. Site shall be provided with approved address identification in accordance with CFC §505.

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

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

G.1. Streets, Streetlights and Sidewalks

Before issuance of any building permit for the Property, Developer shall provide for perpetual funding of the on-going costs of operation, maintenance and replacement for the streets, traffic signals, streetlights, sidewalks, and street sweeping that will serve the Property (including all costs required PG&E), by doing one of the following,

subject to the approval of the City's Finance Director:

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

   Or

b. POA and dormant CFD. If the POA is the chosen funding mechanism, Developer must do the following:

   1) Form a Property Owner's Association (POA) or other maintenance association, with CC&Rs reasonably acceptable to the City, to assume the obligation for the on-going costs of operation, maintenance and replacement for the streets, traffic signals, streetlights, sidewalks, and street sweeping that will serve the Property (including all costs required by PG&E);

   2) Cause the POA to enter into an agreement with the City, in a form to be approved by the City and to be recorded against the Property prior to the final inspection, setting forth, among other things, the required maintenance obligations, the standards of maintenance, and all other associated obligation(s) to ensure the long-term maintenance by the POA for the streets, traffic signals, streetlights, sidewalks, and street sweeping that will serve the Property;

   3) Before final inspection, annex into a CFD in a "dormant" capacity, to be triggered if the POA fails (as determined by the City in its sole and exclusive discretion) to perform the required level of operation, maintenance and replacement for the streets, traffic signals, streetlights, sidewalks, and street sweeping that will serve the Property. The dormant tax or assessment shall be disclosed to all property owners, even during the dormant period.

   Or

c. Direct funding. Developer shall enter into an agreement with the City, which shall be recorded against the Property, which requires that prior to approval of final inspection, Developer shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the on-going costs of operation, maintenance and replacement for the streets, traffic signals, streetlights, sidewalks, and street sweeping that will serve the Property (including all costs required PG&E).

If the provisions for adequate funding of the on-going costs of operation, maintenance and replacement for the streets, traffic signals, streetlights, sidewalks, and street sweeping that will serve the Property (including all costs required PG&E) are met prior to issuance of the building permit for the Property, subject to the Finance Director's review and approval, the terms of this condition shall be considered to have been met and this condition shall become null and void.

G.2. Landscaping Maintenance

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

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

Or

b. POA and dormant CFD. If the POA is the chosen funding mechanism, the Developer must do the following:

1. Form a Property Owner's Association (POA) or other maintenance association, with CC&Rs reasonably acceptable to the City, to assume the obligation for the on-going maintenance of all public landscaping areas that will serve the Property;

2. Cause the POA to enter into an agreement with the City, in a form to be approved by the City and to be recorded against the Property prior to the final inspection, setting forth, among other things, the required maintenance obligations, the standards of maintenance, and all other associated obligation(s) to ensure the long-term maintenance by the POA of all public landscape areas that will serve the Property;

3. Make and submit to the City, in a form reasonably acceptable to the City, an irrevocable offer of dedication of all public landscape areas that will serve the Property;

4. Before final inspection, annex into a CFD in a "dormant" capacity, to be triggered if the POA fails (as determined by the City in its sole and exclusive discretion) to perform the required level of public landscape maintenance. The dormant tax or assessment shall be disclosed to all property owners, even during the dormant period.

Or

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

ATTACHMENT B

TRACY PLANNING COMMISSION

RESOLUTION 2025-_____

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1. **APPROVING AN EXTENSION (EXT24-0003) OF CONDITIONAL USE PERMIT (CUP21-0007) AND DEVELOPMENT REVIEW PERMIT (D21-0023) FOR AN RNG FUELING FACILITY AT 2200 N. CHRISMAN ROAD (ASSESSOR'S PARCEL NUMBER 250-030-32) FOR TWO-YEARS;**

2. **DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), PURSUANT TO CEQA GUIDELINES SECTION 15183.**

WHEREAS, the applicant was awarded a Conditional Use Permit (CUP21-0007) and a Development Review Permit (D21-0023) on May 25, 2022 to establish an RNG fueling facility at 2200 N. Chrisman Road, which was valid until June 9, 2024; and

WHEREAS, the CUP, which took effect on June 9, 2022, was granted two-years for the use to be established in accordance with TMC Section 10.08.4360; and

WHEREAS, the use has not yet been established nor has a building permit been issued and construction diligently pursued to completion, and the CUP expired on June 9, 2024; and

WHEREAS, in accordance with TMC Section 10.08.4350, a CUP may be renewed, and in accordance with TMC Section 10.08.3980 a Development Review Permit may be extended; and

WHEREAS, under TMC Section 10.08.4360, the CUP may be extended by the Planning Commission provided (1) the new time limit is "reasonable, based on size, nature, and complexity of the proposed development," and (2) the Planning Commission finds "good cause, such as proof of an unusual hardship not of the applicant's own making;" and

WHEREAS, due to the delay in the completion of the NEI storm drain basin causing an inability for the building permit to be issued, the Applicant submitted an application requesting additional time to establish the use; and

WHEREAS, the subject property is designated Industrial in the Tracy General Plan and zoned Northeast Industrial Area (NEI) Specific Plan, wherein RNG fueling facilities are conditionally permitted; and

WHEREAS, the Applicant proposes no changes to the project from that which was approved under CUP21-0007; and

WHEREAS, the Applicant has demonstrated good cause for an extension of the CUP based on the hardships derived from the downstream NEI Basin delays which were no fault of the applicants; and

WHEREAS, the Planning Commission conducted a public hearing to review and consider the project on January 22, 2025; now, therefore, be it

RESOLVED: That the Planning Commission, hereby approves the expiration date of June 9, 2026 for the renewed Conditional Use Permit CUP21-0007 and Development Review Permit (D21-0023) (Application Number EXT24-0003) pursuant to Tracy Municipal Code Section 10.08.4360, and the finding that such expiration date is reasonable; and be it

FURTHER RESOLVED: That the Planning Commission finds that the project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15183, which allows a streamlined environmental review process for projects that are consistent with the densities established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified.

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

The foregoing Resolution 2025-_____ was adopted by the Planning Commission on January 22, 2025, by the following vote:

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

_____
CHAIR

ATTEST:

_____
STAFF LIAISON

PLANNING COMMISSION STAFF REPORT
Item No. 1.B

DATE	January 22, 2025
TITLE	Mt. Oso Condominiums - 36 Units (nine fourplexes)
LOCATION	Southwest Corner of W. Mt. Diablo Avenue and South C Street (APN 235-100-77)
APPLICATION TYPE	Development Review Permit (D22-0029), Conditional Use Permit (CUP23-0003), and Tentative Subdivision Map (TSM23-0003)
CEQA STATUS	Categorically Exempt CEQA Guidelines Section 15332
PROJECT PLANNER	Kenny Lipich (209) 831-6443 kenneth.lipich@cityoftracy.org

RECOMMENDATION

Staff recommends that the Planning Commission conduct a public hearing, and upon its conclusion, adopt a Resolution:

(1) approving a Development Review Permit, Application Number D22-0029, for the construction of 36 condominium units in the form of nine fourplexes and related site improvements, on a 3.39-acre undeveloped site located at the southwest corner of W. Mt. Diablo Avenue and S. C Street, Assessor's Parcel Number 235-100-77;

(2) granting a Conditional Use Permit, Application Number CUP23-0003, to allow the use of condominiums in the Medium Density Residential Zone, on a 3.39-acre undeveloped site located at Assessor's Parcel Number 235-100-77;

(3) approving a Tentative Subdivision Map, Application Number TSM23-0003, to create 36 condominium units and common areas; and

(4) determining that this project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, which pertains to certain in-fill development projects.

The applicant and property owner is Dan Byrum of Byrum Investment, LLC.

PROJECT DESCRIPTION

Background

The project site is 3.39-acres of undeveloped land located at the southwest corner of W. Mt. Diablo Avenue and S. C Street, Assessor's Parcel Number 235-100-77. The property spans between Mt. Diablo Avenue and Mt. Oso Avenue with C Street running along the east boundary line of the entire property (Attachment B: Location Map). The property is surrounded by low density residential and medium density residential single-family homes to the south and east. North and west of the property is medium density cluster and medium density residential single-family homes. Approximately 800 feet to the west of the subject property is Tuscana Townhomes with an existing 30 units. The project site has a 115-foot Pacific Gas & Electric easement for overhead transmission lines that run diagonal along part of the northern portion of the project site near Mt. Diablo Avenue shown on site plan included in Attachment C. No habitable buildings are being proposed within the 115-foot easement. The project site is designated Residential Medium in the General Plan and zoned Medium-Density Residential (MDR) in the Tracy Municipal Code.

ANALYSIS

Development Review

The Development Review Permit includes construction of nine-fourplexes for a total of 36 units. Each unit of the fourplex will be an estimated 1,540 sq. ft. and will have three-bedrooms and two and half baths. The units of the fourplex are attached by one-car garages which include storage for trash/recycle barrels. The four units of the fourplexes feature varying building materials, roof pitches, window placement, porches, garage faces, and colors that help create quality architecture that meets the City of Tracy Design Goals and Standards. Specifically, the use of two types of stone veneer as a wainscot and around garage doors in addition to the window shutters, sills, trims, and grid patterns help create visual interest on front façade. The private open space area along Mt. Diablo Avenue will include a picnic area and playground area for condominium owners and owner's guests' enjoyment. The proposed elevations and conceptual plan for the private open space are included in Attachment C.

Each unit of the 36 units (nine-fourplexes) will have one enclosed garage space. The second space per unit will be an uncovered space provided on one of the project's private streets or designated in the project's northern parking lot. The northern parking lot next to the private open space will have a total of nine guest spaces and 12 addition spaces designated for the second uncovered spaces for units not provided on the private street. This project is conditioned to require a turnaround at the termination of the northern parking lot. This project as proposed and conditioned will meet the off-street parking requirements and Medium Density Residential requirements of the Tracy Municipal Code. This project will also meet the Development Review Permit requirements and findings set forth in the Tracy Municipal Code, Article 30 (Exhibit 1 – Findings).

Conditional Use Permit

The proposed use of condominium units in the Medium Density Residential Zone requires a Conditional Use Permit. The Conditional Use Permit will allow the use of condominiums on an existing undeveloped 3.39-acre site. The proposed 36 units of condominiums will provide increased housing opportunities to the area and the condominium use is compatible with the surrounding uses of single-family homes and an existing 30-unit apartment complex 800 feet to the west. Planning commission pursuant to Tracy Municipal Code Section 10.08.4290 will

conduct a noticed public hearing and may approve the Conditional Use Permit if the materials, evidence, and testimony support the findings required for approval (Exhibit 1 - Findings).

Tentative Subdivision Map

The proposed project will have nine fourplexes with circulation provided by four private streets and the northern parking lot will have a turnaround element to ensure flow. As depicted in Attachment D, the project will have three driveways and three private streets fronting on to C Street to access the remaining fourplexes and northern parking lot. The proposed density of 10.6 dwelling units per gross acre is consistent with the Residential Medium designation of the General Plan, which provides for a density range of 5.9 to 12.0 dwelling units per gross acre. Upon conclusion of the public hearing and consideration of the entire record, the Planning Commission may approve, conditionally approve, or deny, based upon evaluation of the proposed condominium plan in relation to the following findings and site criteria included in (Exhibit 1 – Findings).

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS

The proposed project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15332, which pertains to certain in-fill development projects because the project is consistent with the General Plan and Zoning, occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, has no value as habitat for endangered, rare or threatened species, would not result in any significant effects relating to traffic, noise, air quality, or water quality, and can be adequately served by all required utilities and public services, no further environmental assessment is necessary.

SUMMARY

The requested Development Review Permit (D22-0029), Conditional Use Permit (CUP23-0003), and Tentative Subdivision Map (TSM23-0003) would allow for construction, use of condominiums, and development of 36 condominium units (nine fourplexes) and related site improvements on an undeveloped 3.39-acre site located at the southwest corner of W. Mt. Diablo Avenue and S. C Street, Assessor's Parcel Number 235-100-77. The project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 pertaining to certain in-fill development, therefore no further environmental assessment is needed. The proposed project enhances the project site, provides additional housing resources for the community, and meets all City standards. Staff recommends approval of the project.

ATTACHMENTS

A – Location Map
B – Plan Set
C –Tentative Subdivision Map
D – Resolution
    Exhibit 1 – Findings
    Exhibit 2 – Conditions of Approval

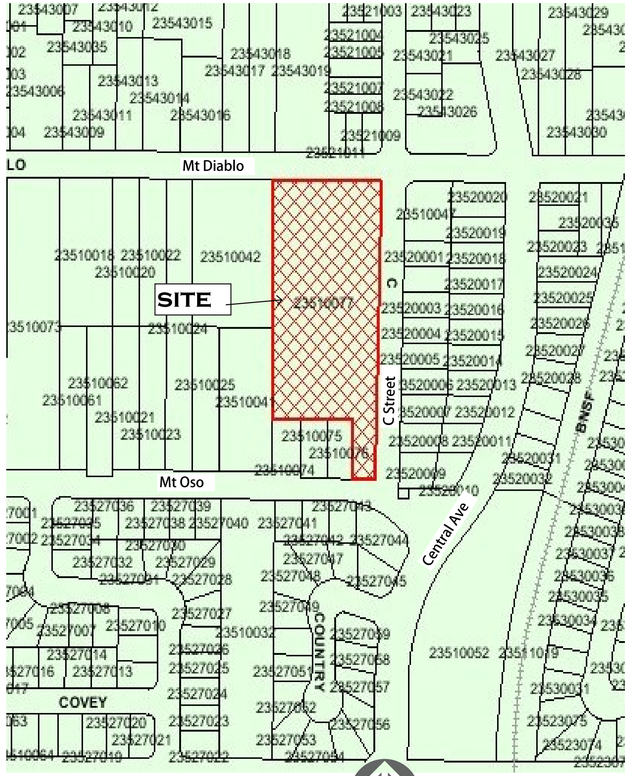


N

0 125 250 500 750 1,000 Feet

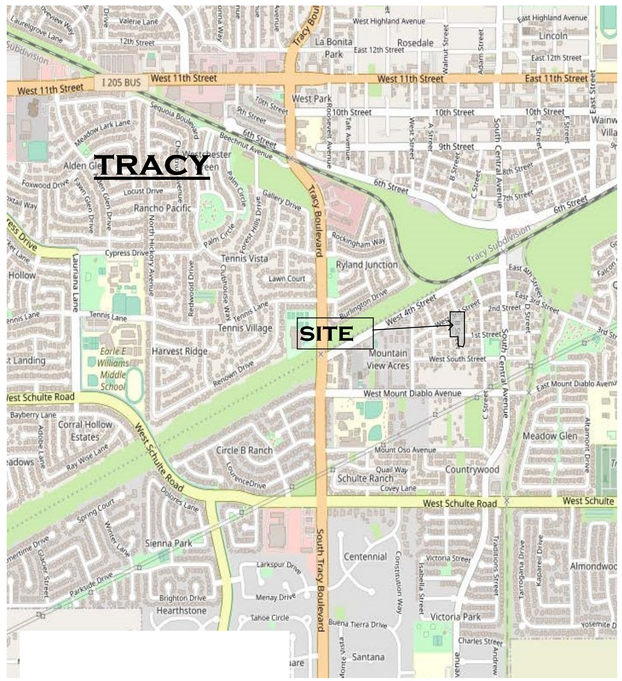
TRACY

Think Inside the Triangle™



PARCEL MAP

APN 235-100-77



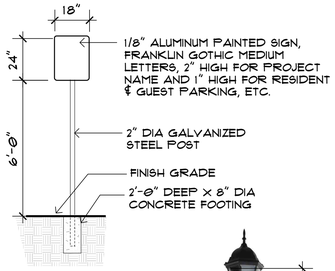
SIGNAGE

Ⓐ ENTRANCE SIGNS SHALL READ AS

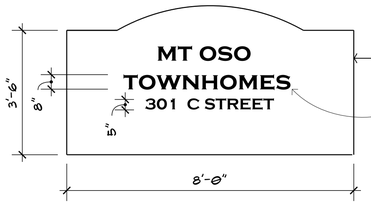
MT OSO TOWNHOMES
RESIDENT & GUEST ONLY
ALL UNAUTHORIZED CARS WILL BE TOWED AT OWNERS EXPENCE

Ⓑ GUEST PARKING SIGN SHALL READ AS

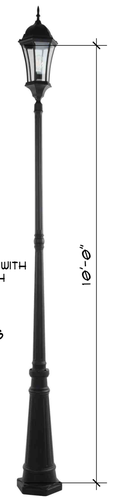
4 HOUR GUEST PARKING ONLY



SIGN



Ⓒ PROJECT SIGN



Ⓓ STREET LIGHT

PROJECT INFORMATION

LOT SIZE	3.38 ACRES (147,360.4 SF)
BUILDING SIZE	
FIRST FLOOR =	840 SF
GARAGE =	273 SF
SECOND FLOOR =	700 SF

TOTAL FLOOR AREA = 1540 SF PER UNIT
BUILDING AREA (GROUND LEVEL) 1,113 SF PER UNIT X 4 = 4,452/BUILDING B

LOT COVERAGE BUILDING = 1113 x 36 = 40,068 SF
40,068/147360.4 =27.2 % LOT COVERAGE

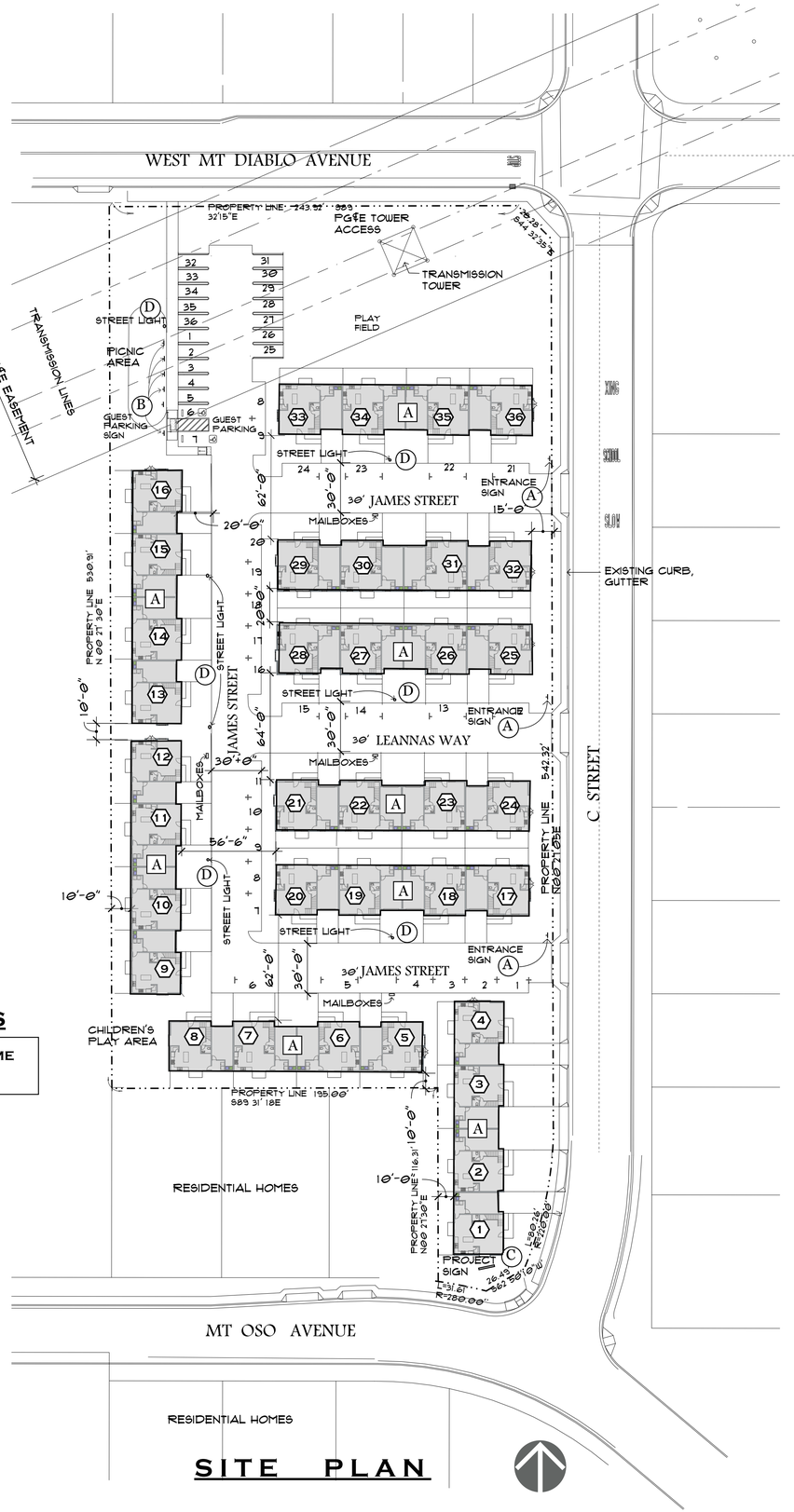
LOT COVERAGE FOR STREETS = 23,900 SF
LOT COVERAGE FOR GARAGE DRIVEWAYS = 9,620 SF
LANDSCAPE, PARK AND BACKYARD AREAS = 72,600 SF

PARKING

NUMBER	TYPE
36	GARAGE
7	GUEST PARKING
(2)	ACESSIBLE GUEST PARKING
24	STREET PARKING
12	PARKING FOR UNITS 25-36
81	TOTAL SPACES

BUILDING TYPES

A	FOUR PLEX TOWNHOME UNITS SEE A-2.0



SITE PLAN

ATTACHMENT B

ERNIE YOSHINO
AIA
ARCHITECT
343 GRANITE WAY
RIPON, CA 95366
PH 209-324-2343
EYOSHINO@FIRE2WIRE.COM

LICENSED ARCHITECT
ERNIE YOSHINO
NO. C-6474
30 JUNE 2023
renewal date
STATE OF CALIFORNIA

Signature

RECEIVED
NOVEMBER 13, 2024
City of Tracy
Community and Economic Development

UNITS FOR:
MT OSO TOWNHOMES
BYRUM INVESTMENTS, LLC
C STREET, TRACY, CA

C STREET
TRACY, CALIFORNIA 95376
APN: 235-100-77

Project no. 2105

Document Date:
October 17, 2024

rev.	date	remark
1		

Site Plan, project information

A-1.0

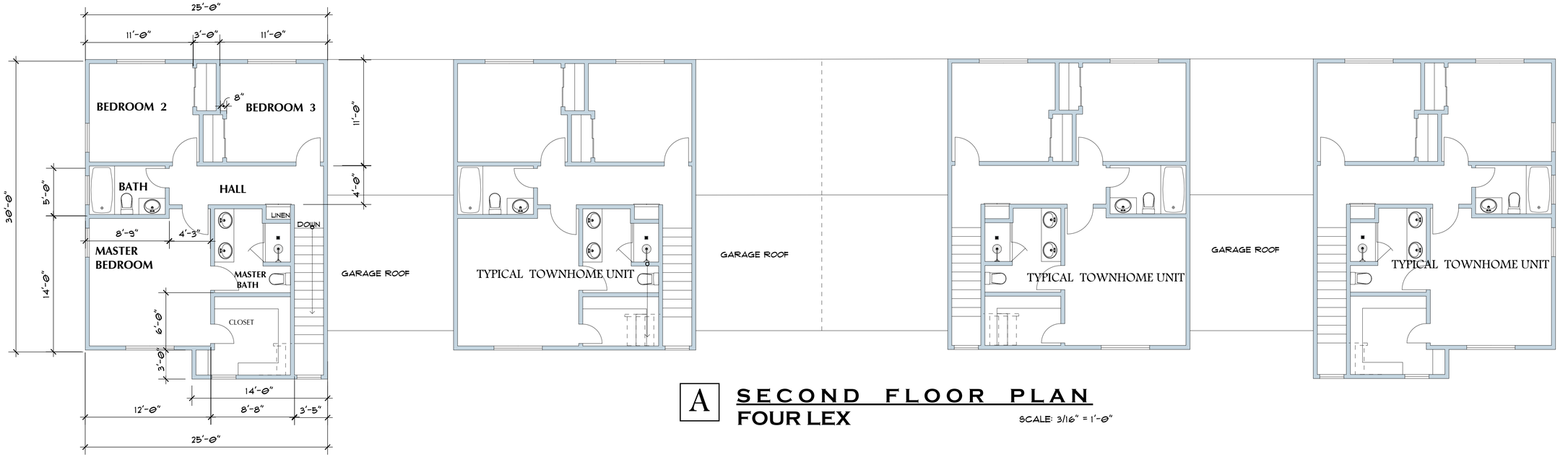
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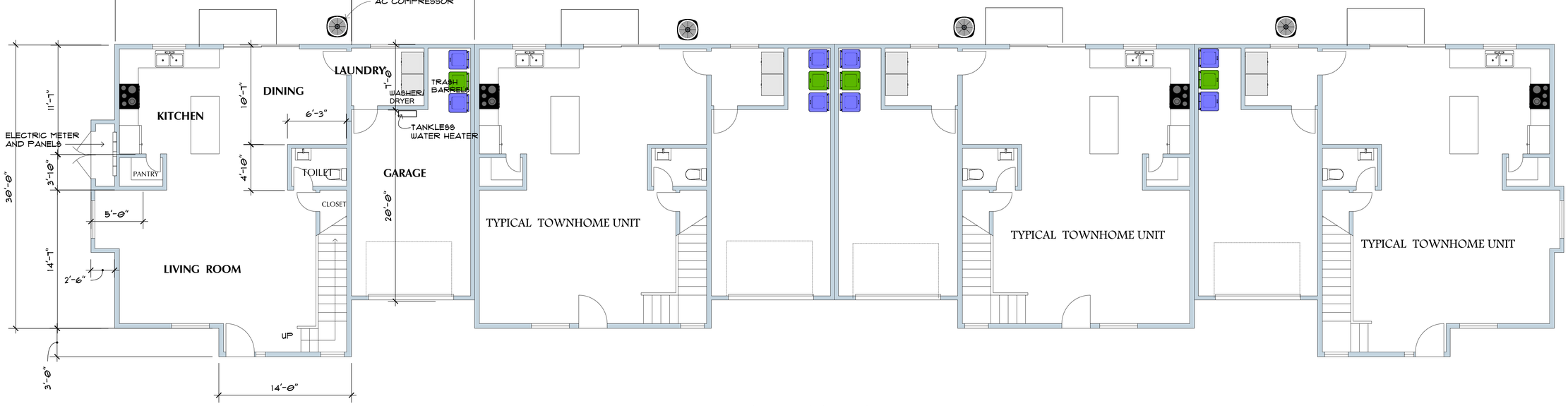
ERNIE YOSHINO
AIA
ARCHITECT
2600 BAYBERRY DRIVE
LODI, CA 95242
PH 209-324-2343
EYOSHINO@FIRE2WIRE.COM

