NOTICE OF A REGULAR MEETING

Pursuant to Section 54954.2 of the Government Code of the State of California, a Regular meeting of the City of Tracy Planning Commission is hereby called for:

Date/Time: Wednesday, January 13, 2016
7:00 P.M. (or as soon thereafter as possible)

Location: City of Tracy Council Chambers
333 Civic Center Plaza

Government Code Section 54954.3 states that every public meeting shall provide an opportunity for the public to address the Planning Commission on any item, before or during consideration of the item, however no action shall be taken on any item not on the agenda.

REGULAR MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES APPROVAL

DIRECTOR'S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE - *In accordance with Procedures for Preparation, Posting and Distribution of Agendas and the Conduct of Public Meetings, adopted by Resolution 2015-052 any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. If staff is not able to resolve the matter satisfactorily, the member of the public may request a Commission Member to sponsor the item for discussion at a future meeting.*

1. OLD BUSINESS

   A. **CONTINUED PUBLIC HEARING TO CONSIDER A 47-UNIT RESIDENTIAL APARTMENT PROJECT, INCLUDING PARKING AND RELATED ON-SITE IMPROVEMENTS ON APPROXIMATELY 2.28 ACRES LOCATED ON THE SOUTH SIDE OF AUTO PLAZA DRIVE, WEST OF ITS INTERSECTION WITH AUTO PLAZA WAY IN NORTHWEST TRACY, ASSESSOR'S PARCEL NUMBER 212-270-24. THE PROJECT INCLUDES A GENERAL PLAN DESIGNATION AMENDMENT FROM COMMERCIAL TO RESIDENTIAL HIGH (GPA15-002), AN AMENDMENT TO THE I-205 CORRIDOR SPECIFIC PLAN DESIGNATION (PUD CONCEPT DEVELOPMENT PLAN) FROM GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL (SPA15-001), AND A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN (D15-003) FOR THE PROJECT. A MITIGATED NEGATIVE DECLARATION IS THE PROPOSED ENVIRONMENTAL DOCUMENT FOR THE PROJECT. THE APPLICANT IS NORTHSTAR ENGINEERING GROUP, INC., AND THE PROPERTY OWNER IS TRACY 300, LP.**

2. NEW BUSINESS

   A. **PUBLIC HEARING TO CONSIDER A 226-UNIT RESIDENTIAL SUBDIVISION OF APPROXIMATELY 59.1 ACRES LOCATED ON THE EAST SIDE OF LAMMERS ROAD, NORTH OF REDBRIDGE ROAD, ASSESSOR'S PARCEL NUMBERS 240-060-26 AND 240-060-27. THE PROJECT INCLUDES A GENERAL PLAN DESIGNATION AMENDMENT FROM URBAN RESERVE (UR-8) TO RESIDENTIAL LOW (GPA13-0006), REZONING FROM LOW DENSITY RESIDENTIAL (LDR) TO PLANNED UNIT DEVELOPMENT (PUD), A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN (PUD15-0001), AND VESTING TENTATIVE MAP (TSM15-0001) FOR THE PROJECT. A MITIGATED NEGATIVE DECLARATION IS THE PROPOSED ENVIRONMENTAL DOCUMENT FOR THE PROJECT. THE APPLICANT IS BATES STRINGER TRACY II LLC, AND THE PROPERTY OWNER IS CALENDEV, LLC.**

3. ITEMS FROM THE AUDIENCE

4. DIRECTOR'S REPORT

5. ITEMS FROM THE COMMISSION

6. ADJOURNMENT

Posted: **January 7, 2016**

The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in public meetings. Persons requiring assistance or auxiliary aids in order to participate should call City Hall (209-831-6000), at least 24 hours prior to the meeting.

Any materials distributed to the majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Development Services Department located at 333 Civic Center Plaza during normal business hours.

January 13, 2016

AGENDA ITEM 1-A

REQUEST

CONTINUED PUBLIC HEARING TO CONSIDER A 47-UNIT RESIDENTIAL APARTMENT PROJECT, INCLUDING PARKING AND RELATED ON-SITE IMPROVEMENTS ON APPROXIMATELY 2.28 ACRES LOCATED ON THE SOUTH SIDE OF AUTO PLAZA DRIVE, WEST OF ITS INTERSECTION WITH AUTO PLAZA WAY IN NORTHWEST TRACY, ASSESSOR'S PARCEL NUMBER 212-270-24. THE PROJECT INCLUDES A GENERAL PLAN DESIGNATION AMENDMENT FROM COMMERCIAL TO RESIDENTIAL HIGH (GPA15-002), AN AMENDMENT TO THE I-205 CORRIDOR SPECIFIC PLAN DESIGNATION (PUD CONCEPT DEVELOPMENT PLAN) FROM GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL (SPA15-001), AND A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN (D15-003) FOR THE PROJECT. A MITIGATED NEGATIVE DECLARATION IS THE PROPOSED ENVIRONMENTAL DOCUMENT FOR THE PROJECT. THE APPLICANT IS NORTHSTAR ENGINEERING GROUP, INC., AND THE PROPERTY OWNER IS TRACY 300, LP.

DISCUSSION

Background

This item is continued from the December 16, 2015 Planning Commission meeting to allow the applicant opportunity to further evaluate both pedestrian and vehicular connectivity of the project. Specifically, the Planning Commission expressed concern with the proposed project plans regarding 1) lack of pedestrian and vehicle connections to Auto Plaza Drive, and 2) provision of additional pedestrian access through the Aspire I project (now under construction and located adjacent and south of the Aspire II project site) to Power Road and Robertson Road.

A copy of the December 16th staff report is attached as Exhibit A, providing additional background information on the project.

Planning Commission Discussion from December 16, 2015

At its December 16, 2015 meeting, the Planning Commission continued the public hearing for this item to the January 13, 2016 meeting while expressing concern that the proposed Aspire II project should provide for improved vehicular connectivity for project residents through conversion of the proposed emergency vehicle access connection onto Auto Plaza Drive at the northeast corner of the project site, along with improved pedestrian connectivity at the north edge of the project site by installation of a pedestrian gate that would allow resident pedestrian access to Auto Plaza Drive. Additionally, the Commission indicated they wished to see improved pedestrian connectivity from the Aspire II site south through the adjoining Aspire I apartment project site through use of additional pedestrian connections on the Aspire I site (which was previously approved by the City and is currently under construction) through gated pedestrian connections by the emergency vehicle access (EVA) driveway locations to Power Road to the west and Robertson Drive to the east.

Applicant's Response to Planning Commission Discussion

The applicant indicated that, after consideration of the Planning Commission's comments and requested modifications to the Aspire II project site plans and for modification of pedestrian access points through the Aspire I project, they have chosen to keep the plans unchanged from those considered by the Planning Commission at the December 16, 2015 meeting. As indicated on Exhibit B, the applicant proposes one, gated, vehicle access point to the Aspire I and II project on Pavilion Parkway; two, gated, pedestrian access points on Pavilion Parkway; and three EVA for the project (one to the west on Power Road, one to north on Auto Plaza Drive, and one to the east on Robertson Drive). The reasons to limit access points, as proposed, are related to security and safety for the residents as they could be affected by non-residents of the project. The applicant explained their position on this matter through the attached letters (Exhibits C, D, and E) from the owner, the apartment management company, and the City of Tracy Acting Police Chief.

Analysis

Planning Commission direction from the December 16, 2015 meeting was clear, indicating desired additional pedestrian path and vehicle driveway connections as part of its recommended action on the Aspire II project to the City Council. The Commission's concerns regarding the need for additional project access are supported by the City's Design Goals and Standards, which include provisions calling for use of a high-quality site design and ensuring appropriate relationship of multi-family residential units to the street, and the following General Plan Objectives and Policies:

- LU-4.2, Policy P2. Direct, pedestrian connections shall be created between residential areas and nearby commercial areas.
- Objective CC-1.1, Policy P3: All new development and redevelopment shall adhere to the basic principles of high-quality urban design, architecture and landscape architecture including, but not limited to, human-scaled design, pedestrian-orientation, interconnectivity of street layout, siting buildings to hold corners, entryways, focal points and landmarks.
- Objective CC-2.1 Maximize direct pedestrian, bicycle and vehicle connections in the city.
- Objective CC-2.2, P1. The Downtown and Village Centers shall have direct pedestrian, bicycle and vehicular connections to all Neighborhoods or development projects within an Employment Area, and
- P2. Neighborhoods shall have direct pedestrian, bicycle and vehicular connections to their Focal Points and Village Center, compatible with the character, circulation network, and general configuration of the neighborhoods.
- Objective CIR-3.1, P4. The City's bicycle and pedestrian system shall have a high level of connectivity, especially between residences and common local destinations, such as schools, shopping and parks.

Exhibit E is correspondence from the City of Tracy Acting Police Chief to the project applicant. The Acting Police Chief met with Planning Division staff on January 4, 2016 to discuss access to the project. The Acting Police Chief indicates, from the standpoint of discouraging and responding to criminal activity from non-residents of the apartment

complex, fewer vehicle connection points are better; and one vehicle connection point is best. One vehicle connection point would allow for the greatest level of control, monitoring, and surveillance of vehicles entering and leaving the site. The Acting Police Chief indicated he would not have the same security-related concerns about adding pedestrian access points that are controlled with a fob, key, or other security measure for pedestrians upon entry to and exit from the apartment complex.

In addition, the City of Tracy Building Official/Fire Marshall has indicated that a greater number of vehicle and pedestrian access points could help make evacuation quicker and more orderly, in the event of an "active shooter", chemical spill, or other catastrophic incident causing residents to attempt immediate evacuation.

The Planning Commission, in formulating its recommendation, can recommend support of the project in its present form; or support the project in a modified form by imposing conditions for enhanced pedestrian and driveway access on the Aspire II project; or recommend denial of the project to the City Council. These options are outlined further, below.

With respect to requiring additional points of pedestrian access to Power Road and Robertson Drive through the Aspire I project, and as indicated by the Assistant City Attorney at the December 16, 2015 meeting, the City has no legal authority to require changes for additional points of access to be incorporated into Aspire I as the Aspire I plans were previously approved by the City. However, in considering its recommendation to City Council on the Aspire II project, the Planning Commission may, as part of its findings, indicate its concerns on limited pedestrian access for Aspire II residents, which includes limited access through Aspire I to the south, as part of a denial recommendation on Aspire II. Conversely, the applicant can voluntarily make the pedestrian access modifications to the Aspire I plans if they choose, but have indicated in their December 31, 2015 letter (Exhibit C) that they do not support making such changes.

Clearly, determining the number, location, and design of vehicle and pedestrian access points involves a balance of competing interests associated with security, safety, convenience, the owner's marketing focus, and related concerns. Options for Planning Commission consideration are presented below.

Additional Recommended Conditions of Approval

The recommended Conditions of Approval for this project (Exhibit 2 to the Resolution, Attachment L) are unchanged from the Conditions of Approval published for the December 16, 2015 Planning Commission agenda, except for four added conditions (numbers B.29, B.30, B.31, and B.32).

Condition number B.29 is a request from the Fire Department regarding emergency vehicle access to the site. The condition stipulates that the EVA points shall enable emergency personnel to activate the EVA gates both upon entering the complex and upon exiting the complex (to help ensure that emergency vehicles to not become trapped inside the complex).

Condition number B.30 relates to the City-wide services fiscal analysis, currently underway, and potential Community Facilities District (CFD) to help fund City services.

This requirement is being applied to new residential projects within the City and will be removed if a CFD or other funding mechanism is not approved by the City Council prior to this project's occupancy.

Condition numbers B.31 and B.32, discussed below, would require pedestrian and vehicle access to Auto Plaza Drive.

Planning Commission Options

Based on the Planning Commission's expressed concerns at the December 16, 2015 meeting, the following options would appear to exist regarding a Planning Commission recommendation on the project to the City Council:

1) Recommend denial of the project to the City Council, indicating that the project does not contain a point of pedestrian access to Auto Plaza Drive nor inclusion of a vehicular driveway for project residents onto Auto Plaza Drive, combined with lack of appropriate pedestrian access through the Aspire I project immediately to the south.

   Or

2) Recommend approval of the project to the City Council, including a condition of approval that requires installation of a gated pedestrian accessway to Auto Plaza Drive for project residents and conversion of the proposed emergency vehicle access at the northwest corner of the property to a gated driveway connection for use by project residents. Under this recommendation, new General conditions B.31 and B.32 have been added to the previous proposed set of conditions considered by the Commission at its December 16, 2015 meeting.

   Or

3) Recommend approval of the project based on the applicant's submitted project plans (without access modifications), and subject to conditions of approval presented to the Commission at the December 16, 2015 meeting.

RECOMMENDATION

Staff recommends that the Planning Commission recommends that the City Council approve the project. (If the Planning Commission wishes to require a pedestrian access to Auto Plaza Drive, include Condition of Approval number B.31; if the Planning Commission wishes to require vehicle access to Auto Plaza Drive, include Condition of Approval number B.32.)

1. Adopt the project Mitigated Negative Declaration.
2. Approve the General Plan designation amendment from Commercial to Residential High.
3. Approve the I-205 Corridor Specific Plan designation amendment from General Commercial to High Density Residential.
4. Approve the Planned Unit Development Preliminary and Final Development Plan for the Aspire II Apartment Project.

MOTION

Move that the Planning Commission recommends that the City Council take the following action, as documented in the January 13, 2016 Planning Commission Resolution:

1. Adopt the project Mitigated Negative Declaration.
2. Approve the General Plan designation amendment from Commercial to Residential High.
3. Approve the I-205 Corridor Specific Plan designation amendment from General Commercial to High Density Residential.
4. Approve the Planned Unit Development Preliminary and Final Development Plan for the Aspire II Apartment Project.

Prepared by: Brian Millar, AICP, Planning Consultant
Reviewed by: Bill Dean, Assistant Development Services Director
Approved by: Andrew Malik, Development Services Director

ATTACHMENTS

Exhibit A – Planning Commission Staff Report from December 16, 2015, with Attachments
Exhibit B – Site Plan of Aspire I and Aspire II, Indicating Proposed Access Points to the Project
Exhibit C – December 31, 2015 Correspondence from Legacy Homes
Exhibit D – January 4, 2016 Correspondence from the Aspire Management Company
Exhibit E – December 30, 2015 Correspondence from City of Tracy Acting Police Chief
Exhibit F – Planning Commission Resolution to Recommend Approval of the Project
Exhibit G – Planning Commission Resolution to Recommend Denial of the Project

December 16, 2015

AGENDA ITEM 1-A

REQUEST

PUBLIC HEARING TO CONSIDER A 47-UNIT RESIDENTIAL APARTMENT PROJECT, INCLUDING PARKING AND RELATED ON-SITE IMPROVEMENTS ON APPROXIMATELY 2.28 ACRES LOCATED ON THE SOUTH SIDE OF AUTO PLAZA DRIVE, WEST OF ITS INTERSECTION WITH AUTO PLAZA WAY IN NORTHWEST TRACY, ASSESSOR'S PARCEL NUMBER 212-270-24. THE PROJECT INCLUDES A GENERAL PLAN DESIGNATION AMENDMENT FROM COMMERCIAL TO RESIDENTIAL HIGH (GPA15-002), AN AMENDMENT TO THE I-205 CORRIDOR SPECIFIC PLAN DESIGNATION (PUD CONCEPT DEVELOPMENT PLAN) FROM GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL (SP15-001), AND A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN (15-003) FOR THE PROJECT. A MITIGATED NEGATIVE DECLARATION IS THE PROPOSED ENVIRONMENTAL DOCUMENT FOR THE PROJECT. THE APPLICANT IS NORTHSTAR ENGINEERING GROUP, INC., AND THE PROPERTY OWNER IS TRACY 300, LP.

DISCUSSION

Project Description

The proposed project would develop a 47-unit apartment building on the 2.28-acre project site, located on the south side of Auto Plaza Drive, west of its intersection with Auto Plaza Way in northwest Tracy (Attachment A). The project is an expansion of the adjacent 301-unit, Aspire Apartments, currently under construction. The vacant parcel is directly across (south of) the Department of Motor Vehicles office. Attachment B is an aerial photograph of the project site and surrounding properties. Attachments C-F contain the project's proposed site plan, exterior elevations, and floor plans.

The project would also include associated parking, garages, carports, and common areas, to be shared with the Aspire I project. Access to the site would be provided by an internal driveway connecting to the adjacent Aspire Apartments complex to the south (currently under construction), while gated emergency vehicle access would be available to Auto Plaza Drive at the north edge of the site. The project would match the architecture of the Aspire Apartments building complex.

The proposed project includes plans to connect to existing City infrastructure located within Auto Plaza Drive to the north, to provide water, sewer, and storm drainage to the site.

The proposed project includes a request for a General Plan Amendment to re-designate the site from Commercial to Residential High, and a corollary I-205 Corridor Specific Plan (PUD Concept Development Plan) Amendment to designate

the site High Density Residential. The project also includes a Preliminary and Final Development Plan as part of a Planned Unit Development.
The project site is currently a vacant, undeveloped lot, presently being used for construction staging for the adjoining Aspire I apartment project being built on the adjoining lands to the south.

Surrounding Land Uses

Lands immediately adjacent to the project site to the west include a variety of commercial automobile support services and businesses (tire shop, car rental, collision repair, etc.). A California Department of Motor Vehicles (DMV) office is located north of the project site, north of Auto Plaza Drive. An auto body repair facility is proposed, but not yet constructed, adjacent and to the east of the DMV site. The parcel immediately to the east of the project site is vacant, and a Mazda dealership is located immediately east of the vacant parcel adjacent to the project site. The lands to the south of the project site are the location of the Aspire Apartments project, currently under construction. The Aspire Apartments project is being constructed by the same project applicant as the proposed project, and the proposed project's apartment building is identical to one of the buildings in the Aspire Apartments project. Beyond the immediate project vicinity a variety of auto dealerships and auto-related commercial businesses are located to the east. Agricultural lands are located west of Auto Plaza Drive, in the unincorporated area of San Joaquin County.

Building Design

The project would utilize one, four-story building to house all of the proposed apartment units. The 47-unit project would include the following unit mix:

12, 1-bedroom/1-bath units
16, 2-bedroom/2-bath units
14, 2-bedroom/w-bath units with lofts
5, 3-bedroom/2-bath units

Unit sizes would vary from approximately 800 to 1,400 square feet, with multi-story units on levels 3 and 4 of the apartment building. Each unit would be provided with either attached garage or detached carport parking.

The design of the building is consistent with City design goals and standards for multi-family residential development, which call for building façade elements to be emphasized by the use of color, layout, and variety of materials, and with very long façades designed with sufficient building articulation, reveals, mass variations, window treatments and rooflines.
The architecture is a modern design featuring exterior materials of cement plaster, cement composite lap siding board, metal railings, use of accent canvas awnings, and standing seam metal roofing, matching the design of the adjacent Aspire I apartment project.

Interest and variety is created with vertical and horizontal relief on wall planes, including projections for third- and fourth-floor units and at stairway entrances, balconies and first-floor patios, and in use of both horizontal and vertical siding (Attachment E). The architecture is further enhanced with abundant, symmetrical

windows and awnings at the ends of the buildings. The height of the building, to the top of the parapet wall, is 45 feet.

Site Design

The subject property is a rectangular-shaped lot, with building placement towards the middle of the site. A driveway connection at the southeast corner of the property is proposed, providing vehicular access to the Aspire I apartments to the south; vehicular connection is provided to Pavillion Parkway on the south side of the Aspire I apartments, along with emergency vehicle connections to Power Road to the west and Robertson Drive to the east. A gated emergency access point is proposed at the northeast corner of the site, connecting to Auto Plaza Drive.

The Aspire II apartments' driveway would circle the apartment building, with uncovered parking spaces provided near the west, south and northeast property boundaries. Additional covered (carport) parking would be provided near a portion of the east property boundary. The interior driveway width would be 26 feet, consistent with City design standards. Additional parking would be provided through single-car and two-car (tandem) garage spaces. Based on the mix of 1-, 2- and 3-bedrooom units, City regulations requires 97, off-street parking spaces, while the project proposes use of 115 spaces, exceeding this requirement. (Note: the second garage tandem spaces are not included in this calculation, per Tracy Municipal Code.) Sketches of the proposed carport design are depicted in Attachment J.

The building location on the site is consistent with City design goals and standards, which call for designs to have a relationship with public streets. This can be achieved, in part, by distributing parking areas evenly on the site, preventing mazes of parking areas. The site plan calls for parking distributed evenly around the building, with use of wide landscape planters along all property boundaries. The north side of the site, adjoining Auto Plaza Drive, includes use of a decorative metal fence, allowing visibility of the building from the public street. Gated pedestrian access to the site is also provided at the north property line. With shared access and use of facilities, upon approval of the project, the Aspire I and II sites would be merged to form a single lot, and would be operated and maintained as a single entity.

On-site utility improvements are summarized in Attachment K. Water, storm drainage and sanitary sewer lines on the site will connect to public lines located along Auto Plaza Drive.

Land Use Compatibility

Attachment B illustrates the site's commercial neighborhood with the Aspire I apartment project to the south, adjoining office and commercial uses to the west, the Department of Motor Vehicles office to the north, and auto sales uses located to the east.

The site's proximity to commercial and office land uses could have potentially negative effects on the proposed residential project such as noise or traffic. However, the nearby commercial land uses can also benefit the proposed project by providing, for the residents, retail and commercial services, recreational

opportunities, or employment within walking distance. The West Valley Mall, with its movie theaters and restaurants, is approximately one-quarter mile southeast of the site. The site's location also benefits from relatively close freeway access for residents seeking shorter commute distances to I-205.

In order to help mitigate noise and visual effects from less compatible, adjacent land uses, the project will include an eight-foot tall masonry wall adjacent to the car sales and service land uses adjacent to the west and east. Additionally, the proposed apartment building will be separated from the west and east property lines by landscaping, parking stalls and the two-way drive aisle.

Public Schools

Based on the site's location, away from public parks and schools, it may attract fewer families with school-age children. Nevertheless, the Aspire II apartment residents will have full access to use of significant on-site recreational amenities provided in the adjoining Aspire I apartment site and access to public schools, albeit no schools within a convenient walking distance. The project site is within the attendance boundary areas of Jacobson Elementary School (approximately one mile to the southeast), Monte Vista Middle School (approximately two miles to the southeast), and West High School (just over one mile to the southeast).

Tracy Unified School District representatives indicate they will receive the standard capital school facilities fees from the project and space is available in the public school system for students who may live in the new apartments.

General Plan/Specific Plan Amendments

The project consists of three separate development application requests: (1) General Plan designation amendment from Commercial to Residential High; (2) I-205 Corridor Specific Plan amendment from General Commercial to High Density Residential; (3) Planned Unit Development Preliminary and Final Development Plan approval for the proposed apartment project.

As indicated earlier, the site is designated Commercial by the City's General Plan. And although the Commercial General Plan designation provides for high density residential development (in addition to a variety of commercial uses), the General Plan amendment is included with the project in order for the General Plan map to more specifically reflect the proposed residential land use of the site. This is the same action taken by the City when approving the Aspire I apartment project in 2013.

The second application is to amend the I-205 Corridor Specific Plan designation from General Commercial to High Density Residential (HDR). The Specific Plan amendment is necessary to accommodate the proposed high density residential development of this site, again, consistent with action taken by the City in 2013 in approving the adjoining Aspire I apartment project.

Finally, the project includes a request to approve the project Planned Unit Development Preliminary and Final Development Plan, which serves as the

permit for the City's approval of the 47-unit Aspire II apartment project.

CEQA DOCUMENTATION

The City's environmental consultant prepared a project-level Initial Study (Exhibit 1 to Planning Commission Resolution, attached). The analysis included a traffic study, air quality analysis, noise analysis, and water and sewer studies. Various potentially significant environmental impacts were identified stemming from development of the proposed 47-unit apartment project, including the areas of aesthetics (light and glare generation), air quality, geology, storm water treatment, flooding, construction noise, and traffic. However, mitigation measures were identified for each of the potentially significant impacts that would, upon implementation, reduce the impacts to levels of insignificance. Therefore, in accordance with California Environmental Quality Act regulations, a Mitigated Negative Declaration is proposed.

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council take the following action:

1. Adopt the project Mitigated Negative Declaration.
2. Approve the General Plan designation amendment from Commercial to Residential High.
3. Approve the I-205 Corridor Specific Plan (PUD Concept Development Plan) designation amendment from General Commercial to High Density Residential.
4. Approve the Planned Unit Development Preliminary and Final Development Plan for the Aspire II Apartment Project.

MOTION

Move that the Planning Commission recommends that the City Council take the following action, as documented in the December 16, 2015 Planning Commission Resolution:

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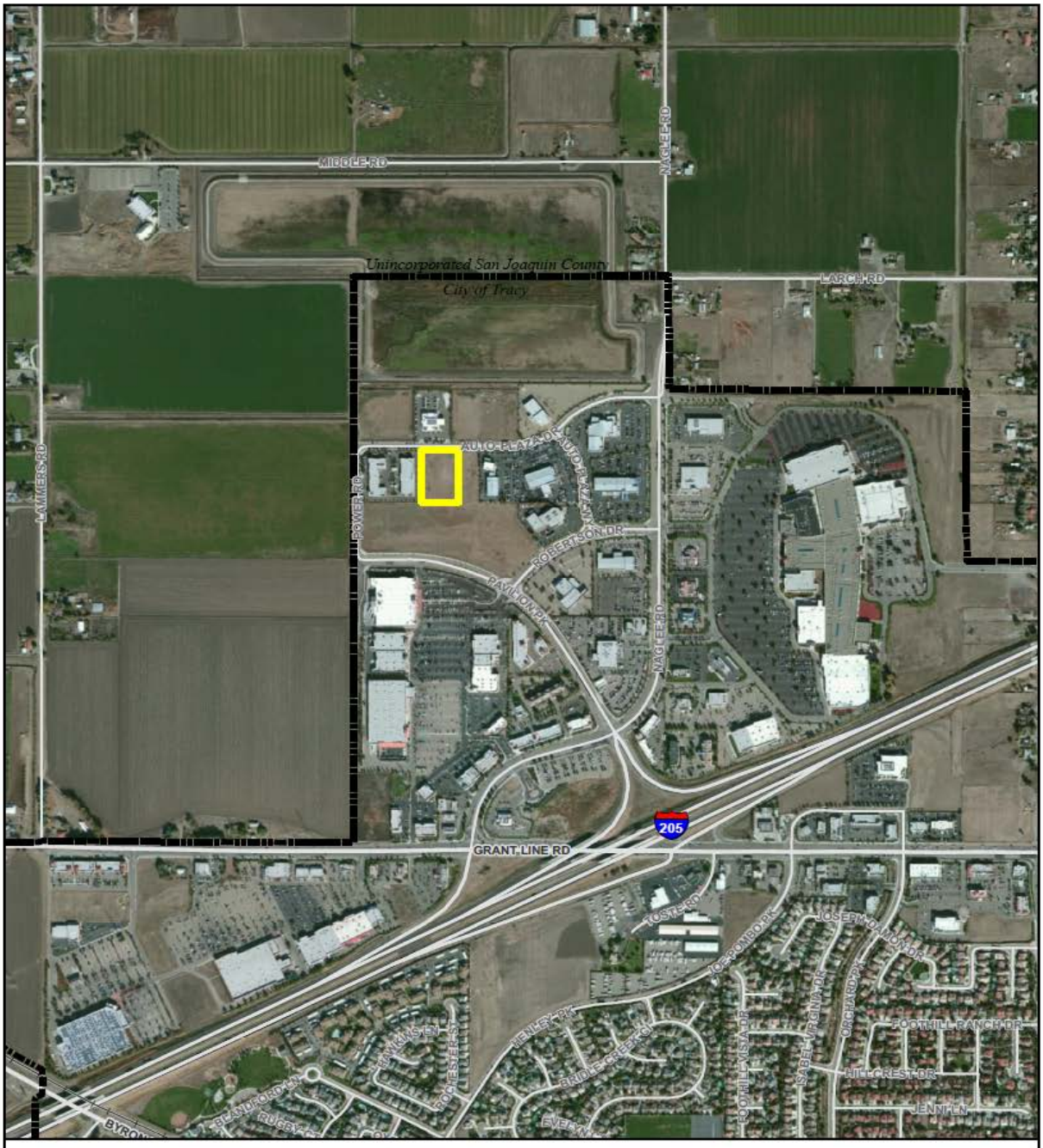
Prepared by: Brian Millar, AICP, Planning Consultant
Reviewed by: Bill Dean, Assistant Development Services Director
Approved by: Andrew Malik, Development Services Director

ATTACHMENTS

Attachment A – Project Location Map
Attachment B – Aerial Photograph of the Site and Surrounding Properties
Attachment C – Site Plan (Showing Aspire I and II Apartments)
Attachment D – Site Plan
Attachment E – Exterior Building Elevations
Attachment F – Floor Plans
Attachment G – Roof Plan
Attachment H – Exterior Building Perspective Drawings
Attachment I – Landscape Plan
Attachment J – Wall, Fence and Carport Drawings
Attachment K – Utility Plans
Attachment L – Planning Commission Resolution with Negative Declaration (Exhibit "1") and Conditions of Approval (Exhibit "2")

Oversized copies of Attachments B through K have been provided to Planning Commission members and are available for review upon request at Tracy City Hall.



ASPIRE II APARTMENTS
TRACY, CALIFORNIA

Legend

- Project Boundary
- City of Tracy

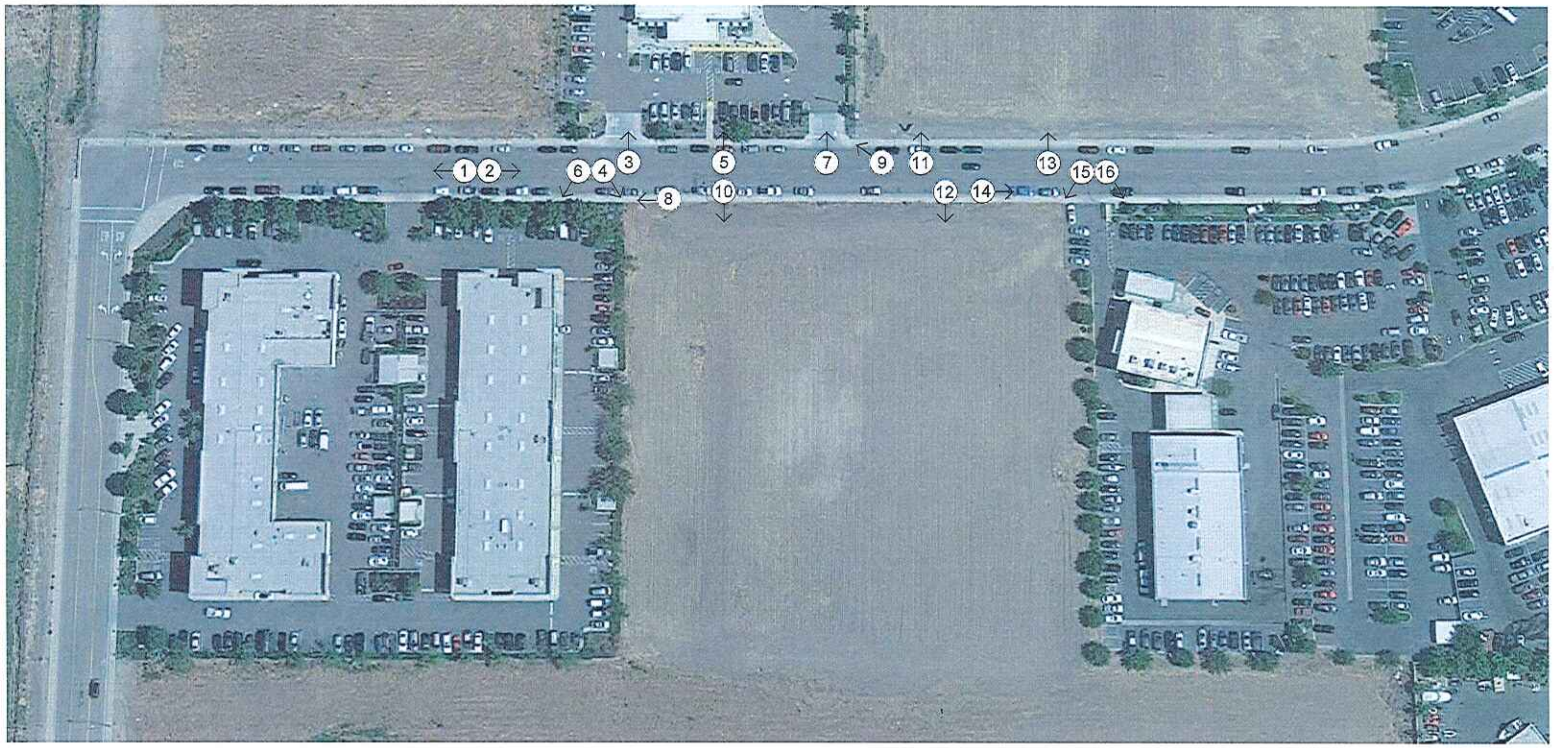
Attachment A:
Project Location Map

0 250 500
Feet
1:12,000

Sources: San Joaquin County GIS; ArcGIS Online World Imagery Map Service. Map date: May 18, 2015.

De Novo Planning Group
A Land Use Planning, Design, and Environmental Firm

ATTACHMENT B



0 40 80 120 160 200
SCALE: 1" = 40'-0" FT

ASPIRE II

TRACY, CA

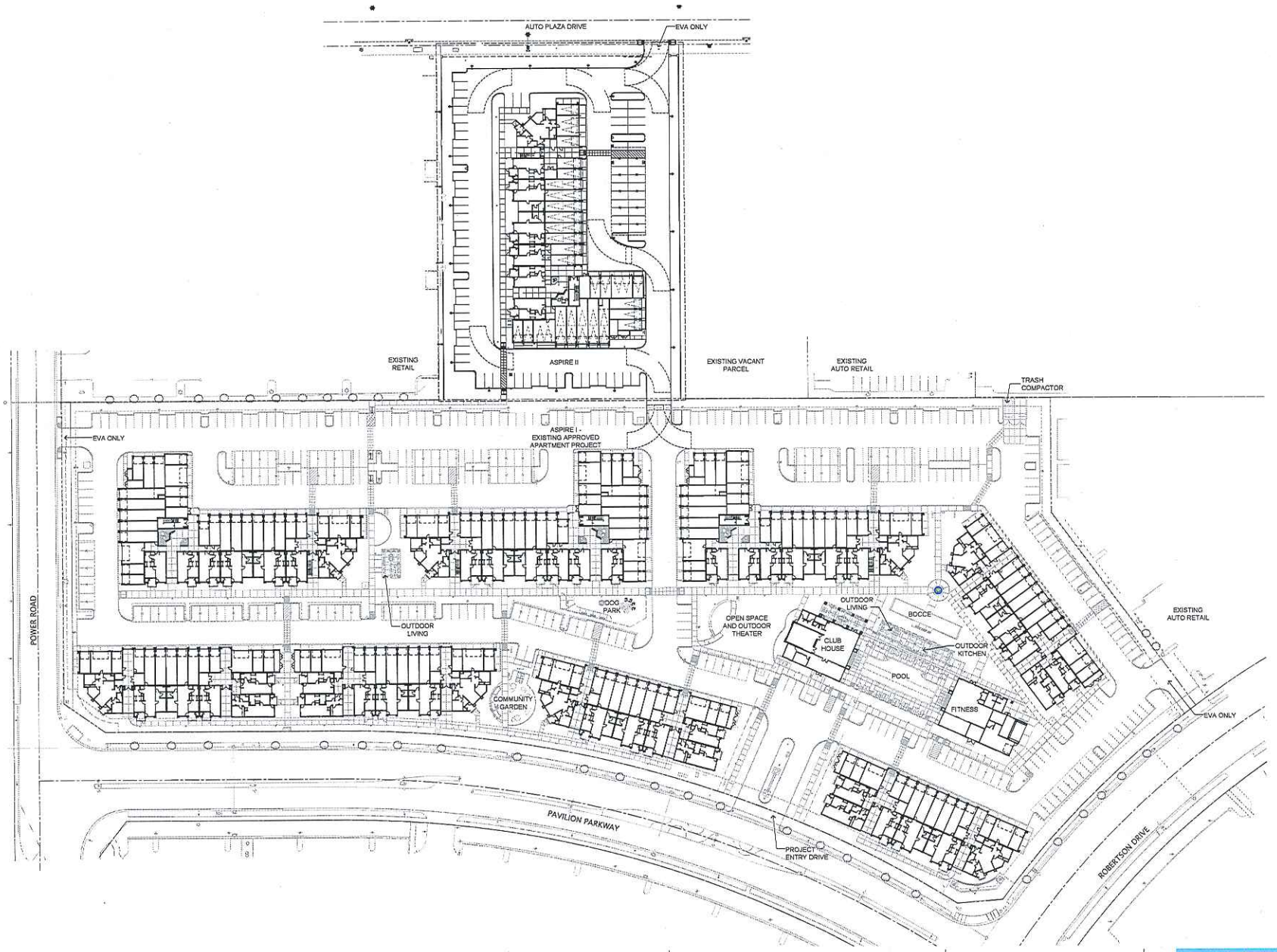
SITE CONTEXT

DATE: 09.18.2015
PROJECT NO: 1156-0001
SCALE:
SHEET: A11

LEGACY HOMES

LPAS
2484 Natomas Park Drive Suite 100 Sacramento CA 95833
916.443.0335 lpasdesign.com Architecture + Design