LICENSED ARCHITECT
ERNIE YOSHINO
NO. C-6474
30 JUNE 2023
renewal date
STATE OF CALIFORNIA

Signature



A **SECOND FLOOR PLAN**
FOUR LEX
SCALE: 3/16" = 1'-0"



A **FIRST FLOOR PLAN**
FOUR PLEX
SCALE: 3/16" = 1'-0"

EACH UNIT

FIRST FLOOR AREA = 840 SF
GARAGE AREA = 260 SF
SECOND FLOOR AREA = 700 SF

TOTAL UNIT FLOOR PLAN = 1540 SF

UNITS FOR:
MT OSO TOWNHOMES
BYRUM INVESTMENTS, LLC
C STREET, TRACY, CA

C STREET
TRACY, CALIFORNIA 95376
APN: 235-100-77

Project no. 2105

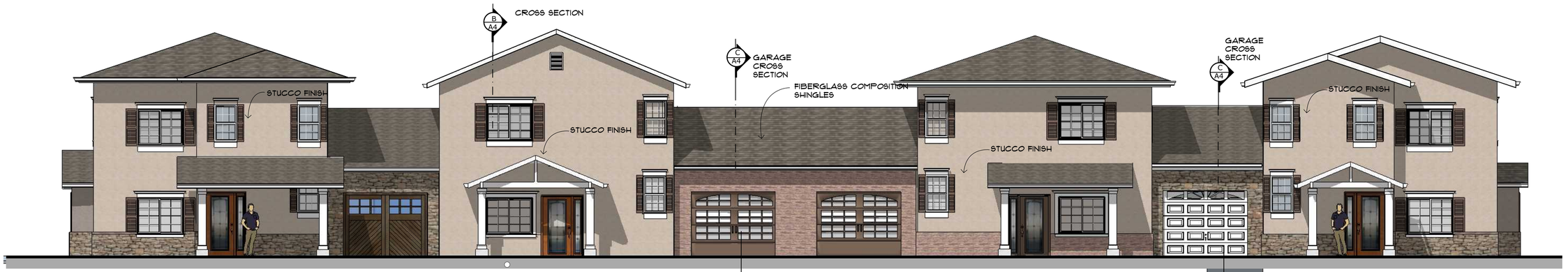
Document Date:
March 15, 2024

rev.	date	remark
1		

Floor Plan A

A-2.0

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FRONT ELEVATION

FOURPLEX

SCALE: 3/16" = 1'-0"

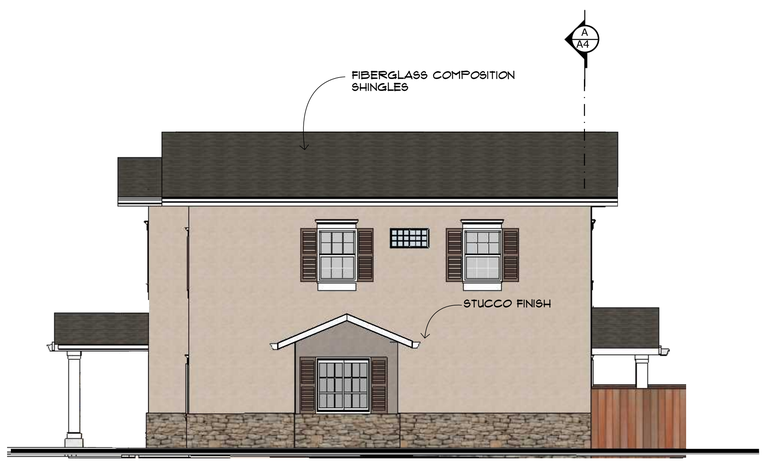


REAR ELEVATION

SCALE: 3/16" = 1'-0"

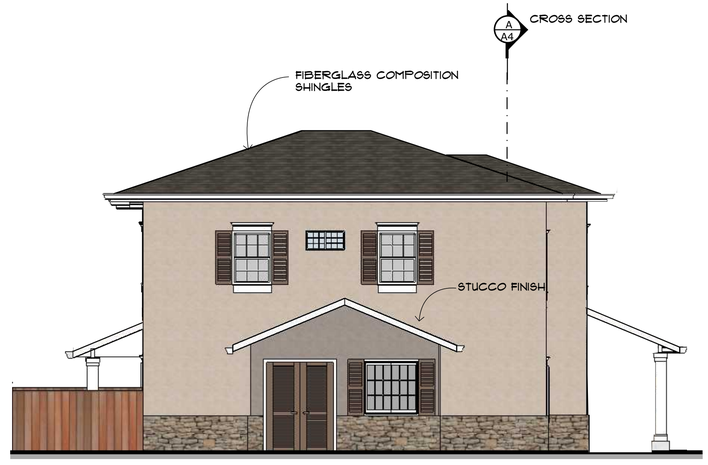


COLOR AND MATERIAL SAMPLES



SIDE ELEVATION

SCALE: 3/16" = 1'-0"



ELECTRIC METER AND PANEL ROOM

SIDE ELEVATION

SCALE: 3/16" = 1'-0"

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ATTACHMENT B

ERNIE YOSHINO
AIA
ARCHITECT
2600 Bayberry Drive
Lodi, CA 95242
PH 209-324-2343
EYOSHINO@FIRE2WIRE.COM

LICENSED ARCHITECT
ERNIE YOSHINO
NO. C-6474
30 JUNE 2023
renewal date
STATE OF CALIFORNIA

Signature

UNITS FOR:
MT OSO TOWNHOMES
BYRUM INVESTMENTS, LLC
C STREET, TRACY, CA

C STREET
TRACY, CALIFORNIA 95376
APN: 235-100-77

Project no. 2105

Document Date:
March 15, 2024

rev.	date	remark
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Building Elevations

A-3.0

ATTACHMENT B

ERNIE YOSHINO
AIA
ARCHITECT
2600 Bayberry Drive
Lodi, CA 95242
PH 209-324-2343
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C STREET, TRACY, CA

C STREET
TRACY, CALIFORNIA 95376
APN: 235-100-77

Project no. 2105

Document Date:
March 15, 2024

rev.	date	remark
1		
2		

Front Views

A-3.1

ATTACHMENT B

ERNIE YOSHINO
AIA
ARCHITECT
2600 Bayberry Drive
Lodi, CA 95242
PH 209-324-2343
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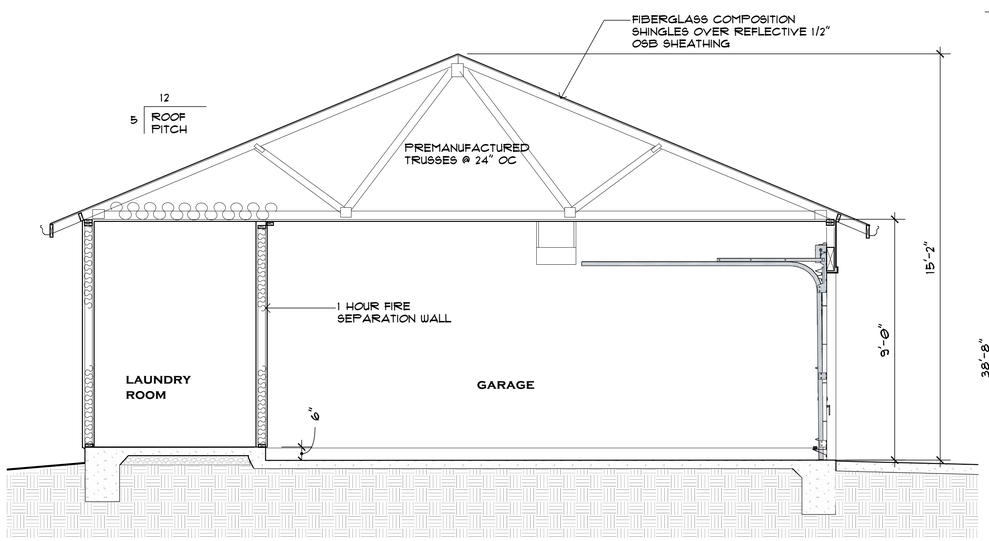
Rear Views

A-3.2

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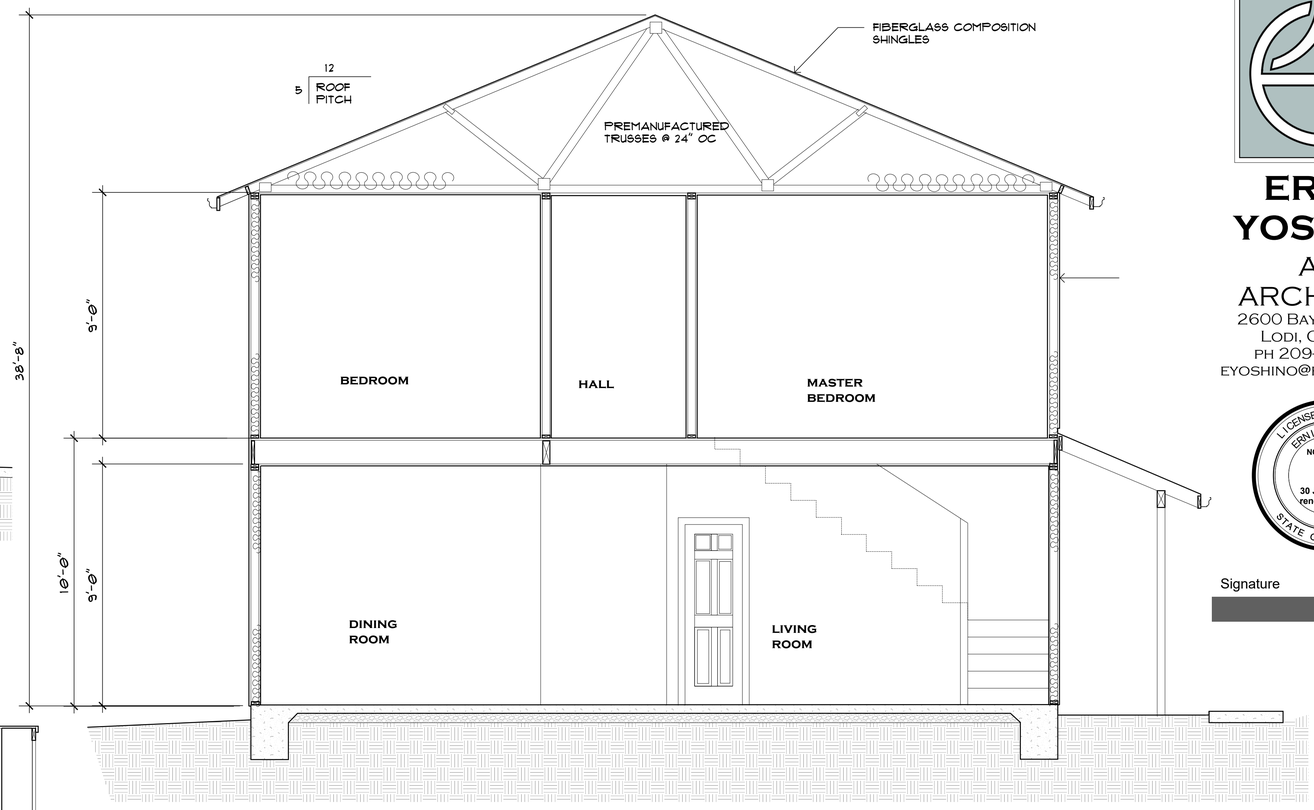
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ATTACHMENT B



C A-4.0 **GARAGE CROSS SECTION**

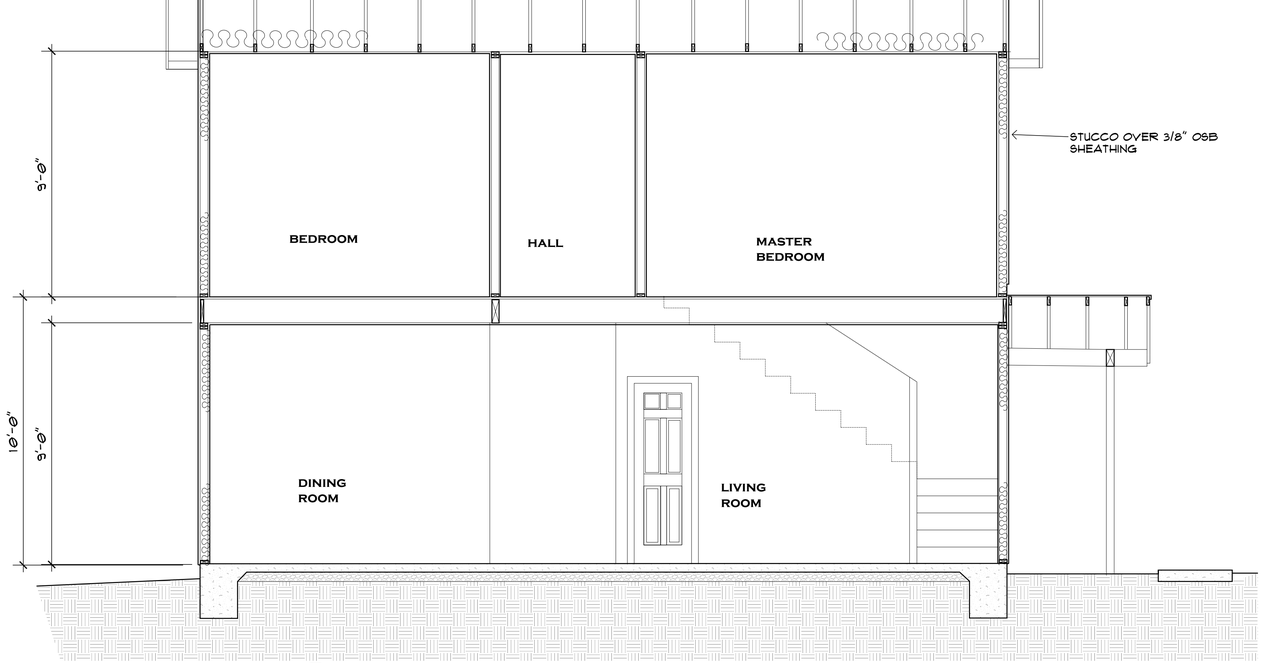
SCALE = 3/8" = 1' - 0"



A A-4.0 **CROSS SECTION**

BUILDING A

SCALE = 3/8" = 1' - 0"



B A-4.0 **CROSS SECTION**

ERNIE YOSHINO
AIA
ARCHITECT
2600 Bayberry Drive
Lodi, CA 95242
PH 209-324-2343
EYOSHINO@FIRE2WIRE.COM

LICENSED ARCHITECT
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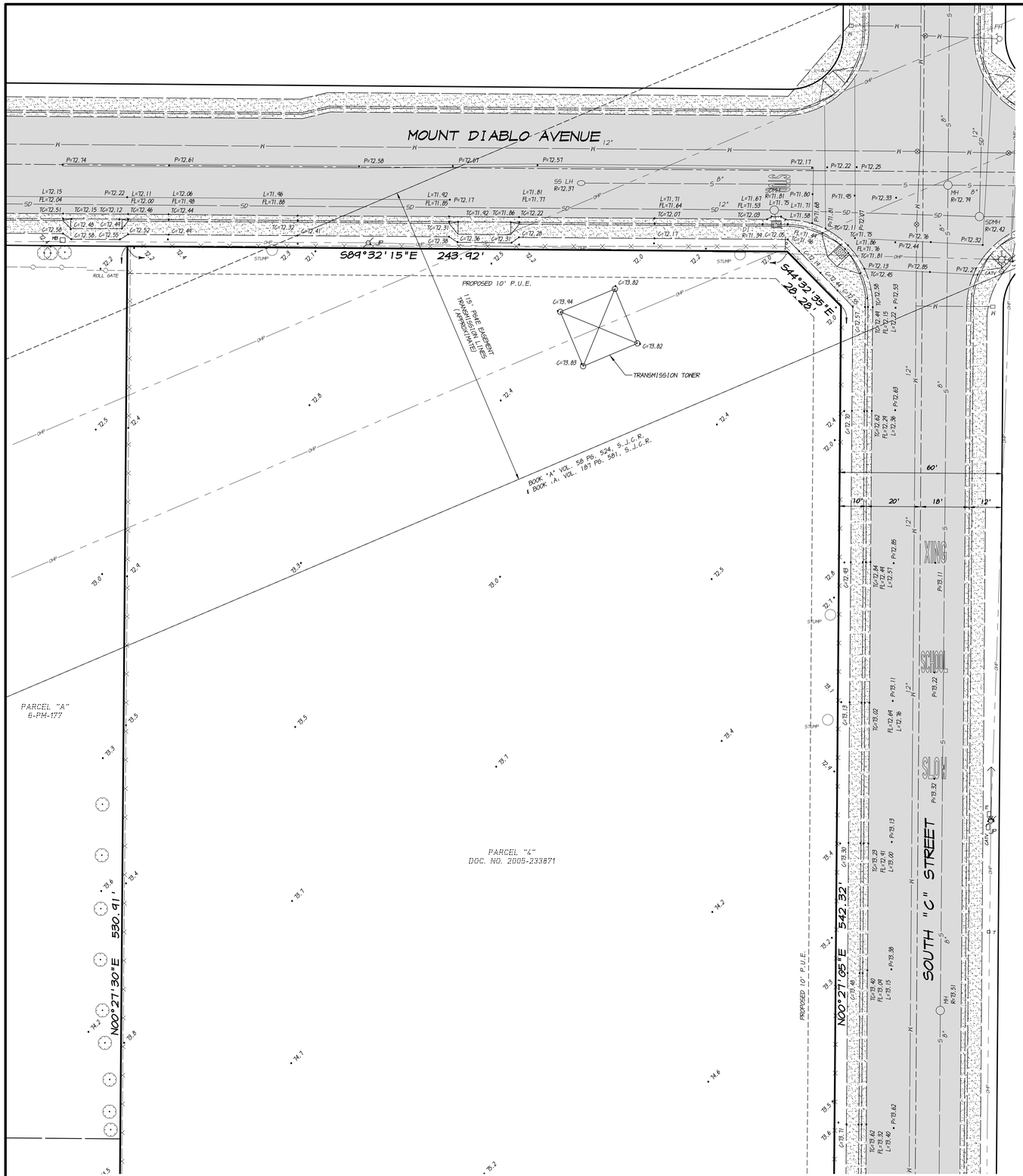
rev.	date	remark
1		

Cross Section

A-4.0

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SCALE: 1"=20'

LEGEND

- EX. GROUND ELEVATION
- EX. TOP OF CURB ELEVATION
- EX. FLOWLINE ELEVATION
- EX. A.C. PAVEMENT ELEVATION
- EX. RIM ELEVATION
- EX. GUTTER LIP ELEVATION
- EX. CONCRETE ELEVATION
- EX. CURB AND GUTTER
- EX. SANITARY SEWER LINE
- EX. SANITARY SEWER MANHOLE
- EX. SANITARY SEWER LAMPHOLE
- EX. STORM DRAIN MANHOLE
- EX. STORM DRAIN LINE
- EX. CATCH BASIN DROP INLET
- EX. WATER LINE
- EX. WATER METER
- EX. FIRE HYDRANT
- EX. GATE VALVE
- EX. MAILBOX
- EX. JOINT POLE
- EX. POLE WITH GUY ANCHOR
- EX. POLE WITH TRANSFORMER
- EX. OVERHEAD LINE
- EX. SIGN
- EX. GAS LINE
- EX. TELEPHONE MANHOLE
- EX. TELEPHONE BOX
- EX. ELECTRICAL BOX
- EX. GAS METER
- EX. ELECTROLIER
- EX. FENCE
- EX. TREE, SPREAD DRAWN TO SCALE
- EX. AREA OF CONCRETE
- EX. AREA OF ASPHALT PAVEMENT

UTILITY LOCATIONS

1. EXISTING UNDERGROUND UTILITIES SHOWN ARE TAKEN FROM RECORD INFORMATION TO AID THE CONTRACTOR. THE CONTRACTOR SHALL VERIFY THE LOCATIONS, BOTH VERTICAL AND HORIZONTAL, OF ALL EXISTING UNDERGROUND LINES AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR CONFLICTS PRIOR TO WORK.
2. EXISTING UTILITIES ARE SHOWN AS THEY ARE BELIEVED TO EXIST FROM RECORDS SUPPLIED BY OTHERS. THE OWNER AND ENGINEER DO NOT ACCEPT RESPONSIBILITY FOR THEIR ACCURACY. PRIOR TO THE COMMENCEMENT OF WORK, THE CONTRACTOR SHALL HAVE EACH UTILITY COMPANY ACCURATELY LOCATE IN THE FIELD THEIR MAINS AND SERVICE LINES. IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO PROTECT ALL EXISTING UTILITIES, SO THAT NO DAMAGE RESULTS TO THEM DURING THE PERFORMANCE OF THIS CONTRACT. CONTACT U.S.A. AT PH. 800-227-2600
3. PRIOR TO OPENING AN EXCAVATION, EFFORT SHALL BE MADE TO DETERMINE WHETHER UNDERGROUND INSTALLATION I.E., SEWER, WATER, FUEL, ELECTRIC LINES, ETC. WILL BE ENCOUNTERED AND IF SO, WHERE SUCH UNDERGROUND INSTALLATIONS ARE LOCATED. WHEN EXCAVATION APPROACHES THE APPROXIMATE LOCATION OF SUCH AN INSTALLATION, THE EXACT LOCATION SHALL BE DETERMINED BY CAREFUL PROBING OR HAND DIGGING AND WHEN IT IS UNCOVERED, ADEQUATE PROTECTION SHALL BE PROVIDED FOR THE INSTALLATION. ALL KNOWN OWNERS OF UNDERGROUND FACILITIES IN THE AREA CONCERNED SHALL BE ADVISED OF PROPOSED WORK AT LEAST 48 HOURS PRIOR TO THE START OF ACTUAL EXCAVATION.

NOTE

THE PROPERTY LINE DISTANCES, BEARINGS SHOWN ON THIS MAP ARE TAKEN FROM DEEDS, ASSESSOR'S MAPS, RECORD MAPS OR A COMBINATION OF THESE DOCUMENTS, AND DO NOT REFLECT A FIELD BOUNDARY SURVEY.

BENCHMARK

NGS BENCHMARK 5956 BEING A BRASS DISC LOCATED IN A MONUMENT WELL NEAR THE CENTERLINE INTERSECTION OF SCHULTE ROAD AND INDEPENDENCE DRIVE.
ELEVATION = 78.29 NAVD88

811 Know what's **below.** **Call** before you dig.

REVISION	DATE	DESCRIPTION	BY

ASSOCIATED ENGINEERING GROUP
4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

EXISTING TOPOGRAPHY

MT. OSO TOWNHOMES

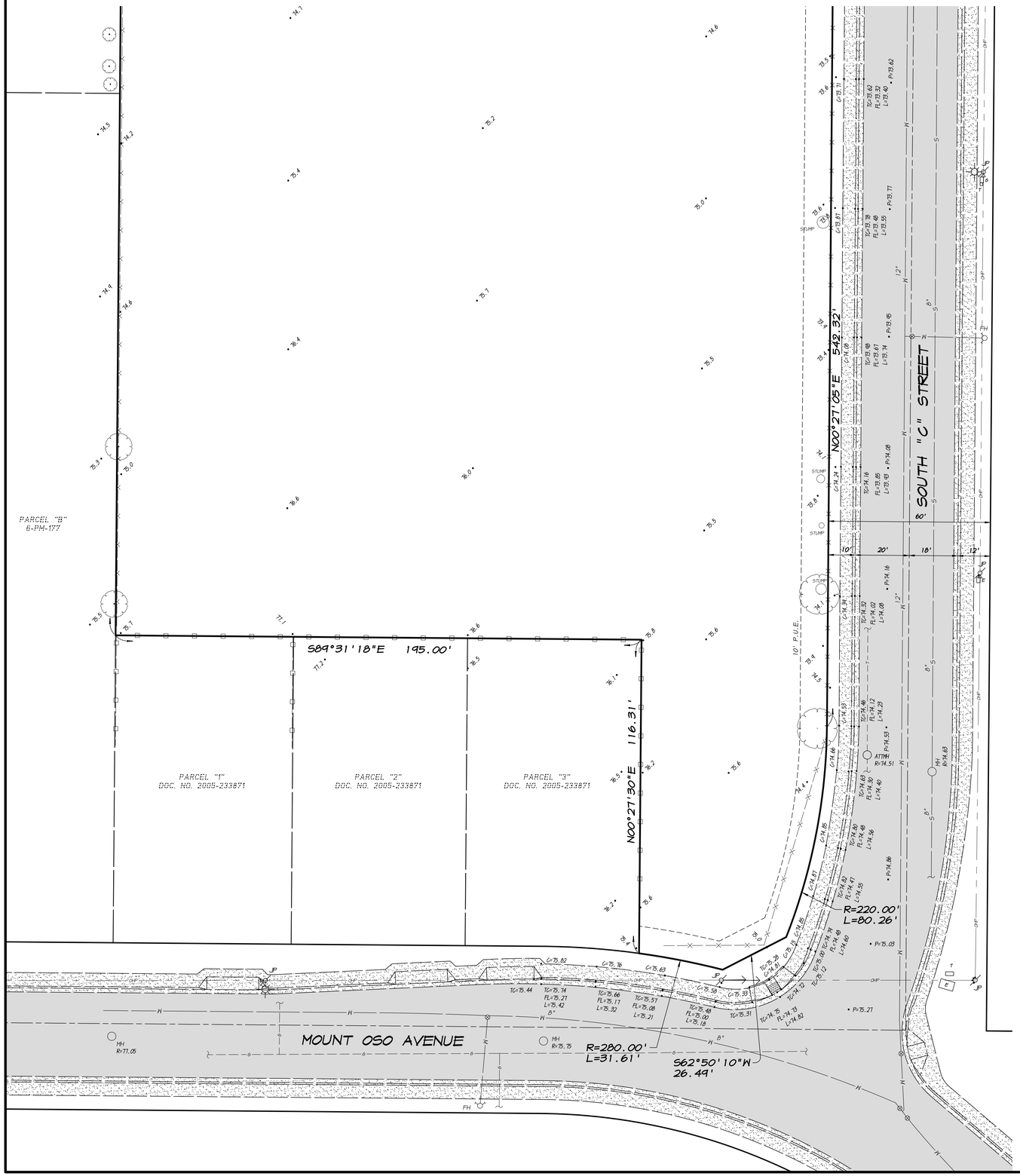
CALIFORNIA

TRACY

RYAN CARREL, R.C.E. 61619
JEFF SHELDON, R.C.E. 84078

DRAWN BY: J.T.S.
DATE: 10/17/24 10:14
SCALE: 1"=20'
DWG: 1480-BASE
CHECKED: R.D.C.
JOB #: 1480-22

SHEET 1 OF 6



LEGEND

- EX. GROUND ELEVATION
- EX. TOP OF CURB ELEVATION
- EX. FLOWLINE ELEVATION
- EX. A.C. PAVEMENT ELEVATION
- EX. RIM ELEVATION
- EX. GUTTER LIP ELEVATION
- EX. CONCRETE ELEVATION
- EX. CURB AND GUTTER
- EX. SANITARY SEWER LINE
- EX. SANITARY SEWER MANHOLE
- EX. SANITARY SEWER LAMPHOLE
- EX. STORM DRAIN MANHOLE
- EX. STORM DRAIN LINE
- EX. CATCH BASIN DROP INLET
- EX. WATER LINE
- EX. WATER METER
- EX. FIRE HYDRANT
- EX. GATE VALVE
- EX. MAILBOX
- EX. JOINT POLE
- EX. POLE WITH GUY ANCHOR
- EX. POLE WITH TRANSFORMER
- EX. OVERHEAD LINE
- EX. SIGN
- EX. GAS LINE
- EX. TELEPHONE MANHOLE
- EX. TELEPHONE BOX
- EX. ELECTRICAL BOX
- EX. GAS METER
- EX. ELECTROLIER
- EX. FENCE
- EX. TREE, SPREAD DRAWN TO SCALE
- EX. AREA OF CONCRETE
- EX. AREA OF ASPHALT PAVEMENT

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BENCHMARK

NGS BENCHMARK 5956 BEING A BRASS DISC LOCATED IN A MONUMENT WELL NEAR THE CENTERLINE INTERSECTION OF SCHULTE ROAD AND INDEPENDENCE DRIVE.
ELEVATION = 78.29 NAVD88

811 Know what's **below.** **Call** before you dig.

REVISION	DATE	DESCRIPTION	BY

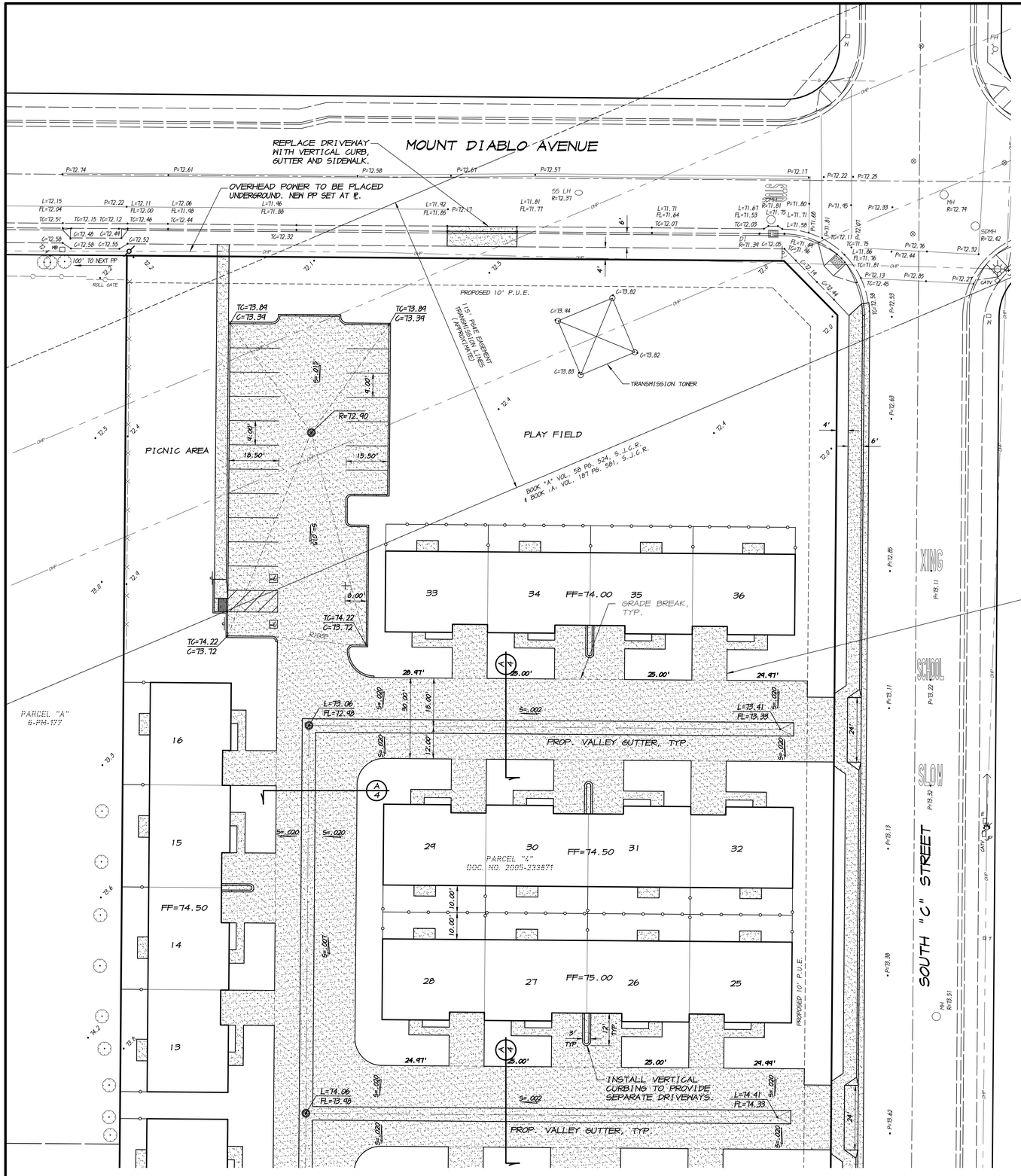
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DRAWN BY: J.T.S.
DATE: 10/17/24 10:14
SCALE: 1"=20'
DWG: 1480-BASE
CHECKED: R.D.C.
JOB #: 1480-22

SHEET 2 OF 6

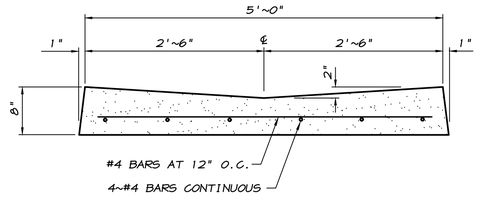


SCALE: 1"=20'

DRIVEWAY APRON SLOPES TO VARY FROM 2% MIN. TO 9% MAX.

LEGEND

T2.6	EX. GROUND ELEVATION
TC=13.66	EX. TOP OF CURB ELEVATION
FL=13.01	EX. FLOWLINE ELEVATION
P=13.66	EX. A.C. PAVEMENT ELEVATION
R=13.66	EX. RIM ELEVATION
L=13.66	EX. GUTTER LIP ELEVATION
C=13.66	EX. CONCRETE ELEVATION
	EX. CURB AND GUTTER
—S—	EX. SANITARY SEWER LINE
MH	EX. SANITARY SEWER MANHOLE
SS LH	EX. SANITARY SEWER LAMPHOLE
SDMH	EX. STORM DRAIN MANHOLE
—SD—	EX. STORM DRAIN LINE
DI	EX. CATCH BASIN DROP INLET
—W—	EX. WATER LINE
W	EX. WATER METER
FH	EX. FIRE HYDRANT
	EX. GATE VALVE
MB	EX. MAILBOX
JP	EX. JOINT POLE
	EX. POLE WITH GUY ANCHOR
	EX. POLE WITH TRANSFORMER
OHP	EX. OVERHEAD LINE
	EX. SIGN
—G—	EX. GAS LINE
ATTMH	EX. TELEPHONE MANHOLE
T	EX. TELEPHONE BOX
E	EX. ELECTRICAL BOX
G	EX. GAS METER
	EX. ELECTROLIER
	EX. FENCE
	EX. TREE, SPREAD DRAWN TO SCALE
CB-3	PROP. STORM DRAIN CATCH BASIN
S=.020	PROP. SLOPE AND DIRECTION OF FLOW
L=13.78	PROP. LIP ELEVATION
FL=12.70	PROP. FLOWLINE ELEVATION
FF=12.52	PROP. FINISH FLOOR ELEVATION
	PROP. FENCE LINE
	PROP. AREA OF CONCRETE



VALLEY GUTTER DETAIL

SCALE : 1"=1'

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BENCHMARK

NGS BENCHMARK 5956 BEING A BRASS DISC LOCATED IN A MONUMENT WELL NEAR THE CENTERLINE INTERSECTION OF SCHULTE ROAD AND INDEPENDENCE DRIVE.
ELEVATION = 78.29 NAVD88

811 Know what's **below.** **Call** before you dig.

REVISION	DATE	DESCRIPTION	BY

ASSOCIATED ENGINEERING GROUP
4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

PRELIMINARY GRADING PLAN

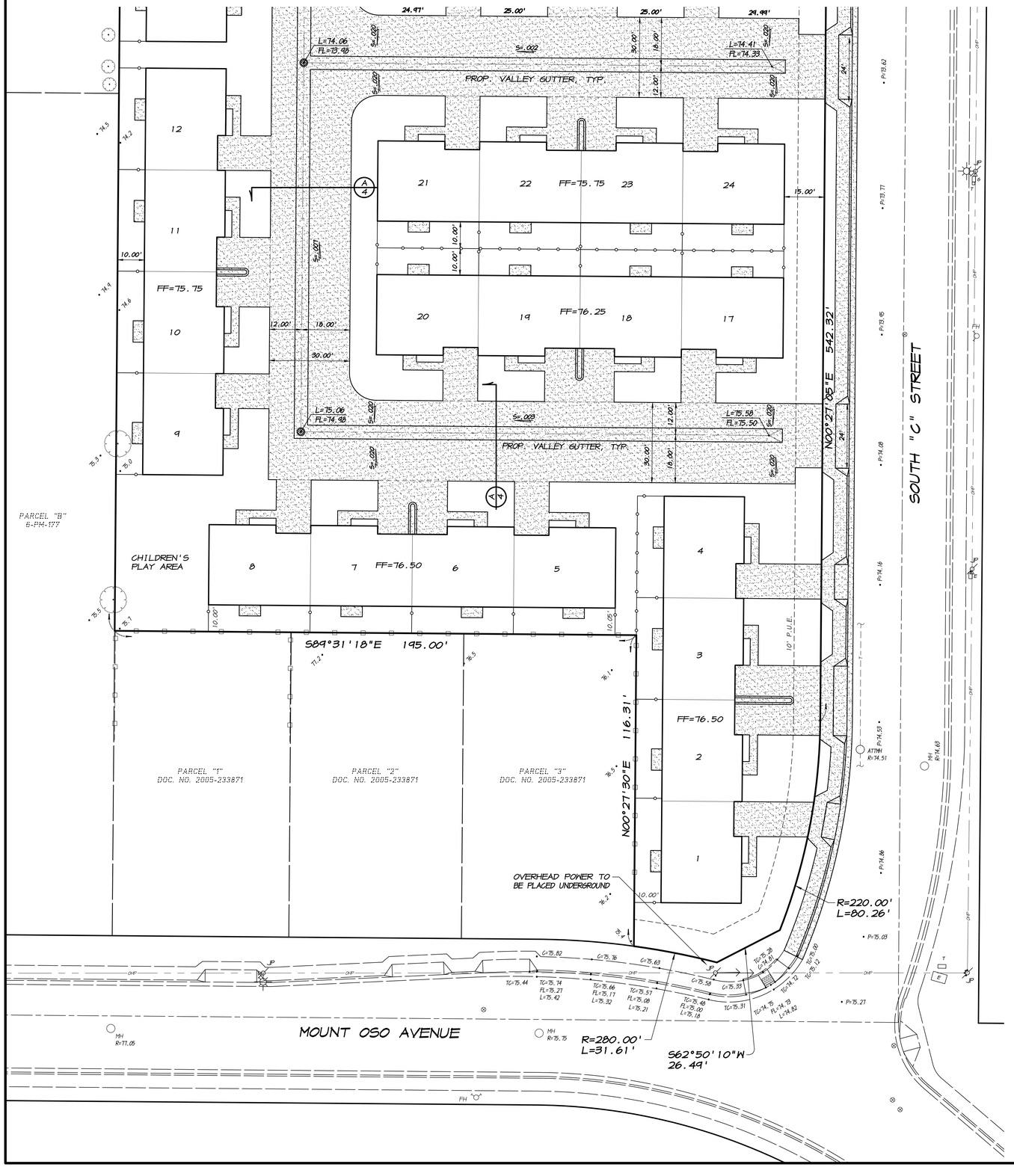
MT. OSO TOWNHOMES

TRACY CALIFORNIA

RYAN CARREL, R.C.E. 61619
JEFF SHELDON, R.C.E. 84078

DRAWN BY: J.T.S.
DATE: 10/17/24 10:06
SCALE: 1"=20'
DWG: 1480-BASE
CHECKED: R.D.G.
JOB #: 1480-22

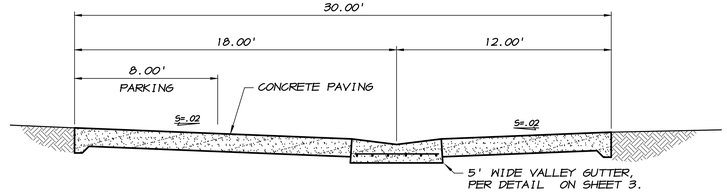
SHEET 3 OF 6



SCALE: 1"=20'

LEGEND

12.6	EX. GROUND ELEVATION
TC=73.66	EX. TOP OF CURB ELEVATION
FL=73.01	EX. FLOWLINE ELEVATION
P=73.66	EX. A.C. PAVEMENT ELEVATION
R=73.66	EX. RIM ELEVATION
L=73.66	EX. GUTTER LIP ELEVATION
C=73.66	EX. CONCRETE ELEVATION
	EX. CURB AND GUTTER
—S—	EX. SANITARY SEWER LINE
MH	EX. SANITARY SEWER MANHOLE
SS LH	EX. SANITARY SEWER LAMPHOLE
SDMH	EX. STORM DRAIN MANHOLE
—SD—	EX. STORM DRAIN LINE
DI	EX. CATCH BASIN DROP INLET
—W—	EX. WATER LINE
W	EX. WATER METER
FH	EX. FIRE HYDRANT
	EX. GATE VALVE
MB	EX. MAILBOX
JP	EX. JOINT POLE
	EX. POLE WITH GUY ANCHOR
	EX. POLE WITH TRANSFORMER
OHP	EX. OVERHEAD LINE
	EX. SIGN
—G—	EX. GAS LINE
ATTMH	EX. TELEPHONE MANHOLE
T	EX. TELEPHONE BOX
E	EX. ELECTRICAL BOX
G	EX. GAS METER
	EX. ELECTROLIER
—X—X—	EX. FENCE
	EX. TREE, SPREAD DRAWN TO SCALE
CB-3	PROP. STORM DRAIN CATCH BASIN
S=.020	PROP. SLOPE AND DIRECTION OF FLOW
L=173.78	PROP. LIP ELEVATION
FL=172.70	PROP. FLOWLINE ELEVATION
FF=172.52	PROP. FINISH FLOOR ELEVATION
	PROP. FENCE LINE
	PROP. AREA OF CONCRETE



TYPICAL INTERIOR STREET CROSS-SECTION 'A'

NO SCALE

UTILITY LOCATIONS

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BENCHMARK

NGS BENCHMARK 5956 BEING A BRASS DISC LOCATED IN A MONUMENT WELL NEAR THE CENTERLINE INTERSECTION OF SCHULTE ROAD AND INDEPENDENCE DRIVE. ELEVATION = 78.29 NAVD88

811 Know what's **below.** **Call** before you dig.

REVISION	DATE	DESCRIPTION	BY

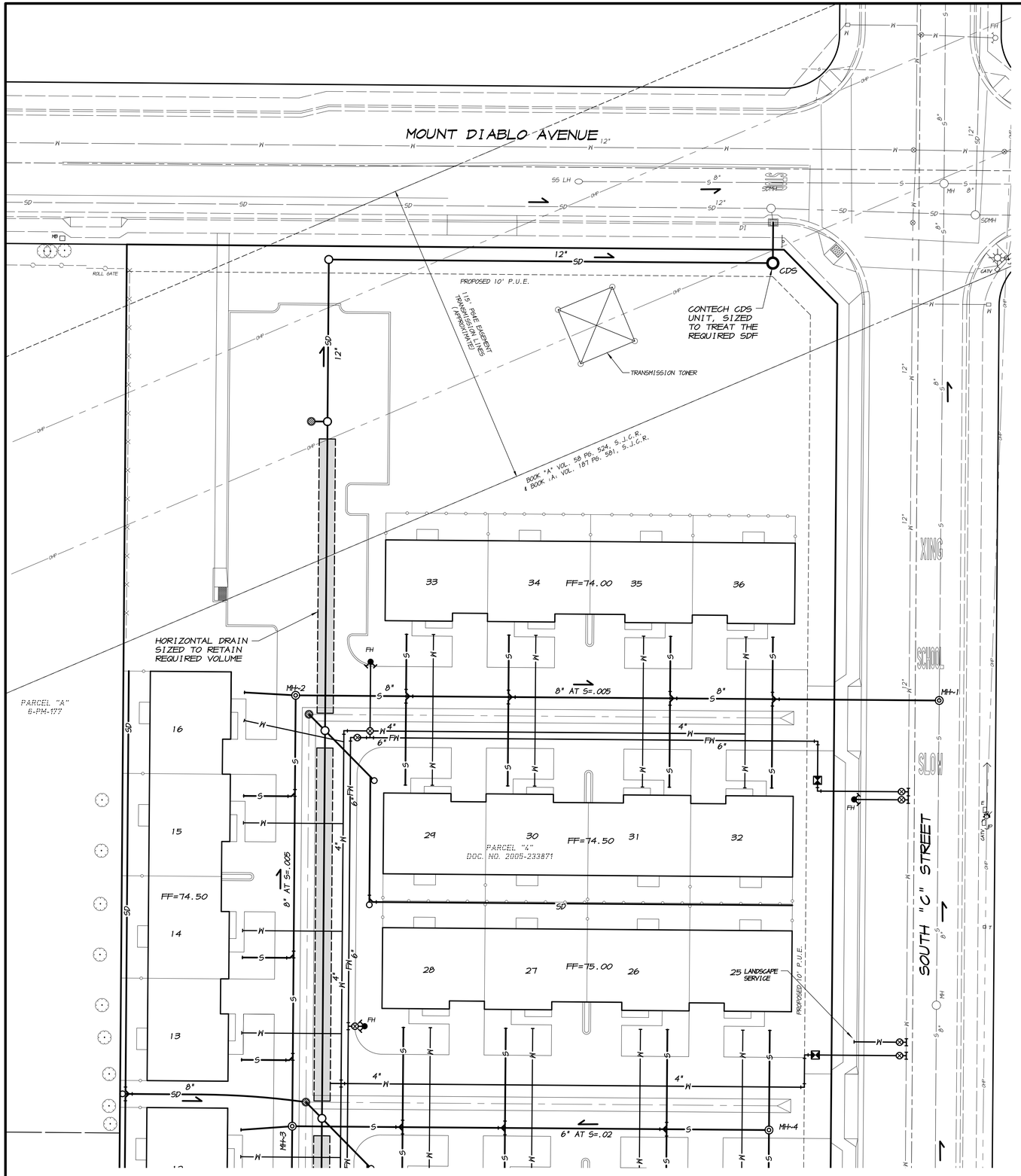
ASSOCIATED ENGINEERING GROUP
4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

PRELIMINARY GRADING PLAN
MT. OSO TOWNHOMES
TRACY CALIFORNIA

RYAN CARREL, R.C.E. 61619
JEFF SHELDON, R.C.E. 84078

DRAWN BY: J.T.S.
DATE: 10/17/24 10:14
SCALE: 1"=20'
DWG: 1480-BASE
CHECKED: R.D.G.
JOB #: 1480-22

SHEET 4 OF 6



SEE SHEET 6

SCALE: 1"=20'

UTILITY LOCATIONS

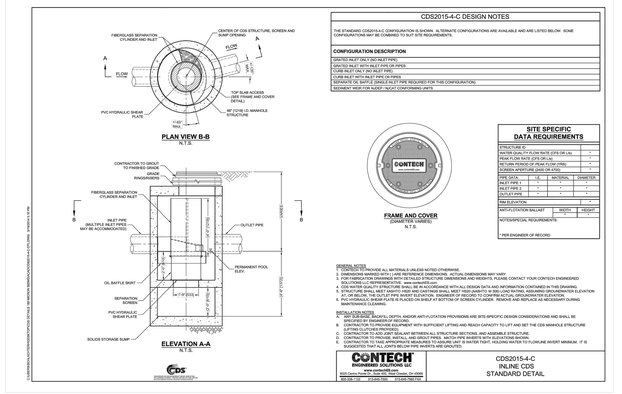
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LEGEND

- EX. CURB AND GUTTER
- EX. SANITARY SEWER LINE
- EX. SANITARY SEWER MANHOLE
- EX. SANITARY SEWER LAMPHOLE
- EX. STORM DRAIN MANHOLE
- EX. STORM DRAIN LINE
- EX. CATCH BASIN DROP INLET
- EX. WATER LINE
- EX. WATER METER
- EX. FIRE HYDRANT
- EX. GATE VALVE
- EX. MAILBOX
- EX. JOINT POLE
- EX. POLE WITH GUY ANCHOR
- EX. POLE WITH TRANSFORMER
- EX. OVERHEAD LINE
- EX. SIGN
- EX. GAS LINE
- EX. TELEPHONE MANHOLE
- EX. TELEPHONE BOX
- EX. ELECTRICAL BOX
- EX. GAS METER
- EX. ELECTROLIER
- EX. FENCE
- EX. TREE, SPREAD DRAWN TO SCALE
- PROP. SANITARY SEWER LINE
- PROP. SANITARY SEWER MANHOLE
- PROP. SANITARY SEWER CLEANOUT
- PROP. 4" HOUSE SEWER LATERAL
- PROP. STORM DRAIN LINE
- PROP. STORM DRAIN MANHOLE
- PROP. STORM DRAIN CATCH BASIN
- PROP. STORM DRAIN TREATMENT STRUCTURE
- PROP. HORIZONTAL DRAIN
- PROP. DOMESTIC WATER LINE
- PROP. FIRE PROTECTION WATER LINE
- PROP. 1" HOUSE WATER SERVICE
- PROP. BACKFLOW PREVENTION DEVICE
- PROP. FIRE HYDRANT
- PROP. WATER GATE VALVE



BENCHMARK

NGS BENCHMARK 5956 BEING A BRASS DISC LOCATED IN A MONUMENT WELL NEAR THE CENTERLINE INTERSECTION OF SCHULTE ROAD AND INDEPENDENCE DRIVE. ELEVATION = 78.29 NAVD88

Know what's **below.**
Call before you dig.