ATTACHMENT C



ASPIRE II

TRACY, CA

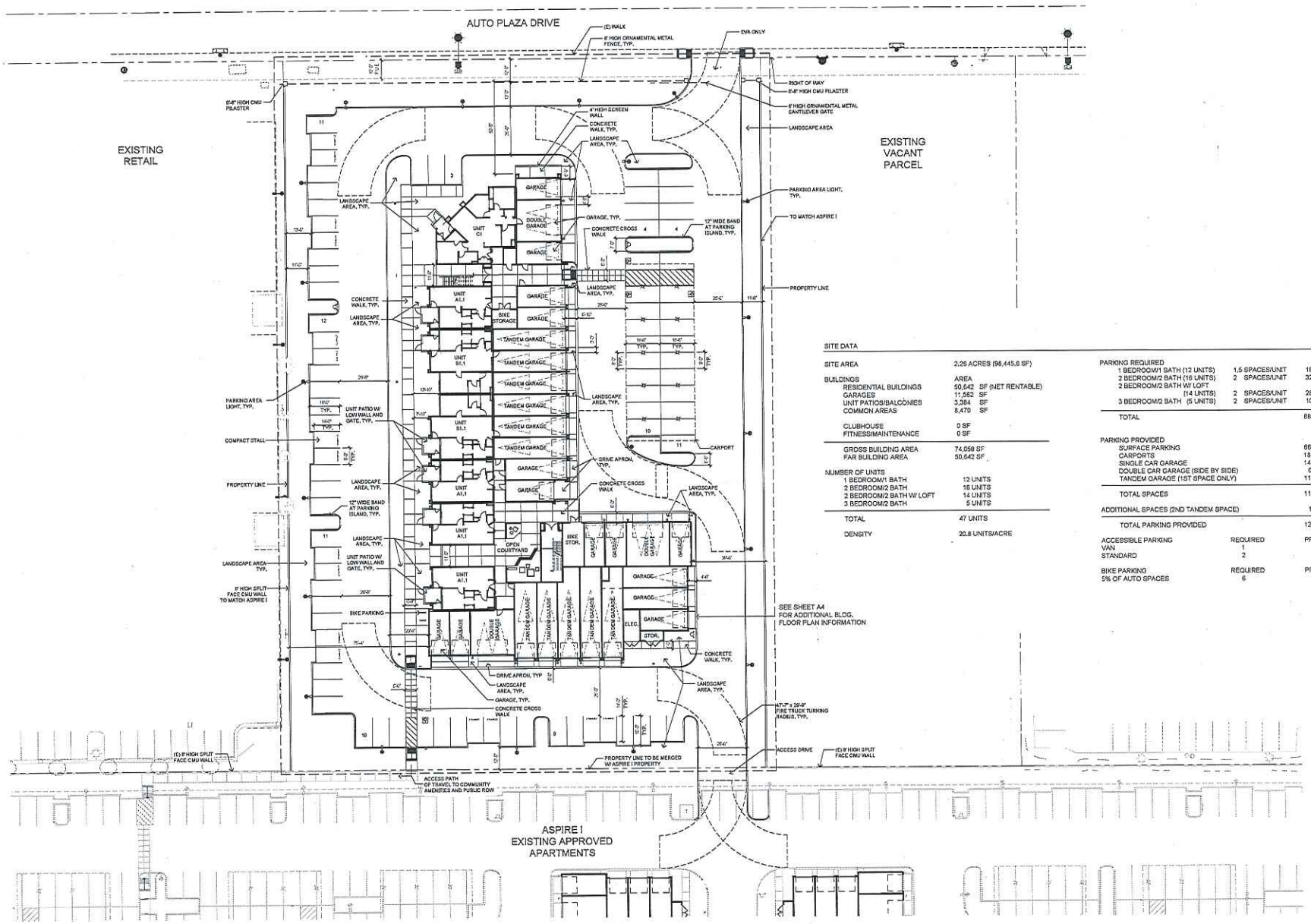
OVERALL SITE PLAN
ASPIRE I AND II

DATE: 09.18.2015
PROJECT NO: 1156-0001
SCALE: 1" = 40'-0"
SHEET: A2

LEGACY HOMES

LPAS
2484 Natomas Park Drive Suite 100 Sacramento CA 95833
916 443 0331 lpasdesign.com Architecture + Design

ATTACHMENT D



SITE DATA

SITE AREA	2.26 ACRES (98,445.6 SF)
BUILDINGS	AREA
RESIDENTIAL BUILDINGS	50,642 SF (NET RENTABLE)
GARAGES	11,562 SF
UNIT PATIOS/BALCONIES	3,384 SF
COMMON AREAS	8,470 SF
CLUBHOUSE	0 SF
FITNESS/MAINTENANCE	0 SF
GROSS BUILDING AREA	74,058 SF
FAR BUILDING AREA	50,642 SF
NUMBER OF UNITS	
1 BEDROOM/1 BATH	12 UNITS
2 BEDROOM/2 BATH	16 UNITS
2 BEDROOM/2 BATH W/ LOFT	14 UNITS
3 BEDROOM/2 BATH	5 UNITS
TOTAL	47 UNITS
DENSITY	20.8 UNITS/ACRE

PARKING REQUIRED		
1 BEDROOM/1 BATH (12 UNITS)	1.5 SPACES/UNIT	18 SPACES
2 BEDROOM/2 BATH (16 UNITS)	2 SPACES/UNIT	32 SPACES
2 BEDROOM/2 BATH W/ LOFT (14 UNITS)	2 SPACES/UNIT	28 SPACES
3 BEDROOM/2 BATH (5 UNITS)	2 SPACES/UNIT	10 SPACES
TOTAL		88 SPACES
PARKING PROVIDED		
SURFACE PARKING		66 SPACES
CARPORTS		18 SPACES
SINGLE CAR GARAGE		14 SPACES
DOUBLE CAR GARAGE (SIDE BY SIDE)		6 SPACES
TANDEM GARAGE (1ST SPACE ONLY)		11 SPACES
TOTAL SPACES		115 SPACES
ADDITIONAL SPACES (2ND TANDEM SPACE)		11 SPACES
TOTAL PARKING PROVIDED		126 SPACES

ACCESSIBLE PARKING	REQUIRED	PROVIDED
VAN	1	2
STANDARD	2	2
BIKE PARKING	REQUIRED	PROVIDED
5% OF AUTO SPACES	6	6

ASPIRE II

TRACY, CA

SITE PLAN

DATE: 09.18.2015
PROJECT NO: 1156-0001
SCALE: 1" = 20'-0"
SHEET: A2.1

LEGACY HOMES

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916.443.0335 lpasdesign.com
Architecture + Design

SOUTH 1 ELEVATION 2
1/8" = 1'-0"

EXTERIOR COLOR SCHEDULE

P1 - CEMENT PLASTER (ACCENT): KM5703-3 "STACKED STONE"
P2 - CEMENT PLASTER (MAIN BODY)/HORIZONTAL SIDING: KM4572-3 "TUNGSTEN"
P3 - HORIZONTAL SIDING/GARAGE DOORS: KM4514-5 "BUFFALO DANCE"
P4 - FASCIA/KNEEBRACES/CANOPIES: KM4734-5 "BARNWOOD"
P5 - RAILING: KM4914-5 "BLACK OAK"

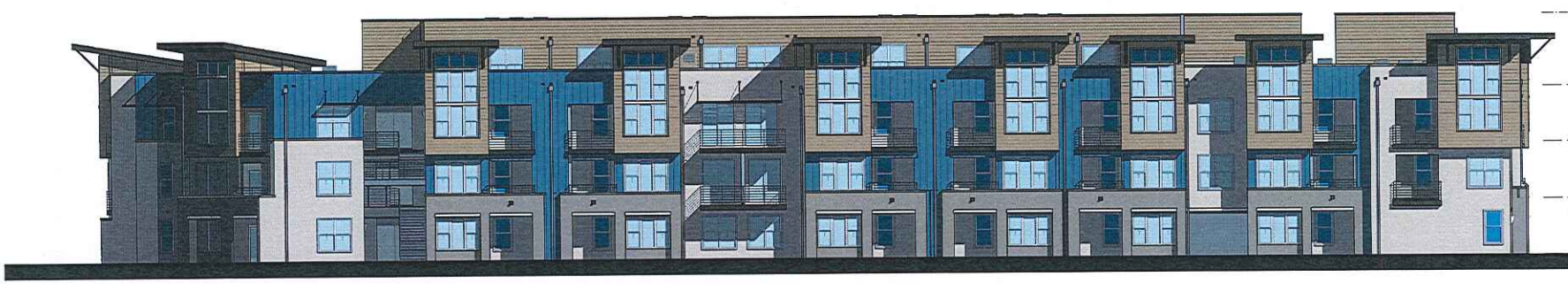
PALETTE 1
P6 - BOARD AND BATTEN SIDING: KM5807-3 "ROLLING SEA"

PALETTE 2
P6 - BOARD AND BATTEN SIDING: KM4442-5 "TEXAS SWEET TEA"

PALETTE 3
P6 - BOARD AND BATTEN SIDING: KM4741-5 "TUSCAN OLIVE"

EXTERIOR FINISH KEYNOTES

1. FIBER CEMENT HORIZONTAL LAP SIDING; JAMES HARDIE: SELECT CEDARMILL WITH 7" EXPOSURE COLOR: P3
2. FIBER CEMENT HORIZONTAL LAP SIDING; JAMES HARDIE: SELECT CEDARMILL WITH 7" EXPOSURE COLOR: P2
3. FIBER CEMENT BOARD AND BATTEN SIDING; JAMES HARDIE CEDARMILL SIDING PANEL WITH 1X3 RUSTIC BATTEN BOARDS AT 16" O.C. COLOR: P6 - VARIES BY PALETTE
4. CEMENT PLASTER - MAIN BODY COLOR COLOR: P2
5. CEMENT PLASTER COLOR - ACCENT COLOR COLOR: P1
6. VINYL FRAME WINDOWS
7. METAL KNEEBRACES AT EAVES; COLOR: P4
8. METAL RAILING; COLOR: P5
9. 2X4 PLASTER-FINISHED FOAM HEADER TRIM; TYP. AT CEMENT PLASTER WALL SYTEM COLOR: MATCH ADJACENT CEMENT PLASTER
10. PLASTER-FINISHED FOAM WINDOW TRIM; 2X4 HEAD, 2X4 SILL, 2X4 JAMB, TYP. AT WINDOWS IN THE CEMENT PLASTER WALL SYSTEM COLOR: MATCH ADJACENT CEMENT PLASTER
11. STANDING SEAM METAL ROOF AEP SPAN, KLIP RIII COLOR: COOL WEATHERED COPPER
12. 1X4 RUSTIC FIBER CEMENT TRIM BOARD; JAMES HARDIE TYP. AT WALLS WITH SIDING COLOR: P2
13. 1X6 RUSTIC FIBER CEMENT TRIM BOARD; JAMES HARDIE TYP. HORIZONTAL TRIM BETWEEN WINDOWS IN SIDING COLOR: P2
14. 1X12 RUSTIC FIBER CEMENT FASCIA BOARD, JAMES HARDIE COLOR: P4
15. 42" HIGH CEMENT PLASTER PATIO WALL ON GROUND FLOOR COLOR: P2
16. LOUVERED METAL DOORS COLOR: P2
17. SECTIONAL PANELED METAL GARAGE DOOR (WITH WINDOWS AS OCCURS) COLOR: P3
18. METAL DOORS COLOR: P2
19. EXTERIOR SCUPPER AND DOWNSPOUT COLOR: MATCH ADJACENT FINISH
20. METAL SUN SHADE COLOR: P4
21. CMU COLUMN @ TRELLIS: BASALITE PRECISION BLOCK WITH MATCHING CAP COLOR: BASALITE 0235
22. STEEL MEMBER @ TRELLIS COLOR: P6 - ROLLING SEA
23. CANVAS AWNING @ TRELLIS: GLEN RAVEN FIRESIST COLOR: 82504/0000 GREY
24. STOREFRONT SYSTEM MFR: OLDCASTLE BUILDING ENVELOPE STYLE: FOUNDRY THERMAL MULTIPANE - FRONT LOAD COLOR: DARK BRONZE
25. 2X4 PLASTER FINISHED FOAM TRIM; TYP. AT CEMENT PLASTER TO SIDING TRANSITION COLOR: MATCH ADJACENT CEMENT PLASTER
26. PAINT ALL EXPOSED METAL @ STAIRS COLOR: P3
27. EXPANSION JOINT COLOR: MATCH ADJACENT FINISH
28. CONTROL JOINT COLOR: MATCH ADJACENT FINISH
29. PARAPET CAP FLASHING COLOR: PAINT TO MATCH ADJACENT SURFACE
30. DOOR COLOR: PAINT TO MATCH ADJACENT SURFACE
31. CURTAINWALL MFR: OLDCASTLE BUILDING ENVELOPE STYLE: RESIDENCE WALL COLOR: DARK BRONZE



WEST ELEVATION 1
1/8" = 1'-0"

40
32
24
16
8
0
FT

SCALE: 1/8" = 1'-0"

ASPIRE II
TRACY, CA

EXTERIOR ELEVATIONS

DATE: 02/24/15
PROJECT NO: 1156-0001
SCALE: 1/8" = 1'-0"
SHEET: A9

LEGACY HOMES

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NORTH 1 ELEVATION 2
1/8" = 1'-0"

EXTERIOR COLOR SCHEDULE

P1 = CEMENT PLASTER (ACCENT): KM5793-3 "STACKED STONE"
P2 = CEMENT PLASTER (MAIN BODY/HORIZONTAL SIDING: KM5573-2 "TUNGSTEN"
P3 = HORIZONTAL SIDING/GARAGE DOORS: KM4514-5 "BUFFALO DANCE"
P4 = FASCIA/KNEEBRACES/CANOPIES: KM4713-5 "BARNWOOD"
P5 = RAILING: KM4916-5 "BLACK OAK"
PALETTE 1
P6 = BOARD AND BATTEN SIDING: KM5807-3 "ROLLING SEA"
PALETTE 2
P6 = BOARD AND BATTEN SIDING: KM4642-5 "TEXAS SWEET TEA"
PALETTE 3
P6 = BOARD AND BATTEN SIDING: KM4216-5 "TUSCAN OLIVE"

EXTERIOR FINISH KEYNOTES

1. FIBER CEMENT HORIZONTAL LAP SIDING; JAMES HARDIE; SELECT CEDARMILL WITH 7" EXPOSURE COLOR: P3
2. FIBER CEMENT HORIZONTAL LAP SIDING; JAMES HARDIE; SELECT CEDARMILL WITH 7" EXPOSURE COLOR: P2
3. FIBER CEMENT BOARD AND BATTEN SIDING; JAMES HARDIE CEDARMILL SIDING PANEL WITH 1X3 RUSTIC BATTEN BOARDS AT 16" O.C. COLOR: P6 - VARIES BY PALETTE
4. CEMENT PLASTER - MAIN BODY COLOR COLOR: P2
5. CEMENT PLASTER COLOR - ACCENT COLOR COLOR: P1
6. VINYL FRAME WINDOWS
7. METAL KNEEBRACES AT EAVES; COLOR: P4
8. METAL RAILING; COLOR: P5
9. 2X4 PLASTER-FINISHED FOAM HEADER TRIM; TYP. AT CEMENT PLASTER WALL SYTEM COLOR: MATCH ADJACENT CEMENT PLASTER
10. PLASTER-FINISHED FOAM WINDOW TRIM; 2X4 HEAD, 2X4 SILL, 2X4 JAMB, TYP. AT WINDOWS IN THE CEMENT PLASTER WALL SYSTEM COLOR: MATCH ADJACENT CEMENT PLASTER
11. STANDING SEAM METAL ROOF AEP SPAN; XLIP R18 COLOR: COOL WEATHERED COPPER
12. 1X4 RUSTIC FIBER CEMENT TRIM BOARD; JAMES HARDIE TYP. AT WALLS WITH SIDING COLOR: P2
13. 1X6 RUSTIC FIBER CEMENT TRIM BOARD; JAMES HARDIE TYP. HORIZONTAL TRIM BETWEEN WINDOWS IN SIDING COLOR: P2
14. 1X12 RUSTIC FIBER CEMENT FASCIA BOARD; JAMES HARDIE COLOR: P4
15. 42" HIGH CEMENT PLASTER PATIO WALL ON GROUND FLOOR COLOR: P2
16. LOUVERED METAL DOORS COLOR: P2
17. SECTIONAL PANELED METAL GARAGE DOOR (WITH WINDOWS AS OCCURS) COLOR: P3
18. METAL DOORS COLOR: P2
19. EXTERIOR SCUPPER AND DOWNSPOUT COLOR: MATCH ADJACENT FINISH
20. METAL SUN SHADE COLOR: P4
21. CMU COLUMN @ TRELLIS; BASALITE PRECISION BLOCK WITH MATCHING CAP COLOR: BASALITE D225
22. STEEL MEMBER @ TRELLIS COLOR: P6 - ROLLING SEA
23. CANVAS AWNING @ TRELLIS; GLEN RAVEN FIRESIST COLOR: 62339-0003 GREY
24. STOREFRONT SYSTEM MFR: OLDCASTLE BUILDING ENVELOPE STYLE: FG-3000 THERMAL MULTIPANE - FRONT LOAD COLOR: DARK BRONZE
25. 2X4 PLASTER FINISHED FOAM TRIM; TYP. AT CEMENT PLASTER TO SIDING TRANSITION COLOR: MATCH ADJACENT CEMENT PLASTER
26. PAINT ALL EXPOSED METAL @ STAIRS COLOR: P3
27. EXPANSION JOINT COLOR: MATCH ADJACENT FINISH
28. CONTROL JOINT COLOR: MATCH ADJACENT FINISH
29. PARAPET CAP FLASHING COLOR: PAINT TO MATCH ADJACENT SURFACE
30. DOOR COLOR: PAINT TO MATCH ADJACENT SURFACE
31. CURTAINWALL MFR: OLDCASTLE BUILDING ENVELOPE STYLE: KELIANCE WALL COLOR: DARK BRONZE

EAST ELEVATION 1
1/8" = 1'-0"

ASPIRE II
TRACY, CA

EXTERIOR ELEVATIONS

DATE: 02/24/15
PROJECT NO: 1156-0001
SCALE:
SHEET: A10

LEGACY HOMES

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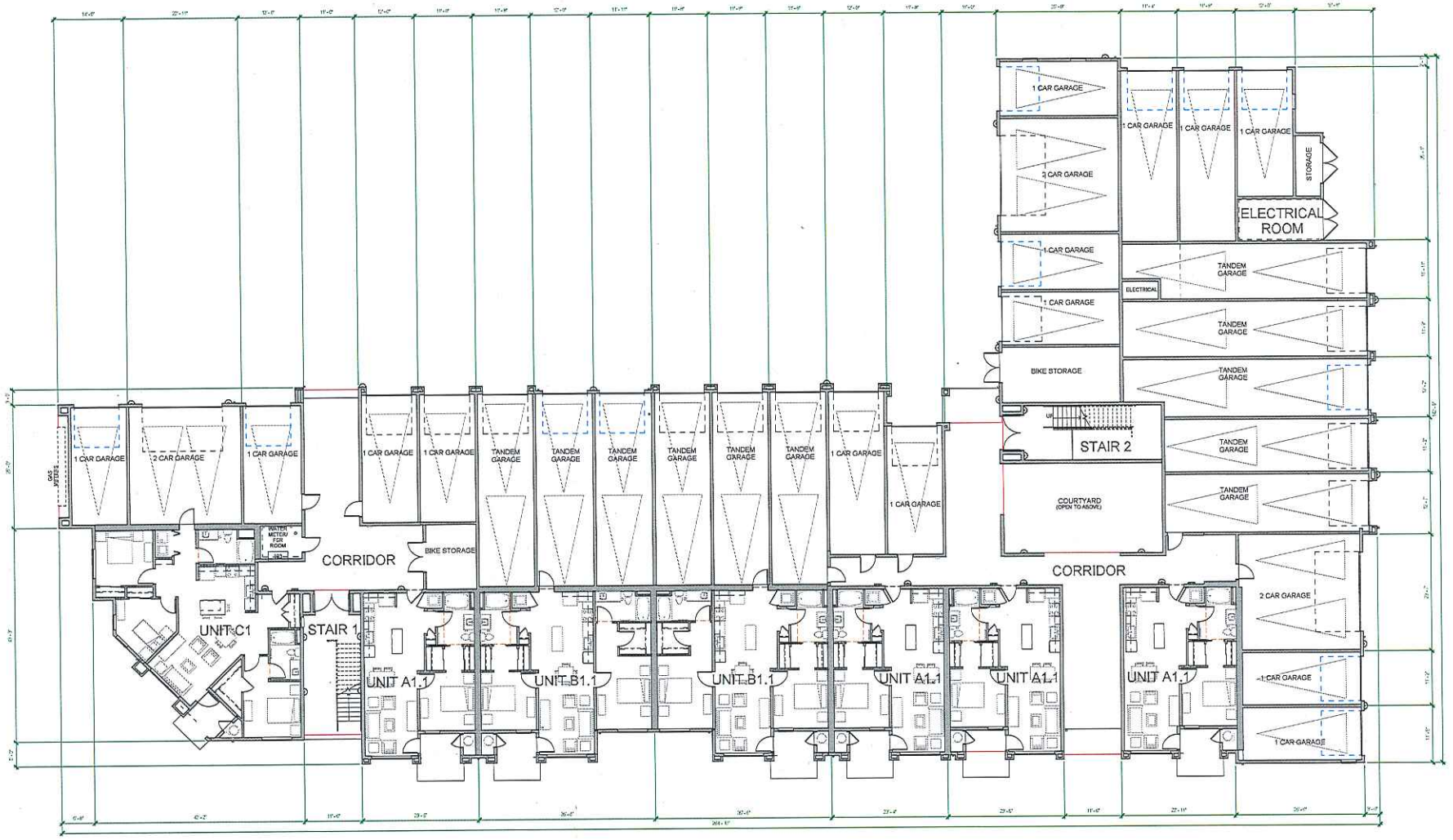

GROUND LEVEL FLOOR PLAN 1

SCALE: 1/8" = 1'-0"

ASPIRE II
TRACY, CA

GROUND LEVEL FLOOR PLAN

DATE: 02/24/15
PROJECT NO: 1156-0001
SCALE: 1/8" = 1'-0"
SHEET: A4

LEGACY HOMES

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916 442 0335 lpasdesign.com
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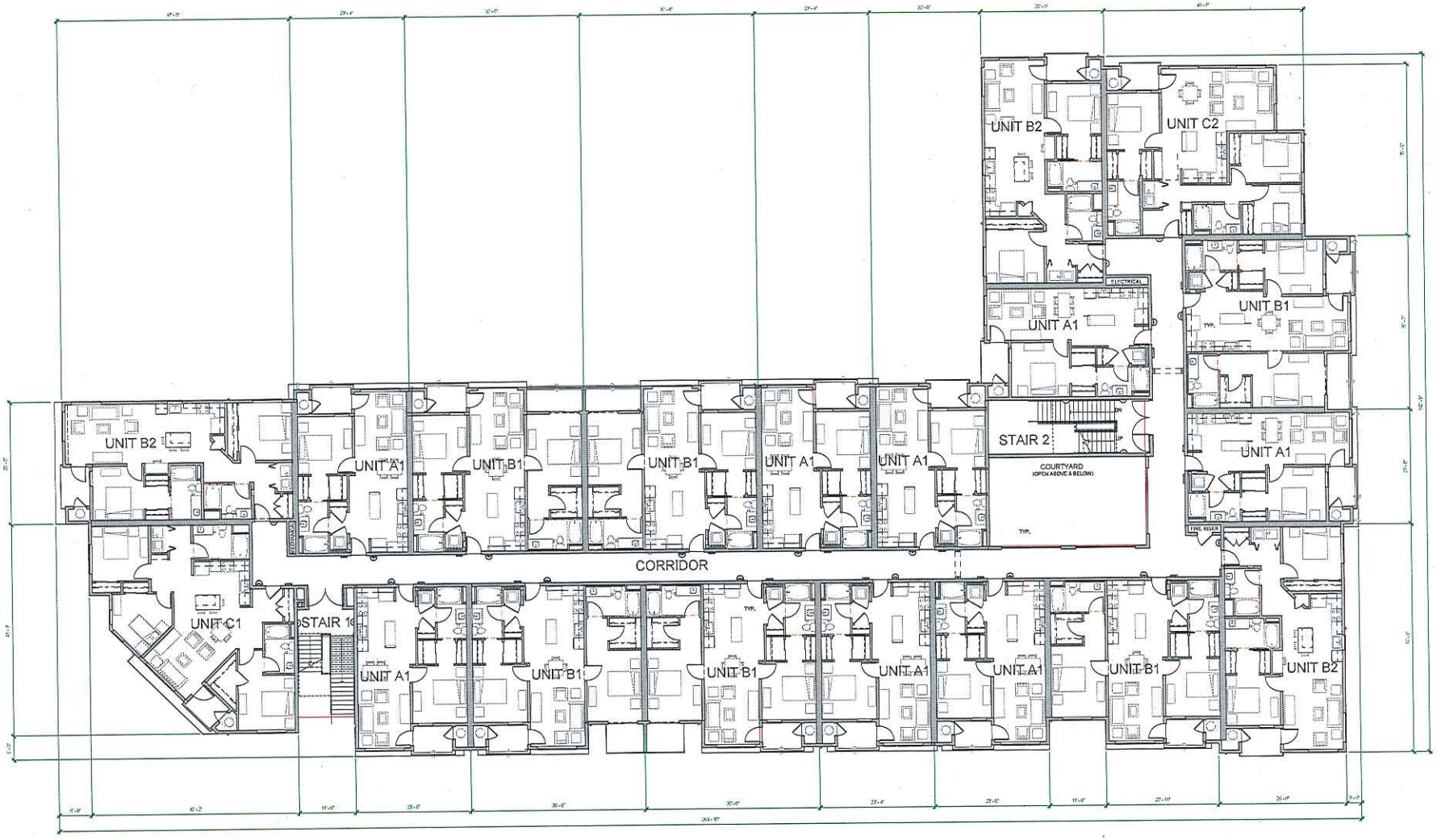


SECOND LEVEL FLOOR PLAN 1
1/8" = 1'-0"

SCALE: 1/8" = 1'-0"

ASPIRE II

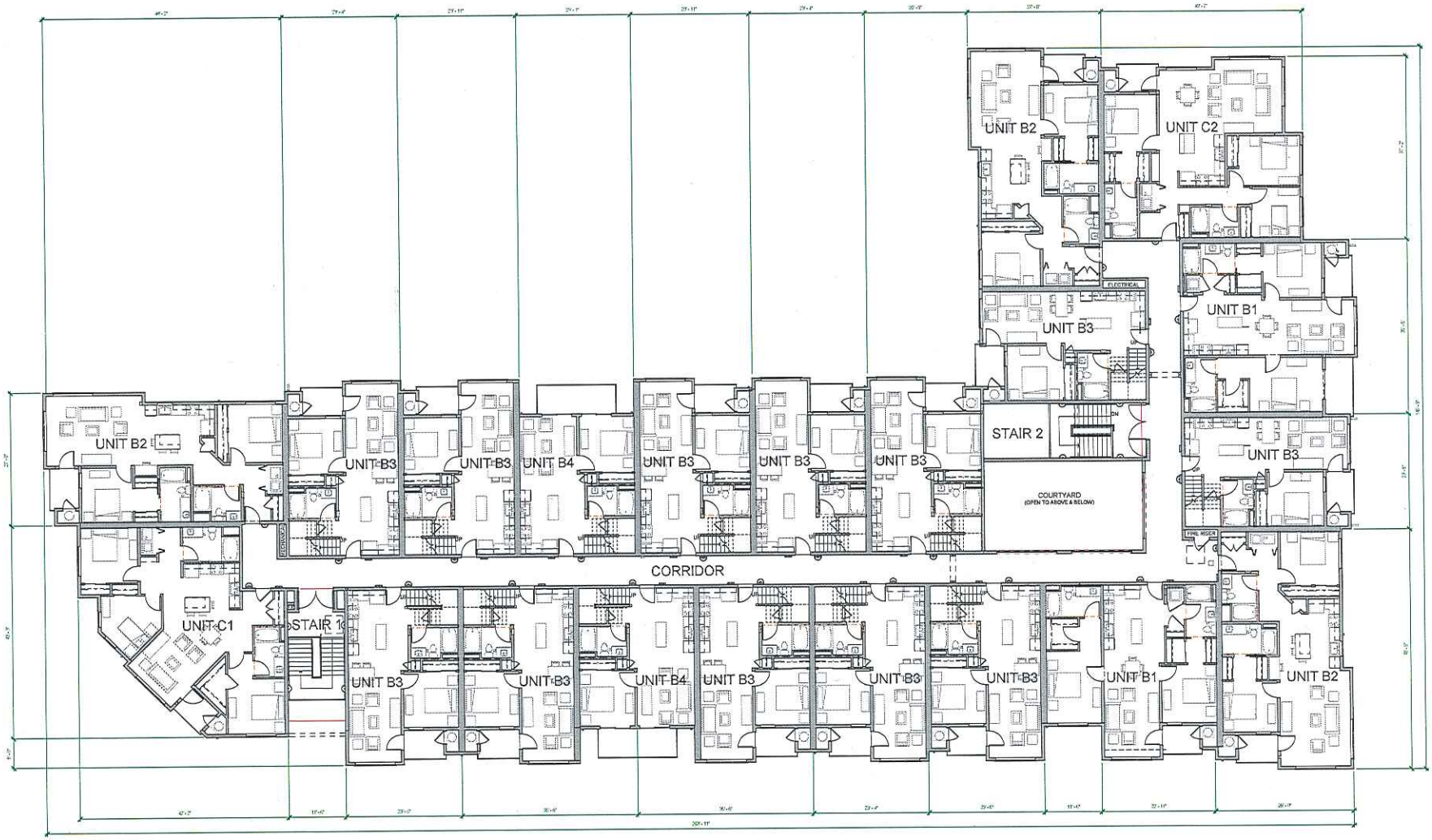
TRACY, CA

SECOND LEVEL FLOOR PLAN

DATE: 02/24/15
PROJECT NO: 1156-0001
SCALE: 1/8" = 1'-0"
SHEET: A5

LEGACY HOMES

LPAS
2880 Natomas Park Drive Suite 100 Sacramento CA 95833
916.443.8335 lpasdesign.com Architecture + Design



THIRD LEVEL FLOOR PLAN 1
1/8" = 1'-0"

SCALE: 1/8" = 1'-0"

ASPIRE II
TRACY, CA

THIRD LEVEL FLOOR PLAN

DATE: 02/24/15
PROJECT NO: 1156-0001
SCALE: 1/8" = 1'-0"
SHEET: A6

LEGACY HOMES

LPAS
7484 Natomas Park Drive Suite 100 Sacramento CA 95833
916.443.0335 lpasdesign.com
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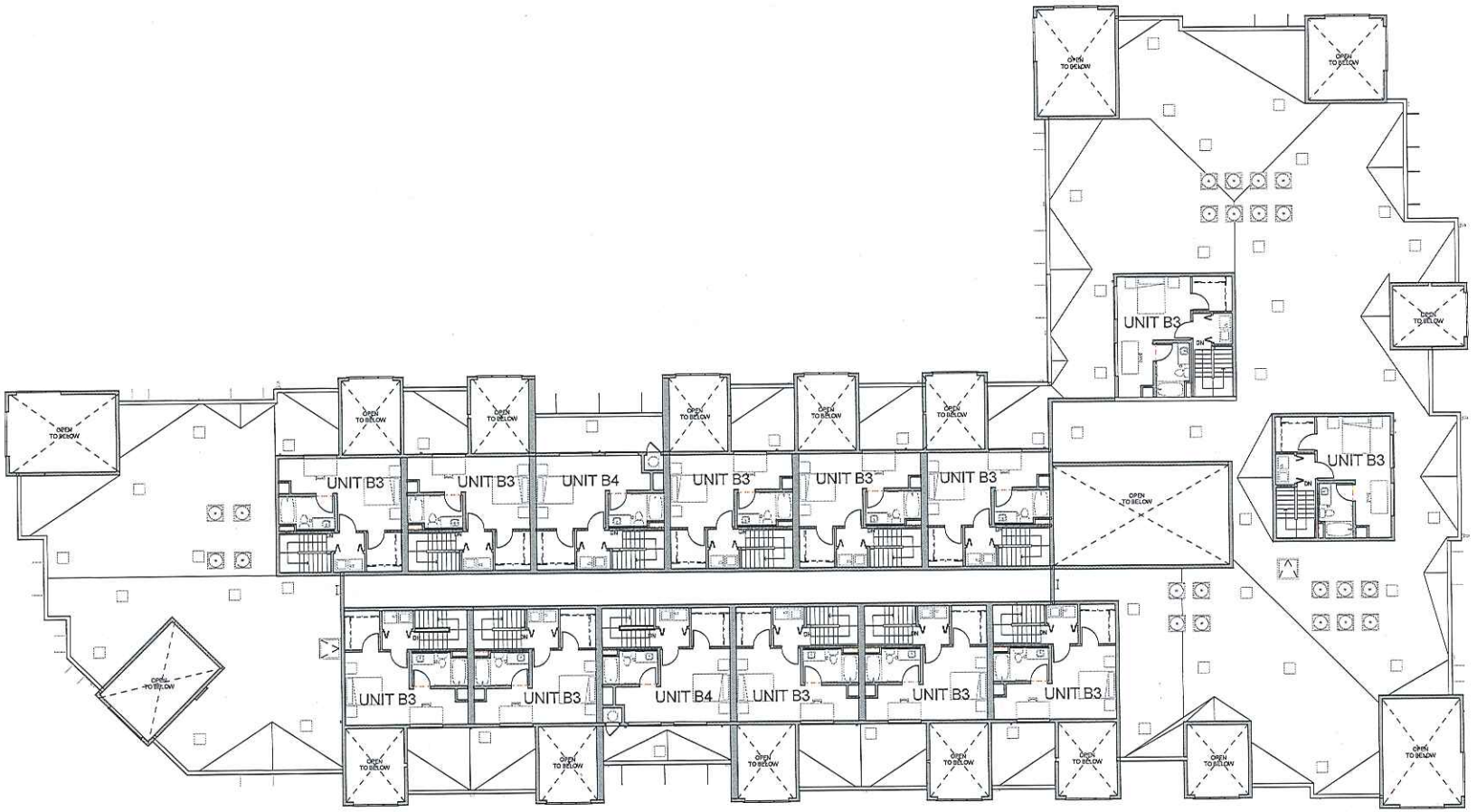

FOURTH LEVEL FLOOR PLAN 1/8" = 1'-0" | 1

SCALE: 1/8" = 1'-0"

ASPIRE II

TRACY, CA

FOURTH LEVEL FLOOR PLAN

DATE: 02/24/15
PROJECT NO: 1156-0001
SCALE: 1/8" = 1'-0"
SHEET: A7

LEGACY HOMES

LPAS
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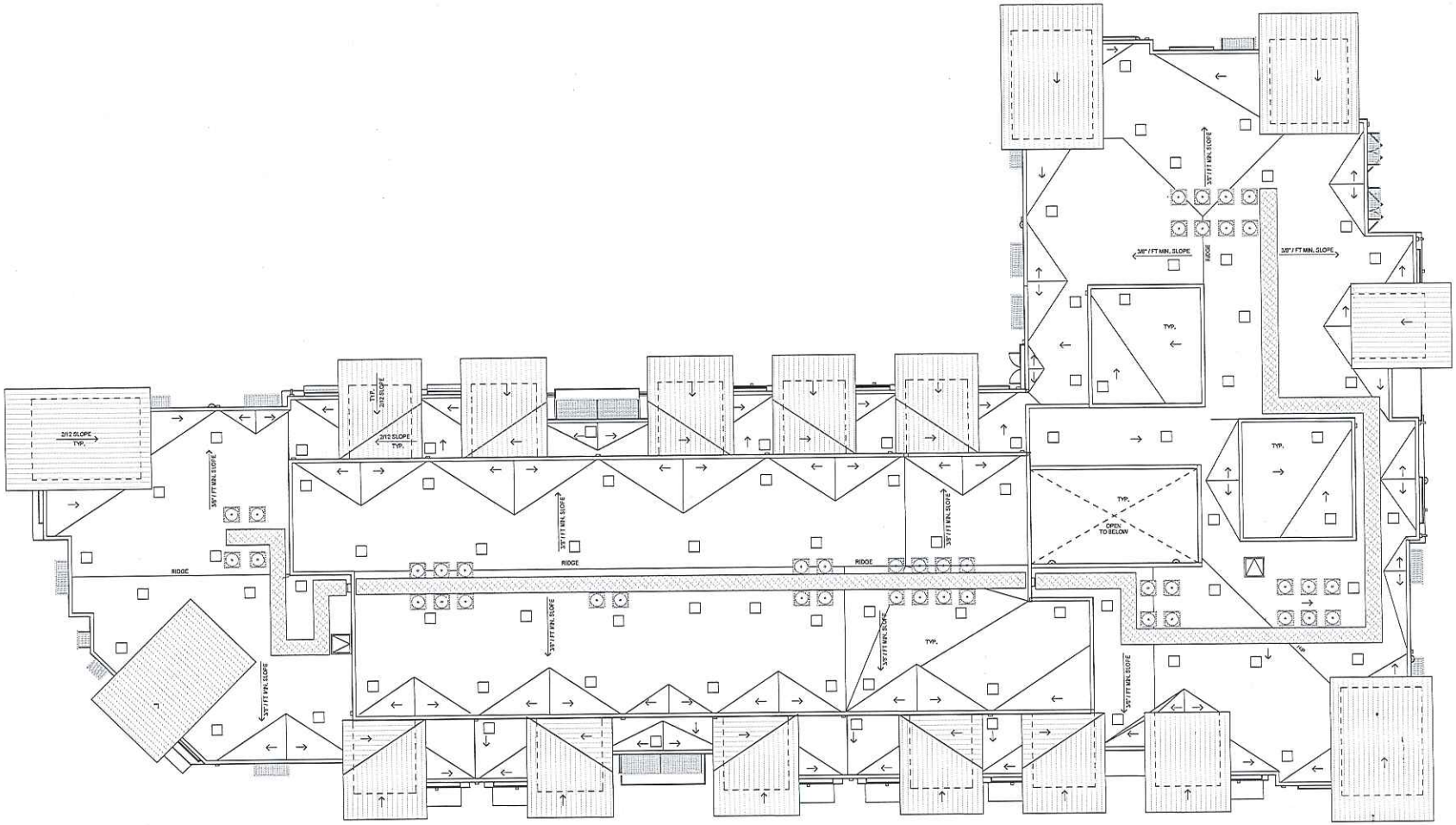
Architecture + Design



ROOF PLAN 1
1/8" = 1'-0"

SCALE: 1/8" = 1'-0"

ASPIRE II
TRACY, CA

ROOF PLAN

DATE: 02/24/15
PROJECT NO: 1156-0001
SCALE: 1/8" = 1'-0"
SHEET: A8

LEGACY HOMES

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916.443.6330 lpasdesign.com
Architecture + Design

ENTITLEMENTS

A1	COVER
A2	OVERALL SITE PLAN PHASE 1 & 2
A2.1	SITE PLAN
A2.2	SITE DETAILS
A3	LANDSCAPE PLAN
A4	GROUND LEVEL FLOOR PLAN
A5	SECOND LEVEL FLOOR PLAN
A6	THIRD LEVEL FLOOR PLAN
A7	FOURTH LEVEL FLOOR PLAN
A8	ROOF PLAN
A9	EXTERIOR ELEVATIONS
A10	EXTERIOR ELEVATIONS
A11	SITE CONTEXT

0 FT

SCALE: NONE

ASPIRE II

TRACY, CA

COVER

DATE: 6/19/2015
PROJECT NO: 1158-0001
SCALE: NONE
SHEET: A1

LEGACY HOMES

LPAS
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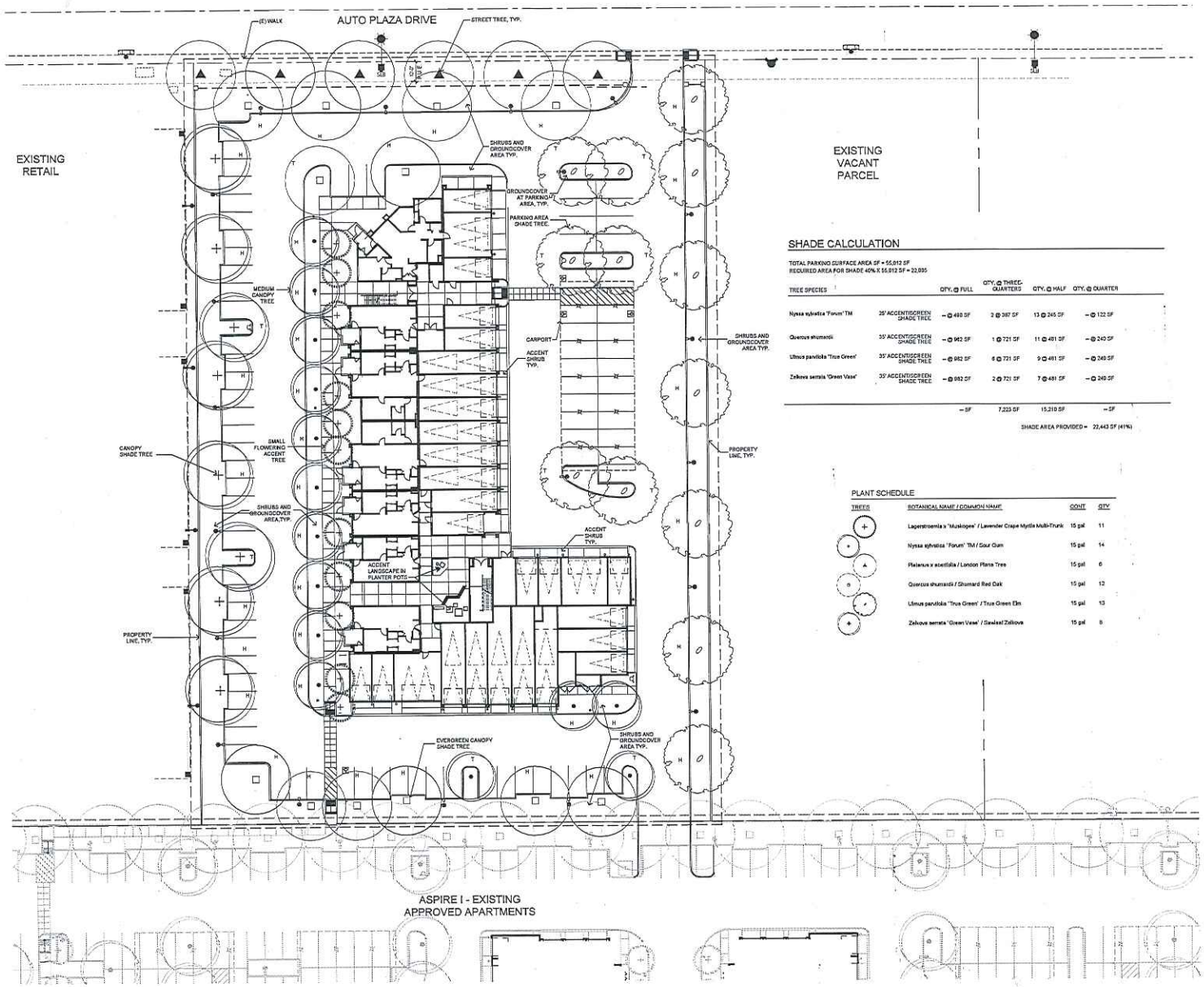
916.443.0335, lpasdesign.com

ATTACHMENT I



SHADE CALCULATION

TOTAL PARKING SURFACE AREA SF = 55,043 SF
REQUIRED AREA FOR SHADE 40% X 55,912 SF = 22,005

TREE SPECIES		QTY. @ FULL	QTY. @ THREE-QUARTERS	QTY. @ HALF	QTY. @ QUARTER
Nyssa sylvatica 'Forum' TM	25' ACCENT/SCREEN SHADE TREE	– @ 490 SF	2 @ 367 SF	13 @ 245 SF	– @ 122 SF
Quercus shumardi	35' ACCENT/SCREEN SHADE TREE	– @ 962 SF	1 @ 721 SF	11 @ 481 SF	– @ 240 SF
Ulmus parvifolia 'True Green'	35' ACCENT/SCREEN SHADE TREE	– @ 962 SF	6 @ 721 SF	9 @ 481 SF	– @ 249 SF
Zelkova serrata 'Green Vase'	35' ACCENT/SCREEN SHADE TREE	– @ 962 SF	2 @ 721 SF	7 @ 481 SF	– @ 249 SF
		– SF	7,223 SF	15,210 SF	– SF

SHADE AREA PROVIDED = 22,443 SF (41%)

PLANT SCHEDULE

TREES	BOTANICAL NAME / COMMON NAME	CONT	QTY
	Lagerstroemia x 'Muskogee' / Lavender Crape Myrtle Multi-Trunk	15 gal	11
	Nyssa sylvatica 'Forum' TM / Sour Gum	15 gal	14
	Platanus x acerifolia / London Plane Tree	15 gal	6
	Quercus shumardi / Shumard Red Oak	15 gal	12
	Ulmus parvifolia 'True Green' / True Green Elm	15 gal	13
	Zelkova serrata 'Green Vase' / Sawleaf Zelkova	15 gal	8

USABLE OPEN SPACE

REQUIRED

UNITS 1- 10	10 UNITS X 100 SF	= 1,000 SF
UNITS 11- 20	10 UNITS X 50 SF	= 500 SF
UNITS 21- 47	26 UNITS X 25 SF	= 650 SF
TOTAL		= 2,150 SF
PROVIDED		= 5,280 SF

NOTES

LANDSCAPE AND IRRIGATION IS DESIGNED TO MEET THE STATE MODEL WATER EFFICIENCY ORDINANCE.