REVISION	DATE	DESCRIPTION	BY

ASSOCIATED ENGINEERING GROUP
4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

PRELIMINARY UTILITY PLAN

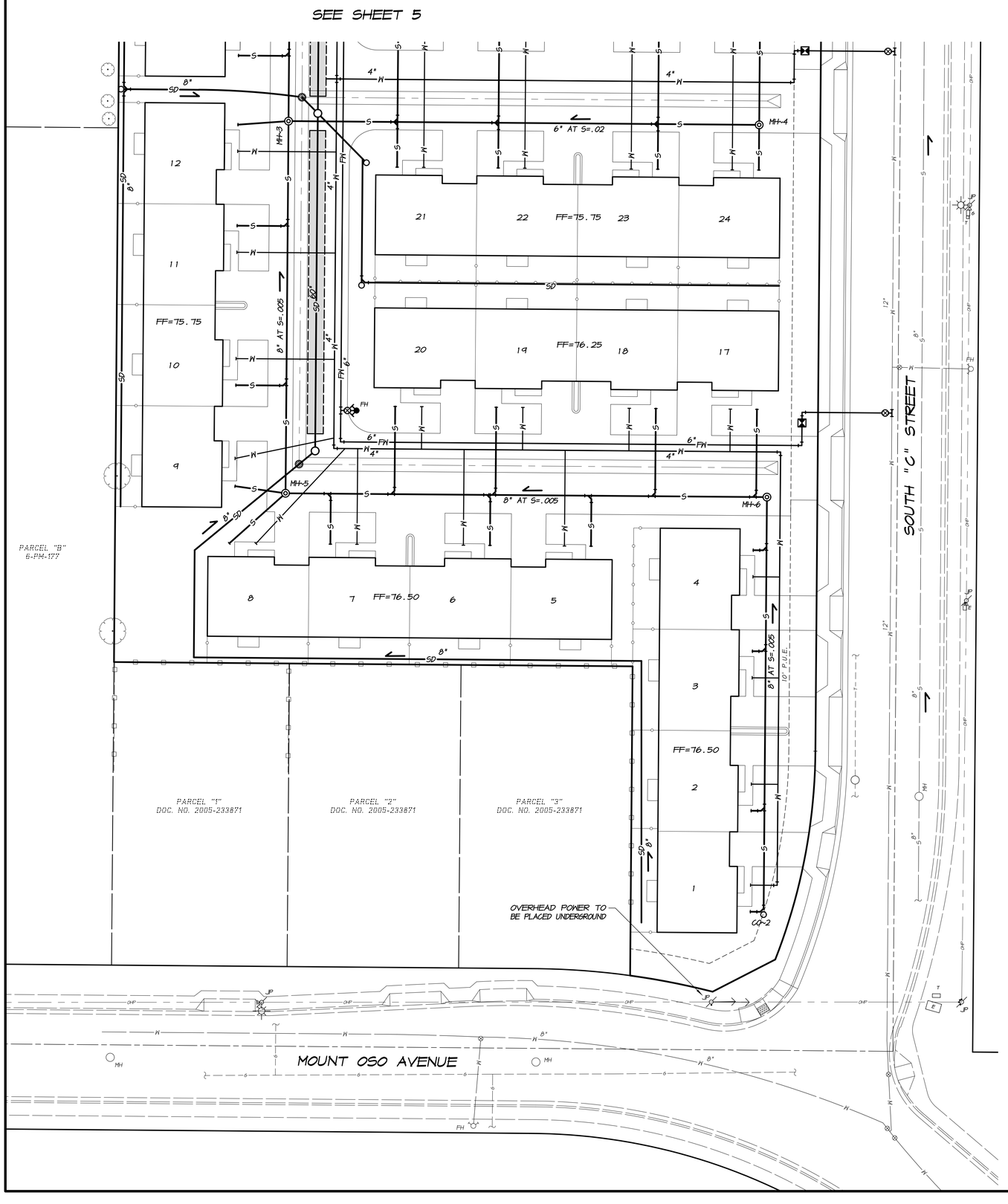
MT. OSO TOWNHOMES

TRACY CALIFORNIA

RYAN CARREL, R.C.E. 61619
JEFF SHELDON, R.C.E. 84078

DRAWN BY: J. T. S.
DATE: 10/17/24 10:14
SCALE: 1"=20'
DWG: 1480-BASE
CHECKED: R. D. C.
JOB #: 1480-22

SHEET 5
OF 6



LEGEND

- EX. CURB AND GUTTER
- EX. SANITARY SEWER LINE
- EX. SANITARY SEWER MANHOLE
- EX. SANITARY SEWER LAMPHOLE
- EX. STORM DRAIN MANHOLE
- EX. STORM DRAIN LINE
- EX. CATCH BASIN DROP INLET
- EX. WATER LINE
- EX. WATER METER
- EX. FIRE HYDRANT
- EX. GATE VALVE
- EX. MAILBOX
- EX. JOINT POLE
- EX. POLE WITH GUY ANCHOR
- EX. POLE WITH TRANSFORMER
- EX. OVERHEAD LINE
- EX. SIGN
- EX. GAS LINE
- EX. TELEPHONE MANHOLE
- EX. TELEPHONE BOX
- EX. ELECTRICAL BOX
- EX. GAS METER
- EX. ELECTROLIER
- EX. FENCE
- EX. TREE, SPREAD DRAWN TO SCALE
- PROP. SANITARY SEWER LINE
- PROP. SANITARY SEWER MANHOLE
- PROP. SANITARY SEWER CLEANOUT
- PROP. 4" HOUSE SEWER LATERAL
- PROP. STORM DRAIN LINE
- PROP. STORM DRAIN MANHOLE
- PROP. STORM DRAIN CATCH BASIN
- PROP. HORIZONTAL DRAIN
- PROP. DOMESTIC WATER LINE
- PROP. FIRE PROTECTION WATER LINE
- PROP. 1" HOUSE WATER SERVICE
- PROP. BACKFLOW PREVENTION DEVICE
- PROP. FIRE HYDRANT
- PROP. WATER GATE VALVE

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BENCHMARK

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ELEVATION = 78.29 NAVD88

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ASSOCIATED ENGINEERING GROUP
4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

PRELIMINARY UTILITY PLAN

MT. OSO TOWNHOMES

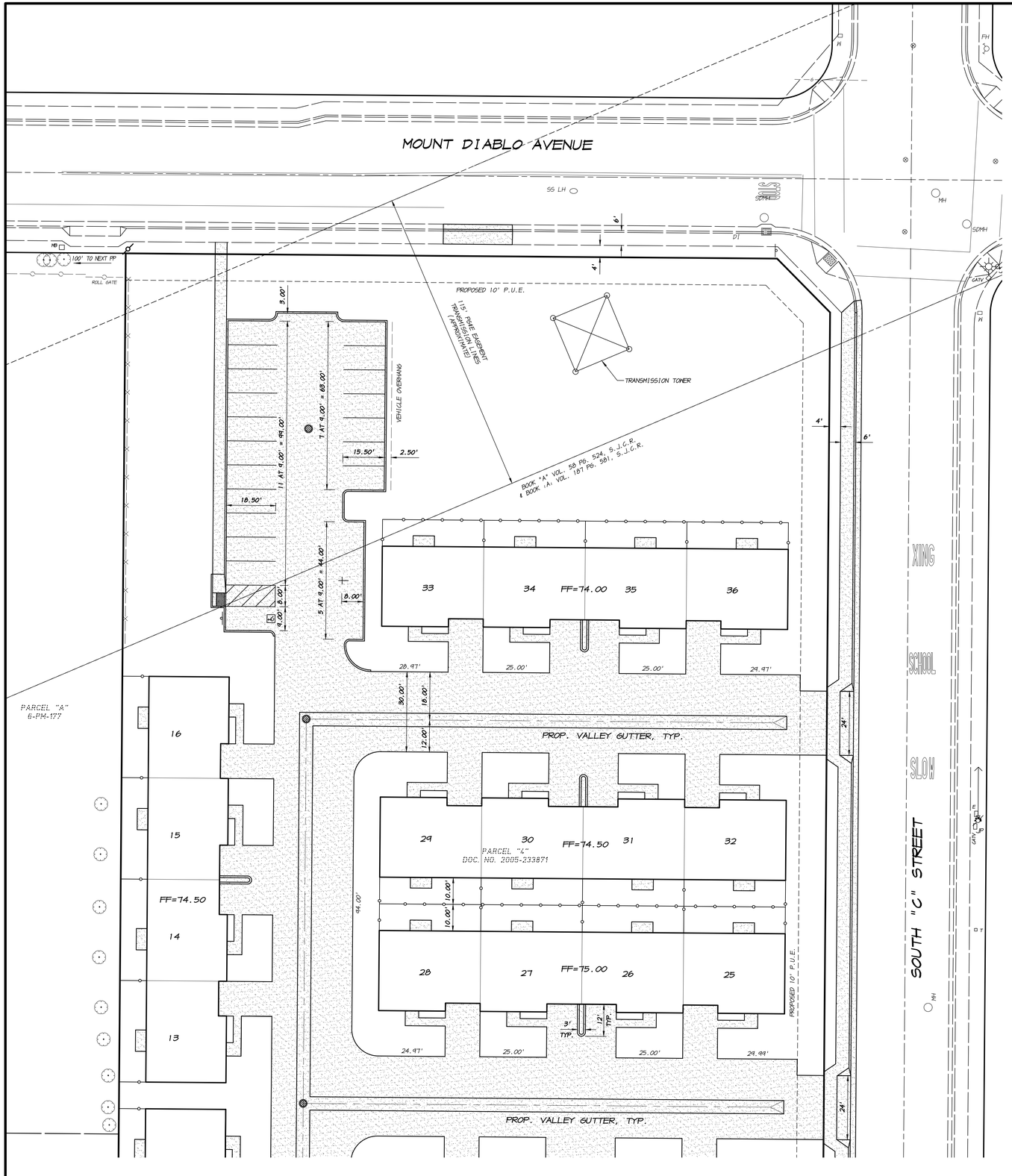
TRACY CALIFORNIA

RYAN CARREL, R.C.E. 61619
JEFF SHELDON, R.C.E. 84078

DRAWN BY: J.T.S.
DATE: 10/17/24 10:14
SCALE: 1"=20'
DWG: 1480-BASE
CHECKED: R.D.C.
JOB #: 1480-22

SHEET 6 OF 6

ATTACHMENT B



SEE SHEET 2

LEGEND

73.6	EX. GROUND ELEVATION
TC=73.66	EX. TOP OF CURB ELEVATION
FL=73.01	EX. FLOWLINE ELEVATION
P=73.66	EX. A.C. PAVEMENT ELEVATION
R=73.66	EX. RIM ELEVATION
L=73.66	EX. GUTTER LIP ELEVATION
C=73.66	EX. CONCRETE ELEVATION
	EX. CURB AND GUTTER
S	EX. SANITARY SEWER LINE
MH	EX. SANITARY SEWER MANHOLE
55 LH	EX. SANITARY SEWER LAMPHOLE
SDMH	EX. STORM DRAIN MANHOLE
SD	EX. STORM DRAIN LINE
DI	EX. CATCH BASIN DROP INLET
W	EX. WATER LINE
W	EX. WATER METER
FH	EX. FIRE HYDRANT
	EX. GATE VALVE
MB	EX. MAILBOX
JP	EX. JOINT POLE
	EX. POLE WITH GUY ANCHOR
	EX. POLE WITH TRANSFORMER
OHP	EX. OVERHEAD LINE
S	EX. SIGN
G	EX. GAS LINE
ATTMH	EX. TELEPHONE MANHOLE
T	EX. TELEPHONE BOX
E	EX. ELECTRICAL BOX
G	EX. GAS METER
	EX. ELECTROLIER
	EX. FENCE
	EX. TREE, SPREAD DRAWN TO SCALE
CB-3	PROP. STORM DRAIN CATCH BASIN
FF=172.52	PROP. FINISH FLOOR ELEVATION
	PROP. FENCE LINE
	PROP. AREA OF CONCRETE

811 Know what's **below.** **Call** before you dig.

REVISION	DATE	DESCRIPTION	BY

ASSOCIATED ENGINEERING GROUP
4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

PRELIMINARY PARKING PLAN

MT. OSO TOWNHOMES

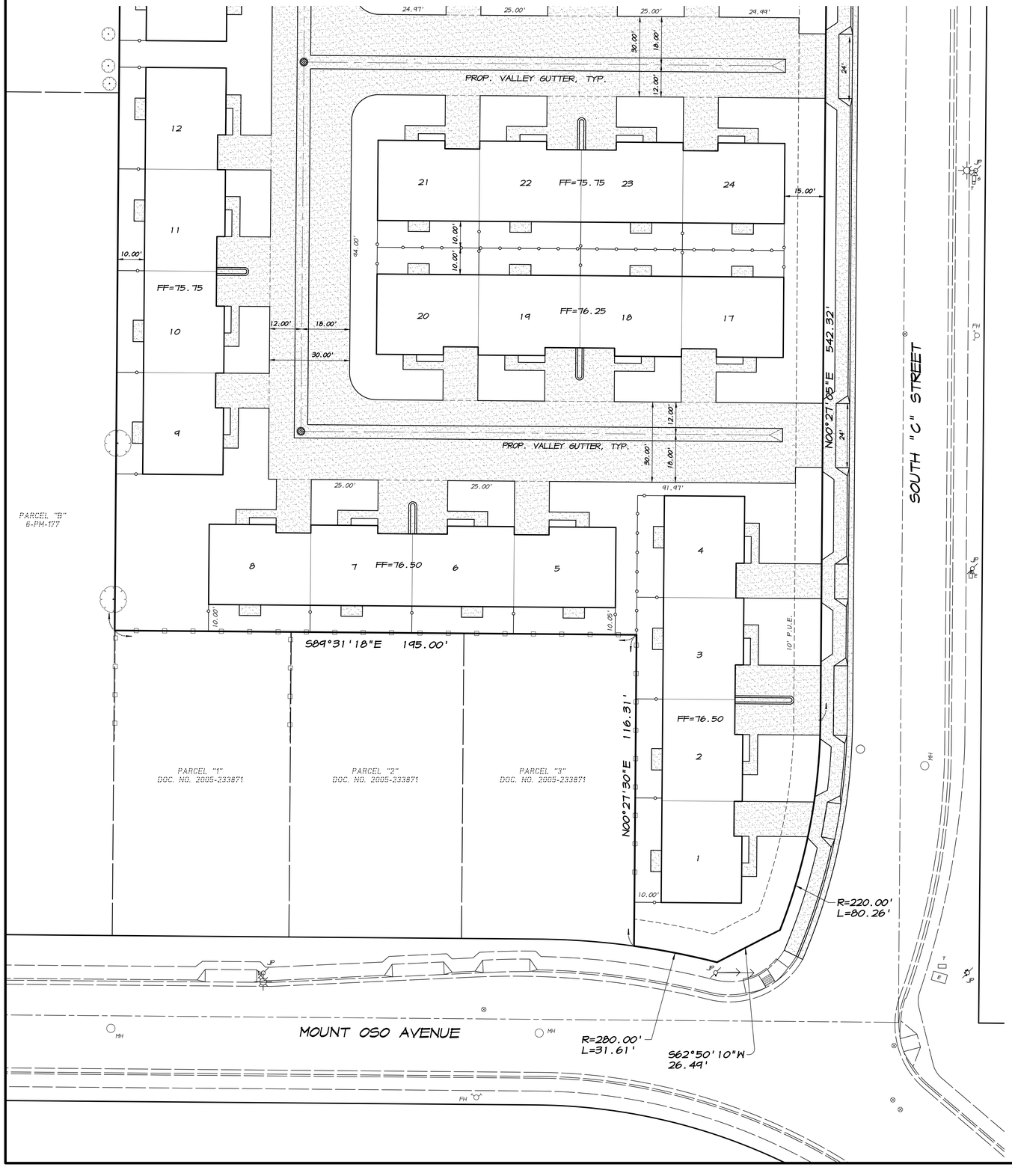
TRACY CALIFORNIA

RYAN CARREL, R.C.E. 61619
JEFF SHELDON, R.C.E. 84078

DRAWN BY: J.T.S.
DATE: 9/20/24 3:24
SCALE: 1"=20'
DWG: 1480-PPLAN
CHECKED: R.D.C.
JOB #: 1480-22

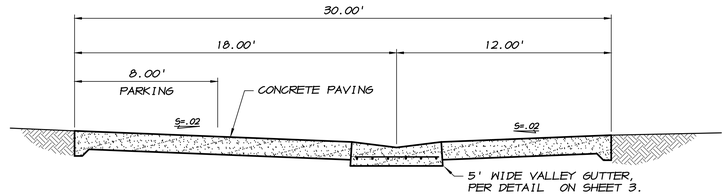
SHEET 1 OF 2

ATTACHMENT B



LEGEND

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TC=13.66	EX. TOP OF CURB ELEVATION
FL=13.01	EX. FLOWLINE ELEVATION
P=13.66	EX. A.C. PAVEMENT ELEVATION
R=13.66	EX. RIM ELEVATION
L=13.66	EX. GUTTER LIP ELEVATION
C=13.66	EX. CONCRETE ELEVATION
	EX. CURB AND GUTTER
S	EX. SANITARY SEWER LINE
MH	EX. SANITARY SEWER MANHOLE
SS LH	EX. SANITARY SEWER LAMPHOLE
SDMH	EX. STORM DRAIN MANHOLE
SD	EX. STORM DRAIN LINE
DI	EX. CATCH BASIN DROP INLET
W	EX. WATER LINE
W	EX. WATER METER
FH	EX. FIRE HYDRANT
	EX. GATE VALVE
MB	EX. MAILBOX
JP	EX. JOINT POLE
	EX. POLE WITH GUY ANCHOR
	EX. POLE WITH TRANSFORMER
OHP	EX. OVERHEAD LINE
	EX. SIGN
G	EX. GAS LINE
ATTMH	EX. TELEPHONE MANHOLE
T	EX. TELEPHONE BOX
E	EX. ELECTRICAL BOX
G	EX. GAS METER
	EX. ELECTROLIER
	EX. FENCE
	EX. TREE, SPREAD DRAWN TO SCALE
CB-3	PROP. STORM DRAIN CATCH BASIN
FF=172.52	PROP. FINISH FLOOR ELEVATION
	PROP. FENCE LINE
	PROP. AREA OF CONCRETE



TYPICAL INTERIOR STREET CROSS-SECTION 'A'

NO SCALE

UTILITY LOCATIONS

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ASSOCIATED ENGINEERING GROUP
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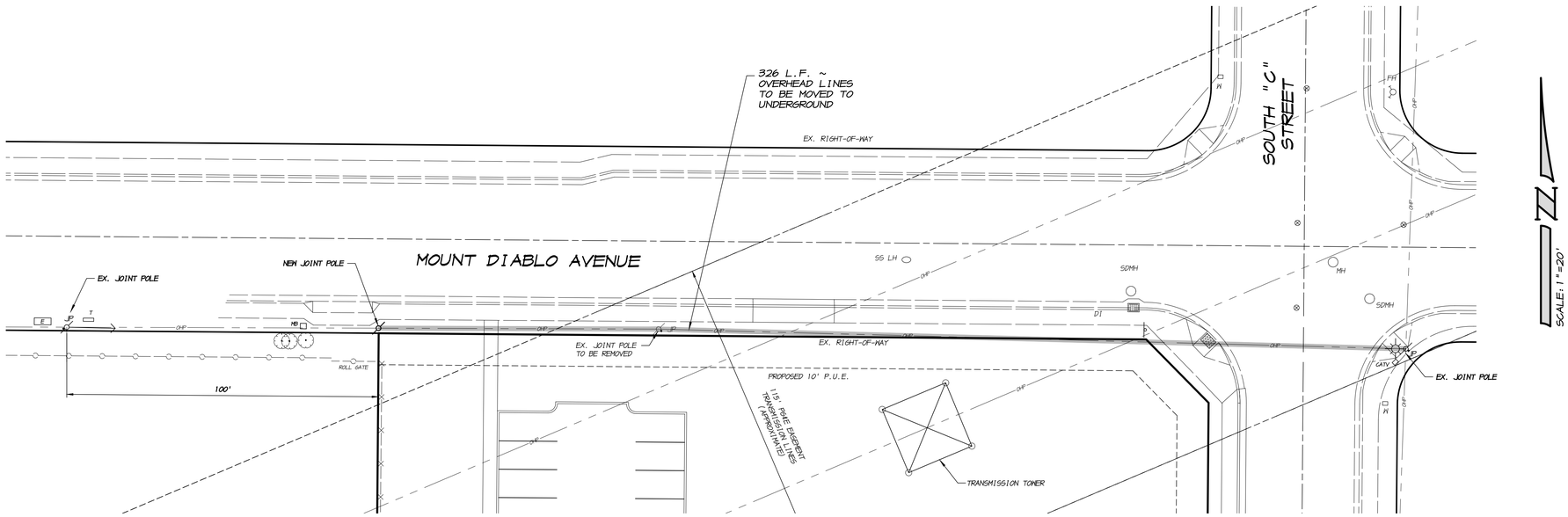
PRELIMINARY PARKING PLAN
MT. OSO TOWNHOMES
TRACY CALIFORNIA

RYAN CARREL, R.C.E. 61619
JEFF SHELDON, R.C.E. 84078

DRAWN BY: J.T.S.
DATE: 9/20/24 3:29
SCALE: 1"=20'
DWG: 1480-PPLAN
CHECKED: R.D.C.
JOB #: 1480-22

SHEET 2 OF 2

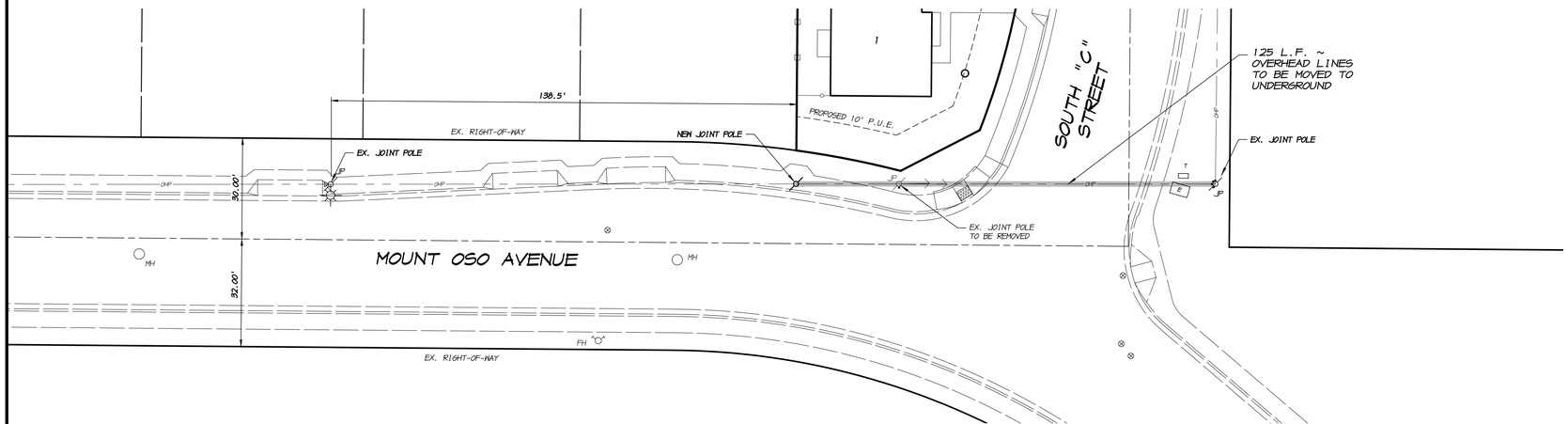
ATTACHMENT B



SCALE: 1"=20'

LEGEND

- EX. CURB AND GUTTER
- EX. SANITARY SEWER MANHOLE
- EX. SANITARY SEWER LAMPHOLE
- EX. STORM DRAIN MANHOLE
- EX. CATCH BASIN DROP INLET
- EX. WATER METER
- EX. FIRE HYDRANT
- EX. GATE VALVE
- EX. MAILBOX
- EX. JOINT POLE
- EX. POLE WITH GUY ANCHOR
- EX. POLE WITH TRANSFORMER
- EX. OVERHEAD LINE
- EX. SIGN
- EX. TELEPHONE MANHOLE
- EX. TELEPHONE BOX
- EX. ELECTRICAL BOX
- EX. GAS METER
- EX. ELECTROLIER
- EX. FENCE
- EX. TREE, SPREAD DRAWN TO SCALE



Know what's **below.**
Call before you dig.

REVISION	DATE	DESCRIPTION	BY

ASSOCIATED ENGINEERING GROUP
4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

OVERHEAD UTILITY UNDERGROUNDING EXHIBIT

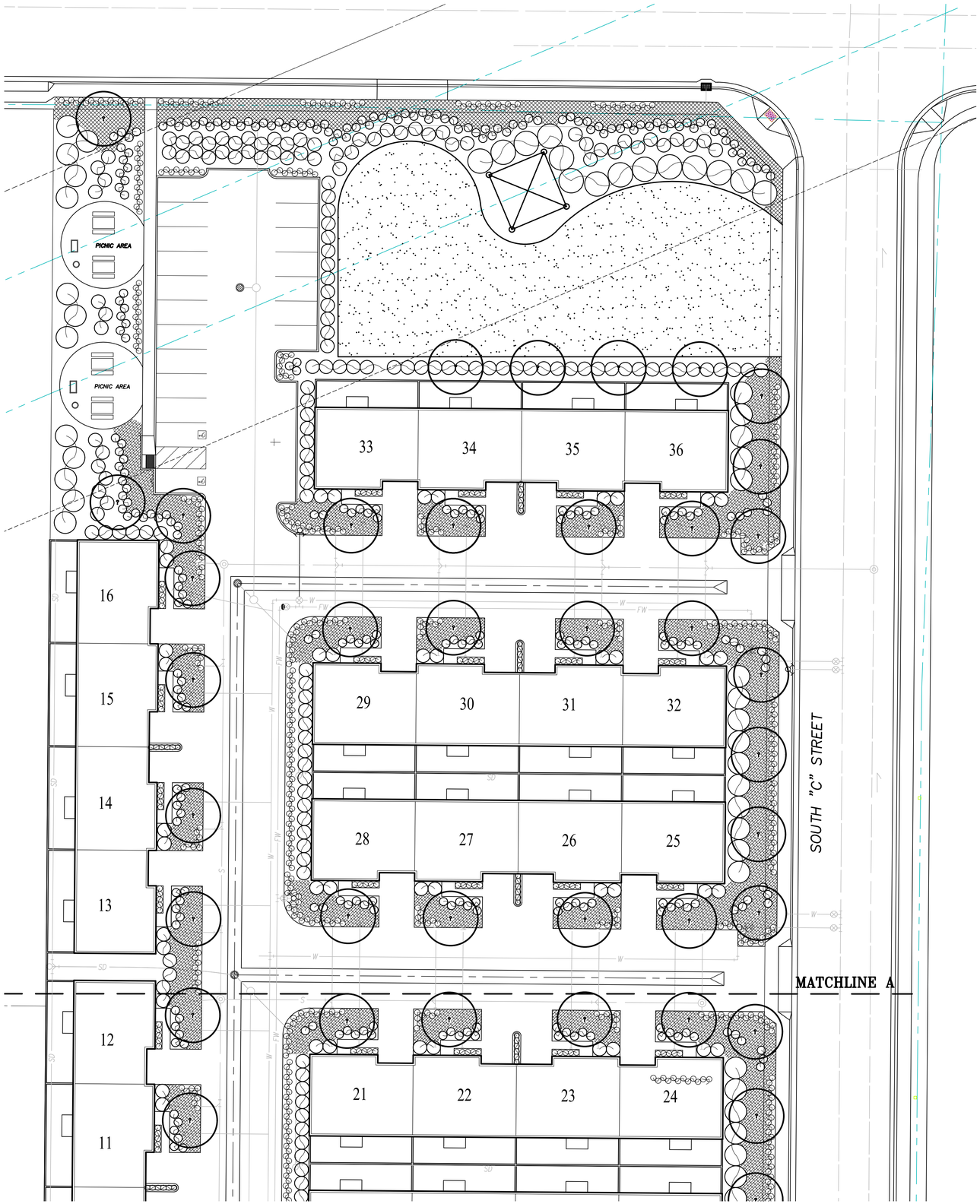
MT. OSO TOWNHOMES

TRACY CALIFORNIA

RYAN CARREL, R.C.E. 61619
JEFF SHELDON, R.C.E. 84078

DRAWN BY: J.T.S.
DATE: 5/21/24 8:07
SCALE: 1"=20'
DWG: 1480-UGEXH
CHECKED: R.D.C.
JOB #: 1480-22

SHEET 1 OF 1



SUGGESTED PLANT LIST

Symbol	Size	Botanical Name	Common Name	WUCOLS Water Factor Central Valley Region
TREES				
A	15 gal	Arbutus Marina	Strawberry Tree	L
B	15 gal	Celtis australis	European Hackberry	M
C	15 gal	Cinnamomum Camphora	Camphor	M
D	15 gal	Fraxinus o. 'Raywood'	Raywood Ash	M
E	15 gal	Photina Fraseri STD	Photinia	M
F	15 gal	Quercus Agrifolia	Coast Live Oak	L
SHRUBS				
ABE EDW	5 gal	Abelia g. 'Edward Goucher'	Glossy Abelia	M
ALY HUE	5 gal	Alyogyne Huegellii	Blue Hibiscus	L
CHA SPP	5 gal	Chaenomeles Speciosa	Flowering Quince	L
EUR PEC	5 gal	Euryops Pectinatus	Golden Daisy Shrub	L
GRE NOE	5 gal	Grevellia Noellii	Grevellia	L
MYR COM	5 gal	Myrtus c. 'Compacta'	Dwarf Myrtle	L
NAN COM	5 gal	Nandina d. 'Compacta'	Compact Heavenly Bamboo	L
PHO BRO	5 gal	Phormium t. 'Bronze Baby'	New Zealand Flax	L
PIN MUG	5 gal	Pinus Mugo	Mugo Pine	L
PUN NAN	5 gal	Punica g. 'Nana'	Dwarf Pomegranate	L
RHA SPR	5 gal	Rhamnus Californica	Coffeeberry	L
RHA SPR	5 gal	Rhaphiolepis i. 'Springtime'	Indian Hawthorne	M
SAN VIR	5 gal	Santolina Virens	Santolina	L
XYL COM	5 gal	Xylosma c. 'Compacta'	Compact Shiny Xylosma	L
CAL JOH	1 gal	Callistemon v. 'Little John'	Dwarf Bottlebrush	L
CON CNE	1 gal	Convolvulus Cneorum	Bush Morning Glory	L
LAV ANG	1 gal	Lavandula Angustifolia	Lavender	L
NAN NAN	1 gal	Nandina d. 'Nana'	Dwarf Heavenly Bamboo	L
PHO JAC	1 gal	Phormium t. 'Jack Spratt'	Dwarf New Zealand Flax	L
SAL GRE	1 gal	Salvia Greggii	Autumn Sage	L
TUL VIO	1 gal	Tulbaghia Violacia	Society Garlic	L
TUL SIL	1 gal	Tulbaghia v. 'Silver Lace'	Variegated Society Garlic	L
GROUNDCOVER				
	1 gal @ 36" O.C.	Arctostaphylos 'Emerald Carpet'	Carpet Manzanita	L
	1 gal @ 36" O.C.	Baccharis pilularis 'Twin Peaks'	Prostrate Coyote Brush	L
	1 gal @ 48" O.C.	Rosa californica 'Elsie'	California Rose	L
	1 gal @ 48" O.C.	Salvia sonomensis	Creeping Sage	L
	Sod	Delta Bluegrass Dwarf Bolero Plus	Fescue Blend Grass	H

IRRIGATION NOTE

ALL LANDSCAPE AREAS SHALL BE IRRIGATED WITH A FULLY AUTOMATED IRRIGATION SYSTEM WHICH WILL TAKE SITE ORIENTATION, LOCAL EVAPOTRANSPIRATION, PLANT WATER USE, AND WATER CONSERVATION INTO ACCOUNT. IRRIGATION SYSTEM WILL MEET ALL CITY OF TRACY, STATE OF CALIFORNIA, & LOCAL WATER PURVEYOR CODES & REGULATIONS.

MWELO NOTE

PROJECT SHALL MEET ALL STATE OF CALIFORNIA MWELO WATER USE RESTRICTIONS AND REGULATIONS. ALL NECESSARY CHARTS, CALCULATIONS, HYDROZONE INFORMATION AND WATER USE INFORMATION WILL BE PROVIDED DURING THE CONSTRUCTION DOCUMENT PHASE.

SCALE: 1" = 20'
10 30
0 20 40

REVISIONS	BY
12/14/22	JW
6/14/23	JW
11/6/24	JW

UTOPIAN LANDSCAPES
LANDSCAPE ARCHITECTURE AND DESIGN SERVICES
2029 Paloma Avenue
Stockton, CA 95209
(209) 954-9065 Office
www.utopianlandscapes.net

REGISTERED LANDSCAPE ARCHITECT
No. 6065
Justin N. Ware
Signature
2/28/26
Expiration Date
Date
STATE OF CALIFORNIA

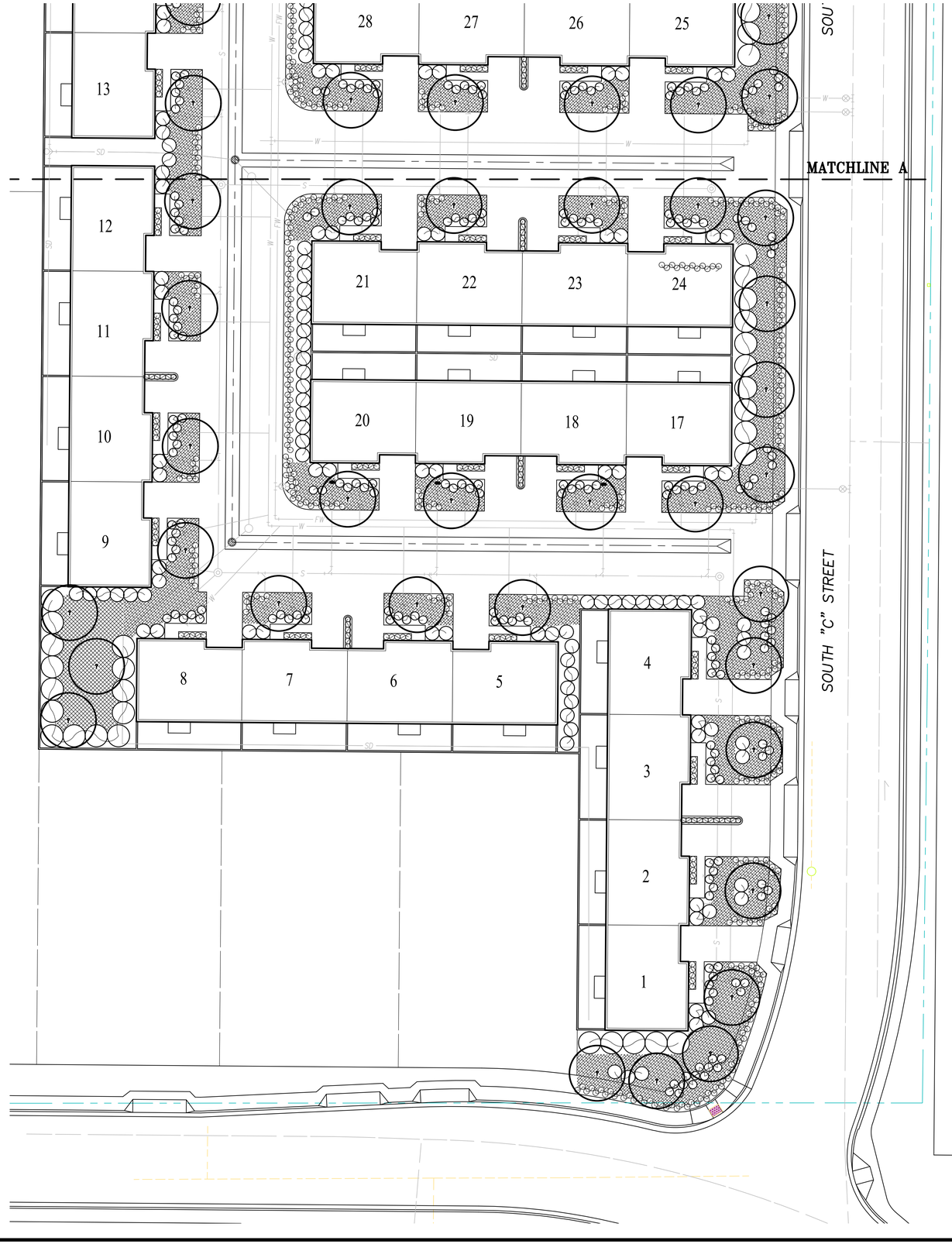
BYRUM INVESTMENT LLC
PLEASANTON, CA
CLIENT

CONCEPTUAL LANDSCAPE PLAN
SHEET TITLE

MT OSO TOWNHOMES
APN: 235-100-770-000
C STREET
TRACY, CA
PROJECT

DATE 6/24/22
SCALE 1"=20'
DRAWN JW
SHEET L1
OF 2 SHEETS

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SCALE: 1" = 20'
0 10 20 30 40

REVISIONS	BY
12/14/22	JW
6/14/23	JW
11/6/24	JW

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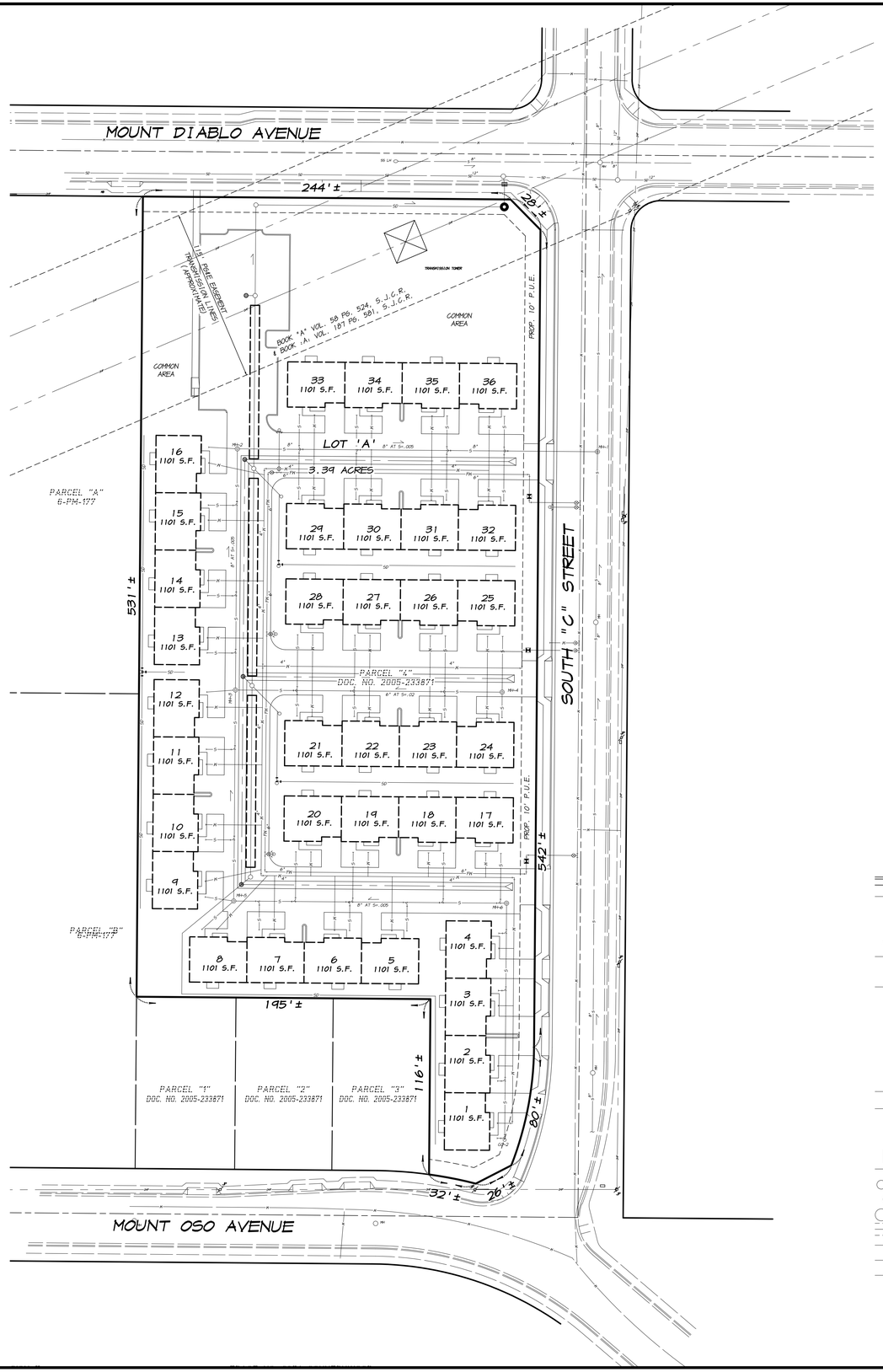
BYRUM INVESTMENT LLC
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CONCEPTUAL LANDSCAPE PLAN
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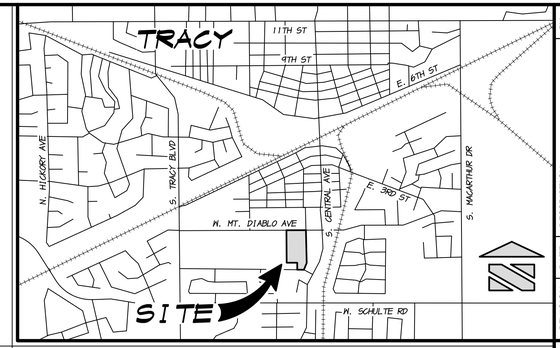
DATE	6/24/22
SCALE	1"=20'
DRAWN	JW
SHEET	L2
OF 2 SHEETS	

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SCALE: 1"=40'

RECEIVED
November 13, 2024
City of Tracy Community & Economic Development Department



VICINITY MAP
NO SCALE

OWNER/APPLICANT

BYRUM INVESTMENTS, LLC
C/O DAN BYRUM
6 CASTLEDOWN ROAD
PLEASANTON, CA 94566

STATEMENT OF SUBDIVIDER

A. ALL IMPROVEMENTS SHALL BE CONSTRUCTED AS PER THE CITY OF TRACY STANDARD SPECIFICATIONS.
B. WATER SUPPLY: EXISTING CITY OF TRACY SYSTEM
C. SEWAGE DISPOSAL: EXISTING CITY OF TRACY SYSTEM
D. STORM DRAINAGE: EXISTING CITY OF TRACY SYSTEM
E. ALL UNITS SHALL BE SEPARATELY METERED FOR GAS AND ELECTRICITY
F. EACH UNIT SHALL HAVE ITS OWN WATER METER.
6. ALL OVERHEAD UTILITIES SHALL BE PLACED UNDERGROUND BEFORE RECORDING OF THE FINAL MAP.

LEGEND

- EX. CURB AND GUTTER
- S — EX. SANITARY SEWER LINE
- MH — EX. SANITARY SEWER MANHOLE
- SS LH — EX. SANITARY SEWER LAMPHOLE
- SDMH — EX. STORM DRAIN MANHOLE
- SD — EX. STORM DRAIN LINE
- DI — EX. CATCH BASIN DROP INLET
- W — EX. WATER LINE
- M — EX. WATER METER
- FH — EX. FIRE HYDRANT
- EX. GATE VALVE
- EX. JOINT POLE
- EX. POLE WITH GUY ANCHOR
- EX. POLE WITH TRANSFORMER
- OHP — EX. OVERHEAD LINE
- S — PROP. SANITARY SEWER LINE
- MH-1 — PROP. SANITARY SEWER MANHOLE
- CO-1 — PROP. SANITARY SEWER CLEANOUT
- PROP. 4" HOUSE SEWER LATERAL
- SD — PROP. STORM DRAIN LINE
- SDMH-1 — PROP. STORM DRAIN MANHOLE
- CB-3 — PROP. STORM DRAIN CATCH BASIN
- CDS — PROP. STORM DRAIN TREATMENT STRUCTURE
- PROP. HORIZONTAL DRAIN
- W — PROP. DOMESTIC WATER LINE
- FW — PROP. FIRE PROTECTION WATER LINE
- PROP. 1" HOUSE WATER SERVICE
- PROP. BACKFLOW PREVENTION DEVICE
- PROP. FIRE HYDRANT
- PROP. WATER GATE VALVE

GENERAL NOTES

1. ASSESSOR'S PARCEL NUMBER: 235-10-077
2. PRESENT ZONING: MDR, MEDIUM DENSITY RESIDENTIAL
3. SITE SUMMARY: TOTAL PROJECT SITE = 3.39 ACRES, EXISTING LOT BEING SUBDIVIDED INTO 36 UNITS FOR CONDOMINIUM PURPOSE.
4. LOT "A" SHALL BE A BLANKET EASEMENT FOR PURPOSE OF ALL UTILITIES AND ACCESS. EXCEPTING THEREFROM THAT AREA WITHIN THE PHYSICAL BOUNDARY OF ANY BUILDINGS CONSTRUCTED IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED PLANS.
5. THE PROPERTY LINE DISTANCES, BEARINGS, AND ALL OTHER DIMENSIONS SHOWN ON THIS MAP ARE TAKEN FROM DEEDS, ASSESSOR'S MAPS, OR BOTH, AND PRELIMINARY FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL FIELD SURVEY.

LEGAL DESCRIPTION

BEING A PORTION OF LOTS 32, 33, 34 AND 35, DIVISION D, AS SHOWN ON THE CERTAIN MAP ENTITLED, "MOUNTAIN VIEW ACRES" FILED FOR RECORD THE 4TH DAY OF AUGUST 1930, IN VOLUME 10 OF MAPS AND PLATS, AT PAGE 19, SAN JOAQUIN COUNTY RECORDS, BEING LOCATED IN THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 5 EAST, MOUNT DIABLO BASE AND MERIDIAN, CITY OF TRACY, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA.

REVISION	DATE	DESCRIPTION	BY

ASSOCIATED ENGINEERING GROUP
4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

TENTATIVE MAP
ONE LOT SUBDIVISION FOR CONDOMINIUM PURPOSE

TRACT #4222
MT. OSO TOWNHOMES

TRACY CALIFORNIA

RYAN CARREL, R.C.E. 61619
JEFF SHELDON, R.C.E. 84078

DRAWN BY: J.T.S.
DATE: 5/21/24 8:07
SCALE: 1"=40'
DWG: 1480-CONDO
CHECKED: J.F.
JOB #: 1480-22

SHEET 1 OF 1

ATTACHMENT D

APPROVED AS TO FORM AND LEGALITY

_____
CITY ATTORNEY'S OFFICE

TRACY PLANNING COMMISSION

RESOLUTION 2025 -

---

1. **APPROVING A DEVELOPMENT REVIEW PERMIT (D22-0009) FOR THE CONSTRUCTION OF 36 CONDOMINIUM UNITS IN THE FORM OF NINE FOURPLEXES AND RELATED SITE IMPROVEMENTS ON A 3.39-ACRE UNDEVELOPED SITE LOCATED AT THE SOUTHWEST CORNER OF W. MT. DIABLO AVENUE AND S. C STREET, ASSESSOR'S PARCEL NUMBER 235-100-77;**

2. **GRANTING A CONDITIONAL USE PERMIT (CUP23-0003) TO ALLOW THE USE OF CONDOMINIUMS IN THE MEDIUM DENSITY RESIDENTIAL ZONE ON A 3.39-ACRE UNDEVELOPED SITE LOCATED AT ASSESSOR'S PARCEL NUMBER 235-100-77;**

3. **APPROVING A TENTATIVE SUBDIVISION MAP, APPLICATION NUMBER (TSM23-0003) TO CREATE 36 CONDOMINIUM UNITS AND COMMON AREAS; AND**

4. **DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), PURSUANT TO CEQA GUIDELINES SECTION 15332, PERTAINING TO CERTAIN IN-FILL DEVELOPMENT PROJECTS.**

WHEREAS, Development applications have been filed for a Development Review Permit (D22-0009), a Conditional Use Permit (CUP23-0003), and a Tentative Subdivision Map (TSM23-0003) for the construction of 36 condominium units in the form of nine fourplexes and related site improvements on a 3.39-acre undeveloped site located at Assessor's Parcel Number 235-100-77; and

WHEREAS, The subject site is designated Residential Medium in the Tracy General Plan and is zoned Medium-Density Residential (MDR) in the Tracy Municipal Code (TMC) where condominiums are conditionally permitted; and

WHEREAS, The Planning Commission may approve a Development Review Permit on the basis of the application and evidence submitted, subject to making all of the requisite findings set forth in TMC 10.08.3920; and

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

WHEREAS, The Planning Commission may approve a Tentative Subdivision Map specifically for residential condominiums, on the basis of the application and evidence

submitted, subject to making all of the requisite findings set forth in TMC Sections 12.40.4250 – 12.40.4330; and

WHEREAS, the Statement of Findings attached hereto as Exhibit 1 articulates the requisite findings and the evidentiary support for those findings; and

WHEREAS, The proposed project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15332, which pertains to certain in-fill development projects, no further environmental assessment is necessary; and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the applications on January 22, 2025; 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 judgement, that the proposed project is categorically exempt from the California Environmental Quality Act pursuant to Guidelines Section 15332 (in-fill development) as the project is consistent with the General Plan and Zoning, occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, has no value as habitat for endangered, rare or threatened species, would not result in any significant effects relating to traffic, noise, air quality, or water quality, and can be adequately served by all required utilities and public services; and be it

FURTHER RESOLVED: That the Planning Commission hereby adopts the findings set forth in Exhibit 1, supporting the approval of a Development Review Permit for the construction of 36 condominium units in the form of nine fourplexes and related site improvements, on a 3.39-acre site located at Assessor's Parcel Number 235-100-77; and be it

FURTHER RESOLVED: That the Planning Commission, hereby approves Development Review Permit (D22-0009) for the construction of 36 condominium units in the form of nine fourplexes and related site improvements, on a 3.39-acre site located at Assessor's Parcel Number 235-100-77, based on the findings set forth in Exhibit 1 and subject to the Conditions of Approval contained in Exhibit 2; 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 to allow the development of 36 units as condominiums at Assessor's Parcel Number 235-100-77; and be it

FURTHER RESOLVED: That the Planning Commission hereby grants a Conditional Use Permit (CUP23-0003) for the development of 36 units as condominiums based on the findings set forth in Exhibit 1 and subject to the conditions of approval contained in Exhibit 2, Assessor's Parcel Number 235-100-77; and be it

FURTHER RESOLVED: That the Planning Commission hereby adopts the findings set forth in Exhibit 1, supporting the approval of a Tentative Subdivision Map to create 36 condominium units and common areas at Assessor's Parcel Number 235-100-77; and be it

FURTHER RESOLVED: That the Planning Commission hereby approves a Tentative Subdivision Map (TSM23-0003) to create 36 condominium units and common areas based on the findings set forth in Exhibit 1 and subject to the conditions of approval contained in Exhibit 2, Assessor's Parcel Number 235-100-77; and be it

FURTHER RESOLVED: That the Development Review Permit (D22-0009) and Conditional Use Permit (CUP23-0003) shall be valid for a 2-year term, within which time a building permit must be issued, and the use established, or a request to renew the permits must be submitted prior to the expiration date.

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

The foregoing Resolution 2025-_____ was adopted by the Planning Commission on January 22, 2025, by the following vote:

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

_____
CHAIR

ATTEST:

_____
STAFF LIAISON

CITY OF TRACY
DEVELOPMENT REVIEW PERMIT FINDINGS
APPLICATION NUMBER D22-0029

Development Review Permits must meet the requirements set forth in Tracy Municipal Code (TMC) Article 30, including a noticed public hearing. Pursuant to TMC Section 10.08.3960, before approving a Development Review Permit, the Planning Commission must review application materials and public comments submitted prior to or at the public hearing, and consider the following several site-specific factors set forth in TMC 10.08.3960:

- general site considerations including height, bulk, and size of buildings;
- physical and architectural relationship with the existing and proposed structures;
- site layout, orientation, and location of the buildings and relationships with open areas and topography;
- location and type of landscaping;
- appropriateness of exterior lighting; and
- appropriate City utilities, public infrastructure, circulation, and roadway access.

After the consideration of the entire record, under TMC 10.08.3960 the Planning Commission may approve the Development Review Permit if the facts on the record support the following findings:

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

(b) That the proposal conforms to the Zoning Regulations of Tracy Municipal Code Chapter 10.08, the general plan, any applicable specific plan, the Design Goals and Standards, any applicable Infrastructure Master Plans, and other City regulations.

The Planning Commission conducted a duly noticed public hearing on January 22, 2205, and upon conclusion of the hearing, makes the requisite findings for the Development Review Permit based on the evidence in the record, including, without limitation, the following:

(a) The proposal increases the quality of the project site and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy, because the 36 units (nine fourplexes) will feature varying building materials, roof pitches, window placement, porches, garage faces, and colors that help create quality architecture for this proposed project. Specifically, the use of two types of stone veneer as a wainscot and around garage doors in addition to the window shutters, sills, trims, and grid patterns that will help create visual interest on front façade. Additionally, the proposed private open space with picnic area and playground area will enhance the over-all project site; and

(b) The proposal, as conditioned, conforms to the Tracy Municipal Code, the City of Tracy General Plan, the City Design Goals and Standards, applicable City Standards, California Building Codes, and California Fire Codes, because the project has met all city requirements for both the land use and physical improvements that are proposed.

CITY OF TRACY
CONDITIONAL USE PERMIT FINDINGS
APPLICATION NUMBER CUP23-0003

Conditional Use Permits (CUPs) must meet the requirements set forth in TMC Sections 10.08.4250-10.08.4330. Pursuant to TMC Section 10.08.4290, the Planning Commission will conduct a noticed public hearing, consider the application materials, and pertinent evidence and testimony in support of the findings required for approval provided in TMC Section 10.08.4310. Upon conclusion of the public hearing and consideration of the entire record, the Planning Commission may approve the CUP if the record supports 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 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 Chapter 10.08 – Zoning Regulations.

The Planning Commission conducted a noticed public hearing on January 22, 2025, and upon conclusion of the hearing, makes the following requisite findings for the Conditional Use Permit 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 the 36 condominium units (nine fourplexes) in addition to other site improvements will provide increased housing opportunities for the community and is permitted subject to the granting of a Conditional Use Permit as provided in Tracy Municipal Code, Chapter 10.08.1390 (b).

(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, and the purposes of the zone in which the site is located because the 36 condominium units (nine fourplexes) will in-fill a undeveloped parcel that is completely surrounded by residential and implements the purpose of Medium-Density Residential (MDR) Zone to provide for dwelling units at the designated density range.

(c) The project will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use, or to the general welfare of the City because the 36 condominium units (nine fourplexes) and related site improvements, as designed and conditioned, will be harmonious with the properties and improvements in the vicinity and therefore will not have significant negative effects on property in the vicinity. The design

of the 36 condominium units (nine fourplexes) and related site improvements are compatible with the surrounding area and all design aspects have been reviewed through the Development Review Permit D22-0029. Furthermore, the 36 condominium units (nine fourplexes) and related site improvements will meet the requirements of the California Environmental Quality Act, the California Building Code, and applicable provisions of the Tracy Municipal Code.

(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, and the project has met all requirements of the MDR Zone.

CITY OF TRACY
TENTATIVE SUBDIVISION MAP FINDINGS
APPLICATION NUMBER TSM23-0003

The Planning Commission may approve or conditionally approve a tentative subdivision map if it makes all of the following findings of TMC section 12.16

(1) The proposed map is consistent with the general plan, any applicable specific plan, and this title.