PARKING AREAS MEET MINIMUM 20% LANDSCAPE REQUIREMENT

ASPIRE II

TRACY, CA

LANDSCAPE PLAN

DATE: 06.19.2015
PROJECT NO: 1156-0001
SCALE: 1" = 20'
SHEET: A3

LEGACY HOMES

LPAS
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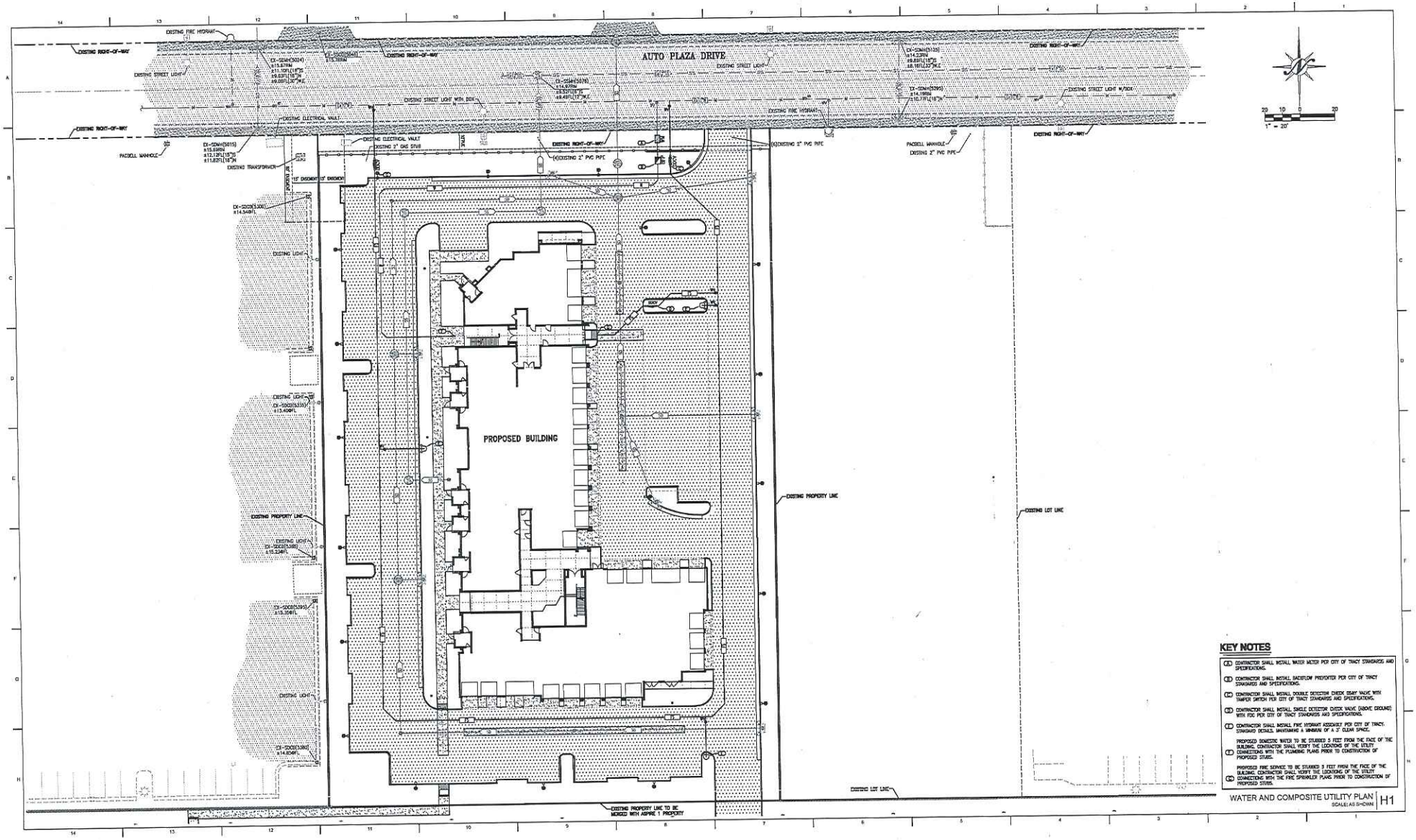
916.443.0335 lpasdesign.com Architecture + Design

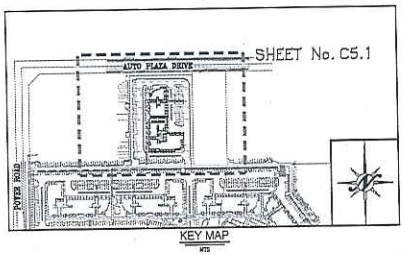
ATTACHMENT K



KEY NOTES

1. CONTRACTOR SHALL INSTALL WATER METER PER CITY OF TRACY STANDARDS AND SPECIFICATIONS.
2. CONTRACTOR SHALL INSTALL BACKFLOW PREVENTER PER CITY OF TRACY STANDARD AND SPECIFICATIONS.
3. CONTRACTOR SHALL INSTALL DOUBLE DETECTOR CHECK DDAV VALVE WITH TAMPER SWITCH PER CITY OF TRACY STANDARDS AND SPECIFICATIONS.
4. CONTRACTOR SHALL INSTALL SINGLE DETECTOR CHECK VALVE (ABOVE GROUND) WITH FDC PER CITY OF TRACY STANDARDS AND SPECIFICATIONS.
5. CONTRACTOR SHALL INSTALL FIRE HYDRANT ASSEMBLY PER CITY OF TRACY STANDARD DETAILS. MAINTAINING A MINIMUM OF A 3' CLEAR SPACE.
6. PROPOSED DOMESTIC WATER TO BE STUBBED 5 FEET FROM THE FACE OF THE BUILDING. CONTRACTOR SHALL VERIFY THE LOCATIONS OF THE UTILITY CONNECTIONS WITH THE PLUMBING PLANS PRIOR TO CONSTRUCTION OF PROPOSED STUBS.
7. PROPOSED FIRE SERVICE TO BE STUBBED 5 FEET FROM THE FACE OF THE BUILDING. CONTRACTOR SHALL VERIFY THE LOCATIONS OF THE UTILITY CONNECTIONS WITH THE FIRE SPRINKLER PLANS PRIOR TO CONSTRUCTION OF PROPOSED STUBS.

WATER AND COMPOSITE UTILITY PLAN | H1
SCALE: AS SHOWN



NO. ISSUE DATE

ASPIRE 2 APARTMENTS

ASPIRE 2 APARTMENTS
2750 AUTO PLAZA DRIVE
TRACY, CA 95304

NorthStar Engineering Group, Inc.
• CIVIL ENGINEERING • SURVEYING • PLANNING •
820 16th Street Modesto, CA 95354
(209) 524-3525 Phone (209) 524-3529 Fax

ARCHITECT / CONSULTANT

APPROVAL

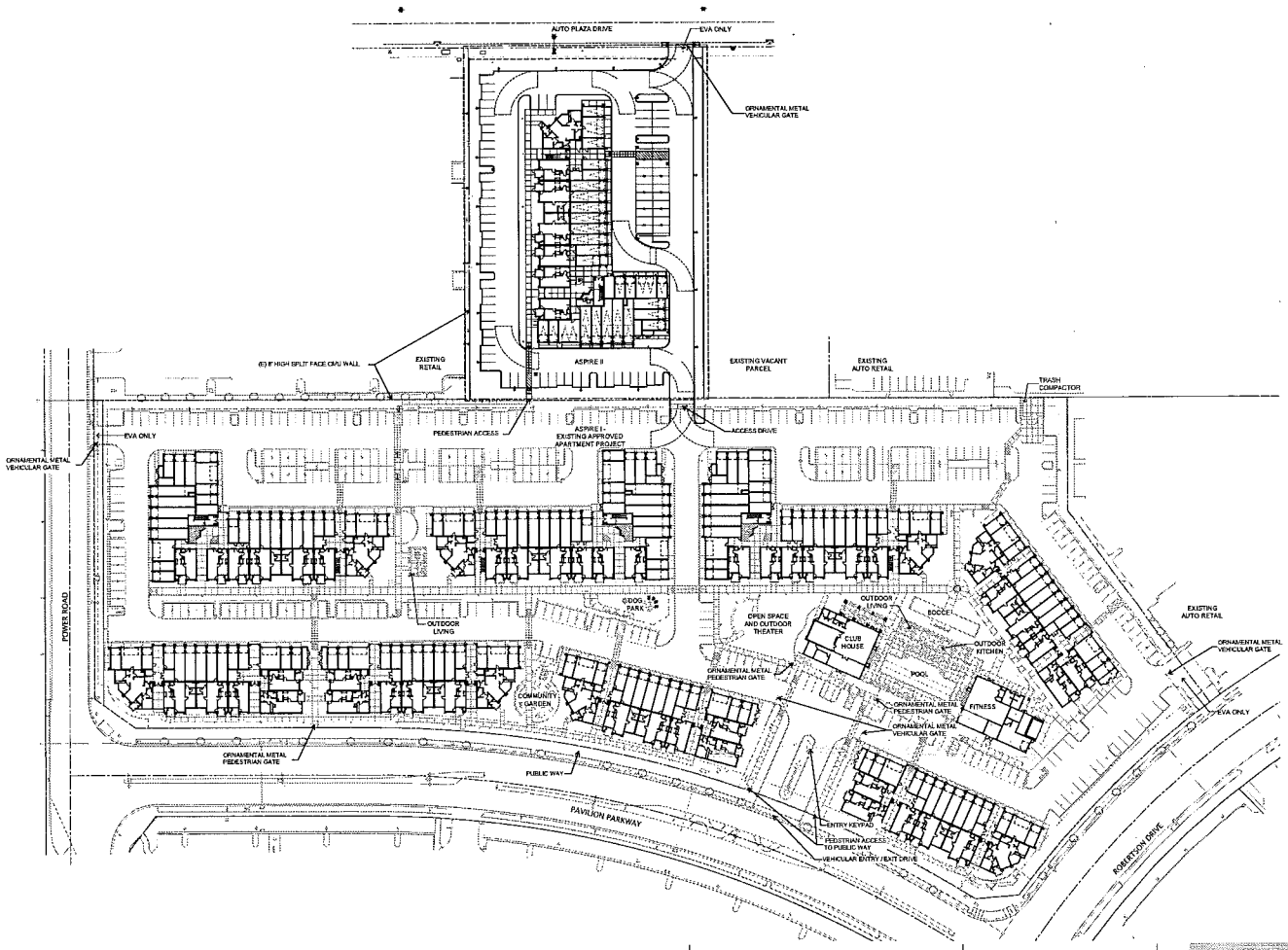
LPAS
2484 Natomas Park Drive Suite 100 Sacramento CA 95833
916 443 6335 lpasdesign.com Architecture + Design

WATER AND COMPOSITE UTILITY PLAN

PROJECT NO: 14-1451
DATE: 09/21/2015
SHEET NO:

C5.1

EXHIBIT B



ASPIRE

TRACY, CA

OVERALL SITE PLAN
ASPIRE I AND II

DATE: 2016.01.05
PROJECT NO: 1156-0001
SCALE: 1" = 40'-0"
SHEET: A2

LEGACY HOMES

[redacted]

EXHIBIT C

LEGACY HOMES

December 31, 2015

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

Re: Aspire II (47 unit Apartment)

Dear Commissioners,

Thank you for considering our proposal to construct a 47 unit apartment building as part of Aspire II located on Auto Plaza Drive which would become part of Aspire I (currently under construction). Aspire II has been a joint effort among City Staff, consultants and the applicant and the result is a project that is in compliance with all City codes, ordinances and standards and has received the recommendation of City Staff for approval.

At the previous Planning Commission meeting on December 16, 2015, the Commission brought up some questions regarding the layout and access to our site (Aspire II) and its relationship with Aspire I. The comments evolved around additional vehicle and pedestrian access points at both Aspire I and Aspire II.

From the initial time we got involved in Aspire I, site and residents security and safety was a key element of how we approached the design of both projects. We engaged a top notch management company that has real life experiences in multiple jurisdictions to understand the best way to provide a safe site. We also toured examples of other sites to understand concerns about safety of the residents and their property (i.e., cars). It became immediately clear that controlled and monitored access was a key in providing a safe site that residents wanted to be a part of. In addition, we altered the standard way of operations (at additional cost to the Aspire I project) to eliminate dumpsters and have a consolidated and secured trash disposal system. "Dumpster diving" was an attractive nuisance that we wanted to eliminate and we spent the time and money to do that. Having multiple, access points allows unwanted individuals to "slip-in" and cause unwanted crime.

There was some discussion regarding the opportunity for additional access points on Aspire I which is currently under construction. All options were examined during the approval process of Aspire I and the City requested only one additional pedestrian gate on Pavilion Parkway. That request resulted in the installation of the current pedestrian gate between the main entrance and Power Road. We have examined opportunities for additional access points and, in our opinion, and the opinion of the property management company, the cost of reduced security did not offset the benefit of additional convenience. Our future residents will prefer safety or convenience.

3202 West March Lane, Suite A ♦ Stockton, California 95219 ♦ 209.951.6190 ♦ Facsimile 209.951.2619
www.legacyhomesusa.com

There was also some discussion implying that the cost of the additional gates was the reason we and the property management company were hesitant to agree to the installation of additional access points. Security is our first concern. At all locations where additional access points are being considered, there is already an existing gate or fence. We are investing over sixty eight million dollars ($68,000,000) in the City of Tracy, so please be assured that the incremental cost of less than $2,000 per location to add a gate has absolutely no impact on the decision making process from the applicant.

Finally, and most importantly, attached is a letter from the acting Police Chief for the City of Tracy indicating his opinion as it relates to additional access to the projects (both Aspire I and Aspire II). In summary, the Chief of Police agrees with the management's company's recommendations regarding site access. We are hesitant to disagree with the Police Chief as it relates to the safety of the residents and the first responders to the projects. As such, it is our request that the project be approved as initially submitted with two vehicle access gates in the front of the club house on Pavilion Parkway, three pedestrian access gates on Pavilion Parkway, one Emergency Vehicle Access on Robertson Drive, one Emergency Vehicle Access on Power Road, and one Emergency Vehicle Access on Auto Plaza Drive.

We respectfully request your support for our project as submitted.

Tracy 300, LP
By: MHP Builders, Inc.
Its: General Partner

By: _____
Gary Mancebo
Its: Vice President

EXHIBIT D

FPI Management Inc.

January 4, 2016
Re: Aspire

To whom it may concern:

Currently, there is one entrance and one exit scheduled for the building of Aspire. It is strongly suggested that the current configuration of one entrance and exit remain the same. Over my 22 years with FPI, it is my opinion that having one entrance and exit strongly limits the amount of crime at a property. It allows the office staff to be able to monitor the traffic coming in and out of the community-current residents, prospective residents and guests.
When there is more than one entrance and exit, it allows for more traffic to enter a community, and often times this traffic is not for the good of the community. Unfortunately, sometimes bad elements feel that apartments communities are targets for crime. If the entrance is limited to a visible area, that is often a deterrent for unwanted activity. Of course, nothing is 100%, but the more we can do to assist in prevention of crime, the better.

Please let me know if you have any further questions.

Sincerely,

Amy Crews | Director | FPI Management, Inc.
Amy.Crews@Fpimgt.com | Cell # 916-812-3325

EXHIBIT E

City of Tracy
1000 Civic Center Drive
Tracy, CA 95376

POLICE DEPARTMENT

MAIN 209.831.4550
FAX 209.831.4566
www.ci.tracy.ca.us

December 30, 2015

Mr. Gary R. Mancebo
3202 West March Lane, Suite A
Stockton, CA 95219

RE: ADDITIONAL ACCESS POINT

Dear Mr. Mancebo:

This letter is to reaffirm what we discussed December 22, 2015 regarding an additional access point to your Aspire II development. I believe from a safety standpoint that the development should not add an additional public access point. Criminals like to have to have options in case they need to escape and having one public access point will limit them if they are in a vehicle. I believe this will help deter some crime from occurring in the development and make it easier for us if we need to stop a vehicle involved in a crime.

I realize this is just one consideration when deciding on this issue but from a safety standpoint we would like the development to stay with one main public access point. Should you have any questions or concerns about the information herein, please do not hesitate to contact my office at (209) 831-6687.

Sincerely,

Jeremy Watney
Acting Chief of Police

JGBW:kd

RESOLUTION 2016 -_____

RECOMMENDING APPROVAL OF A GENERAL PLAN AMENDMENT (GPA15-002), APPROVAL OF I-205 CORRIDOR SPECIFIC PLAN AMENDMENT/ PUD CONCEPT DEVELOPMENT PLAN (SPA15-001), APPROVAL OF A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN (D15-003), AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION FOR THE ASPIRE II APARTMENTS

WHEREAS, Applications have been filed or initiated for a General Plan Amendment to re-designate approximately 2.28 acres from Commercial to Residential High; amend the I-205 Corridor Specific Plan designation from General Commercial to High Density Residential (HDR); and approve a Planned Unit Development Preliminary and Final Development Plan for the 47-unit residential apartment complex, collectively, the "Project", and

WHEREAS, The subject property is located on the south side of Auto Plaza Drive, northwest of its the intersection with Auto Plaza Way, Assessor's Parcel Number 212-270-24, and

WHEREAS, In addition to retail, office, and other commercial land uses, the Commercial land use designation provides for residential development in the density ranges permitted in the Residential High designation (12.1 to 25 dwelling units per gross acre), and

WHEREAS, The Project includes a request to amend the General Plan designation of the site to Residential High in order for the General Plan Land Use Diagram to more specifically reflect the high-density residential land use of this Project, and

WHEREAS, The subject property is well suited for high density residential development because of its close proximity to the Aspire I apartments, a grocery store, retail and consumer services, employment, and access to I-205, and

WHEREAS, The Project represents an infill site in the City, promotes a compact development pattern, minimizes consumption of open space lands and resources, and provides for high-density housing opportunities which assist the City in achieving housing goals established in the City's General Plan Housing Element, and

WHEREAS, The Project is consistent with General Plan Housing Element Goals and Policies, including Policy 3.1 ("Provide for a range of residential densities and products, including … higher-density apartments."), and

WHEREAS, The Project has been evaluated in accordance with California Environmental Quality Act (CEQA) Guidelines, and a Mitigated Negative Declaration is proposed which would reduce any potentially significant environmental impacts to levels of insignificance, and is proposed for approval, and

WHEREAS, The Planning Commission conducted a public hearing to receive public input and review the Project on December 16, 2015; and continued to its meeting of January 13, 2016;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission as follows:

1. Mitigated Negative Declaration

   A. The project was evaluated under an Initial Study which evaluated potential environmental impacts associated with project development. Based on the analysis contained in the Initial Study, mitigation measures were identified which would reduce potentially significant impacts to levels of insignificance. Therefore, a Mitigated Negative Declaration has been prepared for the project.

   B. The Planning Commission recommends that the City Council adopt the Mitigated Negative Declaration, Exhibit 1.

2. General Plan Amendment (Application Number GPA15-002)

   The Planning Commission recommends that the City Council approve the General Plan Amendment to re-designate the site from Commercial to Residential High.

3. I-205 Corridor Specific Plan Amendment (Application Number SPA15-001)

   A. The Specific Plan amendment is consistent with the General Plan, because the permitted uses of the Specific Plan's High Density Residential designation are allowed within the General Plan designation of Residential High and are consistent with goals and policies of the Housing Element. Also, the Specific Plan's Design Standards and Guidelines, particularly related to siting requirements (site planning, architecture, and parking) and design standards (transitions/edges, commercial interface, auxiliary site features, fencing and walls) are consistent with Land Use and Community Character Element goals and policies.

   B. The General Plan identifies apartments, specifically, among the "characteristic housing" for property designated Residential High, in the density range from 12.1 to 25 units per gross acre. The Specific Plan is consistent with the General Plan in that it, too, identifies apartments (and other similar uses as the General Plan) as permitted uses in the High Density Residential Designation.

   C. The project site is part of the I-205 Corridor Specific Plan Finance and Implementation Plan (FIP), originally adopted in 1990 and subsequently amended. The project site is subject to the FIP's development impact fees and other infrastructure mitigation requirements to mitigate the Project's fair share of infrastructure costs required by the City's infrastructure master plans.

   D. The Planning Commission recommends that the City Council approve the Specific Plan/ PUD Concept Development Plan amendment to change the designation of the site from General Commercial to High Density Residential.

4. Planned Unit Development Preliminary and Final Development Plan (Application Number D15-003)

A. The Project includes site plan and design elements consistent with City design goals and standards, such as placement of buildings close to the public street to create an inviting, pedestrian-oriented environment; and compliance with all City standards, including number and design of parking spaces, circulation, land use, and landscaping.

B. The Project is consistent with Specific Plan architecture Design Standards and Guidelines. The architecture incorporates elements such as variation in texture, materials, and the building facades include relief to avoid monotonous appearance. Building elevations facing streets have windows and other architectural features. Stairwells are covered and integrated into overall building design and private spaces (patios and balconies) are included for each unit.

C. The Planning Commission recommends that the City Council approve the Project Planned Unit Development Preliminary and Final Development Plan, subject to the conditions contained in Exhibit 2, attached.

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

The foregoing Resolution 2016-_____, was adopted by the Planning Commission on the 13th day of January 2016, by the following vote:

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

_____
CHAIR

ATTEST:

_____
STAFF LIAISON

EXHIBIT 1

PUBLIC DRAFT
INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

FOR THE

ASPIRE II APARTMENTS PROJECT

NOVEMBER 2015

Prepared for:

City of Tracy
Department of Development Services
333 Civic Center Plaza
Tracy, CA 95676

Prepared by:

De Novo Planning Group
1020 Suncast Lane, Suite 106
El Dorado Hills, CA 95762
(916) 949-3231

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INITIAL STUDY

PROJECT TITLE

Aspire II Apartments

LEAD AGENCY NAME AND ADDRESS

City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

CONTACT PERSON AND PHONE NUMBER

Alan Bell, Senior Planner
Development Services Department
City of Tracy
(209) 831-6426

PROJECT SPONSOR'S NAME AND ADDRESS

Tracy 300, LP
3202 W. March Lane, Suite A
Stockton, CA 95219
(209) 951-5190

PURPOSE OF THE INITIAL STUDY

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

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the proposed Aspire II Apartments Project (project) may have a significant effect upon the environment. Based upon the findings and mitigation measures contained within this report, a Mitigated Negative Declaration (MND) will be prepared.

PROJECT LOCATION AND SETTING

PROJECT LOCATION

The project site consists of approximately 2.28 acres of land, located south of Auto Plaza Dr., in the far northwest portion of the City of Tracy. The project site is APN 212-27-24.

The project's regional location is shown in Figure 1 and the project area and site boundary are shown in Figure 2.

EXISTING SITE USES

The project site is currently a vacant, undeveloped lot, covered by ruderal grassland vegetation.

SURROUNDING LAND USES

Lands immediately adjacent to the project site to the west include a variety of commercial automobile support services and businesses (tire shop, car rental, collision repair, etc.). A California Department of Motor Vehicles (DMV) office is located north of the project site, north of Auto Plaza Drive. An auto body repair facility is proposed, but not yet constructed, adjacent and to the east of the DMV site. The parcel immediately to the east of the project site is vacant, and a Mazda dealership is located immediately east of the vacant parcel adjacent to the project site. The lands to the south of the project site are the location of the Aspire Apartments project, which is a 301-unit apartment project that is just beginning construction. The Aspire Apartments project is being constructed by the same project applicant as the proposed project, and the proposed project's apartment building design is identical to one of the buildings in the Aspire Apartments project.

Beyond the immediate project vicinity, a variety of auto dealerships and auto-related commercial businesses are located to the east. Agricultural lands are located west of Auto Plaza Drive, in the unincorporated area of San Joaquin County.

GENERAL PLAN AND ZONING DESIGNATIONS

The project site is currently designated Commercial by the City of Tracy General Plan Land Use Map and is zoned Planning Unit Development.

SPECIFIC PLAN DESIGNATION

The project site is currently designated General Commercial by the I-205 Corridor Specific Plan Land Use Plan Map.

PROJECT DESCRIPTION

The proposed project would develop a 47-unit apartment building on the 2.28-acre project site. The project would also include associated parking, garages, carports, community buildings, and common areas. Access to the site would be provided by an internal road connecting to the adjacent 301-unit Aspire Apartments complex to the south (currently under construction), which in turn connects to Pavilion Parkway. A gated emergency access drive would be provided at the

north edge of the site off of Auto Plaza Drive. The project would also match the architecture of the 301-unit Aspire Apartments building complex adjacent to the south.

The proposed project includes plans to connect to existing City infrastructure located within Auto Plaza Drive to the north, to provide water, sewer, and storm drainage to the site. The proposed site plan is shown on Figure 3.

The proposed project also includes a request for a General Plan Amendment to designate the site Residential High, and an I-205 Corridor Specific Plan Amendment to designate the site High Density Residential.

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 the California Environmental Quality Act (CEQA), Section 15050.

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

- Adoption of the Mitigated Negative Declaration (MND)
- Adoption of the Mitigation Monitoring and Reporting Program (MMRP)
- Approval of a General Plan Amendment from Commercial to the Residential High land use designation
- Approval of an I-205 Corridor Specific Plan Amendment from General Commercial to High Density Residential
- Approval of a PUD Preliminary and Final Development Plan

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).

PROJECT GOALS AND OBJECTIVES

The City of Tracy and the project applicant have identified the following goals and objectives for the proposed project:

1. Expand the available supply of high density residential housing options in the City of Tracy, consistent with City Housing Element goals of providing a range of residential densities and products, including high-density apartments.
2. Develop a project that is consistent and compatible with the surrounding land uses.
3. Increase the supply of market-rate rental housing units that may be affordable to moderate income households within the City of Tracy.

ASPIRE II APARTMENTS
TRACY, CALIFORNIA

Figure 1: Regional Location Map

N

0 10 20
Miles

1:1,500,000

Data source: California Spatial Information Library. Map date: May 18, 2015.

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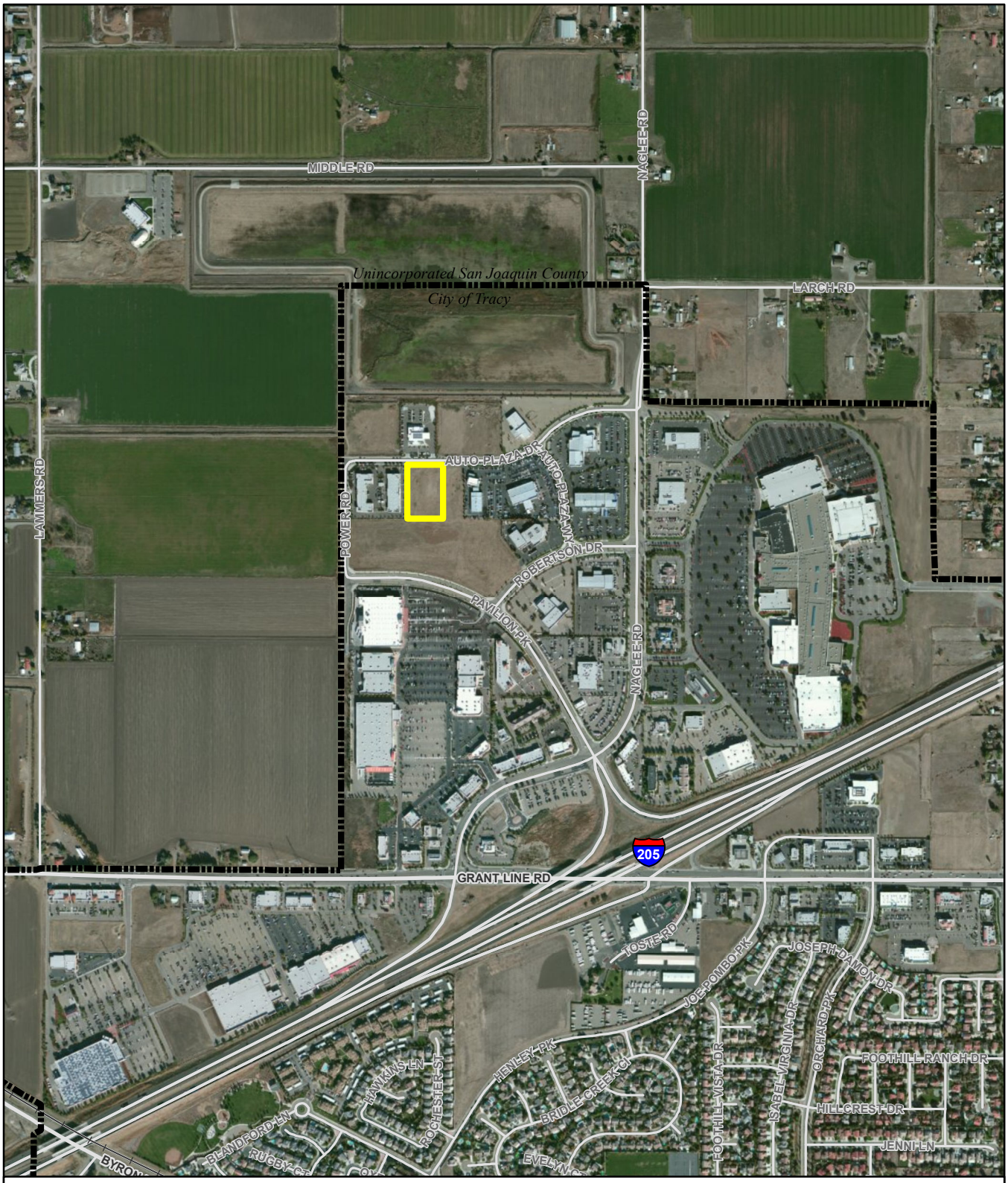

ASPIRE II APARTMENTS
TRACY, CALIFORNIA

Figure 2: Project Area and Site Boundary Map

Legend

- Project Boundary
- City of Tracy

N

0 250 500

Feet

1:12,000

Sources: San Joaquin County GIS; ArcGIS Online World Imagery Map Service. Map date: May 18, 2015.

De Novo Planning Group
A Land Use Planning, Design, and Environmental Firm

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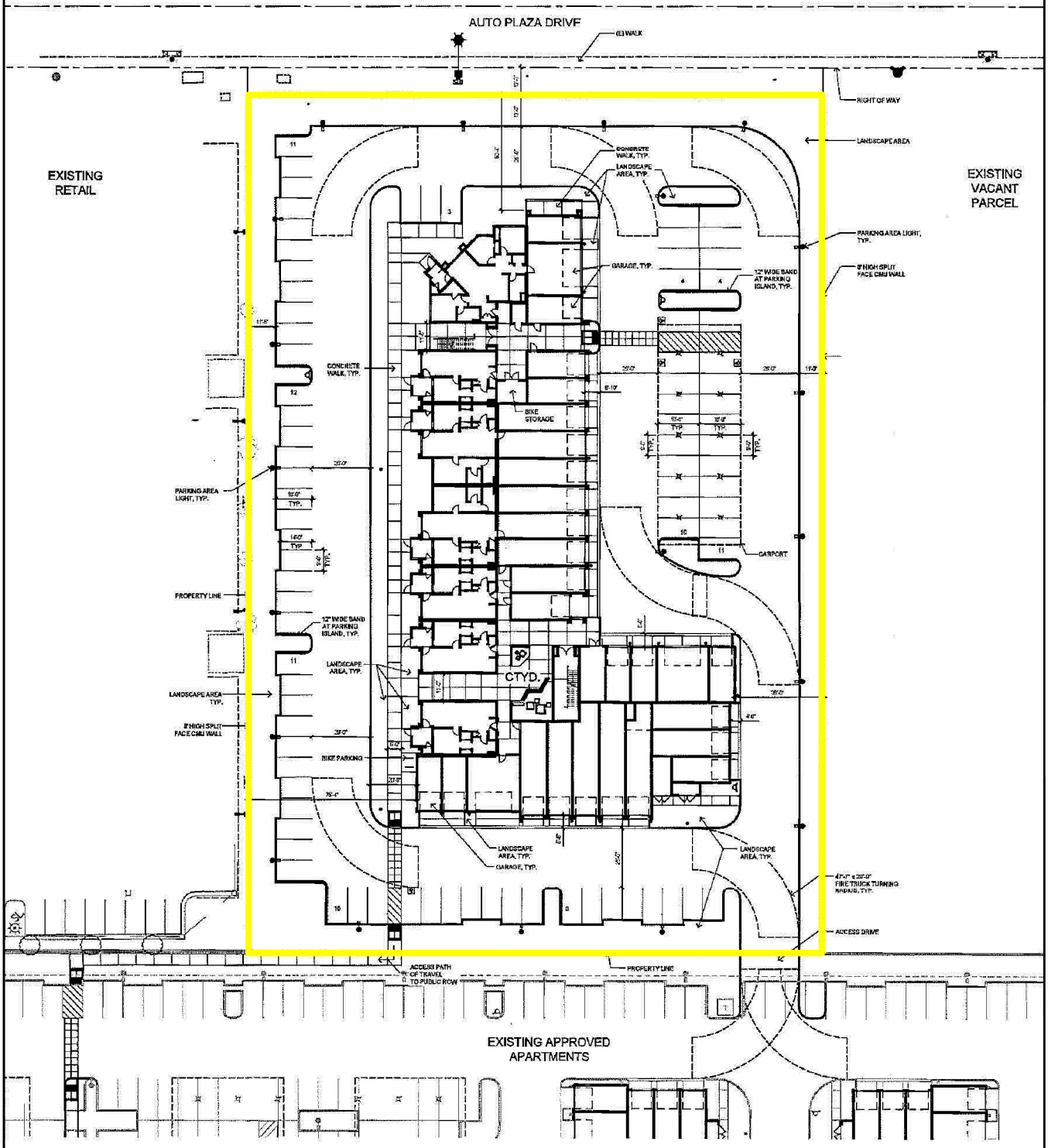

Legend

Project Boundary

N

0 15 30

Feet

1:780

ASPIRE II APARTMENTS
TRACY, CALIFORNIA

Figure 3: Site Plan Map

Sources: City of Tracy; North Star Engineering Group, 2015. Map date: May 18, 2015.

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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION:

On the basis of this initial evaluation:

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

Signature Date

EVALUATION INSTRUCTIONS:

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

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9) The explanation of each issue should identify:
    a) The significance criteria or threshold, if any, used to evaluate each question; and
    b) The mitigation measure identified, if any, to reduce the impact to less than significance

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

- Potentially Significant Impact. This response is appropriate when there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries, upon completion of the Initial Study, an EIR is required.
- Less than Significant With Mitigation Incorporated. This response applies when the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact". The Lead Agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level.
- Less than Significant Impact. A less than significant impact is one which is deemed to have little or no adverse effect on the environment. Mitigation measures are, therefore, not necessary, although they may be recommended to further reduce a minor impact.
- No Impact. These issues were either identified as having no impact on the environment, or they are not relevant to the Project.