Response: The proposed map is consistent with Title 12 of the Tracy Municipal Code and the MDR Zone to which the project proposes to rezone, and the MDR Zone is consistent the General Plan Residential Medium land use designation.

(2) The site is physically suitable for the type of development.

Response: The site is located with access to C Street by three private street connections. Traffic circulation throughout the subdivision is designed to connect to C street in accordance with City standards for the proposed density to ensure adequate traffic service levels are met. These qualities of the property make it suitable for residential development in accordance with City standards.

(3) The site is physically suitable for the proposed density of development.

Response: The proposed density of 10.6 dwelling units per gross acre is consistent with the Residential Medium designation of the General Plan, which provides for a density range of 5.9 to 12.0 dwelling units per gross acre.

(4) The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Response: The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, because as conditioned, prior to any grading of the site, the subdivider will demonstrate compliance with the San Joaquin County Multi-Species Habitat Conservation & Open Space Plan administered by the San Joaquin Council of Governments for the protection of any wildlife or habitats found on the site prior to construction.

(5) The design of the subdivision or the type of improvements will not conflict with

easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Response: There are no public easements on the property that would conflict with the proposed project. The developer will comply with all PG&E requirements conditioned regarding the 115-foot utility easement. The subdivision will connect at three points to C Street that currently runs along the site's eastern property line to allow for proper circulation in accordance with City standards.

(6) Complies with all other applicable ordinances, regulations and guidelines of the City, including but not limited to the local floodplain ordinance (Municipal Code Chapter 9.52).

Response: The subject property is not located within any floodplain and the project, with conditions, will meet all applicable City design and improvement standards.

Tentative Subdivision Map (TSM) specifically for residential condominiums must meet the following site requirements set forth in TMC Sections 12.40.4250- 12.40.4330. In addition to standards applicable to regular subdivisions, no new condominium project or portion thereof shall be approved unless the following items have been submitted with the tentative map and approved by the City:

(a) A development plan of the project including location and sizes of structures, parking layout, access areas, and exterior elevations;

Response: The development plan can be found in Attachment B.

(b) A preliminary landscaping plan of the project indicating types and sizes of landscaping materials and permanent irrigation facilities, prepared by a person licensed to prepare such plans by the State of California;

Response: Preliminary landscaping plans have been submitted and are addressed in project conditions of approval. Landscaping plans will be submitted and reviewed at time of plot plan submittal to Building Division.

(c) A preliminary lighting plan of the project indicating location and nature of lighting and lighting fixtures in common areas;

Response: Lighting is addressed in project conditions of approval and will be submitted and reviewed as a photometric plan on the building permit.

(d) The proposed condominium documents, including those portions of the covenants, conditions, and restrictions that apply to the conveyance of units, the assignment of parking and the management and maintenance of common areas and improvements; and

Response: This is addressed in the project's conditions of approval as the property owner's responsibility to execute.

(e) Such other information which the Department determines is necessary to evaluate the proposed project.

Response: Other information was not deemed necessary.

Upon conclusion of the public hearing and consideration of the entire record, the Planning Commission may approve, conditional approve, or deny, based upon an evaluation of the proposed condominium plan in relation to the following criteria:

(a) Architectural and site design. Architectural evaluation shall include, but not be limited to, the following:

(1) The general appearance of the proposed development shall contribute to the orderly and harmonious development of the community as a whole;
(2) The design of all exterior surfaces of the buildings shall create an aesthetically pleasing project;
(3) Consideration shall be given to the appearance of garages when viewed from outside the subdivision; and
(4) General architectural and site considerations, including site layout, topography, open space, location of buildings, access, circulation, colors, building materials, screening, lighting and signing and similar elements have been designed to provide a desirable environment.

Response: The proposed project meets the City of Tracy Design Goals and Standards for residential uses.

(b) Environmental preservation. The design, location and orientation of all buildings shall be arranged to preserve natural features by minimizing the disturbance to the physical environment. Natural features such as trees, waterways, historic landmarks, or slopes shall be delineated in the development plan and considered when planning the location and orientation of buildings, open spaces, underground services, walks, paved areas, play areas, parking areas, and finished grade elevations.

Response: Site is undeveloped with no natural features.

(c) Landscaping.

(1) All setback areas fronting on or visible from an adjacent public street, and all recreation, leisure and open space areas shall be landscaped in an attractive manner and provided with a method for the maintenance thereof.
(2) Decorative design elements such as fountains, pools, benches, sculpture, planters, exterior recreational facilities, and similar elements may be permitted providing such elements are incorporated as a part of the landscaping plans, except where otherwise prohibited.
(3) Permanent and automatic irrigation facilities shall be provided in all planted landscaped areas.
(4) Landscaping shall consist of twenty (20%) percent of the net developable area. The net developable area shall exclude dedicated or proposed dedicated public right-of-way.

Response: Landscaping plans are addressed in project conditions of approval and will be submitted and reviewed at time of plot plan submittal to Building Division.

(d) Lighting. The subdivider shall install an on-site lighting system on all vehicular access ways and along major walkways. Such lighting shall be directed onto the driveways and

walkways within the development and away from the adjacent properties. Lighting shall also be installed within all covered and/or enclosed parking areas.

Response: Lighting is addressed in project conditions of approval and will be submitted and reviewed as a photometric plan on the building permit.

(e) Lot coverage. Lot coverage shall conform to the zoning regulations for the zoning district in which the condominium is proposed.

Response: Lot Coverage conforms with the regulations of Medium Density Residential Zone.

(f) Open space. Total usable open space on a site having three (3) or more dwelling units shall be at least 200 square feet per dwelling unit. This requirement shall be met by providing private open space, shared open space or a combination of the two (2).

> (1) Private open space. To satisfy the open space requirement, private open space must be on a patio or balcony, within which a horizontal rectangle inscribed within it has no dimension less than six (6′) feet.
>
> (2) Shared open space. To satisfy the open space requirement, shared open space must be provided by interior side yards, patios, and terraces, each designed so that a horizontal rectangle inscribed within it has no dimension less than ten (10′) feet. The open space must be open to the sky (except for a trellis or other outdoor enhancement), and may not include driveways or parking areas, or area required for front or street side yards.
> Common open space areas shall be designed and located within the project to afford use by all residents of the project. These common areas may include, but are not limited to: game courts or rooms, swimming pools, garden roofs, sauna baths, putting greens, or play lots. Active recreation and leisure areas, except those located completely within a structure, used to meet the open space requirement shall not be located within fifteen (15′) feet of any door or window of a dwelling unit.

Response: Each unit will have its own private yard (space) exceeding 200 square feet and there is a large common open space proposed for all residents' use.

(g) Minimum parking requirements. Parking shall be provided as required by the zoning regulations for townhouse and condominium projects.

Response: Each unit of the 36 units (nine fourplexes) will have one enclosed garage space. The second space per unit will be an uncovered space provided on one of the project's private streets or designated in the project's northern parking lot. Guest parking is also located in the project's northern parking lot.

(h) Trash and recycling collection area.

> (1) Refuse storage areas shall be enclosed within a building or screened on all sides by a covered, solid masonry enclosure tall enough to screen the containers. Materials other than masonry may be used when specifically approved by the Department when it finds that due to extenuating circumstances

regarding location, such as the proximity to underground utilities, the footing for masonry construction would be a detriment to such utilities. This requirement does not apply to a duplex.
(2) Trash and recycling collection areas shall be provided within 250 feet of the units they are designed to serve.
(3) Access gates or doors to any trash area, not enclosed within a building, are to be of opaque material.
(4) The storage area shall comply with the City's stormwater management requirements.

Response: There is a refuse storage area for trash barrels located in the one-car garages for each unit.

(i) Utilities.

(1) Each dwelling unit shall be separately metered for gas and electricity.
(2) For water conservation, each dwelling unit shall have its own water meter, or sub-meter billed through the homeowner's association. If any unit has automatic watering of its own landscaping, that water shall be on the same meter as that of the unit (rather than on a common area meter).
(3) Before recording a final map, the subdivider shall underground any overhead utilities.
(4) All roof and ground-mounted utilities (and mechanical units) shall be screened from public view, to the satisfaction of the Director.

Response: This is addressed in the project's conditions of approval as the property owner's responsibility to execute.

(j) Laundry facilities. A laundry area shall be provided in each unit unless the City Council approves a common laundry area. If a common laundry area is provided, it shall consist of not less than one automatic washer and one automatic dryer for each five (5) dwelling units or fraction thereof.

Response: Laundry Room (area) is provided in each unit off the one-car garage.

(k) The width of the public rights-of-way and roadway of the street(s) abutting the property shall conform to the minimum standard of the Roadway Master Plan.

Response: This is addressed in the project's conditions of approval.

(l) Connectivity. Wherever possible, as determined by the Director, vehicular and pedestrian connections shall be made to adjacent sites and the public right-of-way.
Response: The private streets are proposed as connecting to public right-of-way.

CITY OF TRACY
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
CONDITIONS OF APPROVAL

Mt. Oso Condominiums – 36 Units (nine fourplexes)
Development Review Permit, Application Number D22-0009
Conditional Use Permit, Application Number CUP23-0003
Tentative Subdivision Map, Application Number TSM23-0003

A. General Provisions and Definitions.

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

The Project: A Development Review Permit, Conditional Use Permit, Tentative Subdivision Map for the construction and creation of 36 condominium units in the form of nine fourplexes, common areas, and related site improvements on a 3.39-acre undeveloped site located at Assessor's Parcel Number 235-100-77.

The Property: The real property located at (APN 235-100-77).

A.2. Definitions.

a. "Applicant" means any person, or other legal entity, defined as a "Developer".

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 Community and Economic Development Director, or the City Engineer to perform the duties set forth herein.

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

d. "Community and Economic Development Director" means the Community and Economic Development Director of the City of Tracy Community and Economic Development Department, or any other person designated by the City Manager or the Community and Economic Development 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, Application Number D22-0009, CUP23-0003, and TSM23-0003. The Conditions of Approval shall specifically include all conditions set forth herein.

f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property

within the Project boundaries. The term "Developer" shall include all successors in interest.

A.3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the project plans received by the Community and Economic Development Department on November 13, 2024, to the satisfaction of the Community and Economic Development 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 laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:

- the Planning and Zoning Law (Government Code sections 65000, et seq.),
- the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"),
- the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines"),
- California Building Code, and
- California Fire Code

A.6. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, and the City's Design Goals and Standards.

A.7. Pursuant to Government Code section 66020, including section 66020(d)(1), the City hereby notifies the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations, or other exactions.

B. Planning Division Conditions

B.1. The project shall be developed in substantial compliance with the plans received by the Community and Economic Development Department on November 13, 2024, to the satisfaction of the Community and Economic Development Director.

B.2. Prior to approval of final map, the applicant shall demonstrate substantial compliance with the tentative subdivision map received by the Community and Economic Development Department on November 13, 2024, and document

compliance with the site requirements of TMC Section 12.40.040 to the satisfaction of the Community and Economic Development Director.

B.3. Prior to the issuance of a building permit, the Developer shall submit plans demonstrating a turnaround at the termination of the north parking lot to the satisfaction of the Community and Economic Development Director.

B.4. Prior to the approval of a building permit, the applicant shall submit detailed landscape and irrigation plans consistent with the Department of Water Resources' Water Efficient Landscape Ordinance and in accordance with City of Tracy Residential Landscape Standards to the satisfaction of the Community and Economic Development Director. Trees shall be a minimum of 24" box size, shrubs shall be a minimum size of 5 gallon, and groundcover shall be a minimum size of 1 gallon.

B.5. Where trees are planted ten feet or less from a sidewalk or curb, root barriers dimensioned 8 feet long by 24 inches deep shall be provided adjacent to such sidewalk and curb, centered on the tree.

B.6. Prior to issuance of a building or grading permit, the developer shall demonstrate compliance with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) and the Incidental Take Minimization Measures prepared by San Joaquin Council of Government (SJCOG), to the satisfaction of the Development Services Director.

B.7. Prior to issuance of a building permit, the Developer shall comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District (APCD), including District Rule 9510, Regulation VIII, and payment of all applicable fees, to the satisfaction of the APCD.

B.8. Prior to the issuance of a building permit, the developer shall provide if applicable plans for perimeter fencing that meets the City of Tracy Design Goals and Standards to the satisfaction of the Director of Community and Economic Development.

B.9. Prior to the issuance of a building permit, the developer shall comply with the private easement conditions for the PG&E power lines crossing the property that include, but are not limited to:

B.9.1. Walls, fences, and other structures shall be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. All steel structures, including fences, are to be grounded to eliminate the risk of induction. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street.

B.9.2. No planting shall occur within the footprint of the tower legs. Greenbelts are encouraged.

B.9.3. No water shall be directed toward the tower leg during and after construction and the applicant must maintain a current reveal for the foundation (minimum of 1-foot) in the final grading.

C. Engineering Division Conditions

C.1. Technical Analysis incorporated into these Conditions

Developer shall comply with the applicable recommendations of the technical analyses/ reports prepared for the Project listed as follows:

a) "Mt Oso Townhomes Local Transportation Analysis" Technical Memorandum prepared by Kimley Horn, dated October 23, 2023 ("*Traffic Analysis*").

b) "Water Distribution System Hydraulic Network Analysis" prepared by Blackwater Consulting Engineers, dated July 15, 2024 *("Water System Analysis"*).

C.2. Tentative Subdivision Map

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

C.2.1 The Developer shall submit one (1) paper copy of the approved tentative subdivision map for the Project. The owner of the Property must consent to the preparation of the Tentative Subdivision Map, and the proposed subdivision of the Property by signing the tentative map. The Tentative Subdivision Map shall contain all the appropriate signature blocks. If the Public Hearing officer finds that changes to the final tentative subdivision map is needed, Developer shall provide the revised tentative subdivision map within ten (10) days after Public Hearing.

Tentative Subdivision Map Special Condition(s)

NONE

C.3. Final Subdivision Map

Prior to scheduling the final subdivision map for approval with City Council, the Developer will demonstrate, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, the following:

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

C.3.2 The Final Subdivision Map prepared in accordance with the applicable requirements of the Tracy Municipal Code (TMC), the City Design Standards, and in substantial conformance with the Tentative Subdivision Map for the Project. Said Final Subdivision Map shall be in substantial conformance with the City Council approved Tentative Subdivision Map.

C.3.3 The Final Subdivision Map shall include dedications or offers of dedication of all right(s)-of-way, if applicable; Public Access Easements; and/or Public Utility Easements (PUE) required to serve the Project described by the Final Subdivision Map submittal, in accordance with State Laws, City Regulations, and these Conditions of Approval. Said PUE shall be ten (10) feet wide minimum as measured from the edge of the PUE to edge of Right of Way. PUE shall be continuous along the Project's frontage.

C.3.4 All proposed internal drive aisle shall conform to Standard Detail 100 of the 2020 Design Standards for in-fill Private Streets.

C.3.5 Horizontal and vertical control for the Project shall be based upon the City of Tracy coordinate system and at least three (3) second (2nd) order Class-1 control points establishing the "Basis of Bearing" and shown as such on the final map. The final map shall also identify surveyed ties from two of the horizontal control points to a minimum of two (2) separate points adjacent to or within the Property described by the Final Map.

C.3.6 Developer has constructed, and the City has accepted, all the conditioned public improvements. If all required improvements are not constructed, the Developer may be required to execute improvement agreement(s) with improvement security, and insurance, as required by the Government Code, the TMC, and these Conditions.

C.3.7 If applicable, Developer will include slope easement with the final map submittal to address slopes among the lots to address grade differentials.

C.3.8 Payment of final map checking fees and all fees required by these Conditions of Approval and City Regulations.

C.3.9 At the conclusion of the City's review, Developer shall submit one (1) mylar copy of the approved Final Subdivision Map for signature.

Final Subdivision Map Special Condition(s)

NONE

C.4. Grading Permit

Prior to Grading Permit release, Developer shall provide all documents related to said Grading Permit required by City requirements and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

C.4.1 All grading work (on-site and off-site) shall require a grading plan and a grading permit. The Developer will complete all requirements set forth in this section.

C.4.2 Prior to grading permit release, Developer shall prepare grading and drainage plans for all required earthmoving and drainage to serve the Project (on-site and

off-site) including grading details, grading quantities, and retaining walls (Grading Plans). Said Grading Plans shall be prepared in accordance with the City's Subdivision Ordinance (Tracy Municipal Code (TMC) Chapter 12.36), City Design Documents as defined in Title 12 of the TMC, and these Conditions of Approval.

C.4.3 Prior to grading permit release, Developer shall prepare Grading Plans that are stamped and prepared under the supervision of a California registered Civil Engineer (CA-CE). Grading Plans shall be prepared on a 24-inch x 36-inch size 20-pound bond white paper and shall use the City's Title Block.

C.4.4 Prior to grading permit release, Developer shall prepare Grading Plans in substantial conformance all site building, parking, utility, grading, and other site improvements identified on submitted site improvements drawing package for D22-0029 (Mt Oso Townhomes), located at the northwest corner of the Mt. Oso Avenue and C Street intersection, APN# 235-100-77, Tracy CA 95376 submitted November 13, 2024.

C.4.5 Prior to grading permit release, Developer shall provide a PDF copy of the Project's Geotechnical Report prepared and stamped by the Project's California registered Geotechnical Engineer (CA-GE). The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, compaction recommendations, slope recommendations, retaining wall recommendations, paving recommendations, and elevation of the highest observed groundwater level. All Grading Plans and grading work shall be performed and completed in accordance with the recommendation(s) of the Project's CA-GE.

C.4.6 Prior to grading permit release, Developer shall depict in the Grading Plans to use reinforced or engineered masonry blocks for retaining soil when the grade differential exceeds twelve (12) vertical inches. Developer will include construction details of these minor retaining walls with the Grading Plans. Developer may use slopes among the lots to address the grade differential but said slope shall not exceed a slope gradient of three (3) horizontal feet to one (1) vertical foot unless approved by a CA-GE. Slope easements may be required and will be subject to approval by the City Engineer and if adjacent and affected property(s) owner(s) grants said easements.

C.4.7 Slopes are an acceptable option as a substitute to engineered retaining walls, where cuts or fills do not match existing ground or final grade with the adjacent property or public right of way, up to a maximum grade differential of two (2) vertical feet, subject to approval by the City Engineer.

C.4.8 Prior to grading permit release, Developer shall depict proposed retaining walls and masonry walls on the Grading Plans. The Developer is required to include construction details, and structural calculations for retaining walls and masonry walls to Building Safety. Retaining wall and masonry wall design parameters will be included in the geotechnical report.

C.4.9 Prior to grading permit release, Developer shall provide a copy of the approved building permit from Building Safety for any retaining wall depicted on the Grading Plans.

C.4.10 Prior to grading permit release, Developer shall obtain all applicable signatures by Project's CA-GE, City departments, and outside agencies (where applicable) on the Grading Plans including signatures by the Fire Marshal prior to submitting the Grading Plans to Engineering for City Engineer's signature.

C.4.11 Prior to grading permit release, Developer shall depict on the Grading Plans erosion control measures and shall be implemented in accordance with the Grading Plans. All grading work not completed before October 15 may be subject to additional requirements as applicable. Grading Plans shall specify all proposed erosion control methods and construction details to be employed and specify materials to be used during and after the construction and shall be included in the grading permit.

C.4.12 Prior to grading permit release, Developer shall pay Grading Permit fees which include grading, plan checking, and inspection fees, and other applicable fees per the fee schedule.

C.4.13 Prior to grading permit release, Developer shall obtain written approval (i.e., recorded easements for slopes, drainage, utilities, access, parking, etc.) of all other public agencies and/or private entities with jurisdiction over the required public and/or private facilities and/or property. A copy of the recorded easement document(s) shall be provided to the City upon request.

C.4.14 Prior to grading permit release, Developer shall obtain a demolition permit to remove all existing structures, utilities or other improvements located within the project's limits. The Developer shall conduct an asbestos survey of the existing buildings in accordance with City requirements and identify all hazardous materials that must be removed prior to demolition and removal of the existing buildings. The contractor shall then remove all asbestos and all hazardous materials in accordance with state and city requirements prior to new construction to the satisfaction of the City Engineer. Demolition of the existing site utilities disturb, water, sewer, drainage, electrical, phone or internet service to the existing houses of this facility the Developer shall install temporary services until permanent services to these existing houses can be restored. If demolition of parking, sidewalks and access to existing residential buildings takes place, the Developer shall provide adequate notice to the existing residents of the demolition of the site. Prior to any demolition of the site, the contractor shall a temporary fence of the entire construction of area of new project. At all times, the Developer shall maintain safe and clean working conditions for the general public and those residents that will be living in close proximity to the construction of the project. At all times, the Developer shall provide adequate warning devices, barricades, metal plating of open trenches and other safety measures installed during construction.

C.4.15 Prior to grading permit release, Developer shall have obtained the necessary permits to abandon or remove all existing on-site water well(s), septic system(s), leech field(s), and title drain(s), if any, in accordance with City and San Joaquin County requirements. The Developer shall be responsible for all costs associated with the abandonment or removal of the aforementioned items including the cost of permit(s) and inspection. A copy of the permits shall be provided to the City upon request.

C.4.16 Prior to grading permit release, Developer shall provide a copy of the approved Incidental Take Minimization Measures (ITMM) habitat survey [San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)] from San Joaquin Council of Governments (SJCOG) prior to grading permit.

C.4.17 Prior to grading permit release, Developer shall provide a copy of the approved Air Impact Assessment (AIA) with an Indirect Source Review (ISR) and Dust Control from San Joaquin Valley Air Pollution Control District (SJVAPCD) prior to grading permit.

C.4.18 Prior to grading permit release, Developer shall provide to the City's it's written plan to address archeological, historical, or other paleontological findings. If at any point during grading that Developer, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other paleontological findings, the Developer shall 1) inform the City Engineer; 2) shall address the findings as required per the General Plan Cultural Resource Policy and General Plan EIR; and 3) subsequent Cultural Resource Policy or mitigation in any applicable environmental document.

C.4.19 Seven calendar days after the release of the grading permit, Developer shall request a pre-construction (grading) meeting with the City's Construction Management team. At this meeting, Developer shall provide three (3) paper copies of the Grading Plans. Developer shall provide additional copies as requested.

C.4.20 The Developer shall provide a Stormwater Quality Control Plan (SWQCP) detailing the methods in which the development will address compliance with the applicable City's Multi-Agency Post-Construction Stormwater Standards Manual (Manual). Prior to the issuance of the grading permit for the project, the SWQCP shall be approved by the City Engineer.

Grading Permit Special Condition(s)

NONE

C.5.0 Construction Permit [Encroachment Permit and Improvement Agreement(s)]

Prior to construction permit release, if applicable, Developer shall provide all documents as required by City requirements and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

C.5.1 All construction activity involving public improvements (on-site and off-site) may require one (1) or a combination of the following: approved plans; an encroachment permit: and/or a fully executed improvement agreement (Off-site Improvement Agreement - OIA or Subdivision Improvement Agreement - SIA). Any construction activity involving public improvements without the required items is prohibited. The Developer will complete all requirements set forth in this section.

C.5.2 Prior to construction permit release, Developer shall prepare public infrastructure improvement plans for all required improvements required to serve the Project (on-site and off-site) including construction details, paving sections, joint-trench, traffic signals, etc. (Improvement Plans).

C.5.3 Prior to construction permit release, Developer shall prepare Improvement Plans that are stamped and prepared under the supervision of a California registered Civil Engineer (CA-CE). Other disciplines' work shall also be stamped and prepared under the supervision for each disciplines' registered design professional.

C.5.4 Prior to construction permit release, Developer shall prepare Improvement Plans on a 24-inch x 36-inch size 20-pound bond white paper and shall use the City's Title Block. Said Improvement Plans and the improvements and details depicted on said Improvement Plans shall be prepared in accordance with the City's Subdivision Ordinance (Tracy Municipal Code (TMC) Chapter 12.36), City Design Documents as defined in Title 12 of the TMC, City's Facilities Master Plan for storm drainage, roadways, wastewater, and water as adopted, amended, and updated by the City, or as otherwise specifically approved by the City, and all requirements described in the documents described hereon, and these Conditions of Approval.

C. 5.5 Prior to construction permit release, Developer shall prepare Improvement Plans in substantial conformance all site building, parking, utility, grading, and other on-site and off-site improvements identified on submitted site improvements drawing package for D22-0029 (Mt Oso Townhomes), located at the northwest corner of the Mt. Oso Avenue and C Street intersection, APN# 235-100-77, Tracy CA 95376 submitted November 13, 2024.

C. 5.6 Prior to construction permit release, Developer shall provide a PDF copy of the Project's Geotechnical/Soils Report prepared and stamped by the Project's CA-GE. The technical report must include relevant information related to street pavement thickness (asphalt concrete and aggregate base), compaction recommendation, building pad compaction recommendation, soil bearing capacity, retaining wall footing design parameters, slope recommendations, peculation rates, ground water depth, and other pertinent information for grading the site and building the building foundations.

C. 5.7 Prior to construction permit release, Developer shall prepare Improvement Plans to specifically include, but not be limited to all existing and proposed utilities such

as domestic water line, irrigation service, water fire service, domestic water services, storm drain, sanitary sewer, all existing surface improvements such as PCC, curb, gutter, sidewalk, ADA ramps, fire hydrants, streetlights, landscaping, irrigation, irrigation controllers, striping, etc. including the size and location of all pipes.

C. 5.8 Prior to construction permit release, Developer shall prepare Improvement Plans to specifically include, but not be limited to dimensions of existing and proposed utilities and surface improvements.

C.5.9 Prior to construction permit release, Developer shall identify and depict on the Improvement Plans any frontage improvements of pavement, curb and gutter, sidewalk, ADA ramps, fire hydrants, streetlights, landscaping, and irrigation in need of repair (cracked, settled, and/or damaged) along the Project's frontage. Developer shall than note on the Improvement that said improvement in need of repair shall be repaired accordance with City requirements and to the Satisfaction of the City Engineer. Any repair, removal, and replacement shall be in a similar manner to the current improvement, i.e., similar width, color, finish, meander, etc.

C. 5.10 Prior to construction permit release, Developer shall provide all supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports shall be submitted at the time of grading, site improvement and building permit reviews. All improvement plans shall contain a note stating that the Developer will be responsible for preserving and protecting all existing survey monuments and other survey markers such as benchmarks prior to building permit.