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ENVIRONMENTAL CHECKLIST

This section of the Initial Study incorporates the most current Appendix "G" Environmental Checklist Form, contained in the CEQA Guidelines. Impact questions and responses are included in both tabular and narrative formats for each of the 18 environmental topic areas.

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) Substantially degrade the existing visual character or quality of the site and its surroundings?			*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 is considered an infill project, and the proposed uses on the site are consistent and compatible with the surrounding land uses. Lands immediately adjacent to the project site to the west include a variety of commercial automobile support services and businesses (tire shop, car rental, collision repair, etc.). A California Department of Motor Vehicles (DMV) office is located north of the project site, north of Auto Plaza Drive. The parcel immediately to the east of the project site is vacant, and a Mazda dealership is located immediately east of the vacant parcel. The land to the south of the project site is the location of the Aspire Apartments project, which is a related 301-unit apartment project under development.

Implementation of the proposed project would provide for additional residential development on a lot that is currently vacant. The project site is not topographically elevated from the surrounding lands, and is not highly visible from areas beyond the immediate vicinity of the site. There are no prominent features on the site, such as trees, rock outcroppings, or other visually distinctive features that contribute to the scenic quality of the site. The project site is not designated as a scenic vista by the City of Tracy General Plan.

Implementation of the proposed project would not significantly change the existing visual character of the project area, as much of the areas immediately adjacent to the site are used for residential and commercial purposes.

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

Response b): No Impact. As described in the Tracy General Plan EIR**,** there are two Officially Dedicated California Scenic Highway segments in the Tracy Planning Area, which extend a total length of 16 miles. The first designated scenic highway is the portion of I-580 between I-205 and I-5, which offers views of the Coast Range to the west and the Central Valley's urban and agricultural lands to the east. The second scenic highway is the portion of I-5 that starts at I-205 and continues south to Stanislaus County, which allows for views of the surrounding agricultural lands and the Delta-Mendota Canal and California Aqueduct.

The project site is not visible from any of the above-referenced scenic highways. Development of the proposed project would not result in the removal of any trees, rock outcroppings, or buildings of historical significance, and would not result in changes to any of the viewsheds from the designated scenic highways in the vicinity of the City of Tracy. There is **no impact**.

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

Response d): Less than Significant with Mitigation. 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 residential structures and parking areas 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 residential streets within the project area would have street lights that comply with City standards and are consistent with lighting in the surrounding residential areas. The City of Tracy Standard Plan #154 establishes minimum requirements for light illumination. Exterior lighting on new projects is also regulated by the Tracy Municipal Code, Off-Street Parking Requirements, Section 10.08.3530(h). The City addresses light and glare issues on a case-by-case basis during project approval and typically adds requirements as a condition of project approval to shield and protect against light spillover from one property to the next. The Tracy Municipal Code requires

that the site plan and architectural package include the exterior lighting standards and devices, and be reviewed by the Development and Engineering Services Department.

The implementation of Mitigation Measure 1 requires the preparation of a lighting plan, which must demonstrate that exterior project lighting has been designed to minimize light spillage onto adjacent properties to the greatest extent feasible. The implementation of Mitigation Measure 1 would reduce this impact to a **less than significant** level.

Mitigation Measures

Mitigation Measure 1*: A lighting plan shall be prepared prior to the issuance of a building permit and installation of the project's exterior lighting. The lighting plan shall demonstrate that the exterior lighting systems have been designed to minimize light spillage onto adjacent properties to the greatest extent feasible. The lighting plan shall include the following:*

- *Design of site lighting and exterior building light fixtures to minimize the effects of light pollution and glare off of glass and metal surfaces; and*
- *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 not underlain by soils that are considered Prime Farmland, Unique Farmland, or Farmland of Statewide Importance by the California Department of Conservation, Farmland Mapping and Monitoring Program and the USDA Soil Conservation Service. The proposed project site is vacant land and the project is considered infill development. Additionally, the project site is designated for urban land uses (commercial) by the Tracy General Plan Land Use Designations Map. The project site is surrounded by commercial and residential land uses, and there are no agricultural land uses or agricultural operations adjacent to the site.

There is **no impact** related to this environmental topic, and no additional mitigation is required.

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

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

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

III. AIR QUALITY -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Conflict with or obstruct implementation of the applicable air quality plan?		X		
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?		X		
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors 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), c): Less than Significant with Mitigation. 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 air quality impacts and operational air quality impacts are addressed separately below.

Construction-Related Emissions

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

the *Guide for Assessing and Mitigating Air Quality Impacts* (as appropriate) would constitute sufficient mitigation to reduce PM_{10} impacts to a level considered less than significant.

Construction would result in numerous activities that would generate dust. Grading, leveling, earthmoving and excavation are the activities that generate the most particulate emissions. Impacts would be localized and variable. Construction impacts would last for a period of several months. The initial phase of project construction would involve grading and leveling the project site and associated improvements such as parking area improvements and supporting underground infrastructure, such as water, sewer, and electrical lines.

Construction activities that could generate dust and vehicle emissions are primarily related to grading and other ground-preparation activities in order to prepare the project site for the construction of the apartment units and parking areas.

Control measures are required and enforced by the SJVAPCD under Regulation VIII. The SJVAPCD considers construction-related emissions from all projects in this region to be mitigated to a less than significant level if SJVAPCD-recommended PM_{10} fugitive dust rules and equipment exhaust emissions controls are implemented.

Implementation of Mitigation Measures 2 and 3, in addition to compliance with all applicable measures from SJVAPCD Rule VIII would reduce construction-related impacts associated with dust and construction vehicle emissions to a **less than significant** level.

Mitigation Measures

Mitigation Measure 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 project applicant shall comply with all applicable APCD requirements prior to commencement of grading activities.*

Mitigation Measure 3*: The following mitigation measures, 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 two-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 two-times/day or whenever visible dust is capable of drifting from the site or approaches 20 percent opacity.*
- *Reduce speed on unpaved roads to less than 5 miles per hour.*
- *Reduce the amount of disturbed surface area at any one time pursuant to the scope of work identified in approved and permitted plans.*
- *Restrict vehicular access to the area to prevent unlawful entry to disturbed areas and limit unnecessary onsite construction traffic on disturbed surfaces. Restriction measures may include fencing or signage as determined appropriate by the City.*
- *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 this mitigation shall occur during all grading or site clearing activities. The SJVAPCD shall be responsible for monitoring.

Operational Emissions

For the purposes of this operational air quality analysis, actions that violate Federal standards for criteria pollutants (i.e., primary standards designed to safeguard the health of people considered to be sensitive receptors while outdoors and secondary standards designed to safeguard human welfare) are considered significant impacts. Additionally, actions that violate State standards developed by the CARB or criteria developed by the SJVAPCD, including thresholds for criteria pollutants, are considered significant impacts. Projects that would generate 10 tons per year of either ROG or NO_x are considered to have a potentially significant air quality impact. The SJVAPCD has also established a threshold of 15 tons per year for PM_{10}. As previously mentioned, the Basin is classified as a nonattainment area for ozone. In order to achieve the Federal and State standards of ozone, it is necessary to regulate ROG and NO_x, which contribute to the formation of ozone. This includes both direct and indirect emissions.

In addition to the tons/year thresholds cited above, the SJVAPCD has thresholds applicable to CO emissions that require projects to perform localized CO modeling. These thresholds include the following:

- Project traffic would impact signalized intersections operating at level of service (LOS) D, E or F or would cause LOS to decline to D, E or F.
- Project traffic would increase traffic volumes on nearby roadways by 10 percent or more.
- The project would contribute to CO concentrations exceeding CAAQS of 9 parts per million (ppm) averaged over 8 hours and 20 ppm for one hour.

Emissions were estimated using the approach included in the CalEEMod (v.2013.2.2) computer program. The CalEEMod model is used to calculate construction and operational emissions associated with land development projects, and includes EPA, SJVAPCD, and CARB emissions factors embedded within it.

As described in greater detail under the traffic impact analysis section in this document, the proposed project would not cause an intersection to decline to LOS E or F. Additionally, the proposed project would not increase traffic volumes on nearby roadways by 10 percent or more. Therefore, localized CO modeling is not warranted for this project.

Rule 9510 Indirect Source Review

District Rule 9510 requires developers of large residential, commercial and industrial projects to reduce smog-forming (NO_x) and particulate (PM_{10} and $PM_{2.5}$) emissions generated by their projects. The Rule applies to projects which, upon full build-out, will include 50 or more residential units. The proposed project would contain fewer than 50 upon full build-out, and

therefore would not be subject to Rule 9510. However, the Rule serves a general guideline for development even for those projects with fewer than 50 units.

Under the Rule, project developers are required to reduce:

- 20 percent of construction-exhaust nitrogen oxides;
- 45 percent of construction-exhaust PM_{10};
- 33 percent of operational nitrogen oxides over 10 years; and
- 50 percent of operational PM_{10} over 10 years.

Developers are encouraged to meet these reduction requirements through the implementation of on-site mitigation; however, if the on-site mitigation does not achieve the required baseline emission reductions, developers can mitigate the difference by paying an off-site fee to the District. Fees reduce emissions by helping to fund clean-air projects in the District.

The project would be an indirect source of air pollutants, in that it would attract and cause an increase in vehicle trips in the region. Table 1 shows the new auto emissions from vehicle trips that would result from the proposed project. The San Joaquin Valley Air Pollution Control District has established a threshold of significance for ozone precursors of 10 tons per year, and 15 tons per year has been assumed to represent a significant impact for PM_{10}.

Table 1: Total Project Generated Emissions at Full Buildout

	EMISSIONS (TONS/YEAR)						
	ROG	NO_X	CO	SO_2	PM_{10}	$PM_{2.5}$	CO_2
Mobile Source Project Emissions	0.49	0.86	3.13	0.01	3.35	0.11	552.57
SJVAPCD Threshold	10	10	--	--	15	--	--
Above SJCAPCD Threshold?	No	No	NA	NA	No	NA	NA

EMISSIONS WERE CALCULATED USING CALEEMOD V.2013.2.2.

As shown in the table above, project generated emissions are below the SJVAPCD thresholds for ROG, NO_x and PM_{10}. For this reason, and since the proposed project would have fewer than 50 units upon full build-out, development of the proposed project would result in **less than significant** air quality impacts.

Response d): 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 closest school (the Art Freiler Elementary School) is located approximately 0.8 miles south of the project site. In addition, Merill F. West High School is located approximately 1.1 miles southeast of the project site, and McKinley Elementary School is located approximately 1.8 miles southeast of the project site.

Implementation of the proposed project would not expose these sensitive receptors to substantial pollutant concentrations. Air emissions would be generated during the construction

phase of the project. The construction phase of the project would be temporary and short-term, and the implementation of Mitigation Measures 2 and 3 would greatly reduce pollution concentrations generated during construction activities.

Operation of the proposed project would result in emissions primarily from vehicle trips. As described under Response a) – c) above, the proposed project would not generate significant concentrations of air emissions. Impacts to sensitive receptors would be negligible and this is a **less than significant** impact.

Response e): Less than Significant. Operation of the proposed project would not generate notable odors. The proposed project is an apartment complex, which is compatible with the surrounding land uses. Occasional mild odors may be generated during landscaping maintenance (equipment exhaust), but the project would not otherwise generate odors. This is a **less than significant** impact and no mitigation is required.

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 federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			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 with Mitigation.

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 12, 2015.

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 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. No mitigation is necessary.

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 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. No mitigation is necessary.

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 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. No mitigation is necessary.

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.

Swainson's Hawk. The Swainson's hawk is threatened in California and is protected by the California Department of Fish and Game (CDFG) 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, although no nesting habitat for this species occur onsite. The site and the surrounding open grassland habitat will provide medium quality foraging opportunities for local Swainson's hawks. SJCOG administers the San Joaquin County Multi-Species Open Space and Conservation Plan (SJMSCP) for the region. The proposed project would

require coverage under the SJMSCP. SJCOG would apply incidental take minimization measures for the project. 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. The project site is near to other lands that are currently undeveloped that offer foraging and roosting habitat for wintering or breeding owls. However, there is the potential for burrowing owls to occupy the site. While considered unlikely, this is considered potentially significant impact. The proposed project would require coverage under the SJMSCP and SJCOG would apply incidental take minimization measures for the project. In addition, the implementation of Mitigation Measure 4 would ensure that burrowing owls are not impacted during construction activities. The implementation of Mitigation Measure 4 would ensure a **less than significant** impact to burrowing owls.

Participation in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) is recommended for all new projects on previously undeveloped land in Tracy. Although the likelihood for the occurrence of any special status plant or wildlife species on the site is extremely low, the implementation of Mitigation Measure 5 would ensure that special status plant or wildlife species are protected throughout the region. Impacts to special status plant or wildlife species would be reduced to **less than significant** levels with mitigation.

Mitigation Measure(s)

***Mitigation Measure 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 in accordance with SJMSCP requirements. 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 mitigation 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.

Mitigation Measure 5: *Prior to commencement of any grading activities, the project proponent shall seek coverage under the SJMSCP to mitigate for habitat impacts to covered special status species. Coverage involves compensation for habitat impacts on covered species through payment of development fees for conversion of open space lands that may provide habitat for covered special status species. These fees are used to preserve and/or create habitat in preserves to be managed in perpetuity. In addition, coverage includes incidental take avoidance and minimization measures for species that could be affected as a result of the proposed project. There are a wide variety of incidental take avoidance and minimization measures contained in the SJMSCP that were developed in consultation with the USFWS, CDFW, and local agencies. The applicability of incidental takes avoidance and minimization measures are determined by SJCOG on a project basis. The process of obtaining coverage for a project includes incidental take authorization (permits) under the Endangered Species Act Section 10(a) and California Fish and Game Code Section 2081. The Section 10(a) permit also serves as a special-purpose permit for the incidental take of those species that are also protected under the MBTA. Coverage under the SJMSCP would fully mitigate all habitat impacts on covered special-status species. The SJMSCP includes the implementation of an ongoing Monitoring Plan to ensure success in mitigating the habitat impacts that are covered. The SJMSCP Monitoring Plan includes an Annual Report process, Biological Monitoring Plan, SJMSCP Compliance Monitoring Program, and the SJMSCP Adaptive Management Plan SJCOG.*

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. No mitigation is necessary.

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 California Department of Fish and Game (CDFG), 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, the goals and principles of the SJMSCP include the following:

- Provide a County-wide 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.
- Preserve landowner property rights.
- Provide 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 ESA or the CESA.
- Provide and maintain multiple-use open spaces, which contribute to the quality of life of the residents of San Joaquin County.
- Accommodate 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 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 San Joaquin Council of Governments.

As described under Response (a) the proposed project is subject to participation in the SJMSCP by Mitigation Measure 5. The City of Tracy and the project applicant shall consult with SJCOG and determine coverage of the project pursuant to the SJMSCP. The implementation of Mitigation Measure 5 would ensure that the project complies with the requirements of the SJMSCP, and would not conflict with any applicable habitat conservation plans. With implementation of Mitigation Measure 5, this would be a **less than significant** impact.

Mitigation Measure(s)

Implement Mitigation Measure 5

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 as defined in '15064.5?		X		
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?		X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		
d) Disturb any human remains, including those interred outside of formal cemeteries?		X		

RESPONSES TO CHECKLIST QUESTIONS

Response a), b), c), d): Less than Significant with Mitigation. There are no known previously identified prehistoric period cultural resources are known within, or within a 1/4 mile radius of the project site. The site has no historic landmarks, since the project site is an undeveloped lot. Additionally, there are no known unique paleontological or archeological resources known to occur on, or within the immediate vicinity of the project site. Therefore, it is not anticipated that site grading and preparation activities would result in impacts to cultural, historical, archaeological or paleontological resources. There are no known human remains located on the project site, nor is there evidence to suggest that human remains may be present on the project site.

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. This is considered a **potentially significant** impact.

The implementation of Mitigation Measure 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 measure would reduce this impact to a **less than significant** level.

Mitigation Measure(s)

Mitigation Measure 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. GEOLOGY AND SOILS -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation*	*Less Than Significant Impact*	*No Impact*
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			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 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

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. No known active faults cross the project site, and the site is not located within an Alquist-Priolo Earthquake Fault Zone, however, relatively large earthquakes have historically occurred in the Bay Area and along the margins of the Central Valley. Many earthquakes of low magnitude occur every year in California. The two nearest earthquake faults zoned as active by the State of California Geological Survey are the Great Valley Fault, located approximately six miles to the southwest of the site, and the Greenville fault, located approximately 12 miles southwest of the site. The Great Valley fault is a blind thrust fault with no known surface expression; the postulated fault location has been based on historical regional seismic activity and isolated subsurface information.

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, approximately 25 miles southwest; the Hayward fault, approximately 31 miles west; the Ortigalita fault, approximately 31 miles southwest; and the San Andreas Fault, approximately 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.

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

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

SA-1.1, Policy 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**. No additional mitigation is required.

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

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

Soil expansion is dependent on many factors. The more clayey, critically expansive surface soil and fill materials will be subjected to volume changes during seasonal fluctuations in moisture content. The soils encountered at the site generally consist of capay clay. The capay series consists of very deep, moderately well drained, and firm to very firm soils. Therefore, the potential for liquefaction to occur at the project site is considered low. However, the capay clay has a relatively high moisture content, posing a potentially high risk of soil expansion. Implementation of Mitigation Measures 7 and 8 below would bring this impact to **less than significant**.

Mitigation Measures

Mitigation Measure 7*: Prior to the 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.*

Mitigation Measure 8. *Expansive materials and potentially weak and compressible fills at the site shall be evaluated by a Geotechnical Engineer during the grading plan stage of development. If highly expansive or compressible materials are encountered, special foundation designs and reinforcement, removal and replacement with soil with low to non-expansive characteristics, compaction strategies, or soil treatment options to lower the expansion potential shall be incorporated through requirements imposed by the Cit'sy Development Services Department.*

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 and no mitigation is required.

Response b): Less than Significant with Mitigation. During the construction preparation process, existing vegetation would be removed to grade and compact the project site, as necessary. As construction occurs, these 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. Mitigation Measures 2 and 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, Mitigation Measure 9 (under Section IX, 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 required mitigation measures would reduce these impacts to a **less than significant** level and no additional mitigation is required.

Mitigation Measures

Implement Mitigation Measures 2, 3, and 9.

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.

VII. 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 greenhouse gases include water vapor (H_2O), carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and ozone (O_3). Several classes of halogenated substances that contain fluorine, chlorine, or bromine are also greenhouse gases, but they are, for the most part, solely a product of industrial activities. Although the direct greenhouse gases CO_2, CH_4, and N_2O occur naturally in the atmosphere, human activities have changed their atmospheric concentrations. From the pre-industrial era (i.e., ending about 1750) to 2011, concentrations of these three greenhouse gases have increased globally by 40, 150, and 20 percent, respectively (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 (California Energy Commission 2014). In California, the transportation sector is the largest emitter of GHGs, followed by electricity generation (California Energy Commission 2014).

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 459 million gross metric tons of carbon dioxide equivalents ($MMTCO_2e$) in 2012 (California Energy Commission 2014). By 2020, California is projected to produce 509 $MMTCO_2e$ per year (CARB 2015).

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.

Consumption of fossil fuels in the transportation sector was the single largest source of California's GHG emissions in 2004, accounting for 40.7% of total GHG emissions in the state (CEC 2014). This category was followed by the electric power sector (including both in-state and out of-state sources) (22.2%) and the industrial sector (20.5%) (CEC 2014).

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). 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 (Cal EPA 2006), the impacts of global warming in California are anticipated to include, but are not limited to, the following.

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% to 90% more frequent in northern California 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 of 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. A number of academic and professional studies have demonstrated that the built environment can have a profound effect on travel. According to *Growing Cooler* (ULI, 2008, pg 88), ten studies examined the effects of regional location on travel. The studies yielded the same general conclusion: infill locations generate substantially lower vehicle trips and vehicle miles of travel (VMT) per capita than do greenfield locations (from 13 to 72 percent). Designing projects with greater Densities, access to regional Destinations, site Design, and Diversity of land use (the '4Ds') can result in meaningful reductions in vehicle trips and VMT.

Chapter 1 of *Driving and the Built Environment: The Effects of Compact Development on Motorized Travel, Energy Use, and CO2 Emissions -- Special Report 298* (Transportation Research Board, 2009) reached the following key conclusions:

- Finding 1: Developing more compactly, that is, at higher residential and employment densities, is likely to reduce VMT.
- Finding 2: The literature suggests that doubling residential density across a metropolitan area might lower household VMT by about 5 to 12 percent, and perhaps by as much as 25 percent, if coupled with higher employment concentrations, significant public transit improvements, mixed uses, and other supportive demand management measures.

The primary source of GHGs from the proposed project would result from emissions of CO_2 associated with vehicle trips generated by the project. In order to calculate CO_2 emissions from project vehicle trips, the CalEEMod (v.2013.2.2) computer program was utilized. Based on the total vehicle miles travelled (VMT) as a result of project implementation, the proposed project would generate up to 436 tons/year of CO_2 from vehicle emissions.

The City of Tracy has not established a threshold of significance for determining what level of CO_2 emissions from vehicle trips is considered a significant impact. Additionally, the proposed project represents an infill project within the City, as it is a high-density residential development, which promotes a compact development pattern, and minimizes the consumption of open space lands and resources. The project also provides for additional high-density housing opportunities within the City of Tracy, and would assist the City in achieving the housing goals established in the City's Housing Element. The residential population growth that would occur as a result of project implementation would contribute to the growth anticipated in the City's General Plan and General Plan EIR.

As stated previously, short-term construction GHG emissions are a one-time release of GHGs and are not expected to significantly contribute to global climate change over the lifetime of the proposed Project. Construction GHG emissions from the proposed project do not impede local GHG reduction efforts, or violate GHG reduction goals set by AB 32, as required by the Public Resources Code, Section 21082.2. Therefore, cumulatively these construction emissions would not generate a significant contribution to global climate change.

Given the relatively small amount of GHGs that would be generated by the project, coupled with the fact that the project is a high-density residential infill project, this is considered a **less than significant** impact, and no mitigation is required.

Response b): Less than Significant. The City of Tracy has 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:

Measure E-1: Implement California Green Building Standards, as contained in Title 24, Part 11, CCR.

Measure T-5 c and d: Which promote the use of alternative transportation measures, including bikes and pedestrian travel, by providing connections to existing bike and pedestrian facilities.

Measure E-2 e: Requiring energy efficient exterior lighting.

Measure SW-3: Providing opportunities for onsite recycling in multi-family development.

The proposed project would assist the City of Tracy with implementation of the Sustainability Action Plan, and is consistent with the measures described above. 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 and no mitigation is required.

VIII. 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 for people residing or working in the project area?			X	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X	
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b): Less than Significant with Mitigation. The proposed project would place new high-density residential uses in an area of the City that currently contains predominantly residential, commercial and light industrial uses. The proposed residential 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 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, Mitigation Measure 9 requires the project applicant to implement a Stormwater Pollution Prevention Plan during construction activities, which would prevent any contaminated runoff from leaving the proposed project site. Therefore, the proposed project would have a **less than significant** impact relative to this issue.

Mitigation Measure(s)
Implement Mitigation Measure 9 (SWPPP)

Implementation of 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 ¼ mile of an existing or proposed school, and would therefore, not result in the exposure of any school site to any hazardous materials that may be used or stored at the project site. Art Freiler School is located approximately 0.8 miles south of the project site, Merill F. West High School approximately 1.1 miles southeast of the project site, and McKinley Elementary School approximately 1.8 miles southeast of the project site. As described under Response a), above, the project would not involve the use, storage, transport or handling of hazardous materials, beyond those commonly found in typical residential areas. This is a **less than significant** impact and no mitigation is required.

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 in the vicinity of the project site. The Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5.

The DTSC Envirostor Database identified an active Voluntary Cleanup Site approximately 1.1 miles south of the proposed project site. The Standard Oil Company (now Chevron) used the Old Valley Pipeline to transport heavy petroleum (crude oil) from Bakersfield to Richmond, California. A voluntary cleanup agreement dated October 23, 2002 outlined site characterization and human health activities. Site remediation activities are ongoing.

As described above, there are no known hazardous materials located on the project site. Additionally, known potentially hazardous sites are not with the project vicinity. This is a **less than significant** impact, and no mitigation is required.

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 4.8 miles south of the site. 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. The Airport Master Plan designates four safety 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)

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. 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. Building height would be consistent with surrounding uses. Therefore, safety hazards related to the project's proximity to the Tracy Municipal Airport are **less than significant,** and no mitigation is required.

Response g): No Impact. The Tracy General Plan (Adopted February 1, 2011) includes policies that require the City to maintain emergency access routes that are free of traffic impediments (Goal SA-6, Objective SA-6.1, Policy P1 and Action 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 residential land uses in 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 does not designate the area in the northern half of Tracy as having significant wildland fire potential. Although there are irrigated and fallow agricultural fields in the general area of the project site, the potential for wildfire to the proposed project is considered low. Additionally, the proposed project is located in an urbanized area of the City that is undergoing rapid development. This is a **less than significant** impact and no mitigation is required.

IX. 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?		X		
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			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, in a manner which would result in substantial erosion or siltation on- or off-site?		X		
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?		X		
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?		X		
f) Otherwise substantially degrade water quality?		X		
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?		X		
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?			X	

RESPONSES TO CHECKLIST QUESTIONS

Responses a): Less than Significant with Mitigation. 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 project's potential to violate a water quality standard or waste discharge requirement is related to the treatment of wastewater generated by the project, and the quality of stormwater runoff generated at the project site. These two issues are addressed below.

In 2008 the City expanded its wastewater treatment capacity to 10.8 mgd. The City's Wastewater Treatment Plant (WWTP) currently treats approximately 9.0 mgd of wastewater. 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. A unit generation factor of 176 gallons per day of wastewater per residential unit was used to estimate the wastewater that would be generated by the proposed project.[1] Based on this generation factor, it is estimated that the proposed project would generate up to 0.05996 mgd of wastewater. The addition of 0.0596 mgd of wastewater would not exceed the treatment capacity of the City's WWTP, or violate waste discharge requirements under the City's National Pollutant Discharge Elimination System (NPDES) permit. As such, the project would not cause, or contribute to, a violation of wastewater quality standards or waste discharge requirements.

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, the application of best management practices (BMPs) to effectively reduce pollutants from stormwater leaving the site during both the construction and operational phases of the project are required under Mitigation Measure 9, which requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP).

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, and SWPPP requirements required by Mitigation Measure 9, impacts from the proposed project would result in a **less than significant** impact relative to this environmental topic.

Mitigation Measure

Implement Mitigation Measure 9 (SWPPP)

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

[1] Wastewater Flow and Loading Generation Factors from the Tracy Wastewater Master Plan (Low Density Residential wastewater generation factor)

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. As described in greater detail in the Utilities Section of this document, the City has adequate water supplies to serve the proposed project without increasing the current rate of groundwater extraction.

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, the majority 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. The proposed project would result in **less than significant** impacts related to groundwater and groundwater recharge. No mitigation is required.

Responses c), d), e), f): Less than Significant with Mitigation. 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 most of the 2.28-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. Best management practices (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. Stormwater flows from the project site would be directed to the existing stormwater conveyance system along Auto Plaza Drive, north of the project site. The potential for the project to exceed the capacity of the stormwater system is a **less than significant** impact.

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. 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. 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 City-wide storm drainage infrastructure improvements identified in the 2012 City of Tracy 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, Mitigation Measure 9 requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP). As described below, the SWPPP would require the application of best management practices (BMPs) to effectively reduce pollutants from stormwater leaving the site during both the construction and operational phases of the project. The implementation of this mitigation measure would reduce this impact to a **less than significant** level. 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."

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Mitigation Measure(s)

Mitigation Measure 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.*

Responses g): Less than Significant with Mitigation. The 100-year floodplain denotes an area that has a one percent chance of being inundated during any particular 12-month period. The risk of a site within the 100-year floodplain being flooded in any century is one percent but statistically the risk is almost 40 percent in any 50-year 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 located within a FEMA designated 100-year floodplain (FEMA Panel ID: 06077C0590F; effective on 10/16/2009). The area is therefore subject to a one percent annual chance flood event. The impact is **less than significant** after implementation of Mitigation Measures 10 and 11 below.

Mitigation Measure(s)

Mitigation Measure 10*: All structures within the 100-year floodplain on the project shall have the lowest floor (including the basement) elevated at least one foot above the base flood level, or be of flood-proof construction.*

Mitigation Measure 11*: The following General Plan policies and actions (under Goal SA-2, Objective SA-2.1) shall be incorporated into the proposed project:*

- *P.2 New construction and substantial improvements to structures within the 100-year floodplain are required to "have the lowest floor (including the basement) elevated at least one foot above the base flood level" or be of flood-proof construction.*
- *P.3 The City shall prevent the construction of flood barriers within the 100-year flood zone that divert flood water or increase flooding in other areas.*
- *P.4 Property owners within the 100-year floodplain are encouraged to purchase National Flood Insurance, which reduces the financial risk from flooding and mudflows.*
- *A.2 Continue to implement the City's existing Storm Drainage Master Plan which provides storm drainage conveyance capacity sufficient to contain 100-year flood flows in the rights-of-way of the major public streets and 10-year flood flows within the top of the street curbs.*

Responses h): Less than Significant. Although the proposed project site lies within a FEMA 100-year flood plain, the proposed project is not of a large enough size to impede or direct flood flows. Therefore, this impact is considered **less than significant**.

Responses i), j): Less than Significant. The project site is located within the inundation risk area for 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). In the unlikely event of a dam failure, there is the potential that the project site could become inundated with water. 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 the City of Tracy, including the project site. However, given the regulations provided in the California Dam Safety Act, and the ongoing monitoring performed by the DSD, the risk of loss, injury, or death to people or structures from dam failure is considered **less than significant**.

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 essentially

flat, which precludes the possibility of mudflows occurring on the project site. This is a **less than significant** impact and no mitigation is required.

X. 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) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?		X		

RESPONSES TO CHECKLIST QUESTIONS

Responses a): No Impact. The project site is surrounded by commercial and residential land uses. The project is an infill project that 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 project site is currently designated Commercial by the City of Tracy General Plan Land Use Designations Map, Service Commercial by the I-205 Corridor Specific Plan, and is zoned Planned Unit Development (PUD). The proposed project includes a request for a General Plan Amendment to designate the site Residential High, and an I-205 Corridor Specific Plan Amendment to designate the site High Density Residential.

The proposed uses on the project site are consistent with the General Plan designation of Residential High, I-205 Corridor Specific Plan designation of High Density Residential, and zoning of Planned Unit Development (PUD). Approval of the requested General Plan Amendment and Specific Plan Amendment would ensure that the proposed project is consistent with the Tracy General Plan and I-205 Corridor Specific Plan. The proposed project is also consistent with the land uses and General Plan, Zoning, and I-205 Corridor Specific Plan designations assigned to the adjacent Aspire I Apartments project. 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, and no mitigation is required.

Response c): Less than Signification with Mitigation. As described under the Biological Resources section of this document, the proposed project is classified as Urban Habitat under the SJMSCP. Incorporation of Mitigation Measure 5 would reduce the impact to **less than significant**.

Mitigation Measure

Implement Mitigation Measure 5

XI. 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): Less than Significant. As described in the Tracy General Plan EIR, the main mineral resources found in San Joaquin County, and the Tracy Planning Area, are sand and gravel (aggregate), which are primarily used for construction materials such as asphalt and concrete. According to the California Geological Survey (CGS) evaluation of the quality and quantity of these resources, the most marketable aggregate materials in San Joaquin County are found in three main areas:

- In the Corral Hollow alluvial fan deposits south of Tracy
- Along the channel and floodplain deposits of the Mokelumne River
- 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 no substantial aggregate materials located within the Project site. Therefore, the project would not result in the loss of availability of a known mineral resource. There is **no impact**.

XII. NOISE -- WOULD THE PROJECT RESULT IN:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		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 expose people residing or working in the project area to excessive noise levels?			X	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant. The proposed project is located in an area consisting predominately of commercial and residential land uses. Light industrial land uses are also located in the project vicinity. The primary sources of noise currently present in the project area are from vehicle traffic along Auto Plaza Drive and the within the neighboring commercial lots. 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 dBA Ldn 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.

P4. New residential uses exposed to noise levels exceeding 60 Ldn 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 Ldn.

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 (of the Tracy General Plan).

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 project site is not located along any major roadways, nor is traffic to nearby parking lots expected to exceed any established noise standards. In addition, noise from adjacent commercial lots are not expected to be substantial enough to exceed any established noise standards for the residents of the proposed project. The proposed project would be consistent with the General Plan Noise policies identified above, which would ensure that any potential for the proposed residential uses to be exposed to excessive noise levels would be reduced to a **less than significant** level.

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

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

Table 2: Representative Vibration Source Levels for Construction Equipment

EQUIPMENT	*PEAK PARTICLE VELOCITY AT 25 FEET (IN/SEC)*
Large Bulldozers	0.089
Loaded Trucks	0.076
Jackhammer	0.035
Small Bulldozers	0.003
Source: FTA 2006, Caltrans 2004	

Response c): Less than Significant. Generally, a project may have a significant effect on the environment if it will substantially increase the ambient noise levels for adjoining areas or expose people to severe noise levels. In practice, more specific professional standards have been developed. These standards state that a noise impact may be considered significant if it would generate noise that would conflict with local planning criteria or ordinances, or substantially increase noise levels at noise-sensitive land uses.

The proposed project would not directly generate increased noise beyond those activities commonly found in residential developments (i.e., lawnmowers, leaf blowers, etc.). The noise directly generated by the project would not differ from the existing ambient noises currently generated by the surrounding residential land uses.

However, the proposed project is expected to increase ambient noise levels in the project vicinity through the introduction of additional vehicle trips to area roadways, particularly along Auto Plaza Drive. However, as described above, 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 overall traffic volumes generated by the proposed project would not exceed the traffic volumes assumed to be generated at the project site if the site were developed with commercial uses, as was assumed in the General Plan EIR. Therefore, mobile source noise levels associated with the proposed project would be similar, or lower, to mobile source noise levels assessed for the project area under the General Plan EIR. As such, this is a **less than significant impact** and no mitigation is required.

Response d): Less than Significant with Mitigation. Contruction 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 the project site resides adjacent to a residential apartment complex currently under development, construction noise from the proposed project is considered potentially significant.

The following mitigation measure 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 mitigation measure would reduce this temporary impact to a **less than significant** level.

Mitigation Measures

Mitigation Measure 12*: The following mitigation measures shall be implemented:*

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.*

Response e): Less than Significant. The Tracy Municipal Airport is the closest airport to the project site, located approximately 4.8 miles southwest of the site. The Airport is a general aviation airport owned by the City and managed by the Parks and Community Services 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. As shown on Figure 4.14-3 of the Tracy General Plan Final Supplemental EIR (Certified on February 1, 2011), the project site is located outside of both the 65 dBCNEL and the 60 dBCNEL noise contours for the Tracy Municipal Airport. As such, the project site would not be exposed to excessive noise from the Tracy Municipal Airport. This is a **less than significant** impact, and no mitigation is required.

Response f): No Impact. The project site is not located within two miles of a private airstrip. There is **no impact**.

XIII. POPULATION AND HOUSING -- WOULD THE PROJECT:

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

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant. Implementation of the project would result in the construction of 47 multi-family housing units on the project site. The proposed project is located in an urbanized area of the City of Tracy, and constitutes an infill project. There is existing infrastructure (roads, water, sewer, etc) in the immediate vicinity of the project site. While the project would extend these services onto the site to serve the proposed development, the project would not extend infrastructure to an area of the City not currently served. Therefore, while the project may directly induce population growth through the provision of 47 new high-density residences, the project would not indirectly induce population growth in other areas of the City of Tracy.

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. As described throughout this environmental document, the population growth attributable to the proposed project would not result in any significant environmental impacts to other environmental topics that cannot be mitigated to a less than significant level. Future growth will occur through development allowed by the General Plan and by the City's Growth Management Ordinance (GMO). Under the GMO, approximately 19,981 building permits can be issued between 2011 and 2041.[2] Growth under this project is consistent with the General Plan and GMO.

While this document acknowledges that project approval would provide for additional housing opportunities in the City of Tracy, which may lead to population growth in the City, this impact is **less than significant**, as demonstrated throughout this document. No additional mitigation is required.

Responses b), c): No Impact. There are no existing homes or residences located on the project site. There is **no impact**.

[2]http://www.sjgov.org/lafco/Tracy%20MSR/TracyMSR_Dec2011_ALL%20FILES[1].pdf

XIV. 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): Less than Significant with Mitigation.

i) Fire Protection and Emergency Medical Services

The Tracy Fire Department, as a member agency of the South County Fire Authority, provides fire protection, life safety, and emergency response services to 167 square miles of the southern part of San Joaquin County. In 1999, the South County Fire Authority (SCFA)was established to more effectively and efficiently serve the City of Tracy and the Tracy Rural Fire Protection District (FPD).

The SCFA currently operates six fire stations and an administrative office. Twenty-four hour-per-day staffing is provided with six paramedic engine companies and one ladder truck company. Four fire stations are within the incorporated area of the City of Tracy, and two are in the surrounding rural Tracy area.

Medical transport is provided by private ambulance. American Medical Response is the exclusive emergency ambulance service provider in San Joaquin County.

The Tracy Fire Department conducted a Standards of Response Coverage study in late 2007. Findings of the study indicated that the Department had challenges in meeting its established response time objectives in the areas of the West Valley Mall and Downtown Tracy utilizing existing resources. Two new facilities were opened in June 2014, to replace Fire Stations 92 and 96. The new facilities allow the Fire Department to serve the greater community of

Tracy (including the West Valley Mall) more effectively within the established response time standard of 6.5 minutes.

Response time and fire department effectiveness once units arrive are critical considerations in mitigating emergencies. The response time standard is defined as total reflex time (1:30 call processing, 1:00 turn-out time, and 4:00 travel-time). In addition, the Fire Department performance standard to measure effectiveness is to confine moderate risk structure fires to the room of origin or less 90% of the time in the City. In order to successfully mitigate emergencies, it is essential the Fire Department assemble an adequate number of personnel to perform critical tasks at the scene once the unit(s) arrive.

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 is implemented through the review of all new projects with the City's Sphere of Influence (SOI), prior to development, and through the collection of development impact fees for the funding of 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 facility and equipment needs.

Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from property taxes, sales taxes, participation in a Community Facilities District or similar funding mechanism, and other revenues generated by the project, would fund capital and labor costs associated with fire protection services.

The proposed project would be served by Fire Stations 96 and 91. Station 96 is located approximately 2.1 miles from the project site, and Station 91 is located approximately 1.8 miles from the project site. Both stations' response times are outside of the Department's 4-minute travel-time standard. The addition of 47 units to the existing deficiency will generate a population increase of 151 persons (47 X 3.21 persons per household = 151) outside of the 4-minute travel-time. The Tracy Fire Department will experience increased demand due to a growing industrial/commercial development within its first-due area. Additional future development in the proposed project area will further degrade the Fire Department's ability to adequately serve the area unless a permanent fire station is constructed. Although the project remains outside of the 4-minute travel time standard, the number of incidents generated due to the population increase are low (47 X 3.21 persons per household = 151 X .064 calls per capita = 10 additional calls for service per year).

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 SOI prior to development and through the collection of development impact fees for the funding of facilities. The project will pay its proportionate fair

share toward the construction of a nearby fire station to serve this and other development in the vicinity.