C. 5.11 Public Right-of-Way Landscaping and Irrigation – Prior to construction permit release, Developer shall prepare landscape and irrigation plans that depict the following:

The Developer shall landscape and irrigate the existing area along the project frontage, from the back of curb to the new building. Landscape and irrigation plans shall be in substantial conformance with the approved preliminary plans submitted with the approved site development review permit for this Project. All landscape drawings shall be prepared on a 24-inch x 36-inch size 20-pound bond white paper that incorporates all requirements described in these Conditions of Approval, and the City's Design Documents as defined in Title 12 of the Tracy Municipal Code. Developer shall use the latest title block. Said landscape and irrigation plan shall be prepared by a California licensed landscape architect. The Developer shall also reinstall all existing street trees in the landscaped area between the sidewalk and curb line along the project frontage, if applicable. The Developer shall also install additional street trees, shrubs, ground cover, and other landscaping and other corresponding irrigation systems as required. The landscaping and irrigation shall conform to MWELO standards. If recommended, Developer shall use structural soil if the street trees' well is narrower than five (5) feet wide. The Developer shall construct new proposed monument signs and their appurtenances, and any other existing items

such as mailboxes, etc. out of this clear site visibility zones of all driveway entrances to the site.

C.5.12 Storm Water

Prior to construction permit release, Developer shall depict on the Improvement Plans the proposed storm drain for the Project's storm drain connection. The Project's storm water drain connection to the City's storm water system shall be in accordance with City requirements and to the satisfaction of the City Engineer.

Developer shall provide the calculations for the sizing of the storm drain(s) and shall be submitted with the hydrology and storm water report during plan-review. Developer shall comply with the applicable requirements of the City's storm water masterplan adopted by the City Council in 2012 and any subsequent amendments.

C.5.13 As required by Item No. 16, Section V on page 103 of the 2020 Design Standards, storm drain run-off will not cross lot lines. Generally, storm drainage release point is a location at the boundary of the Project adjacent public right-of-way where storm water leaves the Property, in a storm event and that the Property's on-site storm drainage system fails to function or it is clogged. Site grading shall be designed such that the project's storm drainage overland release point will be directly to an adjacent public right-of way with a functional storm drainage system and the existing storm drainage line has adequate capacity to drain storm water from the property. The storm drainage release point is recommended to be at least 0.70-feet lower than the new building's finish floor elevation and shall be designed and improved to the satisfaction of the City Engineer.

C.5.14 Per the 2012 Storm Drainage Master Plan, this parcel is master planned to drain into an underground pipe. The on-site storm drains should be sized for the ten (10) year discharge, using the one hundred (100) year water surface elevation for the point of discharge as the starting water surface elevation (tailwater elevation) for capacity or HGL analyses. This drainage scheme requires constructing a storm drain system on private property.

Prior to construction permit release, if applicable, Developer shall depict on the Improvement Plans bioretention basins with bio-treatment soils to the satisfaction of the City C-3 requirements and to the satisfaction of the City Engineer. On-site runoff from the site landscaping, pavement and roofs will discharge directly into these bioretention basins which will then filter the water that will drain into the city storm drain system. Use of underground runoff pretreatment and storage chambers as an alternate to bioretention basins by the Developer shall be considered on a case-by-case basis and is subject to approval by the City Engineer.

C.5.15 Sanitary Sewer

Prior to construction permit release, Developer shall depict on the Improvement Plans the Project's permanent sanitary sewer line laterals from each proposed building to the Project's sewer connection in C Street, in accordance with the City's Design Documents and to the satisfaction of the City Engineer. Developer shall depict an eight (8) inch minimum sewer lateral in C Street. The pavement restoration shall be per City Standards and subject to Condition C.8.1.

C.5.16 Water Distribution

Prior to construction permit release, Developer shall depict on the Improvement Plans the Project's permanent potable domestic, irrigation, and fire water services. Fire sprinkler and irrigation water services to every building in the project that complies with the City Design Documents. Water line sizing, layout and looping requirements for this Project shall comply with City requirements. During the construction of the Project, the Developer is responsible for providing water infrastructure (temporary or permanent) capable of delivering adequate fire flows and pressure appropriate to the various stages of construction and as approved by the Fire Marshal.

The Developer shall use existing water line in C Street for water line connections to the site looping water line into the site to every new building fire system. The pavement restoration shall be per City Standards and subject to Condition C.8.1.

Interruption to the water supply to the existing businesses and other users will not be allowed to facilitate construction of improvements related to the Project. Developer shall be responsible for notifying business owner(s) and users, regarding construction work. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least seventy-two (72) hours before the start of work. Prior to starting the work described in this section, the Developer shall submit a Work Plan acceptable to the City that demonstrates no interruptions to the water supply, and Traffic Control Plan to be used during the installation of the off-site water mains and connections.

The Project's water service connections shall use a remote-read (radio-read) master water meter (the water meter to be located within City's right-of-way) and a Reduced Pressure Type back-flow protection device in accordance with City requirements. The City Engineer shall approve the location of the meters and installation of the back-flow prevention device.

After improvement, acceptance, repair, and maintenance of the water service from the water meter to the point of connection with the water distribution main in the street shall be the responsibility of the City. Water service repairs after the water meter is the responsibility of the Developer or individual lot owner(s).

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

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

Fire Service Line(s) and Hydrants – Location and construction details of fire service line including fire hydrant(s) that are to serve the Project shall be protected with 4 concrete bollards and layout approved by the City Fire Marshal prior to the approval of the Improvement Plans by the City Engineer. The Developer shall submit a layout of the fire hydrants and obtain written approval of the location of fire hydrants and fire connections to the building from the Fire Marshal, prior completion of the of the water line design.

C.5.17 Prior to construction permit release, Developer shall prepare Joint Trench Plans and Composite Utility Plans, prepared on a 24-inch x 36-inch size 4-millimeter thick mylar for the installation of dry utilities such as electric, gas, TV cable, telephone, and others that will be located within the ten (10) feet wide P.U.E. to be installed to serve the Project. All private utility services to serve Project must be installed underground or relocated to be underground, and to be installed at the location approved by the respective owner(s) of the utilities from the street or an existing or proposed utility easement to the building(s).

C.5.18 Prior to construction permit release, Developer shall provide signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans. Said Estimate shall be prepared in accordance with City Regulations to be used for calculating engineering review fees and for bonding purposes. In determining the total construction cost, add ten percent (10%) for construction contingencies.

C.5.19 Prior to construction permit release, Developer shall provide Payment of fees required by the City requirements including but not limited to plan checking, grading, construction inspection, agreement processing, encroachment permits, and other fees. The engineering review fees will be calculated based on the fee rate adopted and updated by the City Council.

C.5.20 Traffic Control Plan - Prior to starting the work for any work within City's right-of way, the Developer shall submit a Traffic Control Plan (TCP). TCP can be split among the different construction phases. TCP will show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. TCP shall conform to the Manual on Uniform Traffic Control Devices as amended by the State of California, latest edition (MUTCD-CA). TCP shall be prepared under the supervision of, signed and stamped by a Registered Civil Engineer or Registered Traffic Engineer.

Access and Traffic Circulation to Existing Businesses/Residents - Developer shall take all steps necessary to plan and construct site improvements such that

construction operations do not impact safety and access (including emergency vehicles) to the existing businesses and residents throughout the duration of construction. The Developer shall coordinate with the owners and cooperate to minimize impacts on existing businesses. All costs of measures needed to provide safe and functional access shall be borne by the Developer.

C.5.21 No street trench shall be left open, uncovered, and/or unprotected during night hours and when the Developer's contractor is not performing construction activities. Appropriate signs and barricades shall be installed on the street and on all trenches during such times. If the Developer or its contractor elects to use steel plates to cover street trenches, said steel plates will be skid-resistant, and shall be ramped on all sides. Ramps will be a minimum two-foot wide and will run the entire length of each side.

C.5.22 If at any point during utility installation or construction the Developer, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other paleontological findings, the Developer shall 1) inform the City Engineer; 2) shall address the findings as required per the General Plan Cultural Resource Policy and General Plan EIR; and 3) subsequent Cultural Resource Policy or mitigation in any applicable environmental document.

C.5.23 Off-site Public Improvements - Prior to the Developer commencing construction of off-site public improvements, if applicable, Developer shall possess a fully executed Off-site Improvement Agreement (OIA). Developer shall also complete all of the following requirements to the satisfaction of the City Engineer:

Developers shall pay all required permit processing fees including plan check and inspection fees to the City Engineering department prior to construction.

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

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

Construction Permit Special Condition(s)

C.5.24 Prior to construction permit release, Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the Improvement Plans including the Fire Marshal prior to submitting said plans to Engineering for City Engineer's signature.

C.5.25 The Developer shall install six (6) new driveways along the Project's frontage on C Street. Said driveways shall be constructed in accordance with current City Standards. Along with the new driveways, the Developer shall also demolish the

existing driveway along the Project's frontage on Mount Diablo Avenue and replace it with new sidewalk. Said new sidewalk shall be in the same alignment as the previously constructed sidewalk and constructed in accordance with City Standards. The Developer shall also connect the proposed Project on-site sidewalks to the existing City sidewalk along the Project's frontage on Mount Diablo Avenue. The Developer shall file for an encroachment permit for the demolition and construction of new improvements in the city right of way.

C.5.26 Developer shall remove the existing rolled curb, gutter and sidewalk along the Project's C Street frontage and install new 6" curb and gutter, sidewalk, in the alignment of the existing curb-face and sidewalk of the remainder of the City street per current City Standards, and to the satisfaction of the City Engineer. The Developer shall file for an encroachment permit for the demolition and construction of new improvements in the city right of way.

C.6. Building Permit

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

C.6.1 Developer has satisfied all the requirements set forth in Condition C.1 through C.2, and C.4, above.

C.6.2 Prior to building permit release, Developer shall pay all applicable City and County development impact fees to the satisfaction of the City Engineer.

C.6.3 Prior to building permit release, Developer shall have obtained a Grading Permit.

Building Permit Special Condition(s)

NONE

C.7. Acceptance of Public Improvements and Occupancy

Prior to acceptance of public improvements, if applicable, Developer shall demonstrate to the satisfaction of the City Engineer completion of the following:

C.7.1 Developer has satisfied all the requirements set forth in these Conditions of Approval.

C.7.2 Prior to any form of occupancy, Developer shall demonstrate satisfactory completion of all required/conditioned improvements. Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

C.7.3 Prior to any form of occupancy, Developer shall provide Certified “As-Built” Improvement Plans (or Record Drawings) from the Project’s CA-CE. Upon completion of the construction by the Developer, the City, at its sole discretion, temporarily release the original mylars of the Improvement Plans to the Developer so that the Developer will be able to document revisions to show the "As-Built" configuration of all improvements.

C.7.4 Prior to any form of occupancy, Developer shall provide both AutoCAD files (including all X-references files), and GIS Shape files (both in formats approved by the City) for the public improvements.

C.7.5 Prior to any form of occupancy, Developer shall complete potable domestic and irrigation water service connection(s). Developer shall also complete all fire water lines to fire sprinkler system and on-site fire hydrants. These items are to be installed per City requirements.

C.7.6 Prior to any form of occupancy, Developer shall complete all sewer improvements. Developer shall also complete but not limited to reconstructing PCC curb, gutter, and sidewalk, replacing asphalt concrete pavement, restoring pavement marking and striping, and other improvements that are disturbed because of installing the Project’s permanent sewer connection.

C.7.7 Developer shall repair or reconstruct street pavement, curb, gutter and sidewalk and other public improvements for this Project, if determined by the City Engineer to be in poor condition or damaged by construction activities related to the Project.

C.7.8 Prior to acceptance of public improvements, Developer has completed the ninety (90) day public landscaping maintenance period.

C.7.9 Prior to improvement acceptance Per Section 21107.5 of the California Vehicle Code, Developer shall install signs at all entrance(s) of the Project stating that the streets are privately owned and maintained and are not subject to the public traffic regulations or control. Said signs must be conspicuously placed, plainly visible, and legible during daylight hours from a distance of one hundred (100) feet, if applicable.

C.7.10 Prior to improvement acceptance, Developer shall submit warranty bonds.

C.7.11 Prior to acceptance of public improvements, Developer shall have constructed all public improvements in accordance City requirements, the recommendation(s) of the Project’s (CA-CE), and to the satisfaction of the City Engineer.

C.7.12 Release of Improvement Security – Release of improvement security shall be in accordance with the requirements of Title 12 of the TMC. Monumentation Bond will be released to the Developer after the City Council’s acceptance of the public improvements and if the Developer meets the terms set in Section 66497(c) of the Subdivision Map Act. All survey monuments shown on the Final Map, if applicable, must be installed. Any altered, damaged, or destroyed survey

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

Acceptance or Occupancy Special Condition(s)

C.7.13 Prior to issuance of temporary/final certificate of occupancy of the first building, all overhead utilities along entire project frontage shall be placed underground.

C.7.14 Prior to issuance of temporary/final certificate of occupancy of the first building, the Developer shall demonstrate to the satisfaction of the Fire Marshal that all applicable fire flow parameters are met.

C.7.15 The Developer has completed construction of all required public facilities for the building for which a certificate of occupancy is requested and all the improvements required in these Conditions of Approval. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

C.8. Special Conditions

C.8.1 When Street cuts are made for the installation of utilities in the paved street, the Developer shall conform to Section 3.13 of the 2020 Design Standards and is required install a 2-inch-thick asphalt concrete (AC) overlay with reinforcing fabric at least 25-feet from all sides of each utility trench. A 2-inch-deep grind on the existing AC pavement will be required where the AC overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. This pavement repair requirement is when cuts/trenches are perpendicular and parallel to the street's direction.

C.8.2 Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the improvement plans, prior to the City Engineer's signature on the improvement plans, and prior to issuance of Grading Permit, Encroachment Permit, Building Permit, if the City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City. The Developer shall bear all the cost for the inclusion, design, and

implementation of such additions and requirements, without reimbursement or any payment from the City.

C.8.3 If water is required for the project, the Developer shall obtain an account for the water service and register for a temporary water meter with the City Finance Department and Public Works Departments. The Developer shall pay all fees associated with obtaining the account number and temporary water meter for the water service.

C.8.4 Developer shall obtain an account for the water service to the Project and register the water meter with the Finance Department and Public Works department. The Developer shall prepare and submit a map depicting the location of the water meter on an 8.5-inch X 11-inch sheet to the Finance Department.

C.8.5. The Developer shall install lights around the parameter of the site to obtain the minimum coverage of 1.5 candles per square foot of site area and in the parking lot of the site. The Developer shall submit yard lighting details and yard lighting plans to the City building and Engineering departments for review and approval prior to building permit.

D. Utilities Department, Water Resources Division Conditions

D.1. Prior to issuance of a construction or building permit, the applicant shall demonstrate compliance with the 2015 Post-Construction Stormwater Standards (PCSWS) Manual and obtain approval through the following:

D.1.1. Develop a Project Stormwater Plan (PSP) that identifies the methods to be employed to reduce or eliminate stormwater pollutant discharges through the construction, operation and maintenance of source control measures, low impact development design, site design measures, stormwater treatment control measures and hydromodification control measures.

D.1.1.a. Design and sizing requirements shall comply with PCSWS Manual.
D.1.1.b. Demand Management Areas must be clearly designated along with identification of pollutants of concern.
D.1.1.c. Calculations of the Stormwater Design Volume and/or Design Flow with results from the Post-Construction Stormwater Runoff Calculator must be submitted in the PSP for approval.
D.1.1.d. Per the PCSWS Manual, include a hydromodification management plan ensuring the post-project runoff flow rate shall not exceed estimated pre-project flow rate for the 2-year, 24 hour storm.
D.1.1.e. Submit one (1) hard copy of the PSP and an electronic copy to the Utilities Department (WaterResources@cityoftracy.org), include the project name, address and Project # and/or Permit # in the title or subject line.

D.1.2. A separate plan sheet(s) designated SW shall be submitted in the plan set that includes the identified methods for pollution prevention outlined in the

submitted PSP. You must include all standards, cross sections and design specifications such as landscape requirement in treatment areas including type of irrigation installation and/or height of drain inlet above the flow line, etc. in these SW plan sheets along with legend.

D.1.3. Develop and electronically submit to the Utilities Department for approval (WaterResources@cityoftracy.org) a preliminary Operations and Maintenance (O & M) Plan that identifies the operation, maintenance, and inspection requirements for all stormwater treatment and baseline hydromodification control measures identified in the approved PSP.

D.1.4. No later than two (2) months after approval notification of the submitted PSP, the applicant shall electronically submit the following information to the Utilities Department (WaterResources@cityoftracy.org) for development of a draft stormwater maintenance access agreement, in accordance with the MAPCSWS:

i. Property Owner(s) name and title report; or Corporate name(s) and binding documents (resolutions, etc.) designating ability to sign agreement
ii. Property Address
iii. Exhibit A – legal property description
iv. Exhibit B – approved O & M Plan

D.2. Prior to issuance of a grading permit, the applicant shall provide proof of permit coverage under the Construction General Permit and submittal of an electronic Stormwater Pollution Prevention Plan (SWPPP), to be submitted to WaterResources@cityoftracy.org.

D.3. Project shall always be in compliance with Federal, State and Local mandates with potable water, recycled water and water quality.

D.4. Prior to Certificate of Occupancy, the applicant shall complete the following to the satisfaction of the Utilities Director:

D.4.1. Return to the Utilities Department, two legally signed and notarized copies of the final maintenance access agreement including all exhibits and approved O & M plan previously submitted and received from the Utilities Department.

D.4.2. Obtain final approval by the Utilities Department of the constructed and installed Stormwater pollution prevention methods outlined in the PSP. Frequent inspections of the Post-Construction treatment measures should occur during the construction phase by calling 209-831-6333.

D.4.3. The project shall be in full compliance with Construction General Permit including 70% stabilization of the project with Notice of Termination approval.

D.5. Before the approval of a construction, grading or building permit, the applicant shall demonstrate compliance with Tracy Municipal Code Chapters 11.28 and 11.34 and Chapter 4 or 5 of the California Green Building Standards Code to the satisfaction of the Utilities Director.

D.6. Prior to issuance of a construction or building permit, applicant shall demonstrate compliance with the 2015 Model Water Efficient Landscape Ordinance and obtain approval by the Utilities Department through the following:

D.6.1. Develop and submit electronically and by hard copy, a Landscape Document Package (LDP) that identifies the methods to be employed to reduce water usage through proper landscape design, installation and maintenance. This LDP shall consist of:

i. A project information sheet that includes the checklist of all documents in the LDP;
ii. The Water Efficient Landscape Worksheets that include a hydrozone information table and the water budget calculations – Maximum Applied Water Allowance and Estimate Total Water Use;
iii. A soil management report, after compaction and from various locations throughout the project;
iv. A landscape design plan that includes the statement, “I agree to comply with the requirements of the 2015 water efficient landscape ordinance and shall submit for approval a complete Landscape Document Package:
v. An irrigation design plan with schedule; and
vi. A grading design plan.

D.6.2. Per State Water Resources Control Board on May 24, 2022, all Commercial, Industrial, and Institutional facilities are prohibited from using potable water to irrigate non-functional turf. Non-functional turf is defined as a ground cover surface of mowed grass that is ornamental and not otherwise used for recreational purposes. Please submit your final landscape plan in conformance with these new regulations.

D.6.3. A Certificate of Completion must be completed, signed, and submitted to the Utilities Department prior to Final approval for Occupancy.

E. Building Division Conditions

E.1. Prior to construction of the project, applicant shall submit construction documents, plans, specifications and/or calculations to the Building Safety Division, which meet all requirements of Title 24 California Code of Regulations and City of Tracy Municipal Codes, as applicable.

F. South San Joaquin County Fire Authority (SSJCFA) Conditions

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

F.1.2. 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.

F.1.3. 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.

F.2. A request for fire flow shall be submitted to the South San Joaquin County Fire Authority and results shall be approved by the Fire Marshal prior to construction. Fire flow requirements shall be in accordance with CFC Appendix B.

F.3. Additional comments may occur upon submittal of construction documents.

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

G.1. Streets, Streetlights and Sidewalks

Before approval of the first Final Map or issuance of any building permit for the Property (except for up to ten (10) model homes), Subdivider shall provide for perpetual funding of the on-going costs of operation, maintenance and replacement for the traffic signals, streetlights, and street sweeping on the Property (including all costs required by PG&E), by doing one or more of the following, subject to the approval of the City's Finance Director:

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

Or

b. HOA and dormant CFD. If the HOA is the chosen funding mechanism, the Subdivider must do the following:

(1) Form a Homeowner's Association (HOA) or other maintenance association, with CC&Rs reasonably acceptable to the City, to assume the obligation for the on-going costs of operation, maintenance and replacement for the traffic

signals, streetlights, and street sweeping on the Property (including all costs required by PG&E);

(2) Cause the HOA to enter into an agreement with the City, in a form to be approved by the City and to be recorded against the Property prior to the final inspection or occupancy of the first dwelling (except for up to ten (10) model homes), setting forth, among other things, the required maintenance obligations, the standards of maintenance, and all other associated obligation(s) to ensure the long-term operation, maintenance and replacement by the HOA for the traffic signals, streetlights, and street sweeping on the Property;

(3) Before final inspection or occupancy of the first dwelling (except for up to ten (10) model homes), annex into a CFD in a "dormant" capacity, to be triggered if the HOA fails (as determined by the City in its sole and exclusive discretion) to perform the required level of operation, maintenance and replacement for the traffic signals, streetlights, and street sweeping on the Property. The dormant tax or assessment shall be disclosed to all homebuyers and non-residential property owners, even during the dormant period.

c. Direct funding. Subdivider shall enter into an agreement with the City, which shall be recorded against the Property, which requires that prior to issuance of a certificate of occupancy for a residential dwelling unit, Subdivider shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the on-going costs of operation, maintenance and replacement for the streets, streetlights, and sidewalks on the Property (including all costs required by PG&E).

If the provisions for adequate funding of the on-going costs of operation, maintenance and replacement for the traffic signals, streetlights, and street sweeping on the Property (including all costs required PG&E) are met prior to issuance of the first building permit for the Property, subject to the Finance Director's review and approval, the terms of this condition shall be considered to have been met and this condition shall become null and void.

G.2. Police/Public Safety & Public Works

Before approval of the first Final Map or issuance of any building permit for the Property (except for up to ten (10) model homes), Subdivider shall provide for perpetual funding of the on-going costs of providing Police and public safety and Public Works services for the Property, by doing one of the following, subject to the approval of the City's Finance Director:

a. Community Facilities District. Subdivider shall enter into an agreement with the City, to be signed by the Finance Director, which shall be recorded against the Property, which requires that prior to the issuance of a certificate of occupancy for a residential dwelling unit, Subdivider shall complete the annexation of the Property to City of Tracy Community Facilities District in compliance with the requirements of the Mello – Roos Community Facilities Act of 1982 (Gov. Code §

53311 et seq.) including, without limitation, affirmative votes, and the recordation of a Notice of Special Tax Lien. Subdivider shall be responsible for all costs associated with the CFD proceedings.

Or

b. Direct funding. Subdivider shall enter into an agreement with the City, which shall be recorded against the Property, which requires that prior to issuance of a certificate of occupancy for a residential dwelling unit, Subdivider shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the on-going costs of providing Police and public safety and Public Works services for the Property.

If, in the sole discretion of the City, the provisions for adequate funding of the on-going costs of providing Police and public safety and Public Works services for the Property are met prior to issuance of the first building permit for the Property, subject to the Finance Director's review and approval, the terms of this condition shall be considered to have been met and this condition shall become null and void.

G.3. Landscaping Maintenance

Before approval of the first Final Map or issuance of any building permit for the Property (except for up to ten (10) model homes), Subdivider shall provide for perpetual funding of the on-going costs of maintenance and replacement for public landscaping for the Property (but shall exclude any community park, if applicable), by doing one or more of the following, subject to the approval of the City's Finance Director:

a. CFD or other funding mechanism. The Subdivider shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates the following:

b.

(1) Prior to issuance of a building permit, the Subdivider shall form a Community Facilities District (CFD) for funding the on-going maintenance costs related to maintenance, operation, repair and replacement of public landscaping, public walls and any public amenities included in the Project, and ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan;
(2) The items to be maintained include but are not limited to the following: ground cover, turf, shrubs, trees, irrigation systems, drainage, and electrical systems; masonry walls or other fencing, entryway monuments or other ornamental structures, furniture, recreation equipment, hardscape and any associated appurtenances within medians, parkways, dedicated easements, channel-ways, public parks and public open space areas;
(3) The developer/owner shall provide all data for features within the public right-of-way and/or park within the property;
(4) Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien;

(5) Upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment;
(6) Prior to issuance of a building permit, the Subdivider shall deposit an amount equal to the first year's taxes; and
(7) The Subdivider shall be responsible for all costs associated with formation of the CFD.

b. HOA and dormant CFD. If the HOA is the chosen funding mechanism, the Subdivider must do the following:

(1) Form a Homeowner's Association (HOA) or other maintenance association, with CC&Rs reasonably acceptable to the City, to assume the obligation for the on-going maintenance of all public landscaping areas (except public parks) within the entire tentative subdivision map area;

(2) Cause the HOA to enter into an agreement with the City, in a form to be approved by the City and to be recorded against the Property prior to the final inspection or occupancy of the first dwelling (except for up to ten (10) model homes), setting forth, among other things, the required maintenance obligations, the standards of maintenance, and all other associated obligation(s) to ensure the long-term maintenance by the HOA of all public landscape areas (except public parks) within the entire tentative subdivision map area;

(3) For each Final Map, make and submit to the City, in a form reasonably acceptable to the City, an irrevocable offer of dedication of all public landscape areas within the Final Map area;

(4) Before final inspection or occupancy of the first dwelling (except for up to ten (10) model homes), annex into a CFD in a "dormant" capacity, to be triggered if the HOA fails (as determined by the City in its sole and exclusive discretion) to perform the required level of public landscape maintenance. The dormant tax or assessment shall be disclosed to all homebuyers and non-residential property owners, even during the dormant period.

Or

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

associated appurtenances within medians, parkways, dedicated easements, channel-ways, public parks and public open space areas.