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. This is a **less than significant** impact.

ii) Police Protection

The Tracy Police Department provides police protection services to the City of Tracy. Its headquarters are located at 1000 Civic Center Drive, approximately 3.0 miles east of the project site. There are no satellite offices or plans to construct any in the near future.

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.

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.

The project will also be required to provide additional sources of funding to support what will be on-going operational costs for Fire and Police services in the project area (as well as for Public Works staffing services related to maintenance of landscaping and other improvements within the public right-of-way). The City will therefore impose a condition of approval on the project requiring the developer to establish and fund a Community Facilities District (CFD) or other lawful funding mechanism prior to issuance of any building permits for the project. Alternatively, the developer can propose, subject to City review and approval of an agreement which shall then be recorded, a source of direct funding that will ensure provision of Fire, Police, and Public Works maintenance services for the project area in perpetuity. This option would also be required to be met prior to building permit issuance. With City imposition of this condition of approval, impacts to Fire, Police, and Public Works maintenance services will be **less than significant.**

iii) Schools

Implementation of the proposed project would result in population growth within the City of Tracy, which would likely increase enrollment at schools within the Tracy Unified School District. According to the School District's boundary maps, new elementary school students residing at the project site would attend Melville S. Jacobson Elementary School, middle school students would attend Monte Vista Middle School, and high school students would attend Merrill F. West High School.

Under the provisions of SB 50, a project's impacts on school facilities are fully mitigated via the payment of the requisite new school construction fees established pursuant to Government Code Section 65995. Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from taxes, would ensure that project impacts to school services are **less than significant.**

Mitigation Measures

Mitigation Measure 13: *Prior to the issuance of a building permit, the applicant shall pay applicable school fees mandated by SB 50 to the Tracy Unified School District and provide a receipt of payment to the Tracy Development Services Department.*

iv) Parks

Potential project impacts to parks and recreational facilities are addressed in the following section of this document, and the impact is considered **less than significant**.

v) Other Public Facilities

Other public facilities in the City of Tracy include libraries, hospitals, and cultural centers such as museums and music halls. The proposed project would 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 required by Mitigation Measure 15), and ongoing revenues that would come from taxes, would ensure that project impacts to libraries and public buildings are mitigated to a **less than significant** level.

Mitigation Measures

Mitigation Measure 14: *Prior to the issuance of a building permit, the applicant shall pay applicable Public Building Impact Fees to the City of Tracy.*

XV. 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 increase demand for parks and recreational facilities within the City of Tracy, and would increase the use of the City's existing parks and recreation system. As described in the Tracy General Plan, the City maintains 48 mini-parks, 15 neighborhood parks, and eight community parks, providing approximately 256 acres at 71 sites. The City is also in the process of constructing the Holly Sugar Sports Park at the northern edge of the City, which will provide an additional 166 acres of sports parks, 86 acres of passive recreation area, and a 46-acre future expansion area for additional park facilities.

The City strives to maintain a standard of 4 acres of park land for every 1,000 persons. In order to maintain this standard, the City requires new development projects to either include land dedicated for park uses, or to pay in-lieu fees towards the City's parks program. Chapter 13.12 of the Tracy Municipal Code states that, *"all development projects shall be required to maintain the City standard of four (4) acres of park land per 1,000 population. All development projects, as a condition of approval of any tentative parcel map or tentative subdivision map, or as a condition of approval of any building permit, shall dedicate land to the City or pay a fee in lieu thereof, or a combination of both, in order to maintain this City standard. The precise obligation of any development project to dedicate land or pay a fee pursuant to this section shall be incorporated in the implementing resolution for the park fee applicable to the development project."*

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 Conditions of Approval (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. Additionally, given that the City maintains an ample and diverse range of park sites and park facilities, and collects fees from new development to fund the construction of new parks and the maintenance of existing parks, the additional demand for parks generated by the proposed project would not result in the physical deterioration of existing parks and facilities within Tracy. As such, this is a **less than significant** impact and no mitigation is required.

XVI. TRANSPORTATION/TRAFFIC -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?		X		
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?		X		
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Result in inadequate parking capacity?			X	
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

RESPONSES TO CHECKLIST QUESTIONS

Response a), b): Less than Significant with Mitigation. In order to determine potential impacts related to traffic generated by the proposed project, a Traffic Impact Study was prepared by TJKM Transportation Consultants in September 2015.

TJKM evaluated traffic conditions at the study intersections during a.m. and p.m. peak hours for a typical weekday. The peak periods were observed between 7:00 a.m. - 9:00 a.m. and 4:00 p.m. - 6:00 p.m. TJKM evaluated four (4) intersections in accordance with the standards set forth by the level of service (LOS) policies of City of Tracy and the San Joaquin Council of Governments Congestion Management Program (CMP) in consultation with the city staff:

1. Pavilion Parkway/Power Road
2. Robertson Drive/Auto Plaza Way
3. Auto Plaza Way/Naglee Road
4. Grant Line Road/Power Road.

These intersections were addressed in the traffic assessment to determine if the project would result in an unacceptable level of service (LOS) under either existing (near-term) conditions, or cumulative (future) conditions with the addition of traffic generated by the proposed project. Level of service is a qualitative measure describing operational conditions at an intersection. The LOS generally describes these conditions in terms of average delay per vehicle. Six levels of service are defined and given letter designations from A to F, with LOS A representing the best operating conditions and LOS F the worst.

Thresholds of Significance

To evaluate the impacts on the transportation infrastructure due to the addition of traffic from this project, the study intersections were evaluated in accordance with the standards set forth by the level of service (LOS) policies of City of Tracy and San Joaquin Council of Governments (SJCOG) Congestion Management Program. The City of Tracy has established LOS D, where feasible, as the minimum acceptable LOS for roadway and overall intersection operations. However, there are certain locations where these standards do not apply. The following lists the exceptions to the LOS D standard:

- Within ¼ mile of any freeway, LOS E shall be allowed on roadways and at intersections to discourage inter-regional traffic from using City streets.
- In the Downtown and Bowtie area of Tracy, LOS E shall be allowed.
- At intersections where construction of improvements is not feasible, the LOS may fall below the City's LOS D standard.

During construction of intersection improvements or funded but not yet constructed, the LOS may temporarily fall below the City's LOS D standard.

Existing Intersection Traffic Counts

Traffic operations for the study intersections were evaluated under Existing Conditions for the weekday a.m. and p.m. peak hours based on the turning movement count data. **Table 3** summarizes the levels of service at the study intersections under this scenario.

Under this scenario, all intersections are expected to continue operating within applicable jurisdictional standards of (LOS D) City of Tracy and San Joaquin Council of Governments (SJCOG) Congestion Management Program.

TABLE 3: INTERSECTION LOS- EXISTING CONDITIONS

ID	Intersection	Intersection Control	AM Peak Hour		PM Peak Hour	
			Average Delay	LOS	Average Delay	LOS
1	Pavilion Pkwy & Power Road	All-way Stop	7.6	A	7.7	A
2	Robertson Drive & Auto Plaza Way	Two-Way Stop	10.7	B	12.5	B
3	Auto Plaza Drive & Naglee Road	Two-Way Stop	11.7	B	11.2	B
4	Grant Line Road & Power Road	FUTURE INTERSECTION				

Notes: 1. LOS = Level of Service;
2. Average intersection delay expressed in seconds per vehicle for signalized intersections and all way stop controlled intersections. Total control delay for the worst movement is presented for side-street stop controlled intersections.

Project Trip Generation

Trip generation is defined as the number of "vehicle trips" produced by a particular land use or project. A trip is defined as a one-direction vehicle movement. The total number of trips generated by each land use includes the inbound and outbound trips.

The project trip rates were obtained from the standard reference *Trip Generation,* 9th Edition, published by the Institute of Transportation Engineers (ITE). The trip generation estimates were developed using the trip rate for "Multi Family" (ITE Land Use 220). It is estimated that the proposed project will generate approximately 24 trips during the a.m. peak hour and 29 trips during the p.m. peak hour as shown in **Table 4**.

TABLE 4: PROPOSED PROJECT TRIP GENERATION

Land Use (ITE Code)	Size	Daily	A.M Peak Hour Trips			P.M. Peak Hour Trips		
		Trips	In	Out	Total	In	Out	Total
Multi-family (ITE 220)	47	Units	5	19	24	19	10	29

Source: Trip Generation (9th Edition), Institute of Transportation Engineers (2012)

Project Trip Distribution and Assignment

Trip distribution is the process of determining the proportion of vehicles that would travel between the project site and various destinations in the vicinity of the study area. Trip assignment is the process of determining the various paths vehicles would take from the project site to each destination. The trip distribution assumptions for the proposed project are based on SJCOG/City of Tracy Traffic Demand Model, also based on local knowledge and existing travel pattern. Separate trip distributions are considered for Existing Conditions and Cumulative Conditions because of changes in the roadway network in Cumulative Conditions based on SJCOG/City of Tracy Traffic Demand Model.

Existing Plus Project Conditions

Table 5 summarizes the results of the intersection LOS analysis under this scenario. Under this scenario, all intersections are expected to continue operating within applicable jurisdictional standards of (LOS D) City of Tracy and San Joaquin Council of Governments (SJCOG) Congestion Management Program.

TABLE 5: EXISTING PLUS PROJECT CONDITIONS INTERSECTION LEVELS OF SERVICE

ID	Intersection	Control	Existing				Existing Plus Project			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
			Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
1	Pavilion Pkwy & Power Road	All-way Stop	7.4	A	7.5	A	7.4	A	7.5	A
2	Robertson Drive & Auto Plaza Way	Two-Way Stop	9.9	A	10.8	B	10.0	A	10.9	B
3	Auto Plaza Drive & Naglee Road	Two-Way Stop	11.4	B	11.2	B	11.4	B	11.2	B
4	Grant Line Road & Power Road	FUTURE INTERSECTION								

Notes: 1. LOS = Level of Service;
2. Average intersection delay expressed in seconds per vehicle for signalized intersections and all way stop controlled intersections. Total control delay for the worst movement is presented for side-street stop controlled intersections.

Cumulative Conditions

This section details expected traffic conditions at the study intersections under Cumulative Conditions. This analysis scenario is defined as baseline conditions without the proposed project in Year 2035. TJKM obtained the base cumulative traffic volumes from City's traffic model.

For Intersection (#3) Auto Plaza Drive and Naglee Road as per the City's guidance the lane geometries and stop control has been revised, changing existing side-street stop control to an all-way stop control and restriping the northbound approach to left turn lane only and shared through right turn lane.

For Intersection (#4) Grant Line Road and Power Road, as its future intersection lane geometries were assumed based upon the volumes provided by the City's model for preliminary analysis.

Table 6 summarizes the LOS at the study intersections under the Cumulative Conditions scenario.

The results indicated the following study intersections operate at LOS F in Cumulative Conditions.

- Pavilion Parkway and Power Road (Int # 1) – LOS F in the p.m. peak hour.
- Auto Plaza Way and Naglee Road (Int # 3) – LOS F in the p.m. peak hour.
- Grant Line Road and Power Road (Int # 4) – LOS F in both the a.m. and p.m. peak hour.

TABLE 6: INTERSECTION LOS- CUMULATIVE CONDITIONS

ID	Intersection	Intersection Control	AM Peak Hour		PM Peak Hour	
			Average Delay	LOS	Average Delay	LOS
1	Pavilion Pkwy & Power Road	All-way Stop	24.9	C	452.0	F
2	Robertson Drive & Auto Plaza Way	Two-Way Stop	11.2	B	22.3	C
3	Auto Plaza Drive & Naglee Road	Two-Way Stop	17.3	C	607.9	F
4	Grant Line Road & Power Road	One-way Stop	>55.0	F	>55.0	F

Notes: 1. LOS = Level of Service;
2. Average intersection delay expressed in seconds per vehicle for signalized intersections and all way stop controlled intersections. Total control delay for the worst movement is presented for side-street stop controlled intersections.

Cumulative (2035) Plus Project Conditions

TJKM obtained the base cumulative traffic volumes from City's traffic model. The estimated traffic generated by the proposed project was added to the cumulative base volumes to obtain the Cumulative plus Project Conditions**.**

Table 7 summarizes the results of the intersection LOS analysis under this scenario. The results indicated the following study intersections will operate at LOS F in Cumulative plus Project Conditions.

- Pavilion Parkway & Power Road (Int # 1) – LOS F in the p.m. peak hour.
- Auto Plaza Way & Naglee Road (Int # 3) – LOS F in the p.m. peak hour.
- Grant Line Road & Power Road (Int # 4) – LOS F in both the a.m. and p.m. peak hour.

All three intersections, which are operating at LOS F in the Cumulative plus Project Conditions, can consider a traffic signal as mitigation since they all meet the signal warrant criteria. With a signal and change in lane geometries, all three intersections would operate at acceptable LOS D.

TABLE 7: CUMULATIVE PLUS PROJECT CONDITIONS INTERSECTION LEVELS OF SERVICE

ID	Intersection	Control	Cumulative				Cumulative Plus Project (with Mitigation as Signalized)			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
			Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
1	Pavilion Pkwy & Power Road	All-way Stop	25.4	D	453.1	F	27.3	C	43.3	D
2	Robertson Drive & Auto Plaza Way	Two-Way Stop	11.4	B	22.8	C				
3	Auto Plaza Drive & Naglee Road	Two-Way Stop	17.6	C	611.4	F	8.6	A	14.4	B
4	Grant Line Road & Power Road	One-Way Stop	>55.0	F	>55.0	F	12.9	B	37.7	D

Notes: 1. LOS = Level of Service;
2. Average intersection delay expressed in seconds per vehicle for signalized intersections and all way stop controlled intersections. Total control delay for the worst movement is presented for side-street stop controlled intersections.

Conclusion

TJKM estimated that the proposed project will generate approximately 24 trips (5 inbound trips and 19 outbound trips) during the a.m. peak hour and 29 trips (19 inbound trips and 10 outbound trips) during the p.m. peak hour. Under the Existing and the Existing plus Project Conditions scenarios, all intersections are expected to continue operating within applicable jurisdictional standards of (LOS D) City of Tracy and San Joaquin Council of Governments (SJCOG) Congestion Management Program.

The results indicated the following study intersections operate at LOS F in Cumulative Conditions and Cumulative Plus Project Conditions (unmitigated).

- Pavilion Parkway & Power Road (Int # 1) – LOS F in the p.m. peak hour.
- Auto Plaza Way & Naglee Road (Int # 3) – LOS F in the p.m. peak hour.
- Grant Line Road & Power Road (Int # 4) – LOS F in both the a.m. and p.m. peak hour.

All three of the intersections identified above that are projected to operate at LOS F under Cumulative and Cumulative Plus Project Conditions are currently unsignalized. As shown in Table 7, the signalization of each of these intersections would result in acceptable LOS operations for each intersection under Cumulative Plus Project Conditions.

The signalization of Intersection #1 (Pavilion Parkway and Power Road) is not included in the City of Tracy's Master Plan fee funded infrastructure. As required by Mitigation Measure 15, the Developer shall pay for its fair share of the cost of the future traffic signal at this intersection at the time of issuance of Building Permit. Fair share cost of the Project will be determined by the City Engineer.

The signalization of Intersection #3 (Auto Plaza Way and Naglee Road), and Intersection #4 (Grant Line Road and Power Road) are included in the City of Tracy's Master Plan fee funded infrastructure. The Payment of Traffic Impact Fees by the project applicant would satisfy the obligation of the project towards the future traffic signals at these intersections, as required by Mitigation Measure 16.

The signalization of Intersections 1, 3, and 4 would reduce project-related traffic impacts under Cumulative Plus Project Conditions to a **less than significant** level by providing fair-share payment towards the installation of traffic signals at these intersections, which would improve LOS operations to acceptable levels.

Mitigation Measures

Mitigation Measure 15: *Prior to the issuance of a building permit, the applicant shall pay its fair share of the cost of a future traffic signal at the intersection of Pavilion Parkway and Power Road. Fair share cost of the Project will be determined by the City Engineer.*

Mitigation Measure 16: *Prior to the issuance of a building permit, the applicant shall pay all applicable City of Tracy Traffic Impact Fees. The payment of Traffic Impact Fees would satisfy the*

obligation of the project towards the future traffic signals at the intersections of Auto Plaza Way and Naglee Road, and Grant Line Road and Power Road.

Response c): Less than Significant. The Tracy Municipal Airport is the closest airport to the proposed project site, located approximately 4.8 miles southeast of the site. The Airport is a general aviation airport owned by the City and managed by the Public Works Department. As discussed previously in the Hazards section, the project site is not located within any of the safety restriction zones or within the airport influence area as designated by SJCOG. The proposed project includes a residential structure that would not protrude into active airspace, or disrupt aviation patterns. The distance, and development characteristics precludes the possibility of the proposed project altering aviation patterns or creating aviation hazards. Additionally, the addition of 47 housing units would not be expected to significantly increase air travel demand. Therefore, implementation of the proposed project would not result in any needed changes to airport operations or air travel patterns at the Tracy Municipal Airport. This impact is **less than significant,** and no mitigation is required.

Responses d) and e): **Less than Significant.**

Based on the preliminary site plan, street access to the site will provided via the Aspire Apartment project located directly to the south of the proposed project site, which is connected to the neighboring street grid (e.g., Pavilion Parkway and Power Road).

The proposed site plan provides adequate access to the proposed project site, which would adequately accommodate emergency vehicles. 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. This is a **less than significant** impact and no mitigation is required.

Response f): Less than Significant. The proposed project includes 66 surface parking spaces, 18 carports, 14 single car garages, 6 double car garages, and 11 tandem garages, for a total of 115 parking spaces. Section 10.08.3480 of the Tracy Municipal Code identifies parking requirements for residential projects. The project would require 88 spaces. Since the total number of parking spaces for the proposed project exceeds the spaces required by the City of Tracy, there would be adequate parking capacity provided for the project. This is a **less than significant** impact and no mitigation is required.

Response g): No impact. The project would have no impact on any existing plans or policies related to alternative transportation.

The City of Tracy offers the TRACER bus service. The City of Tracy offers six TRACER bus routes, including commuter routes with morning and afternoon service to most local schools. The Route B bus travels near to the project site, with a nearby stop along Pavilion Parkway, just south of the proposed project site.

The project on-site streets and the adjacent City street network include pedestrian and bicycle facilities. This will be a condition of approval for the proposed project. Future transit stops and routes are identified in the TMP provide mode choice opportunities to project residents.

As described previously, the project applicant will pay the SJCOG and the City Transportation traffic impact fees. These programs include the development of Travel Demand Management principles such as:

- Ride and car sharing
- Ride match assistance
- Preferential car pool parking
- Flexible work schedules and telecommute
- Van pool assistance
- Employer shuttles
- Bicycle racks, lockers and shower

Project implementation would assist the City in providing connections and access to alternative transportation in the project area. Therefore, in regard to this environmental topic there is **no impact**.

XVII. UTILITIES AND SERVICE SYSTEMS -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		X		
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) 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	
f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b) and e): Less than Significant. 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. Currently with the final completed phase the City plans to expand the average dry weather flow treatment capacity of the Plant from 9.0 mgd to 16.0 mgd. The expansion also will result in improvements to the quality of the effluent discharged from the Plant

by upgrading the facility from secondary to tertiary treatment. Design plans on the expansion will commence by late 2016.

The City's WWTP currently treats approximately 9.0 mgd of wastewater. City residents generated an average dry weather flow (ADWF) of 7.6 million gallons per day (mgd). The City's wastewater treatment plant WWTP, has an ADWF design capacity of 10.8 mgd.[3] For this analysis, a unit generation factor of 176 gallons per day of wastewater per residential unit was used.[4] Therefore, the proposed project would generate up to 8,272 gallons per day of wastewater, or 0.008272 mgd of wastewater (47 units x 176 gallons per day). The addition of 0.008272 mgd of wastewater would not exceed the current treatment capacity of the City's WWTP, and the addition of project-generated wastewater would not result in any RWQCB violations related to effluent treatment or discharge. As of January 2015, the City had an unused capacity of approximately 4,200 EDU's (Equivalent Dwelling Units, equal the wastewater demand generated by a single-family residence) within its wastewater treatment plant (WWTP), available to new development within the City on a first-come, first-served basis. These EDU's are available to serve the proposed project, which would generate a wastewater demand of no greater than 47 EDU's.

As other development projects within the City come forward, and building permits are issued, this remaining capacity will be reduced. Accordingly, as noted above and to ensure that capacity at the WWTP is available and sufficient to respond to planned future development demands, the City is proceeding with the next phase of expansion of the WWTP. The development of the 47 units of the project would be required to pay sewer impact fees at time of building permit issuance, ensuring fair-share contribution towards the future WWTP expansion project. With this condition of approval, impacts related to City sewer services will be **less than significant** and no mitigation is required.

A new sewer line of from the proposed Aspire II apartment project to existing gravity sewer line along Auto Plaza drive is needed as shown in Figure 3. This sewer line is considered as an off-site improvement. It is the responsibility of the project proponent to install this new sewer line meeting the City standards.

Responses c): Less than Significant with Mitigation. Development of the project site would place impervious surfaces on the majority of the 2.28-acre 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. Best management practices (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.

A Mitigation Measure identified in the Tracy Citywide Storm Drain Master Plan (Mitigated Negative Declaration 2012) requires that prior to the issuance of grading permits, new

[3] http://www.ci.tracy.ca.us/documents/Tracy_Wastewater_Master_Plan.pdf (does not take into account increased capacity with upgrades)

[4] Wastewater Flow and Loading Generation Factors Tracy Wastewater Master Plan (High Density Residential wastewater generation factor)

development shall be required demonstrate to the satisfaction of the City Engineer that it has incorporated storm drainage facilities that conform to the SDMP and the City's SWQC Manual or that it has incorporated temporary retention facilities when downstream SDMP facilities are not constructed or operational.

All of the storm drainage facilities required for the proposed project would be located on the project site. As such, there is no potential for the project to result in environmental impacts associated with the construction of off-site drainage facilities. The environmental impacts associated with the construction of onsite drainage facilities fall within the project "footprint" and have been addressed throughout this environmental document.

The following mitigation measure requires the project applicant to install a drainage system that meets this performance standard and, prior to issuance of grading permits, provide a drainage plan and report to the City of Tracy for review and approval. With the implementation of the following mitigation measure, drainage impacts would be reduced to **less than significant**.

Mitigation Measure

Mitigation Measure 17: *Prior to the issuance of a building or grading permit, the project applicant shall submit a drainage plan to the City of Tracy for review and approval. The plan shall include an engineered storm drainage plan that includes treatment controls in compliance with the City's 2008 Manual of Stormwater Quality Control Standards for Development and Redevelopment for storm water treatment.*

Response d): Less than Significant. 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 an existing water main located on Auto Plaza Drive. The proposed project's water demand was calculated in a technical memorandum prepared by West Yost Associates. It is estimated that the proposed project would increase the demand for municipal water supplies by 14 acre feet per year (afy), which accounts for residential water usage, landscape irrigation and unaccounted-for water (UAFW). The peak hour demand for water was determined to be 29.6 gallons per minute and 0.04 mgd.

The West Yost Associates technical memorandum also provides a series of water system improvements that are required to serve the proposed project. Implementation of these improvements would be sufficient to allow sufficient water supply for the proposed project. These improvements include:

- On-site pipelines to serve the proposed project;
- Existing water system pipeline improvements as identified in the Master Plan; and
- Design and construction of a new Catellus Tank and Booster Pump Station, as identified in the 2012 Citywide Water System Master Plan, should be expedited by the City to support additional water demands from new developments (including this proposed Project) located on the west side of Pressure Zone 1.

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 2011 City of Tracy Urban Water Management Plan- Public Review Draft, Tracy's maximum annual water supply amounts to over 31,500 acre feet per year from its various supply sources. Future agreements may increase the City's available water supply to over 49,500 acre feet per year.

In recent years, demand for potable water in the City of Tracy has been trending downward. The 2010 total water demand in the City was 16,603 afy. The addition of the project's water demand 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. This is a **less than significant** impact and no mitigation is required.

Responses f) and g): 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 51 million tons, of which approximately 45 million tons 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, beyond levels normally found in residential developments. The proposed project would not generate hazardous waste or waste other than common household solid waste. As described above, there is adequate landfill capacity to serve the proposed project. This is a **less than significant** impact.

XVIII. 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

Responses a), b), c): Less than Significant. As described throughout the analysis above, the proposed project would not result in any significant impacts to the environment that cannot be mitigated to a less than significant level. The proposed project is required to implement mitigation measures that would reduce any potentially significant impacts to a less than significant level. The project would not result in any cumulative impacts. These are **less than significant** impacts.

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Aspire II Apartments Conditions of Approval
Application Number D15-003
Planning Commission
January 13, 2016

These Conditions of Approval shall apply to the real property described as the Aspire II Apartments Project; proposed 47 multi-family residential units on approximately 2.28 acres located on the south side of Auto Plaza Drive, west of its intersection with Auto Plaza Way, Assessor's Parcel Number 212-270-24; Application Number D15-003.

A. The following definitions shall apply to these Conditions of Approval:

1. "Applicant" means any person, or other legal entity, defined as a "Developer".

2. "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.

3. "City Regulations" means all written laws, rules and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design documents (the Streets and Utilities Standard Plans, Design Standards, Parks and Streetscape Standard Plans, Standard Specifications, and Manual of Storm Water Quality Control Standards for New Development and Redevelopment, and Relevant Public Facilities Master Plans).

4. "Conditions of Approval" shall mean the conditions of approval applicable to the Aspire II Apartments Project, proposed 47 multi-family residential units on approximately 2.28 acres located on the south side of Auto Plaza Drive, west of its intersection with Auto Plaza Way, Assessor's Parcel Number 212-270-24, Application Number D15-003. The Conditions of Approval shall specifically include all Development Services Department conditions, including Planning Division and Engineering Division conditions set forth herein.

5. "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.

6. "Project" means the real property consisting of approximately 2.28 acres located on the south side of Auto Plaza Drive, west of its intersection with Auto Plaza Way, Assessor's Parcel Number 212-270-24, Application Number D15-003.

7. "Property" means the real property generally located on the south side of Auto Plaza Drive, west of its intersection with Auto Plaza Way, Assessor's Parcel Number 212-270-24.

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

B. General Conditions of Approval:

1. 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 Subdivision Map Act (Government Code sections 66410, *et seq*.), the California Environmental Quality Act (Public Resources Code sections 21000, *et seq*., "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 15000, *et seq*., "CEQA Guidelines").

2. Unless specifically modified by these Conditions of Approval, the Project shall comply with all City Regulations.

3. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the Aspire II Apartments Project Mitigated Negative Declaration dated November 2015.

4. 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.

5. Except as otherwise modified herein, all construction shall be consistent with the plans received by the Development and Engineering Services Department on September 29, 2015.

6. Prior to the issuance of a building permit, the applicant shall provide a detailed landscape and irrigation plan consistent with City landscape and irrigation standards, including, but not limited to Tracy Municipal Code Section 10.08.3560, the City's Design Goals and Standards, and the applicable Department of Water Resources Model Efficient Landscape Ordinance on private property, and the Parks and Parkways Design Manual for public property, to the satisfaction of the Development Services Director.

7. The landscape plan referenced in Condition of Approval Number 6, above, shall include documentation which demonstrates there is no less than 20 percent of the parking area in landscaping, and 40 percent canopy tree coverage at tree maturity in accordance with City Regulations; and shall include large canopy trees within the planters along the project's east and west property lines spaced no greater than 40 feet apart, with smaller accent trees planted within each space between all of the canopy trees to the satisfaction of the Development Services Director. Newly planted, on-site trees shall be a minimum size of 24-inch box and shrubs shall be a minimum size of five gallons.

8. Where landscape planters are parallel and adjacent to vehicular parking spaces, the planter areas shall incorporate a 12-inch wide concrete curb along their perimeter that is adjacent to the parking space in order to allow access to vehicles without stepping into landscape planters.

9. Prior to the issuance of a building permit, an Agreement for Maintenance of Landscape and Irrigation Improvements shall be executed and financial security submitted 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.

10. 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 Power Road, Pavilion Parkway, Auto Plaza Drive, or any other public right-of-way. All roof-mounted equipment shall be contained within the roof well or screened from view from the public rights-of- way by the roof of the building, to the satisfaction of the Development Services Director.

11. All vents, gutters, downspouts, flashing, electrical conduit, and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.

12. Prior to final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into the public rights-of-way, to the satisfaction of the Development Services Director.

13. 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 Development Services Director.

14. 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 Development Services Director.

15. Prior to the issuance of a building permit, a lot line adjustment or other instrument shall be approved by the City and recorded to effectively merge the lots of the Aspire I and II Project sites into one lot, to the satisfaction of the Development Services Director.

16. No signs are approved as a part of this development application. Prior to the installation of any signs, the applicant shall submit a sign permit application and receive approval from the Development Services Director in accordance with City Regulations.

17. Prior to the issuance of a building permit, the Developer shall submit detailed trash and recycling enclosure plans which include the following, to the satisfaction of the Development Services Director: the walls shall be of masonry construction, at least eight feet in height, include solid metal doors, a solid roof, and an interior perimeter concrete curb. The enclosures shall include exterior color and material compatible with the adjacent or nearby building exterior. This may also include use of Aspire I trash and recycling facilities and services, requiring Developer submittal of details to the City.

18. Prior to the issuance of a building permit, the developer shall design a recycling program

consistent with State Assembly Bill 341, to the satisfaction of the Public Works Director. The program shall include or have access to enclosures with adequate space for both refuse and recycling and shall be incorporated with the trash and recycling enclosures described in Planning Division Condition of Approval Number 17, above. Each enclosure shall have signs that clearly indicate refuse and recycling locations as well as prohibition of scavenging. The program shall include recycling options or elements at the pool area and other common areas for the tenants.

19. Prior to final inspection for any residential unit of the project, the Developer shall construct an eight-foot tall masonry wall, CMU (as measured from the taller grade on either side of the wall) along the project's west and east property lines. The wall shall be designed with materials and colors compatible with the on-site building exterior and shall have split face block finish on both sides of the wall, not a smooth, combed, or other finish, to the satisfaction of the Development Services Director.

20. Prior to the issuance of a building permit, the developer shall document compliance with the City of Tracy Manual of Stormwater Quality Control Standards for New Development and Redevelopment (Manual) to the satisfaction of the Utilities Director, which includes the requirement for Site Design Control Measures, Source Control Measures and Treatment Control Measures under the guidelines in a project Stormwater Quality Control Plan (SWQCP). Compliance with the Manual includes, but is not limited to, addressing outdoor storage areas, loading and unloading areas, trash enclosures, parking areas, any wash areas and maintenance areas. The SWQCP must conform to the content and format requirements indicated in Appendix D of the Manual and must be approved by the Utilities Director prior to issuance of grading or building permits.

21. The project shall comply with all applicable provisions of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, including Incidental Take Minimization Measures applicable at the time of permit and a pre-construction survey prior to ground disturbance, to the satisfaction of San Joaquin Council of Governments.

22. The developer shall design the carports in substantial conformance with the design received by the Development Services Department on September 29, 2015 to the satisfaction of the Development Services Director.

23. Prior to issuance of a building permit, the developer shall design and demonstrate that all buildings will be construction with NFPA 13-R automatic sprinkler systems and fire smoke alarm systems, with monitoring, all buildings with fire sprinklers with City to the satisfaction of the Chief Building Official.

24. All usable open space area improvements shall be designed and improved consistent with City standards to the satisfaction of the Development Services Director.

25. The "metal fence" and gates identified adjacent to the public streets, if constructed, shall be designed and constructed in accordance with City standards and, while providing site security, shall be of a decorative nature, such as wrought iron or tube steal construction, such that spaces in the fence elements result in the fence being predominantly "see through" and do not create a visual barrier. The color, material, and other design elements of the fence shall be compatible with the on-site building architecture, and the height shall be the minimum necessary to provide reasonable security but not over 72 inches tall, to the mutual satisfaction of the Developer and the Development Services

Director. Any gates at project entries shall be designed to provide reasonable access by emergency vehicles and located such that vehicle stacking or queuing does not occur in the public right-of-way, to the satisfaction of the Development Services Director.

26. All exterior building colors shall be consistent with City standards and obtain approval by the Development Services Director prior to issuance of a building permit for the project.

27. Prior to final inspection or certificate of occupancy, the developer shall provide an emergency responder radio coverage system in accordance with Section 510 of the 2013 California Fire Code to the satisfaction of the City Building Official/ Fire Marshal.

28. Prior to the issuance of a building permit, the developer shall provide detailed plans demonstration fire hydrants located outside the collapse zone of the building in accordance with the 2013 California Fire Code to the satisfaction of the City Building Official/ Fire Marshal.

29. Prior to occupancy of final inspection, all emergency vehicle access locations shall be equipped with Opti-com for both emergency ingress to the complex and egress from the complex (including battery backup or manual means of operating gate during power outage and Knox Switch) to the satisfaction of the Building Official/Fire Marshall.

30. Before approval of the first building permit, the applicant shall do one of the following, subject to the approval of the Administrative Services Director:

a. CFD or other funding mechanism. The applicant shall enter into an agreement with the City, which shall be recorded against the property, which stipulates that prior to final inspection or certificate of occupancy, the applicant will form a Community Facilities District (CFD) or establish another lawful funding mechanism that is reasonably acceptable to the City for funding the on-going operational costs of providing Police services, Fire services, Public Works services and other City services to serve the Project area. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. Upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment.

Or

b. Direct funding. The applicant shall enter into an agreement with the City, which shall be recorded against the property, which stipulates that prior to final inspection or certificate of occupancy, the applicant will fund a fiscal impact study to be conducted and approved by the City to determine the long term on-going operational costs of providing Police services, Fire services, Public Works services and other City services to serve the Project area, and deposit with the City an amount necessary, as reasonably determined by the City, to fund the full costs in perpetuity as identified by the approved study.

31. The project plans (grading, improvement and building permit plans) shall include a pedestrian access for use by apartment residents for connection to Auto Plaza Drive, to the satisfaction of the Development Services Director. The gate (if gated), and its pathway leading from the apartment building to the Auto Plaza Drive frontage and sidewalk, shall

be designed consistent with project plan wall and fence designs, City standards and applicable CCR Title 24 accessibility standards, to the satisfaction of the City of Tracy Building Official.

32. The project plans (grading, improvement and building permit plans) shall be include a general circulation driveway access connection (which may be gated with secure access for residents and emergency vehicles only) to Auto Plaza Drive at the northeast corner of the project site, replacing project plans calling for use of a gated emergency vehicle access to the satisfaction of the Development Services Director. The driveway and its encroachment onto Auto Plaza Drive shall be designed consistent with City standards, and shall also be subject to approval of an encroachment permit from the City.

C. Engineering Division Conditions of Approval

C.1. General Conditions

C.1.1. Developer shall comply with the applicable recommendations of the technical analyses and reports prepared for the Project listed as follows:

a. *City of Tracy Wastewater System Fee for Aspire II Apartment Project* prepared by CH2MHill, dated July, 2015 *("WW Analysis"),* and any subsequent amendments or updates.

b. *Hydraulic Evaluation of Aspire II* Technical Memorandum prepared by West Yost Associates, dated July 30, 2015, and any subsequent amendments or updates.

c. *Traffic Impact Study Report Aspire II Residential Development* ("*Traffic Analysis*") prepared by TJKM Transportation Consultants, dated October 13, 2015, and any subsequent amendments or updates.

C.1.2. Developer shall comply with all applicable requirements and pay applicable fees specified in the Finance Plan for I-205 Specific Plan Parcel GL-2.

C.2. Grading Permit

The City will not accept grading permit application for the Project as complete until the Developer has provided all relevant documents related to said grading permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

C.2.1. Grading and Drainage Plans prepared on a 24" x 36" size polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil Engineer.

C.2.2. Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.

C.2.3. Three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) for the Project with a copy of the Notice of Intent (NOI) submitted to the State Water Quality Control Board (SWQCB) and any relevant documentation or written

approvals from the SWQCB, including the Wastewater Discharge Identification Number (WDID#).

a. After the completion of the Project, the Developer is responsible for filing the Notice of Termination (NOT) required by SWQCB. The Developer shall provide the City with a copy of the completed Notice of Termination.

b. The cost of preparing the SWPPP, NOI and NOT, including the filing fee of the NOI and NOT, shall be paid by the Developer.

c. The Developer shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the applicable provisions of the City's Storm Water Management Program.

C.2.4. Two (2) sets of the Project's Geotechnical Report signed and stamped by a licensed Geotechnical Engineer licensed to practice in the State of California. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, pavement design recommendations, and elevation of the highest observed groundwater level.

C.2.5. Two (2) sets of Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system and for determining the size of the project's storm drainage connection.

C.2.6. Documentation of any necessary authorizations from Regional Water Quality Control Board (RWQCB) such as NOI and WDID and documents such as SWPPP.

C.3. Encroachment Permit

No applications for encroachment permit will be accepted by the City as complete until the Developer provides all relevant documents related to said encroachment 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.3.1. Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (mylar) that incorporate all the requirements described in these Conditions of Approval. 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.3.2. Two (2) sets of structural calculations, as applicable, signed and stamped by a Structural Engineer licensed in the State of California, as required in Condition C.4.1.b., below.

C.3.3. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.

C.3.4. If required, a signed and notarized Offsite Improvement Agreement (OIA) and Improvement Security, to guarantee completion of the identified public improvements that are necessary to serve the Project as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with Section 12.36.080 of the Tracy Municipal Code (TMC), and the OIA. The Developer's obligations in the OIA shall be deemed to be satisfied upon City Council's acceptance of the public improvements and release of the Improvement Security.

C.3.5. Check payment for the applicable engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by these Conditions of Approval. The engineering review fees will be calculated based on the fee rate adopted by the City Council on April 15, 2014, per Resolution 2014-059.

C.3.6. Traffic Control Plan, if necessary, signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California, as required in Condition C.4.6, below.

C.3.7. A signature block on the Civil Improvement Plans for the City of Tracy's Fire Code Official signature on the Utility Improvement Plans indicating their approval for the Project's fire service connection and fire and emergency vehicle access. The written approval from the Fire Department required in this section shall be obtained by the Developer, prior to City Engineer's signature on the improvement plans.

C.4. Improvement Plans - 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" x 36" size 4-mil thick polyester film (mylar) and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. The Improvement Plans shall be completed to comply with City Regulations, these Conditions of Approval, and the following requirements:

C.4.1. Grading and Storm Drainage Plans

Site Grading:

a. Include all proposed erosion control methods and construction details to be employed and specify materials to be used. 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. An engineered fill may be accepted as a substitute of a retaining wall, if the grade differential is less than 2 feet and subject to approval by the City Engineer. The Grading and Storm Drainage Plans must show the extent of the slope easement(s). The Developer 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.

c. Grading for the site shall be designed such that the Project's storm water can overland release to a public street that has a functional storm drainage system with adequate capacity to drain storm water from the Project Site, in the event that the on-site storm drainage system fails or it is clogged. The storm drainage release point is recommended to be at least 0.70 foot lower than the building finish floor elevation and shall be improved to the satisfaction of the City Engineer.

C.4.2. Storm Drainage

a. The Developer shall design and install the Project's permanent drainage connection(s) to the City's existing storm drainage facility

located on Auto Plaza Drive per City Regulations and as approved by the City Engineer. Storm drainage calculations for the sizing of the on-site storm drainage system must be submitted with the Improvement Plans and approved by City's Stormwater Coordinator prior to issuance of the Grading Permit for the Project.

b. The design and construction details of the Project's storm drainage connection shall meet City Regulations and shall comply with the applicable requirements of the City's Storm Water Quality Control Standards and Storm Water Regulations that were adopted by the City Council in 2008.

c. Stormwater Treatment Facilities Maintenance Agreement: Prior to the final inspection of the building, the Developer shall submit a signed and notarized Stormwater Treatment Facilities Maintenance Agreement (STFMA) as a guarantee for the performance of Developer's responsibility towards the repair and maintenance of on-site storm water treatment facilities.