H. Indemnification.

The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs or any other costs arising out of or in any way related to this project approval, or the City's activities conducted pursuant to its processing and approval of this project approval, including any constitutional claim. Accordingly, to the fullest extent permitted by law and as a condition of this approval, the applicant and property owner, and its representative(s), or its successors shall defend, indemnify and hold harmless the City, Its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of this project approval, or the City's activities conducted pursuant to its processing and approval of this project approval, including any constitutional claim. The applicant and property owner, and its representative(s), or its successors shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

PLANNING COMMISSION STAFF REPORT
Item No. 1.C

DATE	January 22, 2025
TITLE	EIR Scoping Meeting for Tracy Northeast Business Park
LOCATION	Northeast corner of Grant Line and Paradise Roads, APNs 213-170-24, -25, -26, -27, and -48
APPLICATION TYPE	Annexation/Prezone (AP24-0002), Development Review (D24-0013), Specific Plan Amendment (SPA24-0001)
CEQA STATUS	Preparing an Environmental Impact Report (EIR)
PROJECT PLANNER	Victoria Lombardo (209) 831-6428 Victoria.Lombardo@cityoftracy.org

RECOMMENDATION

Staff recommends that the Planning Commission receive input from any interested parties regarding information that should be included in the Tracy Northeast Business Park Environmental Impact Report (EIR).

PROJECT DESCRIPTION

Background

On May 21, 2024, an application for annexation and prezoning, a development review permit and a specific plan amendment were submitted for the Tracy Northeast Business Park (NEBP). The project site is located on approximately 169.05 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). The Dermody Properties and Suvik Farms, LLC (co-applicants) are proposing the project, which consists of the development of up to 2,834,919 square feet of warehouse/distribution and/or manufacturing uses, including ancillary office uses and related improvements on approximately 169.05 acres (comprised of a total of five existing parcels).

CEQA Requirements

In accordance with CEQA requirements, an EIR is required to analyze the potential environmental effects of the Project. A Notice of Preparation (NOP) (Attachment A) for this project was published on January 9, 2025. Through the NOP, public agencies and other interested parties are asked to provide input with respect to any potential issues or areas of concern that should be analyzed in the EIR.

CEQA Guidelines require a scoping meeting for this EIR project to provide an opportunity for the lead agency (the City of Tracy) to consult directly with public agencies or other interested parties who may be concerned about the environmental effects of a project. Scoping may help identify project alternatives, mitigation measures, or significant effects to be analyzed in the EIR. A list of probable environmental effects anticipated to be analyzed in the EIR is contained in the attached NOP. Notification of this scoping meeting was provided with the NOP as published in the Tracy Press and posted at the San Joaquin County Clerk's office, along with direct mailers to various responsible agencies, interested parties, and neighboring property owners.

Next Steps

Preparation of the Draft EIR is underway. Additional requirements of the project prior to any proposed development would be annexation, incorporation of the project site into the Northeast Industrial Areas Specific Plan, and Development Review permits. All of these actions would not occur until after the EIR is completed.

ATTACHMENT

A. Notice of Preparation

City of Tracy, California
Notice of Preparation and Notice of Public Scoping Meeting
Tracy Northeast Business Park Project

Date: January 9, 2025

To: Public Agencies and Interested Parties

From: Forrest Ebbs, Director of Community and Economic Development
Victoria Lombardo, Senior Planner

Subject: Notice of Preparation of an Environmental Impact Report and Public Scoping Meeting for the Tracy Northeast Business Park Project

The City of Tracy (City) is the Lead Agency and will prepare a Draft Environmental Impact Report (Draft EIR) for the Tracy Northeast Business Park 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, a reasonable range of potentially feasible alternatives, and feasible 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 the scope of environmental review pursuant to 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 February 10, 2025.

Victoria Lombardo, Senior Planner
City of Tracy, Community and Economic Development
333 Civic Center Plaza
Tracy, CA 95376
Phone: 209.831.6428
Email:
Victoria.Lombardo@cityoftracy.org

Public Scoping Meeting

A public scoping meeting, convened by the City of Tracy Planning Commission, will be held on **January 22, 2025,** starting at **7:00 p.m.** as an in-person meeting. Attendance will also be provided via Webex, using this link:

https://cityoftracyevents.webex.com and using the following Event Number: **2553 243 8330** and Event Password: **Planning**; or via phone by dialing (408) 418-9388 during the public comment portion of this item.

At this meeting public agencies, organizations, and members of the public will be able to review provide comments on the scope of the environmental review process for the proposed project, as described in this notice and attached materials.

TRACY NORTHEAST BUSINESS PARK PROJECT

The project site is located on approximately 169.05 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] 213-170-24, -25, -26, -27, and -48).

Overview

The Dermody Properties and Suvik Farms, LLC (co-applicants) are proposing the Tracy Northeast Business Park Project (proposed project), which consists of the development of up to 2,834,919 square feet of warehouse/distribution and/or manufacturing uses, including ancillary office uses and related improvements on approximately 169.05 acres (comprised of a total of five existing parcels). The five parcels consist of two Dermody parcels (totaling approximately 122.44 acres; collectively, Dermody Property) and three Suvik parcels (totaling approximately 46.61 acres; collectively, Suvik Property). The Dermody Property and the Suvik Property, collectively, are referred to herein as the "project site".

The project site is within unincorporated San Joaquin County adjacent to the City of Tracy's northeastern city limits, adjacent to the City of Tracy NEI Specific Plan area, and is also within the City's Sphere of Influence (10-year planning horizon). The proposed project would require several discretionary entitlements including LAFCO approval of annexation into the City of Tracy (and related detachment from the Tracy Rural Fire District), as well as City approval of the related pre-zoning, an amendment to the NEI Specific Plan, Tentative Parcel Maps or Lot Line Adjustment to create final development lots, and Development Review Permit approval.

Development on the Dermody Property would consist of a total of approximately 1,811,259 square feet of warehouse/distribution and/or manufacturing space located throughout three buildings, as well as an approximately 12.44-acre stormwater detention basin with pump station (that would be City owned and managed). Approximately 12.51 acres of the Dermody Property would be reserved to accommodate a portion of a planned future interchange at Paradise Road and Interstate 205 (I-205). However, these planned interchange improvements constitute a separate project and therefore 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 relevant public agencies finalize the ultimate design of the interchange; accordingly, the construction of the future interchange 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 in the Draft Environmental Impact Report (Draft EIR).

Although Suvik intends to process a site-specific Development Review Permit subsequent to certification of this environmental document, for purposes of a conservative analysis, a conceptual building orientation plan for the Suvik Property has been prepared to provide site-specific information regarding conceptual building orientation to facilitate project-level review and analysis hereunder. For the purposes of analysis in this Draft EIR, buildout of the Suvik Property is estimated to consist of a maximum total of approximately 1,023,660 square feet of warehouse/distribution and/or manufacturing uses, which conservatively reflects the maximum allowable density per acre identified in the NEI Specific Plan.

The proposed project also includes demolition of existing agricultural buildings, removal of existing trees and crops, installation of related on- and off-site road and utility improvements to serve the proposed project, and grading of a total of approximately 450,000 cubic yards, which would be balanced on-site. Of the approximately 450,000 cubic yards of material graded, approximately 300,000 cubic yards would occur on the Dermody Property, with the remaining approximately 150,000 cubic yards occurring on the Suvik Property.

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 agricultural uses south of California Avenue and single-family homes north of El Rancho Road, on California Avenue; there is also a cell tower near the northern terminus of California Avenue. A recreation and work trailer dealership and agricultural lands are also to the north (north of I-205). East of the project site is agricultural land with an associated single-family home 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 five existing parcels, as listed in Table 1.

Table 1: Existing Parcels

Assessor's Parcel Number	Parcel Naming Convention	Address	Ownership/Applicant	Acreage (approx.)
213-170-24 213-170-25 213-170-26	Suvik Property	6103 Grant Line Road 6281 Grant Line Road 6301 Grant Line Road	Suvik Farms	31.67 11.70 3.24
213-170-27 213-170-48	Dermody Property	6599 Grant Line Road Grant Line Road (no street number)	Dermody Properties	122.39 0.05
			Total	**169.05**
Source: San Joaquin County. no date. Assessor's Map. Book 213. Page 17.				

The project site is relatively flat and low in elevation (approx. 15-30 feet above mean sea level) with a gentle topographic slope in the north-northeast direction.[1,2] The Dermody Property contains only agricultural structures related to hay production (i.e., sheds for hay storage and equipment storage). The Suvik Property does not contain any structures, only an orchard. Approximately 118-acres of the Dermody Property is currently used for hay production, including alfalfa, and winter wheat. Almost all of the project site (approximately 166 acres) is considered Prime Farmland as mapped by the California Department of Conservation Farmland Mapping and Monitoring Program. The Suvik Property is bound by a Williamson Act contract, which is set to automatically expire pursuant to a notice of non-renewal in 2026.[3]

The Tracy Municipal Airport is approximately 5.82 miles southwest of the project site; the project 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.[4,5]

Land Use Designations

The San Joaquin County General Plan (County General Plan) designates the project site Agriculture-Urban Reserve (A/UR), which allows for agricultural uses, farm-related residential use, and open space and parks.[6]

The City of Tracy General Plan (General Plan) designates the project site Industrial (I). 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.

Zoning

The project 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. The AG zoning preserves agricultural lands for continuation of commercial agricultural enterprises.[7]

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 co-applicants are requesting approval of a boundary reorganization from LAFCO (to annex the project site into the City of Tracy and detach the project site from the Tracy Rural Fire District) as well as City approval of the proposed pre-zoning of the

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.
3 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.
4 City of Tracy. 2023. TRACER System Map and Bus Schedule. August. Website: https://www.cityoftracy.org/home/showpublisheddocument/18356/638581315683100000. Accessed November 13, 2024.
5 San Joaquin Regional Transit District. 2024. System Maps. Website: https://sanjoaquinrtd.com/systemmaps/. Accessed November 13, 2024.
6 Mintier Harnish Planning Consultants (prepared for San Joaquin County). 2016. San Joaquin County General Plan: Policy Document. Website: https://www.sjgov.org/commdev/cgi-bin/cdyn.exe/file/Planning/General%20Plan%202035/GENERAL%20PLAN%202035.pdf. Accessed November 12, 2024.
7 San Joaquin County. 2024. Ordinance Code of San Joaquin County. Section 9-203.010.

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 therewith).

Project Description

Land Uses

The proposed project includes demolition of 2 existing agricultural structures on approximately four acres located at the southwestern corner of the Dermody Property, removal of all crops and some existing trees on both the Suvik and Dermody Properties, and construction of the following primary components:

- Multiple warehouse buildings totaling up to 2,834,919 square feet that would support industrial uses (warehouse, distribution and/or manufacturing) and related ancillary office uses;
- The proposed project would adhere to all applicable development standards and regulations including those set forth in the NEI Specific Plan.
- An approximately 12.44-acre City owned and managed stormwater detention basin with pump station;
- Ample landscaping consistent with all applicable City requirements; and
- Sufficient on-site parking for both vehicles and trailer spaces consistent with all applicable City requirements.
- Upon annexation to the City, the proposed project would receive potable water, wastewater and storm water service from the City.

Exhibit 3 depicts a conceptual building orientation plan for the project site as a whole (for both the Dermody and Suvik Properties). The buildings would support warehouse, distribution and/or manufacturing and related ancillary office uses. Based on the proposed uses, it is expected that a total of approximately 2,100 employees would work on-site at full buildout.

Parking

Parking would be provided pursuant to the parking requirements of Tracy Municipal Code Chapter 10.08 Article 26. The proposed project would provide approximately 855 auto spaces, 530 trailer spaces, and 46 bicycle spaces on the Dermody Property; development on the Suvik Property would be confirmed as part of the subsequent Development Review Permit process, which would require that it adhere to the applicable auto and trailer parking requirements.

Circulation and Access

Vehicle

Primary vehicle access to the project site would be provided from three access points on Grant Line Road and three 50-foot-wide access points on Paradise Road. Once the future planned I-205 Interchange at Paradise Road is complete (as part of a separate process and project to be pursued by

the relevant public agencies once funding, design and necessary environmental review is completed), the two northmost access points along Paradise Road would be slightly modified to accommodate the interchange.

The Suvik Property's conceptual building orientation plan site plan illustrates the way in which the contemplated buildings on the Suvik Property could be accessed by a new Private Drive and how buildings could be oriented.

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 at this time and would be determined by the relevant public agencies. Though the proposed project would not trigger the need for these improvements, including the interchange, to facilitate and implement the City of Tracy Transportation Master Plan, the proposed project would set aside approximately 12.51 acres in the northwest corner of the project site, which would be sufficient to accommodate the future planned interchange. The proposed project includes annexation of this land into the City, but does not include any design, analysis, or construction of the future planned interchange since the interchange is a separate project to be pursued by the relevant public agencies in the future pursuant to the City's Transportation Master Plan once funding is secured and the design is finalized. The potential impacts of constructing this future interchange would undergo a separate environmental review process pursuant to the CEQA and NEPA, once funding is programmed and available and once the ultimate design of the interchange is finalized; accordingly, the construction of the interchange is properly not considered part of the proposed project. Therefore, pursuant to applicable requirements under CEQA, this Draft EIR includes an evaluation of potential impacts of annexing the future interchange area into the City (since it is part of the project site) but does not include evaluation of potential impacts from construction and operation of this future interchange.

Discretionary and Ministerial Actions

The following discretionary approvals and permits are required by the City for implementation of the proposed project, including the following**:**

- Pre-zoning to Northeast Industrial Specific Plan
- Northeast Industrial Specific Plan Amendment
- Development review permit(s)
- Tentative Parcel Map or Lot Line Adjustment(s) as needed to create final development lots
- Resolution of City Initiation of Reorganization Proceedings
- Cancellation of the Williamson Act Contract on the Suvik Property (if required)

In addition, the ministerial actions by the City for implementation of the proposed project may include, but are not limited, to the following:

- Demolition permits
- Grading permits

- Building permits
- Encroachment permits
- Certificates of occupancy

1.1.1 - Responsible and Trustee Agencies

Several other agencies will serve as Responsible and Trustee Agencies, pursuant to CEQA Guidelines Section 15381 and Section 15386, respectively. This Draft 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
- San Joaquin Valley Air Pollution Control District

Discretionary and ministerial actions by other agencies that are necessary to implement the proposed project may include the following:

- Approval of proposed reorganization to accomplish the annexation of the project site into the City of Tracy (San Joaquin LAFCo) and 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.

Environmental Review

Potential Environmental Effects

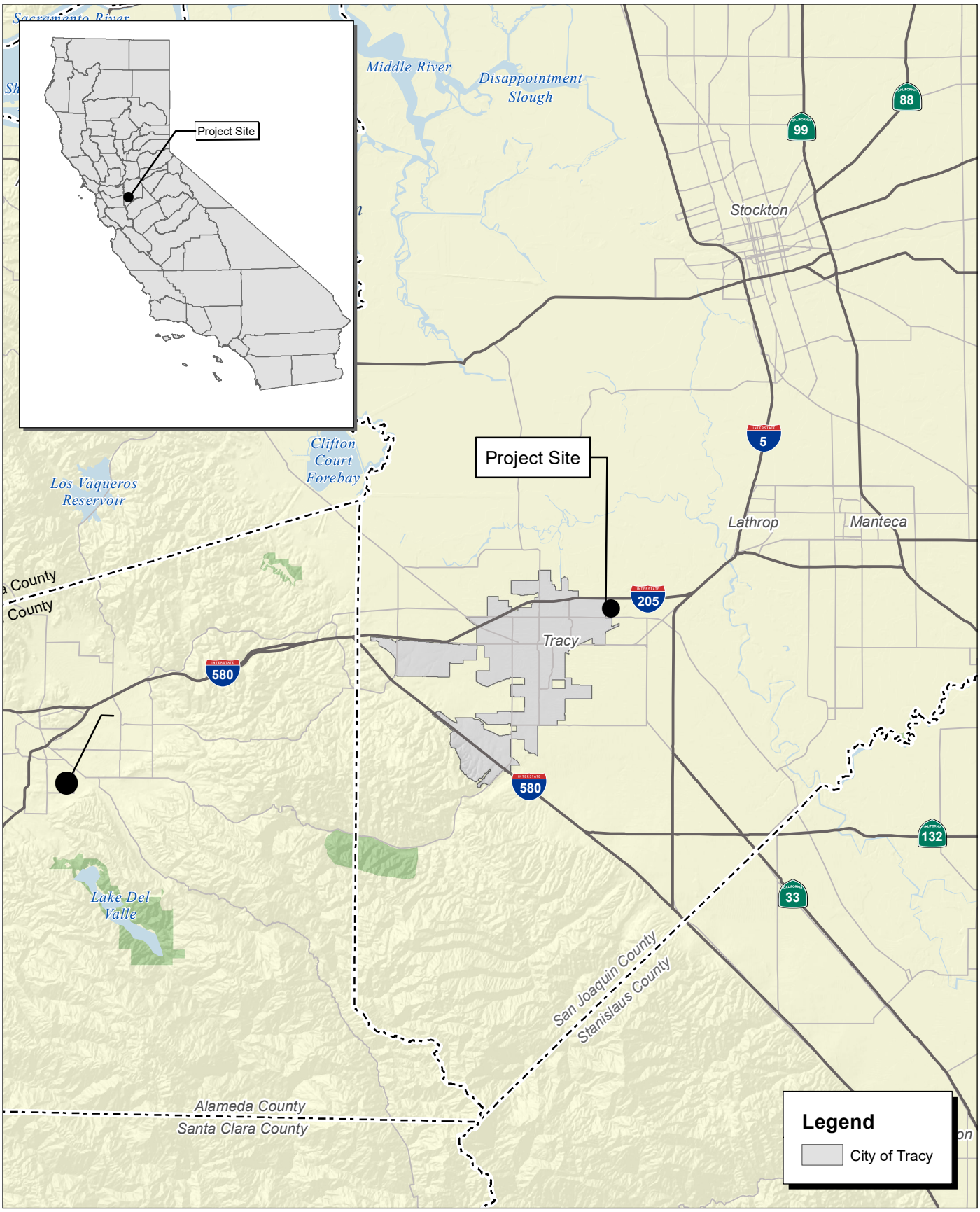
The Draft EIR will evaluate potentially significant environmental impacts associated with the approval and implementation of the proposed project. Consistent with the CEQA Guidelines (Appendix G), the following environmental resource categories will be analyzed in relation to the Project:

- 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

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 project site does not have any residential structure; it would require pre-zoning of agricultural land to allow for the proposed industrial uses. Because the proposed project would not displace any residences, the proposed project would not necessitate construction of replacement housing elsewhere.

  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 2,100 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 proposed 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 proposed project. As such, the proposed project would not result in significant effects related to recreation.



Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

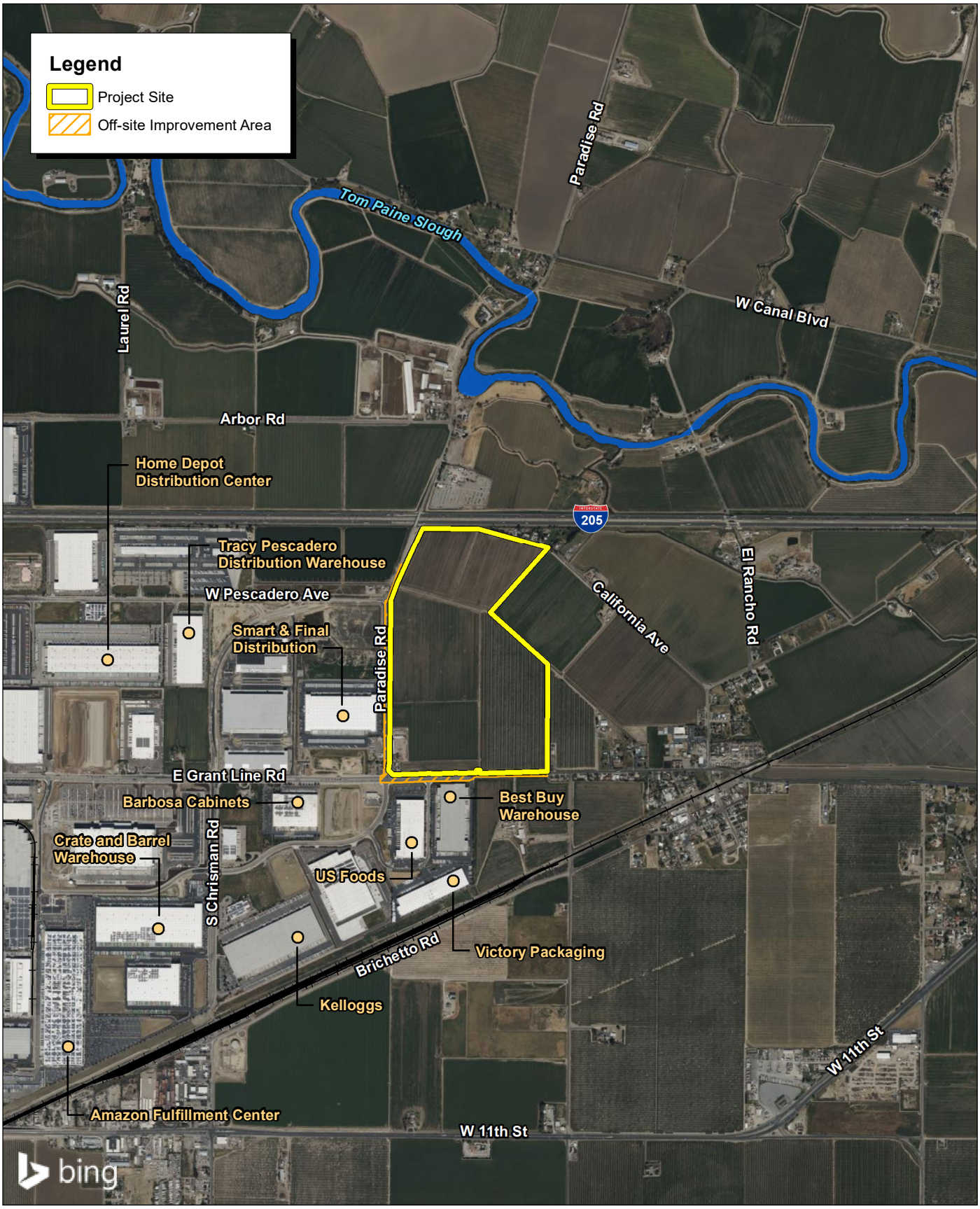
FCS
An ADEC Innovation

5 2.5 0 5
Miles

Exhibit 1
Regional Location Map

17260021 • 12/2024 | 1_regional.mxd

CITY OF TRACY
TRACY NORTHEAST BUSINESS PARK PROJECT
NOTICE OF PREPARATION



Source: Bing Aerial Imagery. Kier & Wright Civil Engineers and Surveyors, Inc., October 2024.

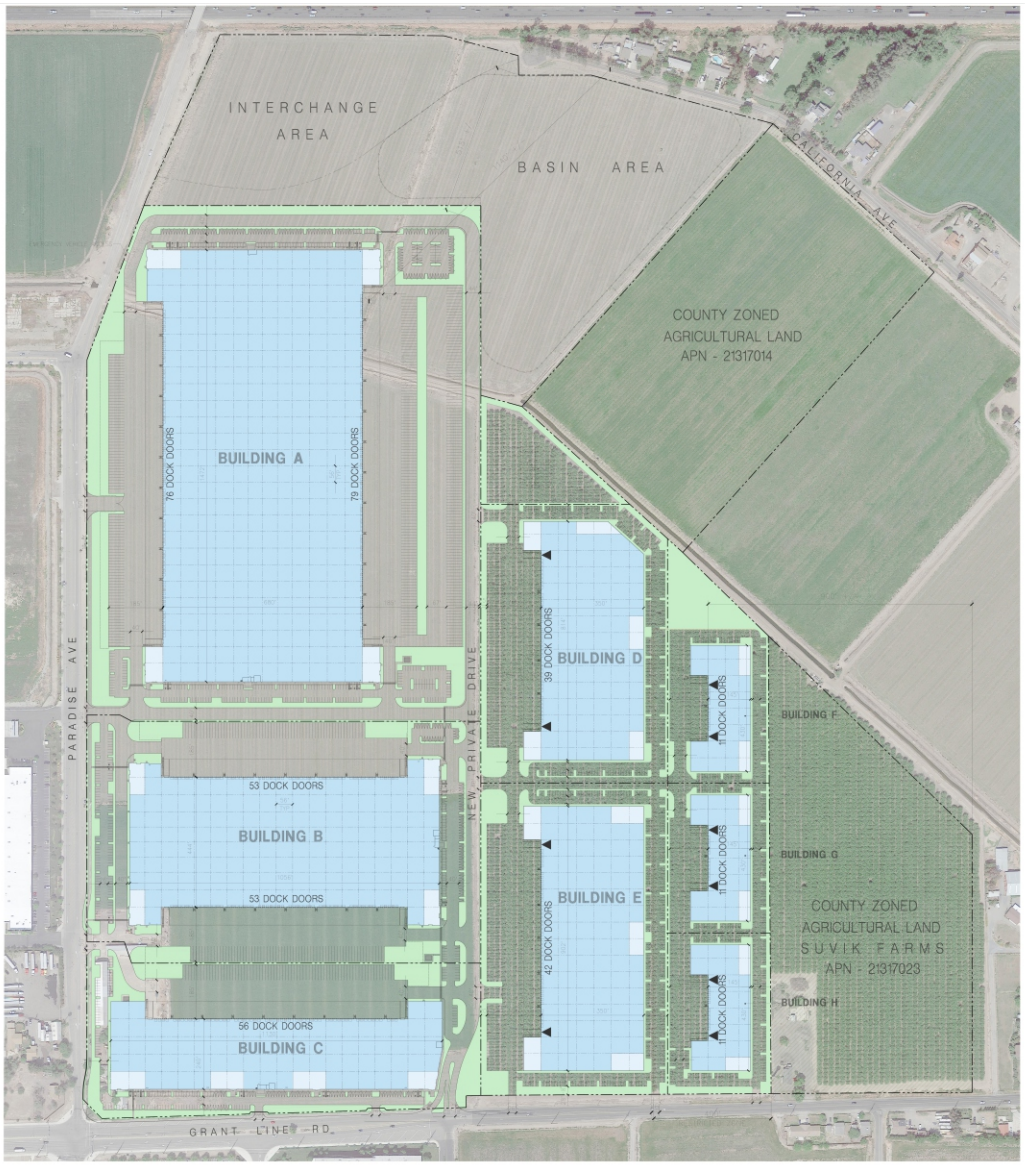
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2,000 1,000 0 2,000
Feet

Exhibit 2
Local Vicinity Map

17260021 • 12/2024 | 2_local_vicinity.mxd

CITY OF TRACY
TRACY NORTHEAST BUSINESS PARK PROJECT
NOTICE OF PREPARATION



Legend

- Potential Office
- Warehouse
- Landscape
- ▼ Drive Thru Door

north

1" = 150'
0 150' 300' 450'

Source: HPA Architecture, October 14th, 2024.

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Exhibit 3
Conceptual Building Orientation