C.4.3. Sanitary Sewer Improvement Plans

a. The Developer shall design and install sanitary sewer facilities including the Project's sewer connection in accordance with City Regulations and utility improvement plans approved by the City Engineer. The 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 Plan No. 203. The City's responsibility to maintain on the sewer lateral is from the wye fitting to the point of connection with the sewer main.

b. The Developer is responsible for the cost of installing the Project's permanent sewer connection to the existing sewer line in Auto Plaza Drive including but not limited to, replacing asphalt concrete pavement, application of 2" thick asphalt concrete overlay (25 feet on both sides of the utility trench) where required, restoring pavement marking and striping, and other improvements that are disturbed as a result of installing the Project's sewer connection.

c. The Developer is hereby notified that the City has limited wastewater treatment capacity in the City's Wastewater Treatment Plant until current and future expansion capital improvement projects are completed and operational. As of January 2015, the City had an unused capacity of approximately 4200 EDU's within its wastewater treatment plant available to new development within the City on a first come-first served basis. These EDU's are currently available to serve the proposed project, but as other development projects within the City come forward and building permits are issued, this remaining capacity will be reduced.

C.4.4. Water Distribution System

a. All costs associated with the installation of the Project's water connection(s) as identified in the "*Water Analysis*" including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping, relocating existing utilities that may be in conflict with the water connection(s), and other improvements shall be paid by the Developer.

b. Domestic and Irrigation Water Services – The Developer shall design and install 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 Regulations.

(1) The domestic and irrigation water service connection(s) must be completed before the final inspection of the building. Sub-metering will be allowed within private property.

(2) The City will not perform water consumption reading on sub-meters.

(3) The Developer will be responsible for relocating or reinstalling water sub-meters.

(4) The City shall maintain water lines from the master water meter to the point of connection with the water distribution main (inclusive) only.

(5) Repair and maintenance of all on-site water lines, laterals, sub-meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer.

c. Fire Service Line - The Developer shall design and install fire hydrants at the locations approved by the City's Fire Code Official and Chief Building Official. Prior to the approval of the Improvement Plans, the Developer shall obtain written approval from the City's Fire Code Official and Chief Building Official, 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.

d. During the construction phase 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 required by the City of Tracy Fire Code Official.

e. Interruption to the water supply to the existing businesses and other users shall be kept to a minimum to facilitate construction of off-site improvements related to the Project. 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 offsite water mains and connections. The 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 72 hours before start of work.

C.4.5. Street Improvements

a. Frontage Improvements on Auto Plaza Drive: Prior to issuance of the final certificate of occupancy, the Developer shall design and install improvements on Auto Plaza Drive which shall include replacement of damaged or disturbed curb, gutter and sidewalk, installation of driveways, storm drains, manholes and other improvements as determined by the City Engineer. In addition, the Developer shall overlay street pavement for all utility trench cuts as required in Condition C.4.7 below.

b. The roadway improvements described in these Conditions of Approval must be designed and constructed by the Developer to meet the applicable requirements of the latest edition of the California Department of Transportation Highway Design Manual (HDM) and the California Manual of Uniform Traffic Control Devices (MUTCD), the applicable City Regulations, and these Conditions of Approval prior to final inspection of the first building to be constructed within the Property.

c. Irrigation and Landscaping Plans - All parkway landscaping improvements along the frontage of the Property on Auto Plaza Drive shall be designed and constructed in accordance with City Regulations. Design and construction details of these improvements shall be included in the Irrigation and Landscaping Plans. The Developer shall be responsible for maintenance of any landscaping improvements located outside of the fence along Auto Plaza Drive.

d. Project Driveways:

Primary access to the Aspire II Project shall be through the Aspire I Apartments Project Entry Drive on Pavilion Parkway. As is shown on the Aspire II Preliminary Development Plans prepared by LPAS Architecture + Design (dated June 19, 2015), the Aspire II project will construct a 26-foot wide drive aisle connection to the Aspire I central drive aisle at the common boundary line between the Aspire I and Aspire II parcels.

The Aspire II Project shall construct a secondary driveway for Emergency Vehicle Access at the northeast corner of the project along Auto Plaza Drive in accordance with the recommendations of the *Traffic Analysis* and City Regulations. Design details of the EVA access including the gate access shall be shown on the Improvement Plans and shall be approved by City Fire Code Official.

C.4.6. Joint Utility Trench Plans

Developer shall prepare joint trench plans in compliance with utility companies' requirements and City regulations, and obtain approval of the plans. All private utility services to serve Project such as electric, telephone and cable TV to the

building must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities.

a. The Developer shall submit Joint Utility Trench Plans for the installation of electric, gas, telephone and TV cable main and service lines that are necessary to be installed to serve the Project. These utilities shall be installed within the existing 10-feet wide Public Utility Easement (PUE). The Developer shall coordinate, as feasible, with the respective owner(s) of the utilities for the design of these underground utilities to ensure they can be installed within the 10-feet wide PUE to the extent feasible (and except in the event, that additional space beyond the 10-feet PUE is required, as determined by the utilities owner(s)).

C.4.7. Street Cuts - Pavement cuts or utility trench(s) on existing street(s) for the installation of water distribution main, storm drain, sewer line, electric, gas, cable TV, and telephone will require the application of 2" asphalt concrete overlay and replacement of pavement striping and marking that are disturbed during construction. The limits of asphalt concrete overlay shall be 25 feet from both sides of the trench, and shall extend over the entire width of the adjacent travel lane(s) if pavement excavation encroaches to the adjacent travel lane or up to the street centerline or the median curb. If the utility trench extends beyond the street centerline, the asphalt concrete overlay shall be applied over the entire width of the street (to the lip of gutter or edge of pavement, whichever applies). This pavement repair requirement is applicable when cuts or trenches are perpendicular to the street direction; when the new joint trench is placed in the street parallel to the street direction; the width of overlay is to be the width of the affected lane.

C.5. Building Permit - No building permit will be approved by the City until the Developer demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

C.5.1. Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC, and these Conditions of Approval.

C.5.2. Payment of the Agricultural Conversion or Mitigation Fee as required in Chapter 13.28 of the TMC, and these Conditions of Approval.

C.5.3. Payment of the Regional Transportation Impact Fees (RTIF) as required in Chapter 13.32 of the TMC, and these Conditions of Approval.

C.5.4. Payment of the Fair Share Costs for Future Traffic Signal at Pavilion Parkway and Power Road: The future intersection of Pavilion Parkway and Power Road will operate at a Level of Service of "F" under the *Cumulative (2035) Plus Project Conditions* scenario. To mitigate this impact, prior to the issuance of any building permit for the Aspire II Apartments project, the Developer shall pay for its fair share of the cost of the future traffic signal at this intersection with the Fair share cost to be determined by the City Engineer.

C.5.5. The Project is within the boundaries of the I-205 Specific Plan Parcel GL-2. Payment of applicable development impact fees (a.k.a. capital in-lieu fees) as specified in the Project's Finance Plan and all fees as required in the I-205 Infrastructure Cost Allocation Spreadsheet (recent version) and the I-205 Corridor Specific Plan Finance & Implementation Plan (1-205 FIP) update and these Conditions of Approval. The Developer shall also pay to the City the Project's fair share of the cost of the Non-program Streets and Non-program Traffic Signals within the 1-205 Specific Plan Area in accordance with 1-205 North Roadway Funding Study approved by the City, and as shown on the Project's Finance Plan, 1-205 Infrastructure Cost Allocation Spreadsheet (recent version) and the 1-205 FIP update.

C.6. Acceptance of Public Improvements - Public improvements will not be accepted by the City Council until after the Developer completes construction of the relevant public improvements, and also demonstrates to the City Engineer satisfactory completion of the following:

C.6.1. Correction of all items listed in the deficiency report prepared by the assigned Engineering Inspector relating to public improvements subject to City Council's acceptance.

C.6.2. Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Developer, the City shall temporarily release the originals 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. Temporary or Final Building Certificate of Occupancy - No Temporary or Final Building Certificate of Occupancy will be issued by the City until the Developer provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:

C.7.1. The Developer has satisfied all the requirements set forth in Condition C.6, above.

C.7.2. 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. All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Regulations, and City's Design documents including the City's Facilities Master Plan for storm drainage, roadway, wastewater and water adopted by the City, or as otherwise specifically approved by the City.

C.8.2. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Developer shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection. The 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.8.3. All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers. Any damaged, displaced, obliterated or lost monuments or survey markers shall be re-established or replaced by a licensed Land Surveyor at the Developer's (or Contractor's) sole expense. A corner record must be filed in accordance with the State law for any reset monuments (California Business and Professions Code Section 8871).

C.8.4. Developer, and/or owner of record, is responsible for assuring the maintenance of the public improvements installed in the right-of-way for Auto Plaza Drive. The public improvements include, but are not limited to, street landscaping, sidewalk, and improvements as defined in California Streets and Highway Code Sections 22525 et. seq. Developer shall be responsible for all formation costs. To comply with this obligation, Developer, and/or owner of record, shall evidence one of the following prior to City's acceptance of the public landscape improvements: (i) participation in an existing Landscape Maintenance District (LMD), or (ii) formation of a new Landscape Maintenance District. If the Property is not annexed to an existing or new LMD and the collection of assessment have not started prior to City's acceptance of the public landscape improvements, the Developer shall submit a cash deposit, to pay for cost of services and expenses incurred by the City in maintaining the landscape improvements. The amount of cash deposit shall be determined by the City's Public Works Department at the time of review of improvement plans. City will return any unused portion of the cash deposit, after the Developer submits documentation evidencing that assessments have been levied on the Property and that collection of assessments have started. City will not accept the public landscape improvements until all the requirements in this section are satisfied to the satisfaction of Director of Engineering and Development Services. The Developer is still required to contribute towards cost of maintaining public landscaping that are away from the Project, that are located within the Landscape Maintenance District zone for which the Property is responsible to pay for.

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 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.

RESOLUTION 2016 -_____

RECOMMENDING ADOPTION OF A MITIGATED NEGATIVE DECLARATION FOR THE ASPIRE II APARTMENTS, DENIAL OF A GENERAL PLAN AMENDMENT (GPA15-002), DENIAL OF I-205 CORRIDOR SPECIFIC PLAN AMENDMENT/ PUD CONCEPT DEVELOPMENT PLAN (SPA15-001), AND DENIAL OF A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN (D15-003),

WHEREAS, Applications have been filed or initiated for a General Plan Amendment to re-designate approximately 2.28 acres from Commercial to Residential High; amend the I-205 Corridor Specific Plan designation from General Commercial to High Density Residential (HDR); and approve a Planned Unit Development Preliminary and Final Development Plan for the 47-unit residential apartment complex, collectively, the "Project", and

WHEREAS, The subject property is located on the south side of Auto Plaza Drive, northwest of its the intersection with Auto Plaza Way, Assessor's Parcel Number 212-270-24, and

WHEREAS, In addition to retail, office, and other commercial land uses, the Commercial land use designation provides for residential development in the density ranges permitted in the Residential High designation (12.1 to 25 dwelling units per gross acre), and

WHEREAS, The Project includes a request to amend the General Plan designation of the site to Residential High in order for the General Plan Land Use Designations Map to more specifically reflect the high-density residential land use of this Project, and

WHEREAS, The Project has been evaluated in accordance with California Environmental Quality Act (CEQA) Guidelines, and a Mitigated Negative Declaration is proposed which would reduce any potentially significant environmental impacts to levels of insignificance, and is proposed for adoption, and

WHEREAS, the Planning Commission conducted a public hearing on the Aspire II project at its December 16, 2015 meeting. At the meeting, the Planning Commission expressed concerns with the design of the Aspire II project with respect to pedestrian and vehicular access, requesting the applicant reconsider site design to include provision of a gated resident pedestrian access and vehicular driveway to Auto Plaza Drive, and continued the public hearing to its meeting of January 13, 2016.

The Planning Commission determined that additional pedestrian and vehicular access was needed to adequately serve the residents of the Aspire II project, and that such increased access was appropriate based on the following:

1) Concerns regarding the need for additional project access are supported by the City's Design Goals and Standards, which include provisions calling for use of a high-quality site design and ensuring appropriate relationship of multi-family residential units to the street, and

2) The following General Plan Objectives and Policies apply to the Aspire II project with respect to pedestrian and vehicular access:

- LU-4.2, Policy P2. Direct, pedestrian connections shall be created between residential areas and nearby commercial areas.
- Objective CC-1.1, Policy P3: All new development and redevelopment shall adhere to the basic principles of high-quality urban design, architecture and landscape architecture including, but not limited to, human-scaled design, pedestrian-orientation, interconnectivity of street layout, siting buildings to hold corners, entryways, focal points and landmarks.
- Objective CC-2.1 Maximize direct pedestrian, bicycle and vehicle connections in the city.
- Objective CC-2.2, P1. The Downtown and Village Centers shall have direct pedestrian, bicycle and vehicular connections to all Neighborhoods or development projects within an Employment Area.
- P2. Neighborhoods shall have direct pedestrian, bicycle and vehicular connections to their Focal Points and Village Center, compatible with the character, circulation network, and general configuration of the neighborhoods.
- Objective CIR-3.1, P4. The City's bicycle and pedestrian system shall have a high level of connectivity, especially between residences and common local destinations, such as schools, shopping and parks.

WHEREAS, The project does not include changes to the site plan regarding additional pedestrian and vehicular access as requested by the Planning Commission, and

WHEREAS, The project was reconsidered at the continued public hearing held by the Planning Commission on January 13, 2016. The Aspire II project design does not comply with the above-noted City Design Goals and Standards, and does not comply with the applicable General Plan Objectives and Policies;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission as follows:

1. Mitigated Negative Declaration

The project was evaluated under an Initial Study which evaluated potential environmental impacts associated with project development. Based on the analysis contained in the Initial Study, mitigation measures were identified which would reduce potentially significant impacts to levels of insignificance. Therefore, a Mitigated Negative Declaration has been prepared for the project.

The Planning Commission recommends that the City Council adopt the Mitigated Negative Declaration, Exhibit 1.

2. General Plan Amendment (Application Number GPA15-002)

The Planning Commission recommends that the City Council deny the General Plan Amendment to re-designate the site from Commercial to Residential High based on the above findings regarding project pedestrian and vehicular access.

3. I-205 Corridor Specific Plan Amendment (Application Number SPA15-001)

The Planning Commission recommends that the City Council deny the I-205 Corridor Specific Plan amendment application based on the above findings regarding project pedestrian and vehicular access.

4. Planned Unit Development Preliminary and Final Development Plan (Application Number D15-003)

The Planning Commission recommends that the City Council deny the Project Planned Unit Development Preliminary and Final Development Plan application based on the above findings regarding project pedestrian and vehicular access.

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

The foregoing Resolution 2016-_____, was adopted by the Planning Commission on the 13th day of January 2016, by the following vote:

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

_____
CHAIR

ATTEST:

_____
STAFF LIAISON

January 13, 2016

AGENDA ITEM 2-A

REQUEST

PUBLIC HEARING TO CONSIDER A 226-UNIT RESIDENTIAL SUBDIVISION OF APPROXIMATELY 59.1 ACRES LOCATED ON THE EAST SIDE OF LAMMERS ROAD, NORTH OF REDBRIDGE ROAD, ASSESSOR'S PARCEL NUMBERS 240-060-26 AND 240-060-27. THE PROJECT INCLUDES A GENERAL PLAN DESIGNATION AMENDMENT FROM URBAN RESERVE (UR-8) TO RESIDENTIAL LOW (GPA13-0006), REZONING FROM LOW DENSITY RESIDENTIAL (LDR) TO PLANNED UNIT DEVELOPMENT (PUD), A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN (PUD15-0001), AND VESTING TENTATIVE MAP (TSM15-0001) FOR THE PROJECT. A MITIGATED NEGATIVE DECLARATION IS THE PROPOSED ENVIRONMENTAL DOCUMENT FOR THE PROJECT. THE APPLICANT IS BATES STRINGER TRACY II LLC, AND THE PROPERTY OWNER IS CALENDEV, LLC.

DISCUSSION

Project Description

The proposed project, being developed under the name of Rocking Horse, includes a total of 226 single-family detached housing units on an approximately 59.1-acre Project site, located along the east side of Lammers Road, north of Redbridge Road (see Attachment A). The project would consist of low-density residential development, developed at a density of approximately 3.82 units per acre. Lot sizes would range between 5,672 and 15,844 square feet, with an average lot size of 7,194 square feet. Lot sizes are generally broken into two different types, with corresponding home designs for each of the two lot types – smaller lots (those with a minimum of 63' x 90' dimensions – a total of 165 lots), and larger lots (those with a minimum of 90' x 100' dimensions – a total of 61 lots). Lots would be generally uniform in nature (rectangular shaped), while proposed corner lots and lots on the periphery are generally larger and not uniform in shape. The southern portion of the project site includes 2.4-acres of private park space for the exclusive use by project residents. Attachment A contains an aerial photograph of the project site and surrounding properties, project's proposed site plan, exterior elevations, and floor plans.

Existing Land Uses

The Project site currently consists of agricultural land, and one residential structure. Historically, the site was developed with orchard trees, but they have since been removed. Recent agricultural production on the site consists of agricultural grass crop production, most recently alfalfa hay. A treeline is located along the western edge of the Project site, and one tree is present within the interior of the site. A total of 128 trees are located on the Project site. The parcel (APN 240-060-27) located on the west-central portion of the Project site is a 3-acre lot with one single-family residential home that is currently occupied, but will be vacated and removed upon project implementation.

Surrounding Land Uses

Lands to the south and east of the Project site consist of single-family residential uses. The parcels adjacent to the north, and to the west across South Lammers Road consist of agricultural uses (alfalfa fields, and cattle grazing). Further north approximately 0.35 miles is John C. Kimball High School. Single-family residential land uses are located further north and east of the Project site. Furthermore, there are several large-lot ranchette style homes to the northwest of the Project site across South Lammers Road.

Building Design

The project proposes to utilize 7 different models, each with 3 different elevations for a total of 21 different design plans. The plans call for use of varied styles, including Cottage, Traditional, Mission, Farmhouse and Craftsman detailing. The homes have appropriate detailing and use of varied construction materials.

For homes built on the smaller lots of the project, there would be 4 different models with 3 elevations, for a total of 12 designs. These homes would utilize 2 1- and 2 2-story designs, with maximum heights of 30 feet. Homes built on the larger lots of the project would include 3 different models with 3 elevations, for a total of 9 designs. These homes would be 2 stories, with maximum heights of 30 feet. Home sizes in the project are proposed from 2,366 to 3,856 square feet.

Noted is that the City's Design Goals and Standards state that each subdivision should offer a variety of floor plans and elevations to provide sufficient variation of houses within a subdivision based on the number of lots within that subdivision. For projects of this size (200-300 lots), the Goals and Standards indicate that there should be 6 models and 28 different home plans. While the project proposes uses of 7 models, an additional 7 elevation plans should be included. A condition of approval is recommended to require the additional elevation plans.

Circulation

The project applicant would construct a new road (Crossroads Drive) running east-west, along the northern edge of the site connecting the project to South Lammers Road. Improvements to the existing South Lammers Roadway are also proposed. These improvements include the dedication of 70 feet of Right-of-Way (ROW) that would increase the total ROW from 67 feet to 137 feet, and include new lane configurations, a 16 foot median with left turn pockets, new sidewalk with landscaping buffers and Class 1 bicycle lanes. Internal circulation at the project site consists of an interconnected public street network and includes 13 new roads to be constructed.

The project includes a proposed gated emergency vehicle access (EVA) between Lots 107 and 108 at the west edge of the project, connecting to Lammers Road. The EVA would be interim in nature, and would be removed once the project's on-site interim storm water basin is removed at the northeast corner of the site and a secondary street connection (Street "L") is constructed and connected to Crossroads Drive. Staff has recommended conditions of approval requiring construction of the EVA to ensure design allows for safe and effective emergency vehicle access, and to retain the area

for use as a pedestrian and bicycle pathway once the EVA is no longer necessary following connection of Street "L" to Crossroads Drive.

Bicycle and pedestrian access will be provided through use of connections to Crossroads Drive and Lammers Road. A condition of approval (and environmental mitigation measure) requires interim installation of a pathway along the east side of Lammers Road leading north to Kimball High School.

Project Phasing

The applicant anticipates construction of the project in multiple phases. Phase I would include construction of backbone infrastructure. Subsequent phases would include construction of homes on both the smaller and larger lots, while the final phase of construction would involve removal (filling) of the interim on-site storm drain basin at the northeast corner of the site, and construction of homes on the underlying lots. Actual project phasing could be adjusted in response to market conditions.

Utilities

On-site utility improvements are detailed in Attachment A. Utility extensions would be installed to provide services to new residents. Utility lines within the project site would be run through the rights-of-way to be created by the project's internal street network. Wastewater lines would be connected via an existing sanitary sewer line along South Lammers Road in the northwest portion of the project site. Storm drainage would be provided for the project through the construction of a temporary on-site detention basin located in the northeast portion of the project site. Potable water connections would be extended from existing water service lines located along South Lammers Road and Redbridge Road.

Storm water drainage will be accommodated on an interim basis through construction of a basin at the northwest corner of the project site. A condition of approval is recommended to require installation of fencing and landscaping for both safety and to help screen the basin. The basin would be removed and remaining underlying lots developed once a permanent off-site basin is constructed, anticipated to occur to the northeast of the project site.

Private On-Site Park

The project includes a proposed 2.4-acre park near the south end of the project site, intended for the exclusive use of the project residents. The park would include recreational features such as a tot lot, seating areas, trails, and similar features. On-street parking spaces are proposed around the park.

Because the park site is less than the City's 2013 Park and Recreation Master Plan standard of 4 to 10 acres for neighborhood parks (pursuant to Policy 1-P1), the applicant will not receive partial park fee credits for installation of the 2.4-acre park. If this park were to serve as a public neighborhood park, City staff would also seek to relocate the park to the north end of the site to facilitate use by future residents located north of Crossroads Drive. The park will be owned and maintained privately through

the homeowners association.

Landscaping

A preliminary landscape plan was submitted with the project, showing a mix of 24-inch box street trees, shrubs and goundcover materials, along with irrigation details. Of note, several trees along Lammers Road, west of the soundwall, will ultimately be removed as the ultimate Lammers Road right-of-way is constructed, but preserved until such time as the road improvements require.

Land Use Compatibility

The proposed residential subdivision will be compatible with nearby uses, including single-family residential development to the east and south in the adjoining Redbridge development. Lands immediately to the north of the project site are located outside of the City limit, but are planned for urban development (residential uses) under the General Plan, which designates the site as Urban Reserve.

Public Schools

According to the School District's boundary maps, new elementary and middle school students residing at the project site are expected to attend George Kelly Elementary School, and high school students would attend John C. Kimball High School. Tracy Unified School District representatives indicate they will receive the standard capital school facilities fees from the project and space is available in the public school system for students who may live in the new houses.

General Plan Amendment and Rezone

The project includes a request to amend the General Plan land use designation on the subject property from Urban Reserve (UR 8) to Low Density Residential. The Land Use Element of General Plan states the following regarding the intent of the Urban Reserve designation:

> *"…General Plan assigns an "Urban Reserve" designation to undeveloped areas at the city's periphery instead of specific land use designations to various parcels. The Urban Reserve designation is intended to provide guidance regarding the vision and potential mix of land uses while allowing flexibility in the location of these uses. Areas with the Urban Reserve designation will require comprehensive planning. A General Plan amendment with specific land use designations will be required as each of these Urban Reserves develops in order to reflect the appropriate land use designation. The preparation of a Zoning District, Specific Plan and/or PUD will also be required prior to development."*

The UR 8 designation for the project site states:

> *"This area is envisioned for residential uses at a mixture of densities. When development occurs, the following additional General Plan policies apply:*

8a. The acreages assigned to land uses in the statistical profile for this Urban Reserve are intended as guidelines; the overall distribution and mixture of residential densities may change.

8b. Future development in this Urban Reserve should have a well-integrated mix of housing types with an average density of six dwelling units per acre.

8c. Development in this area should be coordinated with development in Urban Reserves 5 and the surrounding development to ensure adequate transitions between the location, site layout and intensity of land uses."

The statistical profile for the UR 8 area envisions a possible mix of residential units, from low to high density, and with as many as 450 dwelling units, plus an approximately 5-acre park site. With respect to the statistical profile, the General Plan states:

"The statistical profiles are guidelines for the approximate mix of land uses. The acreages assigned to land uses in the statistical profile for each Urban Reserve are intended as guidelines; the overall distribution and mixture of residential densities and commercial/industrial intensities may change. Detailed land uses will be analyzed and considered at the time of approval of a Zoning District, Specific Plan or PUD."

The proposed project generally conforms to these policies through the amendment of the designation to Low Density Residential, which allows densities of 2.1 to 5.8 dwelling units/acre. The proposed density of the project, at 3.82 dwelling units/acre, and a corresponding unit count of 226 is appropriate for this location along south Lammers Road, and would be more in keeping with the land use densities of lands to the south and east in the Redbridge development. There will be a mix of unit types for the single-family homes as a result of lot sizes that will vary from 5,672 to 15,844 square feet. At a future date, lands to the north and northeast, under the General Plan UR 5 and UR 7, would also be considered for development.

Also of note from the Land Use Element is Objective LU-1.4, Policy 3:

"…the residential portions of such areas or Urban Reserves shall not be considered eligible to apply for RGAs and building permits until RGAs and building permits necessary to develop all areas within Figure 2-3 have been awarded, unless those RGAs and building permits sought for projects in such areas are for affordable housing as defined by the Tracy Municipal Code, in which cases RGAs and building permits for affordable housing may be awarded."

Figure 2-3 of the Land Use Element identifies the project site as a Secondary Residential Growth area, and allocation of Residential Growth Allocations will be able to occur only as key infill properties in the City are developed. All homes in the proposed Rocking Horse development would be market rate.

The second application is to Rezone the property from Low Density Residential (LDR) to Planned Unit Development (PUD). The project includes a request to approve the project Planned Unit Development Preliminary and Final Development

Plan, which serves as the permit for the City's approval of the 226-lot project. The PUD prescribes general development standards, as shown below:

Rocking Horse Development Standards	
Minimum Lot Area	5,600 sf
Minimum Lot Width	63' (50' on knuckles)
Minimum Lot Depth	90' (75' on knuckles)
Maximum Lot Coverage	55% (excludes porches and shade structures)
Maximum Building Height	35'
Minimum Setbacks:	
Front Setback to Garage	20'
Front Setback to House	15'
Front Setback to Porch	10'
Side Yard Setback	5'
Side Yard Setback (Corner Lots)	10' on street side, 5' on interior side
Rear Yard Setback	10' for 63' x 90' lots and 20' for 90' x 100' lots
Parking On-Site	20' x 20' 2 -Car Garage, 2 Driveway Spaces

The proposed development standards correspond well to the proposed project, and will ensure appropriate neighborhood and lot design. The Commission may wish to consider the proposed 55 percent maximum lot coverage standard. While not excessively high, the 55 percent coverage would exceed the standard used on similar projects in the City.

ENVIRONMENTAL ANALYSIS

The City's environmental consultant prepared a project-level Initial Study (Exhibit 1 to Planning Commission Resolution, attached). The analysis included a traffic study, air quality analysis, noise analysis, and water and sewer studies. Various potentially significant environmental impacts were identified stemming from development of the proposed 226-lot project, including in the areas of aesthetics (light and glare generation), air quality, geology, storm water treatment, noise, public services and traffic. However, mitigation measures were identified for each of the potentially significant impacts that would, upon implementation, reduce the impacts to levels of insignificance. Therefore, in accordance with California Environmental Quality Act regulations, a Mitigated Negative Declaration is proposed.

RECOMMENDATION

Staff recommends that the Planning Commission recommends that the City Council take the following action:

1. Adopt the project Mitigated Negative Declaration.

2. Approve the General Plan designation amendment from Urban Reserve to Residential Low Density.
3. Approve the Rezone from Low Density Residential to Planned Unit Development.
4. Approve the Vesting Tentative Subdivision Map for the Rocking Horse Project.
5. Approve the Planned Unit Development Preliminary and Final Development Plan for the Rocking Horse Project.

MOTION

Move that the Planning Commission recommends that the City Council take the following action, as documented in the January 13, 2016 Planning Commission Resolution:

1. Adopt the project Mitigated Negative Declaration.
2. Approve the General Plan designation amendment from Urban Reserve to Residential Low Density.
3. Approve the Rezone from Low Density Residential to Planned Unit Development.
4. Approve the Vesting Tentative Subdivision Map for the Rocking Horse Project.
5. Approve the Planned Unit Development Preliminary and Final Development Plan for the Rocking Horse Project.

Prepared by: Victoria Lombardo, Senior Planner and Brian Millar, AICP, Planning Consultant
Reviewed by: Bill Dean, Assistant Development Services Director
Approved by: Andrew Malik, Development Services Director

ATTACHMENTS

Attachment A – Rocking Horse Booklet (oversized)

RESOLUTION NO. 2016 -_____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TRACY RECOMMENDING APPROVAL OF A GENERAL PLAN AMENDMENT (GPA13-0006), APPROVAL OF A REZONING AND APPROVAL OF A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN (PUD15-0001), APPROVAL OF A VESTING TENTATIVE MAP (TSM15-0001), AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION FOR THE ROCKING HORSE DEVELOPMENT

WHEREAS, Applications have been filed for a General Plan Amendment to re-designate approximately 59.1 acres from Urban Reserve to Residential Low Density; to Rezone the property from Low Density Residential to Planned Unit Development and approve a Planned Unit Development Preliminary and Final Development Plan; and approve a Vesting Tentative Map for the 226-lot residential development, collectively, the "Project", and

WHEREAS, The subject property is located on the east side of Lammers Road, north of Redbridge Road, Assessor's Parcel Numbers 240-060-26 and 240-060-27, and

WHEREAS, The Project includes a request to amend the General Plan designation of the site to Residential Low Density in order for the General Plan Land Use Diagram to more specifically reflect the planned single-family residential land use of this Project, and

WHEREAS, The subject property is well suited for residential development, and will be provided with all necessary urban services and utilities, and

WHEREAS, The Project provides housing opportunities which assist the City in achieving housing goals established in the City's General Plan Housing Element, and

WHEREAS, The Project is consistent with General Plan Housing Element Goals and Policies, including Policy 3.1 ("Provide for a range of residential densities and products..."), and

WHEREAS, The Project has been evaluated in accordance with California Environmental Quality Act (CEQA) Guidelines, and a Mitigated Negative Declaration is proposed which would reduce any potentially significant environmental impacts to levels of insignificance, and is proposed for approval, and

WHEREAS, The Planning Commission conducted a public hearing to receive public input and review the Project on January 13, 2016;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission as follows:

1. Mitigated Negative Declaration

   A. The project was evaluated under an Initial Study which evaluated potential environmental impacts associated with project development.

   B. Based on the analysis contained in the Initial Study, mitigation measures were identified which would reduce potentially significant impacts to levels of

insignificance. Therefore, a Mitigated Negative Declaration has been prepared for the project.

C. The Planning Commission recommends that the City Council adopt the Mitigated Negative Declaration, Exhibit 1.

2. General Plan Amendment (Application Number GPA13-0006)

The Planning Commission recommends that the City Council approve the General Plan Amendment to re-designate the site from Urban Reserve to Residential Low Density.

3. Rezone and Planned Unit Development Preliminary and Final Development Plan (Application Number 15-0001)

A. The Project includes site plan and design elements consistent with City design goals and standards, such as designing a variety of floor plans and elevation types to create a well-balanced streetscape and having landscape amenities that create an inviting, pedestrian-oriented environment; and compliance with all City standards, including street and design and layout and infrastructure design.

B. As conditioned, the Project is consistent with City architecture Design Standards and Guidelines. The architecture incorporates elements such as variation in texture, materials, building heights, four-sided architecture, and garages set behind the houses. The variety of floor plans also includes three single-story plans, exceeding the requirement and further enhancing the overall streetscape design.

C. The Planning Commission recommends that the City Council approve the Project Planned Unit Development Preliminary and Final Development Plan.

4. Vesting Tentative Map (Application Number 15-0001)

A. The Project includes a Vesting Tentative Map which will provide for subdivision of the site into 226 lots for single-family residential use, along with creation of common-space lots to be maintained by the Project homeowner's association.

B. The subdivision, as conditioned, will be consistent with applicable City design provisions and the Subdivision Map Act.

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

The foregoing Resolution 2016-_____ was adopted by the Planning Commission on the 13th day of January, 2016, by the following vote:

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

_____
CHAIR

ATTEST:

_____
STAFF LIAISON

EXHIBIT 1

PUBLIC DRAFT
INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

FOR THE

ROCKING HORSE DEVELOPMENT PROJECT

NOVEMBER 2015

Prepared for:

City of Tracy
Department of Development Services
333 Civic Center Plaza
Tracy, CA 95676

Prepared by:

De Novo Planning Group
1020 Suncast Lane, Suite 106
El Dorado Hills, CA 95762
(916) 949-3231

De Novo Planning Group

A Land Use Planning, Design, and Environmental Firm

PUBLIC DRAFT
INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

FOR THE

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INITIAL STUDY

PROJECT TITLE

Rocking Horse Development Project

LEAD AGENCY NAME AND ADDRESS

City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

CONTACT PERSON AND PHONE NUMBER

Vicki Lombardo, Senior Planner
Development Services Department
City of Tracy
(209) 831-6428

PROJECT SPONSOR'S NAME AND ADDRESS

Bates Stringer Tracy II, LLC
875 Orange Blossom Way
Danville, CA 94526

PURPOSE OF THE INITIAL STUDY

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

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the proposed Rocking Horse Development Project (project) may have a significant effect upon the environment. Based upon the findings and mitigation measures contained within this report, a Mitigated Negative Declaration (MND) will be prepared.

PROJECT LOCATION AND SETTING

PROJECT LOCATION

The Project site consists of 59.1 acres located at 25380 and 25376 South Lammers Road in the west-central quadrant of the city of Tracy, northeast of the intersection of Lammers and Redbridge Roads. The Project site encompasses Assessor Parcel Numbers (APN) 240-060-26, and 240-060-27.

The project's regional location is shown in Figure 1, and the project vicinity is shown in Figure 2.

EXISTING SITE USES

The Project site currently consists of agricultural land, and one residential structure. Historically the site was developed with orchard trees, but they have since been removed. Recent agricultural production on the site consists of agricultural grass crop production, most recently alfalfa hay. A treeline is located along the western edge of the Project site, and one tree is present within the interior of the site. A total of 128 trees are located on the Project site. The parcel (APN 240-060-27) located on the west-central portion of the Project site is a 3-acre lot with one single-family residential home that is currently occupied, but will be vacated and removed upon project implementation. Figure 3 shows an aerial view of the Project site.

SURROUNDING LAND USES

Lands to the south and east of the Project site consist of single-family residential uses. The parcels adjacent to the north, and to the west across South Lammers Road consist of agricultural uses (alfalfa fields, and cattle grazing). Further north approximately 0.35 miles is John C. Kimball High School. Single-family residential land uses are located further north and east of the Project site. Furthermore, there are several large-lot ranchette style homes to the northwest of the Project site across South Lammers Road.

PROJECT DESCRIPTION

The proposed project would develop 226 single-family detached housing units on the 59.1-acre Project site. The project would consist of low-density residential development (3.82 units per acre). Lot sizes would range between 5,672 and 15,844 square feet, with an average lot size of 7,194 square feet. Lots would be generally uniform in nature (rectangular shaped). Corner lots, and lots on the periphery would be generally larger and not uniform in shape. Within the southern portion of the Project site 2.4-acres of private park space is proposed for the exclusive use by project residents. A detailed vesting tentative map has been prepared and submitted for approval, Figure 4 shows the proposed site plan layout.

The project applicant would construct a new road (Crossroads Drive) running east-west, along the northern edge of the site connecting the Project site to South Lammers Road. Improvements to the existing South Lammers Roadway are also proposed. These improvements include the dedication of 70 feet of Right-of-Way (ROW) that would increase the total ROW from 67 feet to 137 feet and include new lane configurations, a 16ft median with left turn pockets, a new sidewalk with landscaping buffers, and Class 1 bicycle lanes. Internal circulation at the Project

site would consist of an interconnected street network and include 13 new internal roadways to be constructed.

The Vesting Tentative Map identifies that the project would be served by the following existing service providers:

- City of Tracy for water;
- City of Tracy for wastewater collection and treatment;
- City of Tracy for stormwater collection;
- Pacific Gas and Electric Company for gas and electricity.

Utility extensions would be installed to provide services to project residents. Utility lines within the Project site would be run through the rights-of-way created by the project's internal street network. Wastewater lines would be connected via an existing sanitary sewer line along South Lammers Road northwest of the Project site. Storm drainage would be provided for the Project through the construction of a temporary on-site detention basin located in the northeast portion of the Project site. Potable water connections would be extended from existing water service lines located along South Lammers Road, and Redbridge Road.

The project applicant is requesting a General Plan amendment to change land uses on the Project site from Urban Reserve 8 (UR-8) to Residential Low (RL). Additionally, the project applicant is requesting a rezone of the Project site from Low Density Residential (LDR) to Planned Unit Development (PUD).

GENERAL PLAN AND ZONING DESIGNATIONS

The Project site is currently designated Urban Reserve 8 (UR-8) by the City of Tracy General Plan Land Use Designations Map. The Urban Reserve designation is applied to relatively large, contiguous geographic areas where comprehensive planning is expected to occur. Approval of a General Plan Amendment from Urban Reserve to Residential Low (RL) would be required prior to, or as a component of, project approval.

The following General Plan policies apply to the Urban Reserve 8 (UR-8) Land Use Designation:

- 8a. The acreages assigned to land uses in the statistical profile for this Urban Reserve are intended as guidelines; the overall distribution and mixture of residential densities may change.
- 8b. Future development in this Urban Reserve should have a well-integrated mix of housing types with an average density of six dwelling units per acre.
- 8c. Development in this area should be coordinated with development in Urban Reserves 5 and the surrounding development to ensure adequate transitions between the location, site layout and intensity of land uses.

The following Standards apply to the Proposed Residential Low (RL) Land Use Designation:

- **Residential Low (RL)**. Single family dwelling units are the principal type of housing stock allowed in these areas. Attached units, zero lot line and clustered housing are also

permissible and are encouraged within the overall framework of each community. These housing types can help to meet the City's desire to create unique neighborhoods and enhance the character of the community. Allowable densities 2.1 to 5.8 units per gross acre.

The Project site is currently zoned Low Density Residential (LDR). Approval of a Zoning Amendment from Low Density Residential to Planned Unit Development (PUD) would be required prior to, or as a component of, project approval.

The following requirements apply to the Low Density Residential (LDR) Zoning Designation:

- The minimum lot area shall be 5,600 square feet.
- The minimum lot width shall be fifty-six (56') feet; provided, however, lots on cul-de-sacs or knuckles shall have a minimum frontage of forty-five (45') feet at the front lot line.
- The minimum lot depth shall be ninety (90') feet.
- The maximum height in the LDR Zone shall be two and one-half (2½) stories or thirty-five (35') feet, whichever is less; provided, however, any residence exceeding two (2) stories in height shall have all windows above the second story facing the street frontage.
- The maximum aggregate coverage of all buildings in the LDR Zone shall not exceed forty-five (45%) percent of the lot.

Proposed PUD Standards based on the Tentative Map standards:

Unless otherwise expressly noted below, and when not in conflict with the standards outlined below, development standards shall be consistent with the Low Density Residential Zone (LDR) – Title 10, Article 7 of the Tracy Municipal Code. All standards for fence, wall and hedge heights, swimming pools, portable buildings, shade structures, projections into yards and courts, shall be consistent with Tracy Municipal Code Article 24 of Chapter 10.08 – Zoning Regulations. Parking of boats or recreation vehicles and motor homes within driveways or within any required front yard areas is prohibited.

Minimum Lot Area	5,600 sf
Minimum Lot Width	63' (50' on knuckles)
Minimum Lot Depth	90' (75' on knuckles)
Maximum Lot Coverage	55% (excludes porches and shade structures)
Maximum Building Height	35'
Minimum Setbacks:	
Front Setback to Garage	20'
Front Setback to House	15'
Front Setback to Porch	10'
Side Yard Setback	5'
Side Yard Setback (Corner Lots)	10' on street side, 5' on interior side
Rear Yard Setback	10' for 63' x 90' lots and 20' for 90' x 100' lots
Parking On-Site	20' x 20' 2 -Car Garage, 2 Driveway Spaces

The General Plan Land Use Map and Zoning designations for the Project site are shown on Figure 5 and Figure 6.

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 the California Environmental Quality Act (CEQA), Section 15050.

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

- Adoption of the Mitigated Negative Declaration (MND)
- Adoption of the Mitigation Monitoring and Reporting Program (MMRP)
- Approval of a General Plan Amendment to amend the land use designation from Urban Reserve to Residential Low
- Zoning Amendment from Low Density Residential to Planned Unit Development (PUD)
- Preliminary and Final Development Plan Approval
- Approval of the Vesting Tentative Subdivision Map with conditions to subdivide the Project site
- Approval of a Concept Plan

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 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).

PROJECT GOALS AND OBJECTIVES

The City of Tracy and the project applicant have identified the following goals and objectives for the proposed project:

1. Expand the available supply of residential housing options in the City of Tracy, consistent with the City's General Plan.
2. Develop a project that is consistent and compatible with the surrounding land uses, and follows a logical development pattern.
3. Increase the supply of market-rate housing units within the City of Tracy.
4. Provide residential housing opportunities that are visually attractive and accommodate the future housing demand in the City of Tracy.

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Rocking Horse Project MND
TRACY, CALIFORNIA

Figure 1: Project Regional Location/Context

Data source: California Spatial Information Library. Map date: December 22, 2014.

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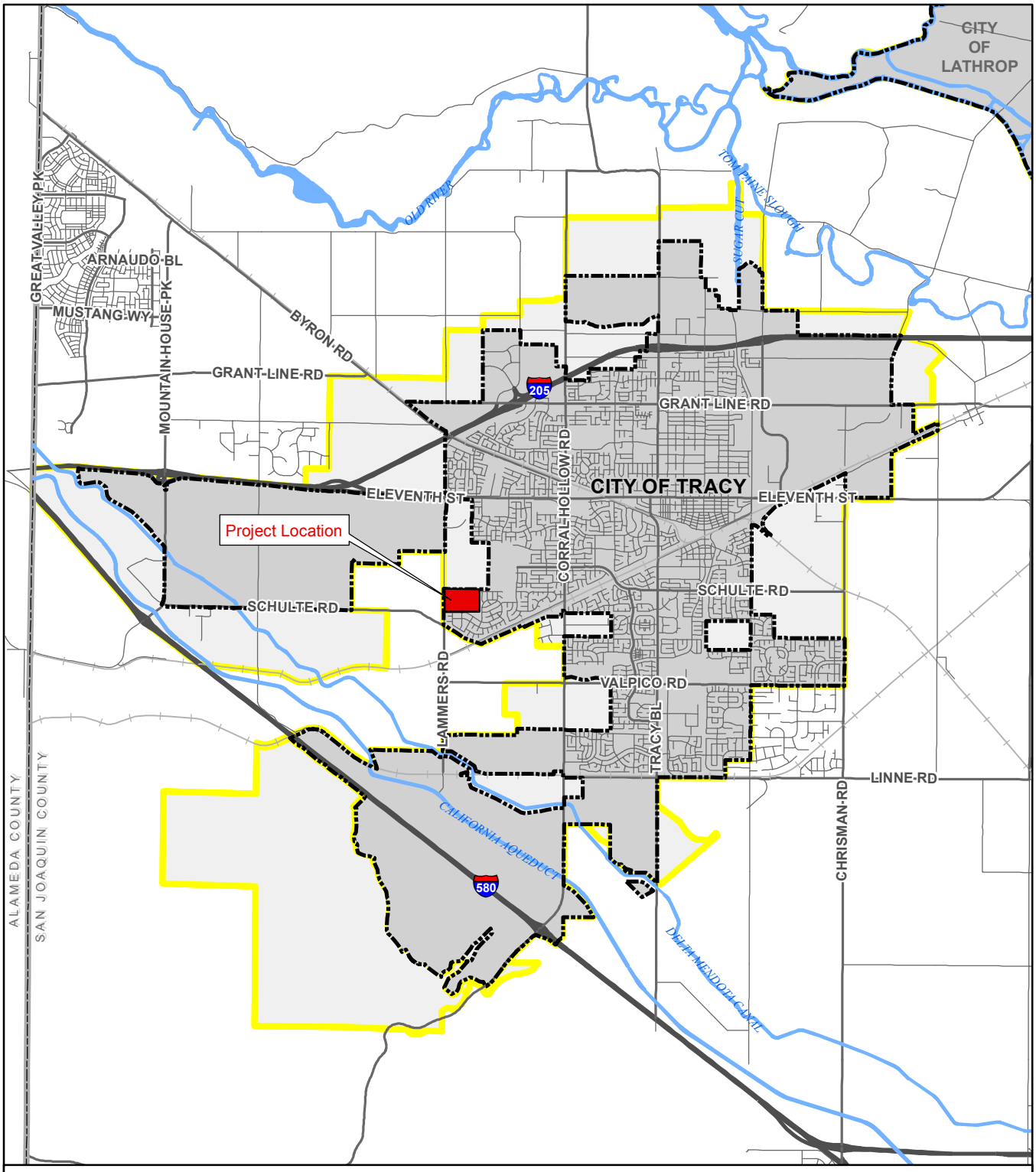

Rocking Horse Project MND
TRACY, CALIFORNIA

Figure 2: Project Vicinity

Legend

- City Boundary
- Sphere of Influence
- Project Location

N

0 0.5 1

Miles

Sources: San Joaquin County GIS. Map date: March 24, 2015.

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ROCKING HORSE PROJECT MND
TRACY, CALIFORNIA

Figure 3: Aerial View of Project Site

Legend

- Project Boundary
- City of Tracy

N

0 250 500

Feet

1:12,000

Sources: San Joaquin County GIS; ArcGIS Online World Imagery Map Service. Map date: November 9, 2015.

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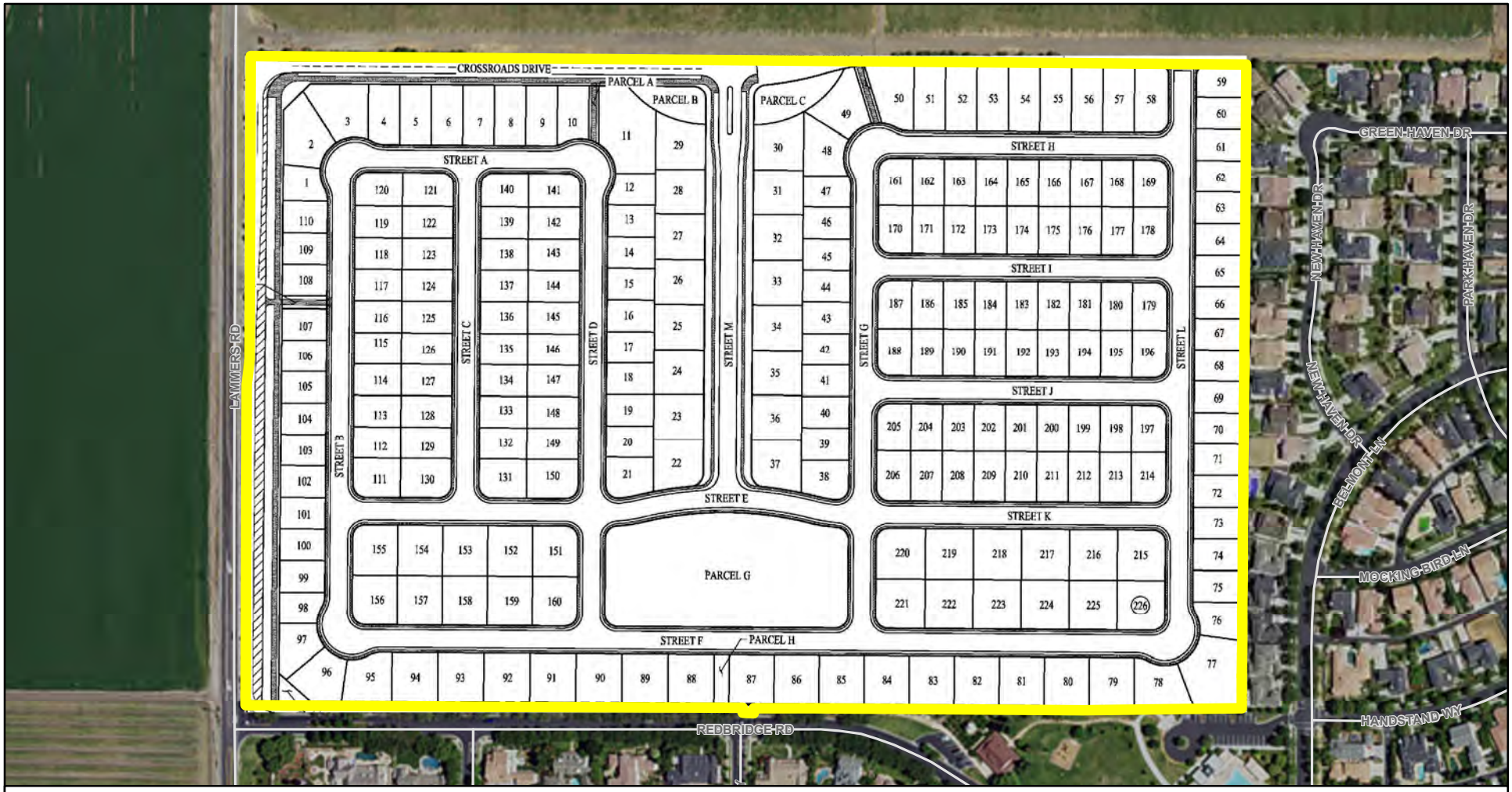

Legend

Project Boundary

N

0 150 300

Feet

1:3,600

ROCKING HORSE PROJECT MND
TRACY, CALIFORNIA

Figure 4: Site Plan

Sources: Carlson, Barbee & Gibson, Inc.; San Joaquin County GIS; ArcGIS Online World Imagery Map Service. Map date: November 9, 2015.

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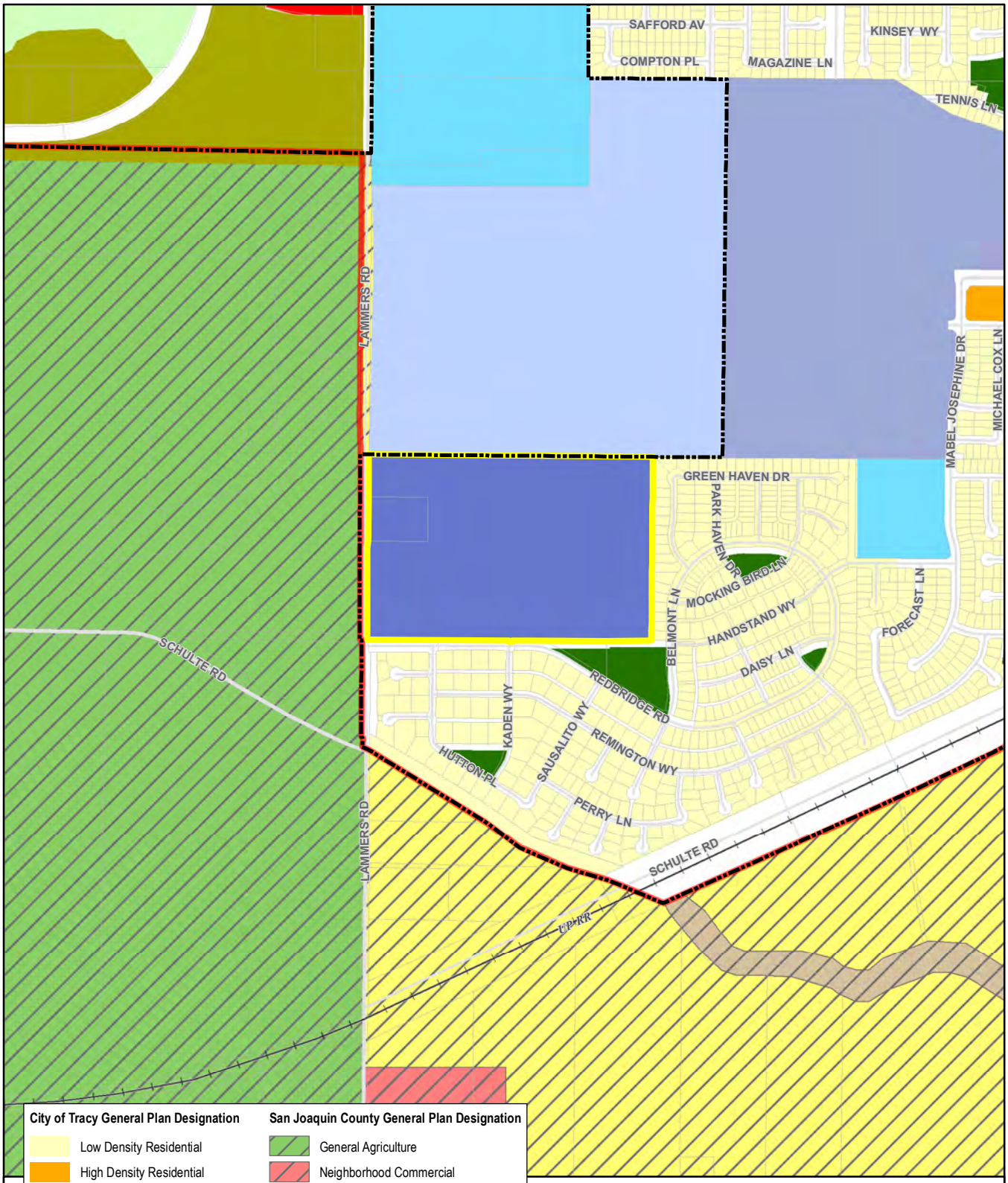

ROCKING HORSE PROJECT MND
TRACY, CALIFORNIA

Figure 5: General Plan Land Use Designations

Sources: San Joaquin County GIS; City of Tracy GIS. Map date: November 9, 2015..

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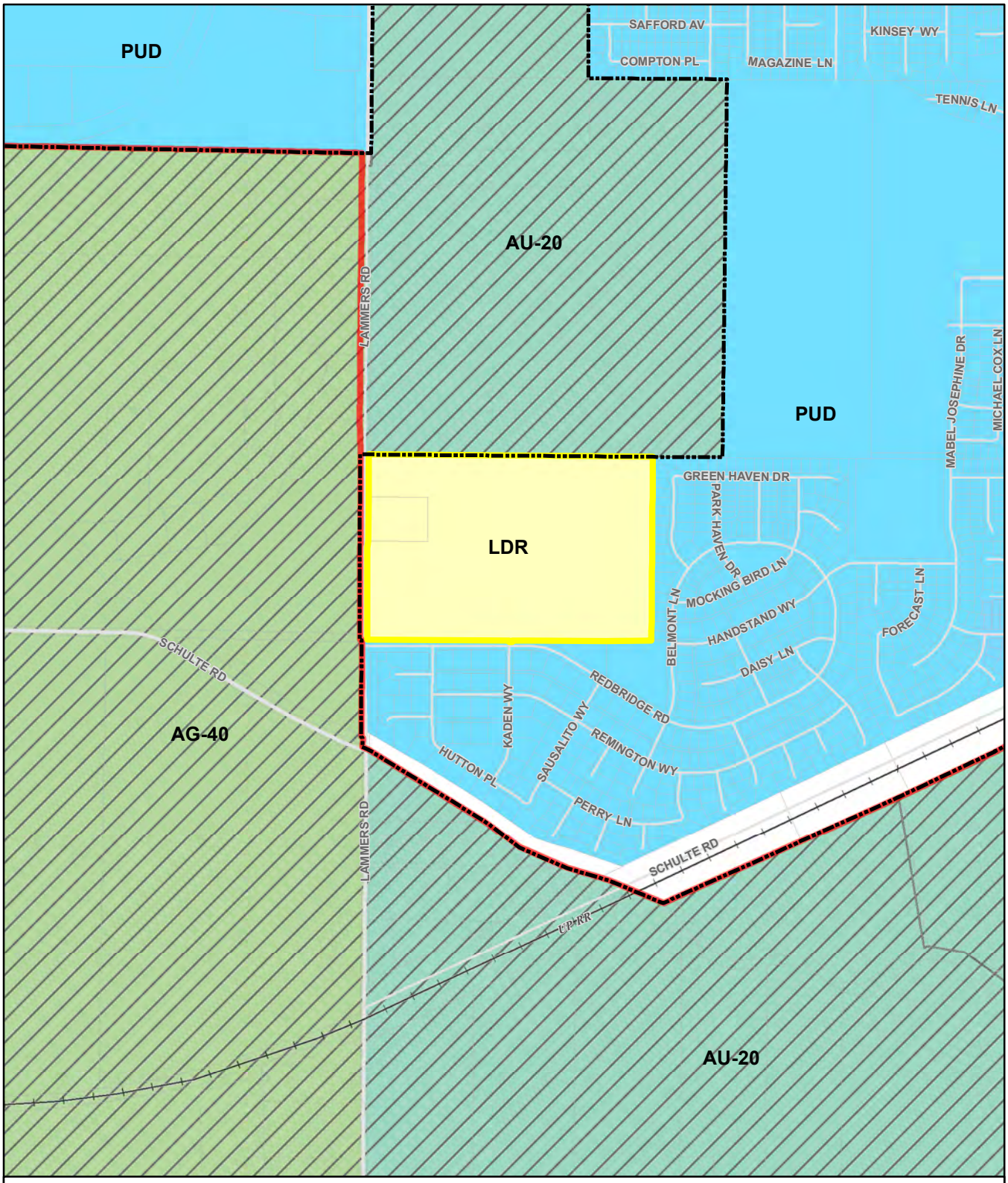

City of Tracy Zoning Designations

- LDR - Low Density Residential
- PUD - Planned Urban Development

San Joaquin County Zoning Designations

- AG-40
- AU-20

Planning Boundaries

- Project Boundary
- City of Tracy
- Sphere of Influence

ROCKING HORSE PROJECT MND
TRACY, CALIFORNIA

Figure 6: Zoning Designations

N 0 250 500 Feet

Sources: San Joaquin County GIS; City of Tracy GIS. Map date: November 9, 2015.

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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION:

On the basis of this initial evaluation:

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

Signature Date

EVALUATION INSTRUCTIONS:

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

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9) The explanation of each issue should identify:
    a) The significance criteria or threshold, if any, used to evaluate each question; and
    b) The mitigation measure identified, if any, to reduce the impact to less than significance

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

- Potentially Significant Impact. This response is appropriate when there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries, upon completion of the Initial Study, an EIR is required.
- Less than Significant With Mitigation Incorporated. This response applies when the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact". The Lead Agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level.
- Less than Significant Impact. A less than significant impact is one which is deemed to have little or no adverse effect on the environment. Mitigation measures are, therefore, not necessary, although they may be recommended to further reduce a minor impact.
- No Impact. These issues were either identified as having no impact on the environment, or they are not relevant to the Project.

ENVIRONMENTAL CHECKLIST

This section of the Initial Study incorporates the most current Appendix "G" Environmental Checklist Form, contained in the CEQA Guidelines. Impact questions and responses are included in both tabular and narrative formats for each of the 18 environmental topic areas.

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) Substantially degrade the existing visual character or quality of the site and its surroundings?		*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 designated scenic vistas located on or adjacent to the Project site. The Project site currently consists primarily of agricultural lands. Agricultural lands provide visual relief from urban and suburban developments, and help to define the character of a region, and the loss of agricultural lands can impact on the overall visual character and quality of a region.

The proposed project uses on site are consistent and compatible with the surrounding land uses. Lands to the south and east of the Project site consist of low-density single-family residential uses. Further west and to the north of the Project site are agricultural uses.

Implementation of the proposed project would provide for additional residential development in an area of the City that is adjacent to single-family housing development. 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 extensive 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 require the construction of 9 foot sound wall along South Lammers Road (as outlined in Mitigation Measure 14). The specific location and design of the sound walls have not been determined, however, the project is subject to the City of

Tracy's development and design review criteria, which would ensure that the sound wall and related improvements are visually compatible with the surrounding land uses.

Implementation of the proposed project would not significantly change the existing visual character of the project area, as much of the areas immediately adjacent to the site are used for residential purposes. Furthermore, the General Plan designates this area as Urban Reserve, which is intended for areas where residential expansion is expected through build out of the General Plan. The loss of Agricultural lands that provide visual character and help define the visual quality of the region was taken into account by the City's General Plan and subsequent EIR. Development permitted under the General Plan was determined to result in a significant impact to the existing visual identity and character of the City, due to the development allowed under the General Plan. Development and the subsequent removal of farmland 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 loss of agricultural land and related visual resource impacts resulting from adoption of the General Plan and certification of the General Plan EIR. The project is consistent with the adopted Statement of Overriding Considerations, and uses established by the General Plan. Implementation of the proposed project would introduce a low-density residential development to the project area that would be generally consistent with the surrounding residential developments, and consistent with the intended uses established by the Tracy General Plan. 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 Designated California Scenic Highway segments in the Tracy Planning Area, which extend a total length of 16 miles. The first designated scenic highway is the portion of I-580 between I-205 and I-5, which offers views of the Coast Range to the west and the Central Valley's urban and agricultural lands to the east. The second scenic highway is the portion of I-5 that starts at I-205 and continues south to Stanislaus County, which allows for views of the surrounding agricultural lands and the Delta-Mendota Canal and California Aqueduct.

The Project site lies approximately 2.5 miles northeast of the I-580 scenic highway. However, the Project site is not visually prominent throughout the I-580 corridor. The Project site is consistent with the surrounding residential uses and consists of single story and two story residential structures. The structures proposed by the project present no more visual prominence within the development area relative to the existing development. Background views would remain roughly equal to existing conditions. The Project site is approximately 11 miles southeast of the I-5 scenic highway and is not visible from the Project site.

The Project site is not a prominent visual feature from any of the above-referenced scenic highways. Development of the proposed project would not result in the removal of any rock outcroppings, or buildings of historical significance, and would not result in substantial changes to the viewsheds from the designated scenic highways in the vicinity of the City of Tracy. Therefore, this is a **less than significant** impact.

Response c): Less than Significant with Mitigation. The proposed project would add additional residential uses to an area that currently contains numerous residential uses. The proposed project would be visually compatible with the surrounding residential uses and would not significantly degrade the existing visual quality of the surrounding area. Site specific characteristics would change the site from agricultural uses to residential uses. However, taking into account the scope and location of the proposed project relative to the surrounding area uses, this would not greatly alter the area's overall visual characteristics.

Tree removal is anticipated to occur around the perimeter of the Project site. A tree report for the Project site was prepared by a certified arborist (James R. Clark, Ph.D. from Hort Science, Inc.) in July 2015. The study included evaluation of tree health and the structural condition for assessment of trees suitable for preservation. Trees were surveyed in February 2015. The report determined that all Project site trees had been planted as part of landscape development, and no trees appeared to be indigenous to the site.

One hundred twenty-eight (128) trees were evaluated, representing 20 species. Trees were located in two areas of the Project site. Sixty-nine trees were located along S. Lammers Road, while 59 trees surrounded the residential site.

Based on the assessment of the proposed plan and evaluation of the 128 trees, 65 trees were recommend for preservation, and 63 trees for removal. All trees proposed for retention are located along S. Lammers Road. All trees recommended for removal are either surrounding the residence or associated with a new road on the north side of the Project site.

Tree removal may represent a visual impact, in that it would increase views of the Project site from the surrounding roadways and remove a visual pleasant feature of the site. Additionally, the project is subject to the City of Tracy's development and design review criteria, which would ensure that the exterior facades of the proposed residential structures, landscaping, streetscape improvements and exterior lighting improvements are compatible with the surrounding land uses.

The following mitigation measure would ensure the visually prominent tree line would be preserved. As future expansion and improvements are made to South Lammers Road, trees located adjacent to the roadway may be removed. However, the proposed project includes extensive planting of new trees and the retention of existing trees where feasible. Therefore, this impact is considered **less than significant** with mitigation incorporated.

MITIGATION MEASURES

Mitigation Measure 1: *As required by the Project's Arborist Report (HortScience, Inc., July 2015), the following tree preservation standards and design requirements shall apply to the proposed project during and prior to construction activities.*

Design requirements

- *Allow the Consulting Arborist the opportunity to review project plans, including but not limited to, site, grading, drainage and landscape plans.*

- *Use only herbicides safe for use around trees and labeled for that use, even below pavement.*
- *Design irrigation systems so that no trenching will occur within the TREE PROTECTION ZONE.*

Preconstruction standards for demolition and treatment

- *Prepare a site work plan which identifies access and haul routes, construction trailer and storage areas, etc.*
- *Establish a Tree Protection Zone around each tree to be preserved. For design purposes, the Tree Protection Zone shall be 20' from the trunk in all directions. No grading, excavation, construction or storage of materials shall occur within that zone.*
- *Install protection around all trees to be preserved. Stack and secure hay bales 6 high around tree trunks. As an alternative, employ chain link with posts sunk into the ground. No entry is permitted into a tree protection zone without permission of the project manager.*
- *Trees to be removed shall be felled so as to fall away from Tree Protection Zone and avoid pulling and breaking of roots of trees to remain. If roots are entwined, the consultant may require first severing the major woody root mass before extracting the trees, or grinding the stump below ground.*
- *Trees to be retained may require pruning to provide clearance and or correct defects in structure. All pruning is to be performed by an ISA Certified Arborist or Certified Tree Worker and shall adhere to the latest editions of the ANSI Z133 and A300 standards as well as the ISA Best Management Practices for Tree Pruning. Pruning contractor shall have the C25/D61 license specification.*

Tree protection standards during construction

- *Prior to beginning work, the contractors working in the vicinity of trees to be preserved are required to meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.*
- *Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Consulting Arborist.*
- *If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.*
- *Fences have been erected to protect trees to be preserved. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the project manager.*
- *Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel.*
- *All trees shall be irrigated on a schedule to be determined by the Consulting Arborist. Each irrigation shall wet the soil within the Tree Protection Zone to a depth of 30 inches.*

Tree standards for re-planting

Trees removal associated with road widening activities along South Lammers Road shall be replaced at a 1:1 ratio with trees of similar aesthetic, and biological value as deemed appropriate by the Consulting Arborist.

Response d): Less than Significant with Mitigation. 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 residential 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 proposed structures, and park areas within the site. The City of Tracy Standard Plan #140 establishes street light standards, and requirements for light illumination. Exterior lighting on new projects is also regulated by the Tracy Municipal Code, 10.08.4000 (a), which specifies that the site plan and architectural review package includes an exterior lighting standards and devices review. 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 following mitigation measure requires the preparation of a lighting plan, which must demonstrate that exterior project lighting has been designed to minimize light spillage onto adjacent properties to the greatest extent feasible. The implementation of the following mitigation measure would reduce this impact to a **less than significant** level.

MITIGATION MEASURES

Mitigation Measure 2: *A lighting plan shall be prepared and approved prior to the issuance of a building permit and installation of the project's exterior lighting. The lighting plan shall demonstrate that the exterior lighting systems have been designed to minimize light spillage onto adjacent properties to the greatest extent feasible. The lighting plan shall include the following:*

- *Design of site lighting and exterior building 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): Less than Significant with Mitigation. The Project site contains 59.1 acres of soils that are considered Prime Farmland soils by the California Department of Conservation Farmland Mapping and Monitoring Program and the USDA Soil Conservation Service.[1] Figure 7 identifies important farmlands, as mapped by the USDA, on and near the Project site. The Project site is suitable for agricultural production and agricultural operations. The Project site has been historically used for agricultural production including past orchard uses and more recent grass crop alfalfa production.

The potential environmental impacts from development of the site for urban uses and the associated removal of prime farmland soil for agricultural use were considered and addressed in the City of Tracy General Plan and Final EIR. There, it was determined that buildout of the General Plan, including development of the Project site, would result in the conversion of Prime Farmland, Unique Farmland and Farmland of Statewide Importance to urban uses. The General Plan Draft EIR found this to be a significant and unavoidable impact. On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for the loss of prime agricultural land resulting from adoption of the Plan and EIR, and provided mitigation measures for the agricultural land lost to development in the City of Tracy's urbanized areas. Mitigation measures included the implementation of a "Right to Farm" ordinance by the City (Ord. 10.24 et seq.), intended to preserve and protect existing agricultural operations within the

[1]http://maps.conservation.ca.gov/ciff/ciff.html

incorporated City, and participation in the City's agricultural mitigation fee program (Tracy Municipal Code, Chapter 13.26).

The proposed project is identified as Urban Reserve, which is intended for future urban land uses in the Tracy General Plan. However any development under the Urban Reserve designation requires a General Plan Amendment to establish land use designations for each building site. The proposed project is consistent with the overriding considerations that were adopted for the General Plan and the established mitigation measures under that Plan. Under this framework, the Project applicant is required to participate in the City's agricultural mitigation fee program by paying the established fees to the City on a per-acre basis for the loss of important farmland. Fees paid toward the City's program are collected and distributed to the Central Valley Farmland Trust, and shall be used to fund conservation easements on comparable or better agricultural lands to provide compensatory mitigation. As such, implementation of the proposed project would not create new impacts over and above those identified in the General Plan Final EIR, nor significantly change previously identified impacts. Therefore, with implementation of the following mitigation measure, this potentially significant impact would be reduced to a **less than significant impact**.

MITIGATION MEASURES

Mitigation Measure-3: *Prior to the conversion of important farmland on the Project site, the project applicant shall participate in the City's agricultural mitigation fee program by paying the established fees on a per-acre basis for the loss of important farmland. Fees paid toward the City's program shall be used to fund conservation easements on comparable or better agricultural lands to provide compensatory mitigation.*

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

Responses c) and d): No Impact. The Project site is located in an area consisting of residential development and agricultural uses. Trees are present within the Project site, however these trees are ornamental in nature. 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): Less than Significant. As described under Responses (a) above, the proposed project is currently used for agricultural purposes, but is it not designated or zoned for agricultural uses. There are agricultural lands and operations on and adjacent to the Project site. Development of urban uses and the subsequent removal of prime farmland soil for agricultural use 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 loss of prime agricultural land resulting from adoption of the General Plan and certification of the General Plan EIR.

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. As such, implementation of the proposed project would not create new impacts over and above those identified in the General Plan Final EIR, nor significantly change previously identified impacts. Any off site conversion of farmland near the Project site has previously been analyzed by the Tracy General Plan EIR. Furthermore, a "Right to Farm" ordinance was adopted by the City (Ord. 10.24 et seq.), and is intended to preserve and protect existing agricultural operations within the incorporated City.

The proposed project is required to participate in the City's agricultural mitigation fee program by paying the established fees on a per-acre basis for the loss of important farmland. Fees paid toward the City's program shall be used to fund conservation easements on comparable or better agricultural lands to provide compensatory mitigation. The City will ensure the preservation of local farmland resources, thus the implementation of the proposed Project would result in a **less than significant impact**. No additional mitigation is required.

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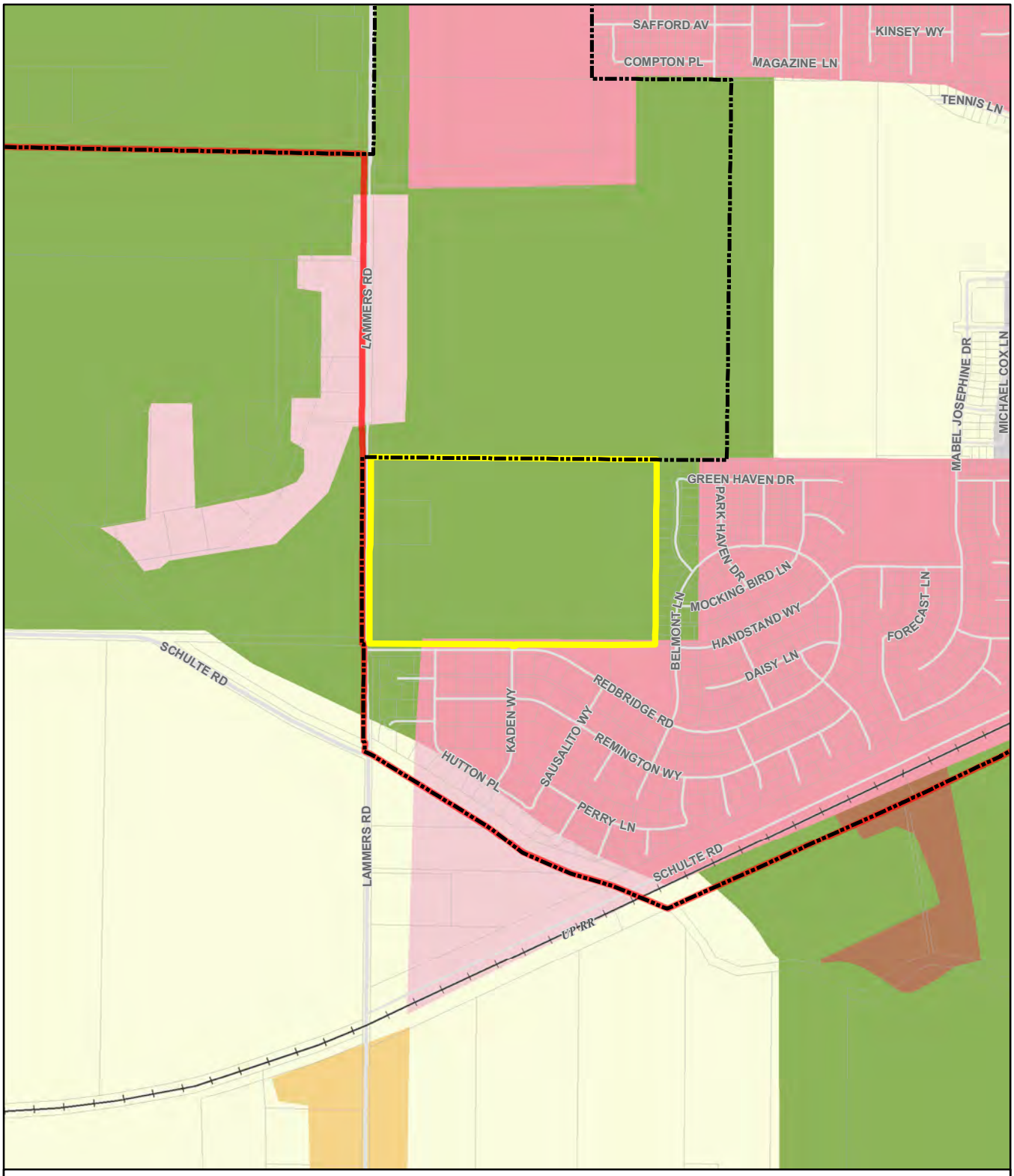

ROCKING HORSE PROJECT MND
TRACY, CALIFORNIA

Figure 7: Important Farmlands

Sources: California Department of Conservation Farmland Mapping and Monitoring Program, San Joaquin County 2012; San Joaquin County GIS; City of Tracy GIS. Map date: November 9, 2015.

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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) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?		X		
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors 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), c): Less than Significant with Mitigation. 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 air quality impacts and operational air quality impacts are addressed separately below.

Construction-Related Emissions

Construction Emissions: The proposed project is larger in scope and size than the SJVAPCD's Small Project Analysis Level (SPAL), therefore, a quantification of the emissions of ROG, NOx, PM_{10}, and $PM_{2.5}$ that will be emitted by project construction has been performed. The California Emission Estimator Model (CalEEMod) TM (v.2013.2.2) was used to estimate construction emissions for the proposed project.

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 associated improvements such as supporting underground infrastructure, water, sewer, and electrical lines.

Construction activities that could generate dust and vehicle emissions are primarily related to grading and other ground-preparation activities in order to prepare the Project site for the construction of residential areas.

The SJVAPCD has established construction related emissions thresholds of significance as follows: 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), or 15 tons per year particulate matter of 10 microns or less in size (PM_{10}) and 15 tons per year particulate matter of 2.5 microns or less in size ($PM_{2.5}$). If the project's emissions will exceed the SJVAPCD's threshold of significance for construction-generated emissions as outlined in the SJVAPCD's *Guidance for Assessing and Mitigating Air Quality Impacts* (2015), the project will have a significant impact on air quality and all feasible mitigation are required to be implemented to reduce emissions.

TABLE 1: CONSTRUCTION EMISSIONS (UNMITIGATED)

	ROG	***NOx***	***Fugitive PM10***	***Exhaust PM10***	***PM10 Total***	***Fugitive PM2.5***	***Exhaust PM2.5***	***PM2.5 Total***
Threshold	**≤ 10 tons/year**	**≤ 10 tons/year**	**--**	**--**	**≤ 15 tons/year**	**--**	**--**	**≤ 15 tons/year**
Annual (tons/year)								
2016	0.6838	6.9509	0.8945	0.3678	1.2623	0.4115	0.3405	0.7520
2017	0.4680	3.7524	0.1042	0.2368	0.3410	0.0281	0.2223	0.2504
2018	0.4069	3.3235	0.1046	0.1999	0.3044	0.0282	0.1878	0.2160
2019	5.1963	1.3464	0.0379	0.0771	0.1151	0.0102	0.0725	0.0827
Exceed Threshold	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**No**

Source: Cal EEMod Version: CalEEMod.v2013.2.2

As shown in Table 1 above, annual emissions do not exceed the SJVAPCD annual thresholds of significance. Therefore, construction-related emissions will result in a less than significant impact to air quality. However, regardless of emission quantities, the SJVAPCD requires construction related mitigation in accordance with their rules and regulations. Table 2 below shows emissions reductions with project mitigation incorporated.

TABLE 2: CONSTRUCTION EMISSIONS (MITIGATED)

	ROG	*NOx*	*Fugitive PM10*	*Exhaust PM10*	*PM10 Total*	*Fugitive PM2.5*	*Exhaust PM2.5*	*PM2.5 Total*
Threshold	**≤ 10 tons/year**	**≤ 10 tons/year**	**--**	**--**	**≤ 15 tons/year**	**--**	**--**	**≤ 15 tons/year**
Annual (tons/year)								
2016	0.6838	6.9509	0.4334	0.3678	0.8012	0.1935	0.3405	0.5340
2017	0.4680	3.7524	0.1042	0.2368	0.3410	0.0281	0.2223	0.2504
2018	0.4069	3.3235	0.1046	0.1999	0.3044	0.0282	0.1878	0.2160
2019	5.1963	1.3464	0.0379	0.0771	0.1151	0.0102	0.0725	0.0827
Exceed Threshold	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**No**
% Reduction	**0**	**0**	**40.41**	**0.00**	**22.8**	**45.61**	**0.00**	**16.76**

Source: CalEEMod Version: CalEEMod.v2013.2.2

As shown in Table 2, mitigation measures accounted for a 35.36 percent reduction in Fugitive PM_{10}, and an 18.94 percent reduction in total PM_{10}. Fugitive $PM_{2.5}$ would be reduced 41.76 percent while total $PM_{2.5}$ would be reduced 13.81 percent.

Implementation of the following mitigation measures in addition to compliance with all applicable measures from SJVAPCD Rule VIII would ensure that the project would have a **less than significant impact** related to construction emissions.

MITIGATION MEASURES

Mitigation Measure 4*: 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 project applicant shall comply with all applicable APCD requirements prior to commencement of grading activities.*

Mitigation Measure 5*: The following mitigation measures, 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 two-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 two-times/day or whenever visible dust is capable of drifting from the site or approaches 20 percent opacity.*
- *Reduce speed on unpaved roads to less than 5 miles per hour.*
- *Reduce the amount of disturbed surface area at any one time pursuant to the scope of work identified in approved and permitted plans.*
- *Restrict vehicular access to the area to prevent unlawful entry to disturbed areas and limit unnecessary onsite construction traffic on disturbed surfaces. Restriction measures may include fencing or signage as determined appropriate by the City.*

- *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 this mitigation shall occur during all grading or site clearing activities. The SJVAPCD shall be responsible for monitoring.

Operational -Related Emissions

For the purposes of this operational air quality analysis, actions that violate Federal standards for criteria pollutants (i.e., primary standards designed to safeguard the health of people considered to be sensitive receptors while outdoors and secondary standards designed to safeguard human welfare) are considered significant impacts. Additionally, the SJVAPCD has established operations related emissions thresholds of significance as follows: 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), and 15 tons per year particulate matter of 10 microns or less in size (PM_{10}) and 15 tons per year particulate matter of 2.5 microns or less in size (PM2.5). If the project's emissions will exceed the SJVAPCD's threshold of significance for operational-generated emissions, the 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.

The Basin is classified as a nonattainment area for ozone. In order to achieve the Federal and State standards of ozone, it is necessary to regulate ROG and NOx, which contribute to the formation of ozone. This includes both direct and indirect emissions. As shown in Table 3 below, annual emissions of ROG, NOx, and PM_{10} do not exceed the SJVAPCD annual thresholds of significance.

TABLE 3: OPERATIONAL PROJECT GENERATED EMISSIONS

	ROG		***NOx***		***PM_{10}***		***$PM_{2.5}$***	
Threshold	**≤ 10 tons/year**		**≤ 10 tons/year**		**≤ 15 tons/year**		**≤ 15 tons/year**	
Category	Unmitigated	Mitigated	Unmitigated	Mitigated	Unmitigated	Mitigated	Unmitigated	Mitigated
Area	3.2362	2.0317	0.1979	0.0195	1.8004	0.0161	1.8004	0.0160
Energy	0.0392	0.0344	0.3348	0.2939	0.0271	0.0238	0.0271	0.0238
Mobile	1.2994	1.2691	3.9596	3.7369	2.4141	2.2478	0.6895	0.6422
Total	**4.5748**	**3.3353**	**4.4923**	**4.0502**	**4.2416**	**2.2876**	**2.5170**	**0.6820**
%Reduction	**27.09**		**9.84**		**46.07**		**72.91**	
Threshold Exceeded?	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**No**

Source: CalEEMod: CalEEMod.v2013.2.2

In addition to the tons/year thresholds cited above, the SJVAPCD has thresholds applicable to CO emissions that require projects to perform localized CO modeling.

The SJVAPCD recommends utilizing a screening approach for analyzing CO concentrations to determine if dispersion modeling is warranted. The methodology provides lead agencies with a conservative indication of whether project-generated vehicle trips will result in the generation

of CO emissions that contribute to an exceedance of the thresholds of significance. The recommended screening criteria are divided into two tiers, as described below.

First Tier: The proposed project will result in a less-than-significant impact to air quality for local CO if:

- Traffic generated by the proposed project will not result in deterioration of intersection level of service (LOS) to LOS E or F; and
- The project will not contribute additional traffic to an intersection that already operates at LOS of E or F.

As described in greater detail under the traffic impact analysis section in this document, the proposed project would contribute traffic to an intersection operating at level of service (LOS) E or F, therefore the first tier is not met

The screening approach requires that if the first tier of screening criteria is not met then the second tier of screening criteria shall be examined.

Second Tier: If all of the following criteria are met, the proposed project will result in a less-than-significant impact to air quality for local CO.

- The project will not result in an affected intersection experiencing more than 31,600 vehicles per hour;
- The project will not contribute traffic to a tunnel, parking garage, bridge underpass, urban street canyon, or below-grade roadway; or other locations where horizontal or vertical mixing of air will be substantially limited; and
- The mix of vehicle types at the intersection is not anticipated to be substantially different from the County average (as identified by the EMFAC or CalEEMod models).

The proposed project screens out under the second tier because it meets all three criteria. First, the intersections that will operate at LOS E or F under Cumulative Plus Project conditions will only experience a Peak Hour traffic of up to 2,285 vehicles per hour during the peak hour. The maximum of 2,285 vehicles per hour is significantly below the 31,600 vehicles per hour threshold. Secondly, these intersections do not include a tunnel, parking garage, bridge underpass, urban street canyon, or below-grade roadway; or other locations where horizontal or vertical mixing of air will be substantially limited. Lastly, the mix of vehicle types at these intersections and those stemming from the proposed residential project are not anticipated to be substantially different from the County average. As such, the proposed project screens out satisfactorily under tier 2. Therefore, localized CO modeling is not warranted for this project.

Rule 9510 Indirect Source Review

District Rule 9510 requires developers of large residential, commercial and industrial projects to reduce smog-forming (NOx) and particulate (PM_{10} and $PM_{2.5}$) emissions generated by their

projects. The Rule applies to projects which, upon full build-out, will include 50 or more residential units. Project developers are required to reduce:

- 20 percent of construction-exhaust nitrogen oxides;
- 45 percent of construction-exhaust PM_{10};
- 33 percent of operational nitrogen oxides over 10 years; and
- 50 percent of operational PM_{10} over 10 years.

Developers are encouraged to meet these reduction requirements through the implementation of on-site mitigation; however, if the on-site mitigation does not achieve the required baseline emission reductions, the developer will mitigate the difference by paying an off-site fee to the District. Fees reduce emissions by helping to fund clean-air projects in the District.

The project would be an indirect source of air pollutants, in that it would attract and cause an increase in vehicle trips in the region. Table 4shows the new auto emissions from vehicle trips that would result from the proposed project. The San Joaquin Valley Air Pollution Control District has established a threshold of significance for ozone precursors of 10 tons per year, and 15 tons per year has been used to represent a significant impact for PM_{10}.

TABLE 4: TOTAL GENERATED MOBILE EMISSIONS AT FULL BUILDOUT (MITIGATED)

	EMISSIONS (TONS/YEAR)						
	ROG	NO_x	CO	SO2	PM_{10}	$PM_{2.5}$	CO2e
Mobile Source Project Emissions	1.2691	3.7369	13.864	0.0353	2.2478	0.6422	2,525.1912
SJVAPCD Threshold	10	10	100	--	15	15	--
Exceed Threshold	**No**	**No**	**No**	**N/A**	**No**	**No**	**N/A**

Source: CalEEMod: CalEEMod.v2013.2.2

As shown in Table 4 above, project generated emissions are below the SJVAPCD thresholds for ROG, NOx PM_{10} and $PM_{2.5}$. Additionally, the SJVAPCD has established thresholds of significance for criteria pollutant emissions, which are based on District New Source Review (NSR) requirements. Projects with emissions below the thresholds of significance for criteria pollutants would be determined to "not conflict or obstruct implementation of the District's air quality plan." As such, the project would result in **less than significant** air quality impacts, and would not conflict or obstruct implementation of the District's air quality plan. However, regardless of the emissions totals presented above, the project is still subject to the requirements of SJVAPCD Rule 9510, as described above.

MITIGATION MEASURES

Mitigation Measure 6: *Prior to the issuance of any building permits, the project applicant shall comply with the requirements of District Rule 9510, which is aimed at the following reductions:*

- *20 percent of construction-exhaust nitrogen oxides;*
- *45 percent of construction-exhaust PM10;*
- *33 percent of operational nitrogen oxides over 10 years; and*
- *50 percent of operational PM10 over 10 years.*

The project applicant shall coordinate with SJVAPCD to develop measures and strategies to reduce operational emissions from the proposed project. If feasible measures are not available to meet the emissions reductions targets outlined above, then the project applicant may be required to pay an in-lieu mitigation fee to the SJVAPCD to off-set project-related emissions impacts. If in-lieu fees are required, the project applicant shall coordinate with the SJVAPCD to calculate the amount of the fees required to off-set project impacts. The project applicant shall provide verification of compliance to the City prior to the issuance of any building permits.

Response d): 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. In addition to the existing residences located adjacent to the Project site, there are two schools located in close proximity to the Project site. John C. Kimball High School is located approximately 0.35 miles north of the Project site, and George Kelly Elementary School located approximately 0.26 miles east of the Project site.

Implementation of the proposed project would not expose these sensitive receptors to substantial pollutant concentrations. Air emissions would be generated during the construction phase of the project. The construction phase of the project would be temporary and short-term, and the implementation of Mitigation Measures 4, 5, and 6 would greatly reduce pollution concentrations generated during construction activities.

Operation of the proposed project would result in emissions primarily from vehicle trips. As described under Response a) – c) above, the proposed project would not generate significant concentrations of air emissions. Impacts to sensitive receptors would be negligible and this is a **less than significant** impact.

Response e): Less than Significant. Operation of the proposed project would not generate notable odors. The proposed project is a low density development, which is compatible with the surrounding land uses. Occasional mild odors may be generated during landscaping maintenance (equipment exhaust), but the project would not otherwise generate odors. This is a **less than significant** impact and no mitigation is required.

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, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			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		

BACKGROUND

A biological resources reconnaissance of the Project site was performed by Zander Associates on February 21, 2014. No suitable habitat for rare, threatened, endangered or otherwise special status plants was observed, nor did they anticipate the need for further seasonal surveys to confirm their absence. Common rodents, reptiles and other animals found in agricultural fields could occur on the site, but the absence of suitable habitat conditions would limit extensive use. No instances of any activity by ground squirrels (*Spermophilus beecheyi*) or other burrowing animals were observed during the field reconnaissance. Special status wildlife species known from the general vicinity such as the California tiger salamander (*Ambystoma californiense*), San Joaquin kit fox (*Vulpes macrotis mutica*), California red-legged frog (*Rana draytonii*), and burrowing owl (*Athene cunicularia*) are unlikely to occur on the site because of ongoing cultivation, the lack of habitat, and proximity to urban/suburban uses. Although the likelihood for the occurrence of any special status plant or wildlife species on the site is extremely low,

participation in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) is recommended for all new projects on previously undeveloped land in Tracy.

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant with Mitigation.

Special-status invertebrates: Special status invertebrate species that occur within the San Joaquin County region include: longhorn fairy shrimp, vernal pool fairy shrimp, and mid valley 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 Project site does not contain essential, or suitable habitat for these special status invertebrates. Implementation of the proposed project would have a **less than significant** impact on these species. No mitigation is necessary.

Special-status reptiles and amphibians: 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 Project site does not contain essential or suitable habitat for these special status reptiles and amphibians. Implementation of the proposed project would have a **less than significant** impact on these species. No mitigation is necessary.

Special status plant 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 Project site does not contain suitable habitat for special-status plant species, and no special-status plant species were observed during visits to the Project site. Implementation of the proposed project would have a **less than significant** impact on these species. No mitigation is necessary.

Special-status bird species: Special-status bird species 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.

Swainson's Hawk. The Swainson's hawk is threatened in California and is protected by the California Department of Fish and Game (CDFG) 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, with the nearest nesting sites located approximate 8 miles to the northeast of the Project site. Although no nesting sites for this species occur on the Project site, Swainson's hawks are present in the vicinity. The Project site and the surrounding open agricultural habitat could provide foraging opportunities for local Swainson's hawks. There is a row of mixed trees (Eucalyptus, conifer Pine, and Palm varieties) bordering the site to the south and east. These trees are large enough to harbor raptor nests, but do not currently contain any active nesting sites.

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. Common rodents, other animals found in agricultural fields could occur on the site, but the absence of suitable habitat conditions would limit extensive use. The biological reconnaissance performed by Zander Associates February 21, 2014 did not observe any activity by ground squirrels (*Spermophilus beecheyi*) or other burrowing animals, and noted that Burrowing owl (*Athene cunicularia*) are unlikely to occur on the site because of ongoing cultivation, the lack of habitat and proximity to urban/suburban uses.

The Project site contains suitable, but not high-quality, habitat for burrowing owls. The Project site is adjacent to other lands that are currently undeveloped that offer foraging and roosting habitat for wintering or breeding owls. However, the burrows are not present on-site are due to the absence of ground squirrels. During the surveys completed by Zander Associates, no burrowing owls or evidence of their presence was detected within the Project site.

Participation in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) is recommended for all new projects on previously undeveloped land in Tracy. Although the likelihood for the occurrence of any special status plant or wildlife species on the site is extremely low, the implementation of the following mitigation measures would ensure that special status plant or wildlife species are protected throughout the region. Impacts to special status plant or wildlife species would be reduced to **less than significant** levels with mitigation.

MITIGATION MEASURES

Mitigation Measure 7: *Prior to commencement of any grading activities, the project proponent shall seek coverage under the SJMSCP to mitigate for habitat impacts to covered special status species. Coverage involves compensation for habitat impacts on covered species through payment of development fees for conversion of open space lands that may provide habitat for covered special status species. These fees are used to preserve and/or create habitat in preserves to be managed in perpetuity. In addition, coverage includes incidental take avoidance and minimization measures for species that could be affected as a result of the proposed project. There are a wide variety of incidental take avoidance and minimization measures contained in the SJMSCP that were developed in consultation with the USFWS, CDFW, and local agencies. The applicability of incidental takes avoidance and minimization measures are determined by SJCOG on a project basis. The process of obtaining coverage for a project includes incidental take authorization (permits) under the Endangered Species Act Section 10(a) and California Fish and Game Code Section 2081. The Section 10(a) permit also serves as a special-purpose permit for the incidental take of those species that are also protected under the MBTA. Coverage under the SJMSCP would fully mitigate all habitat impacts on covered special-status species. The SJMSCP includes the implementation of an ongoing Monitoring Plan to ensure success in mitigating the habitat impacts that are covered. The SJMSCP Monitoring Plan includes an Annual Report process, Biological Monitoring Plan, SJMSCP Compliance Monitoring Program, and the SJMSCP Adaptive Management Plan SJCOG.*

Mitigation Measure 8: *If construction activities occur during the avian breeding season (February 1 – September 31) then the project proponent shall conduct pre-construction surveys to prevent impacts to nesting birds. No more than 15 days prior to the start of construction a bird survey shall be conducted by a qualified biologist to identify any active nests within the Project site or visible from the Project site. If construction stops for a period of 15 days or more during the avian breeding season than an additional bird survey shall be conducted for all special-status birds protected by the federal and state ESA, MBTA and CFGC, including but not limited to those that are documented within a ten-mile radius of the Project site and are known to nest in the region. The biologist shall map all nests that are within, and visible from the Project site. If nests are identified, the biologist shall develop buffer zones around active nests as deemed appropriate in coordination with the CDFW. Construction activity shall be prohibited within the buffer zones until the young have fledged or the nest fails. Nests shall be monitored at least twice per week and a report submitted to the City of Tracy and CDFW monthly.*

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 nursery sites on or adjacent to the Project site. Furthermore, field surveys did not reveal any wildlife nursery sites on or adjacent to the Project site. Implementation of the proposed project would have a **less than significant** impact. No mitigation is necessary.

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 California Department of Fish and Game (CDFG), 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, the goals and principles of the SJMSCP include the following:

- Provide a County-wide 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.
- Preserve landowner property rights.
- Provide 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 ESA or the CESA.
- Provide and maintain multiple-use open spaces, which contribute to the quality of life of the residents of San Joaquin County.
- Accommodate 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 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 San Joaquin Council of Governments.

As described under Response (a) the proposed project is subject to participation in the SJMSCP by Mitigation Measure 7. The City of Tracy and the project applicant shall consult with SJCOG and determine coverage of the project pursuant to the SJMSCP. The implementation of Mitigation Measure 7 would ensure that the project complies with the requirements of the SJMSCP, and would not conflict with any applicable habitat conservation plans. Additionally, Mitigation Measure 1 requires the project applicant to prepare a tree protection and replanting plan. The tree protection and replanting plan would ensure project compliance with all applicable City regulations that provide for tree protection. With the implementation of Mitigation Measures 1 and 7, this would be a **less than significant** impact.

MITIGATION MEASURE

Implement Mitigation Measures 1 and 7

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 as defined in '15064.5?		X		
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?		X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		
d) Disturb any human remains, including those interred outside of formal cemeteries?		X		

RESPONSES TO CHECKLIST QUESTIONS

Response a), b), c), d): Less than Significant with Mitigation. The City of Tracy General Plan and subsequent EIR does not identify the site as having prehistoric period 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. Furthermore, neither the site, nor any structures on the site, are designated as a historical resource as defined by Public Resources Code § 21084.1, or listed in, or eligible for listing in the California Register of Historical Resources.

The site has previously been used for active agricultural uses. No instances of cultural resources or human remains have been unearthed on the Project site, and site visits did not identify any historical, cultural, paleontological, or archeological resources present on site. Therefore, it is not anticipated that site grading and preparation activities would result in impacts to cultural, historical, archaeological or paleontological resources. There are no known human remains located on the Project site, nor is there evidence to suggest that human remains may be present on the Project site. 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. This is considered a **potentially significant** impact.

The implementation of the following mitigation measure 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 measure would reduce this impact to a **less than significant** level.

MITIGATION MEASURES

Mitigation Measure 9*:* If any prehistoric or historic artifacts, human remains or other indications of archaeological or paleontological 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. GEOLOGY AND SOILS -- WOULD THE PROJECT:

	Potentially Significant Impact	***Less Than Significant with Mitigation***	***Less Than Significant Impact***	***No Impact***
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			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 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

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. As described in the Geotechnical Exploration report prepared for the project (Stevens, Ferrone & Bailey, 2014), no known active faults cross the Project site, and the site is not located within an Alquist-Priolo Earthquake Fault Zone. However, relatively large earthquakes have historically occurred in the Bay Area and along the margins of the Central Valley. Many earthquakes of low magnitude occur every year in California. The two nearest earthquake faults zoned as active by the State of California Geological Survey are the Great Valley Fault, located approximately five miles to the west of the site, and the Greenville fault, located approximately 13 miles southwest of the site. The Great Valley fault is a blind thrust fault with no known surface

expression; the postulated fault location has been based on historical regional seismic activity and isolated subsurface information. Figure 8 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.

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

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

SA-1.1, Policy 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**. No additional mitigation is required.

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, 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. The geologic conditions conducive to lateral spreading include gentle surface slope (0.3-5% slope), and liquefiable soils. Based on the results of the exploratory boring, field and laboratory test results performed for the project, and included in the Geotechnical Exploration report, it was found that the potential for ground surface damage at the site resulting from liquefaction is low due to lack of saturated liquefiable soils to the maximum depth explored of 41-1/2 feet. Therefore, impacts related to liquefaction and lateral spreading from project implementation would be **less than significant**.

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 and no mitigation is required.

Response b): Less than Significant with Mitigation. During the construction preparation process, existing vegetation would be removed to grade and compact the Project site, as necessary. As construction occurs, these 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. Mitigation Measures 4 and 5 (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, Mitigation Measure 12 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 required mitigation measures would reduce these impacts to a **less than significant** level and no additional mitigation is required.

MITIGATION MEASURES

Implement Mitigation Measures 4, 5 and 12

Responses c), d): Less than Significant with Mitigation.

The potential for the project to be exposed to unstable soil conditions resulting from on- or off-site landslide, lateral spreading, and liquefaction are discussed above under Responses a.iii, and a.iv.

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. To reduce the potential for post-construction distress to the proposed structures resulting from swelling and shrinkage of these materials, the Geotechnical evaluation recommends that proposed structures be supported on a post-tensioned slab foundation system that is designed to reduce the impact of expansive soils. Special design considerations will be required for exterior slabs. Furthermore, the geotechnical evaluation report identified potentially weak and compressible fills located on portions the Project site to depths of about 1-1/2 to 2-1/2 feet below the existing ground surface.

In order to reduce the potential for damaging differential settlement of overlying improvements, the following mitigation measure requires soil evaluations to be performed prior to grading activities and allows for special design characteristics to be required by the City Engineering Department. As such, this potentially significant impact is reduced to a **less than significant** impact.

MITIGATION MEASURES

Mitigation Measure 10. *Expansive materials and potentially weak and compressible fills at the site shall be evaluated by a Geotechnical Engineer during the grading plan stage of development. If highly expansive or compressible materials are encountered, special foundation designs and reinforcement, removal and replacement with soil with low to non-expansive characteristics, compaction strategies, or soil treatment options to lower the expansion potential shall be incorporated through requirements imposed by the City Engineering Department.*

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.

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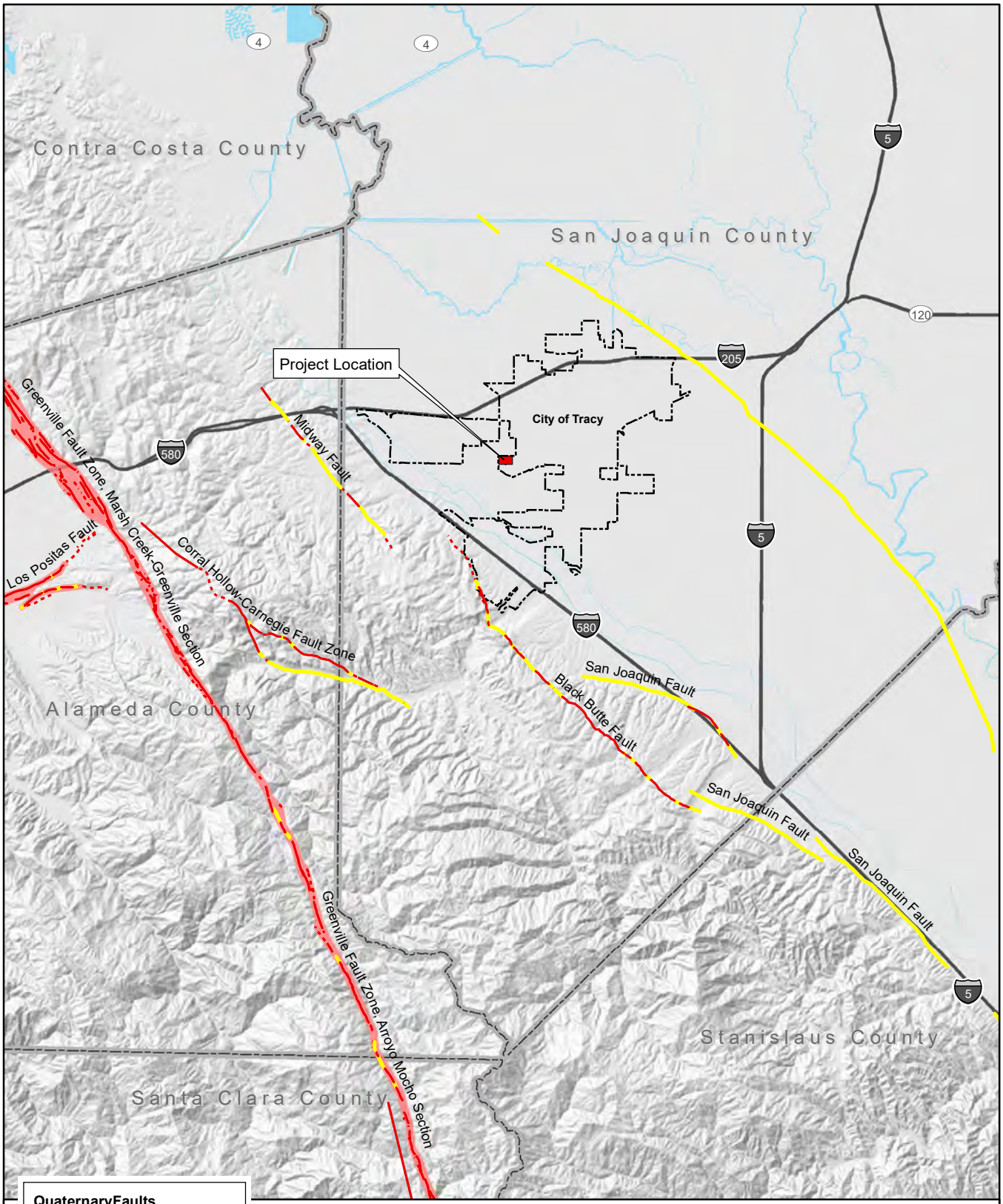

ROCKING HORSE PROJECT MND
TRACY, CALIFORNIA

Figure 8: Fault Zones

Data sources: San Joaquin County GIS; ESRI's StreetMap North America; USGS and California Geologic Survey, 2006, Quaternary fault and fold database for the Unites States, accessed October 14,5, 2014. from USGS web site: http//earthquakes.usgs.gov/regional/qfaults/. Map date: November 9, 2015. (RockingHorse_Fig8_FaultZones_151109)

De Novo Planning Group
A Land Use Planning, Design, and Environmental Firm

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XII. 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 greenhouse gases include water vapor (H_2O), carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and ozone (O_3). Several classes of halogenated substances that contain fluorine, chlorine, or bromine are also greenhouse gases, but they are, for the most part, solely a product of industrial activities. Although the direct greenhouse gases CO_2, CH_4, and N_2O occur naturally in the atmosphere, human activities have changed their atmospheric concentrations. From the pre-industrial era (i.e., ending about 1750) to 2005, concentrations of these three greenhouse gases have increased globally by 36, 148, and 18 percent, respectively (IPCC 2007)[2].

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 (California Energy Commission 2006a)[3]. In California, the transportation

[2] Intergovernmental Panel on Climate Change. 2007. "Climate Change 2007: The Physical Science Basis, Summary for Policymakers." http://www.ipcc.ch/publications_and_data/publications_ipcc_fourth_assessment_report_wg1_report_the_physical_science_basis.htm

[3] California Energy Commission. 2006a. Inventory of California Greenhouse Gas Emissions and Sinks 1990 to 2004. http://www.arb.ca.gov/cc/inventory/archive/archive.htm

sector is the largest emitter of GHGs, followed by electricity generation (California Energy Commission 2006a).

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 492 million gross metric tons of carbon dioxide equivalents ($MMTCO_2e$) in 2004 (California Energy Commission 2006a). By 2020, California is projected to produce 507 $MMTCO_2e$ per year.[4]

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.

Consumption of fossil fuels in the transportation sector was the single largest source of California's GHG emissions. In 2012 transportation sector emissions, accounted for approximately 37 percent of the total GHG emissions in the state (California Greenhouse Gas Emission Inventory: 2000-2012).[5] This category was followed by the industrial sector contributing 21.9% of GHG emissions. The electric power generation sector (including both in-state and out of-state sources) has seen the greatest decline in GHG emissions down 14 percent from 2000, and currently contributing 11.2 percent of all state GHG emissions.

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)[6]. This phenomenon could lead to significant challenges securing an

[4] California Air Resources Board. 2010. "Functional Equivalent Document prepared for the California Cap on GHG Emissions and Market-Based Compliance Mechanisms."

[5] EPA http://www.arb.ca.gov/cc/inventory/pubs/reports/ghg_inventory_00-12_report.pdf

6 California Environmental Protection Agency, Climate Action Team. 2006. Climate Action Team Report to Governor Schwarzenegger and the Legislature.
http://www.climatechange.ca.gov/climate_action_team/reports/

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 (Cal EPA 2006), the impacts of global warming in California are anticipated to include, but are not limited to, the following.

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 of 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.

Significance thresholds

In accordance with AB 32, a quantitative GHG analysis for the project has been prepared to determine whether or not the project would promote sustainability and implement operational GHG emission reduction strategies that would reduce the project's GHG emissions from Business as Usual (BAU) levels by 29 percent, in compliance with AB 32 and the Scoping Plan and in accordance with the guidance from the SJVAPCD.

The significance thresholds for GHG emissions are related to compliance with AB 32 and are based on the guidance from the SJVAPCD, which states that a development project must show a minimum GHG emission reduction of 29 percent from projected 2005 Business as Usual (BAU) levels by the year 2020.[7] The BAU level is the 2005 scenario, which corresponds to pre-AB 32. The project's BAU levels were evaluated in order to determine the net decrease in the project's GHG emissions over time.

Using this methodology, if the project does not show a 29 percent reduction from projected BAU levels compared to the project's estimated 2020 levels, the project would be considered to result in a cumulatively considerable contribution to global climate change. GHG emission reduction measures could include, but are not limited to, compliance with local, State, or federal plans or strategies for GHG reductions, on-site and off-site mitigation recommendations from the Office of the Attorney General, and project design features. It should be noted that the project would be required to comply with the minimum mandated measures of 2013 California Green Building Standards Code (CalGreen Code), such as a 20 percent mandatory reduction in indoor water use

[7] San Joaquin Valley Unified Air Pollution Control District Guidance for Assessing and Mitigating Air Quality Impacts (2015).

and diversion of 50 percent of construction waste from landfills. A variety of voluntary CalGreen Code measures also exists that would further reduce GHG emissions, but are not mandatory.

RESPONSES TO CHECKLIST QUESTIONS

Response a) and b): Less than Significant with Mitigation.

The proposed project's short-term construction-related and long-term operational GHG emissions for buildout of the proposed project, were estimated using the California Emission Estimator Model (CalEEMod)™ (v.2013.2.2). CalEEMod is a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify GHG emissions from land use projects. The model quantifies direct GHG emissions from construction and operation (including vehicle use), as well as indirect GHG emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. Emissions are expressed in annual metric tons of CO_2 equivalent units of measure (i.e., $MTCO_2e$), based on the global warming potential of the individual pollutants.

Short-Term Construction GHG Emissions: Estimated increases in GHG emissions associated with construction of the proposed project (all phases collectively) are summarized in Table 5. The modeling included mitigation inputs for construction operations including the following:

- Reduce Vehicle Speed on Unpaved Roads to 5mph
- Water Exposed Area 2 Times Daily

TABLE 5: CONSTRUCTION GHG EMISSIONS (METRIC TONS/YR)

	Bio- CO2	*NBio- CO2*	*Total CO2*	*CH4*	*N2O*	*CO2e*
2016	0.0000	599.2754	599.2754	0.1546	0.0000	602.5209
2017	0.0000	449.4071	449.4071	0.0806	0.0000	451.1006
2018	0.0000	443.5196	443.5196	0.0793	0.0000	445.1856
2019	0.0000	198.7190	198.7190	0.0415	0.0000	199.5914
Total	**0.0000**	**1,690.9210**	**1,690.9210**	**0.3561**	**0.0000**	**1,698.3984**

SOURCES: CALEEMOD (V.2013.2.2).

As presented in the table, short-term construction emissions of GHG associated with development of all phases collectively are estimated to be 1,698.3984 $MTCO_2e$. This represents a low of 199.59 and a high of 602.52 $MTCO_2e$ emitted during each of the construction years. These construction GHG emissions are a one-time release and are comparatively much lower than overall emissions associated with operational phases of a project. Construction GHG emissions from the proposed project do not impede local GHG reduction efforts, or violate GHG reduction goals set by AB 32, as required by the Public Resources Code, Section 21082.2. Additionally, as discussed previously, Mitigation Measure 6 requires the project applicant to comply with District Rule 9510 which is intended to reduce construction related emission. Therefore, cumulatively these construction emissions would not generate a significant contribution to global climate change.

Long-Term Operational GHG Emissions: The long-term operational GHG emissions estimate for buildout of the proposed project incorporates the potential area source and vehicle emissions, and emissions associated with utility and water usage, and wastewater and solid waste generation. The modeling included mitigation inputs including the following:

Traffic Mitigation

- Increase Transit Accessibility in the Plan Area (minimum distance to transit stops is 0.1 miles)
- Improve Pedestrian Network so that the Plan Area connects to offsite pedestrian networks
- Implement School Bus Program to Achieve 25% ridership

Energy Mitigation

- Exceed Title 24 by 15%
- Install High Efficiency Lighting
- Install High Efficiency Appliances

Area Mitigation

- Use Low VOC Paint - Residential Interior
- Use Low VOC Paint - Residential Exterior
- Use Only Natural Gas Hearths

Water Mitigation

- Install Low Flow Bathroom Faucet
- Install Low-Flow Kitchen Faucet
- Install Low-Flow Toilet
- Install Low-Flow Shower
- Use Water-Efficient Irrigation Systems

Estimated GHG emissions associated with buildout of the proposed project (all phases) with and without the above mitigation incorporated are summarized in Tables 6 and 7. As shown in Tables 6 and 7, the annual GHG emissions associated with buildout of the proposed Project (all phases) would be 3,579.8$MTCO_2e$ with the above referenced mitigation incorporated and 4,119.0 $MTCO_2e$ without mitigation. The mitigation results in a decrease of 539.3$MTCO_2e$, representing a decrease of 13.1 percent.

TABLE 6: OPERATIONAL GHG EMISSIONS 2020 (UNMITIGATED METRIC TONS/YR)

	Bio- CO_2	*NBio- CO_2*	*Total CO_2*	*CH_4*	*N2O*	*CO_2e*
Area	238.9249	100.6460	339.5709	1.1215	1.7900e-003	363.6783
Energy	0.0000	876.7301	876.7301	0.0295	0.0117	880.9723
Mobile	0.0000	2,704.2003	2,704.2003	0.0831	0.0000	2,705.9454
Waste	52.3960	0.0000	52.3960	3.0965	0.0000	117.4229
Water	4.6715	32.6305	37.3020	0.4813	0.0116	51.0157
Total	**295.9925**	**3,714.2069**	**4,010.1994**	**4.8119**	**0.0251**	**4,119.0347**

SOURCES: CALEEMOD (V.2013.2.2)

TABLE 7: OPERATIONAL GHG EMISSIONS 2020 (MITIGATED METRIC TONS/YR)

	Bio- CO_2	*NBio- CO_2*	*Total CO_2*	*CH_4*	*N2O*	*CO_2e*
Area	0.0000	100.6460	100.6460	4.5500e-003	1.7900e-003	101.2979
Energy	0.0000	789.9436	789.9436	0.0269	0.0105	793.7457
Mobile	0.0000	2,523.5533	2,523.5533	0.0780	0.0000	2,525.1912
Waste	52.3960	0.0000	52.3960	3.0965	0.0000	117.4229
Water	3.7372	27.4182	31.1555	0.3850	9.3100e-003	42.1255
Total	**56.1332**	**3,441.5611**	**3,497.6944**	**3.5909**	**0.0216**	**3,579.7831**
% Reduction	**81.04**	**7.34**	**12.78**	**25.37**	**14.14**	**13.09**

SOURCES: CALEEMOD (V.2013.2.2)

The significance thresholds for GHG emissions should be related to compliance with AB 32. The City of Tracy, as lead agency, has chosen to utilize a threshold of significance for GHG emissions based on the guidance from the SJVAPCD, that state a development project must show a minimum GHG emission reduction of 29 percent from projected Business as Usual (BAU) levels (i.e., 2005 scenario) by the year 2020. Thus, the proposed Project's (all phases) Business as Usual levels were evaluated in order to determine the net decrease in the proposed Project's (all phases) GHG emissions over time. Table 8 presents the projected BAU GHG emissions, which are estimated to be 5,049.1 $MTCO_2e$.

TABLE 8: OPERATIONAL GHG EMISSIONS BUSINESS AS USUAL (UNMITIGATED METRIC TONS/YR)

	Bio- CO_2	*NBio- CO_2*	*Total CO_2*	*CH_4*	*N2O*	*CO_2e*
Area	238.9249	100.6460	339.5709	1.1232	1.7900e-003	363.7144
Energy	0.0000	876.7301	876.7301	0.0295	0.0117	880.9723
Mobile	0.0000	3,628.9350	3,628.9350	0.3351	0.0000	3,635.9727
Waste	52.3960	0.0000	52.3960	3.0965	0.0000	117.4229
Water	4.6715	32.6305	37.3020	0.4813	0.0116	51.0157
Total	**295.9925**	**4,638.9416**	**4,934.9340**	**5.0657**	**0.0251**	**5,049.0979**

SOURCES: CALEEMOD (V.2013.2.2)

Consequently, the proposed Project (all phases) would result in a 29.1 percent reduction in annual GHG emissions from the BAU level by 2020 ([3,579.7831 MTCO2e–5,049.0979 MTCO2e] / 5,049.0979 MTCO2e x 100 = 29.1%). The reduction in GHG emissions would be attributable to the traffic, energy, water, and solid waste mitigation model inputs as well as the advancement of vehicle and equipment efficiency, and more stringent standards and regulations as time progresses, such as State regulation emission reductions (e.g., Pavley, Low Carbon Fuel Standard, and Renewable Portfolio Standard). It should be noted that although a reduction related to such attributes would occur for every development project, CalEEMod takes into consideration how much of each attribute is applied for each specific project based on the size of the project and associated land uses.

In addition, as stated previously, the proposed Project (all phases) would be required to comply with the minimum mandatory measures of the CalGreen Code, which would result in an estimated 1.8 percent reduction. Furthermore, reduction of cumulative ROG and NOx emissions due to the Indirect Source Rule mitigation (discussed under Air Quality) would subsequently result in an associated reduction in CO_2 emissions. The total reduction in GHG emissions from BAU levels will exceed the minimum reduction threshold of 29 percent per the guidance provided by the SJVAPCD.

The City of Tracy adopted the Tracy Sustainability Action Plan in 2011. 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:

- Measure E-1: Implement California Green Building Standards, as contained in Title 24, Part 11, CCR.
- Measure T-4: Promote transit ridership increase transit route coverage to within ¼ mile of 75 percent of residents within new development areas.
- Measure T-5 c and d: Which promote the use of alternative transportation measures, including bikes and pedestrian travel, by providing connections to existing bike and pedestrian facilities.
- Measure E-2 e: Requiring energy efficient exterior lighting.
- Measure PH-12: Encourage new development to use non-toxic building materials.

The proposed project would assist the City of Tracy with implementation of the Sustainability Action Plan, and is consistent with the measures described above. The proposed project would be constructed in compliance with the California Green Building Standards, would install energy efficient lighting, promote transit ridership, and encourage the use of nontoxic building materials.

Conclusion: As stated previously, short-term construction GHG emissions are a one-time release of GHGs and are not expected to significantly contribute to global climate change over the lifetime of the proposed Project. Construction GHG emissions from the proposed project do not impede local GHG reduction efforts, or violate GHG reduction goals set by AB 32, as required by the Public Resources Code, Section 21082.2. Additionally, as discussed previously, Mitigation Measure 6 requires the project applicant to coordinate with the SJVAPCD to verify that the project meets the requirements of District Rule 9510, which is intended to reduce construction related emission.

Therefore, cumulatively these construction emissions would not generate a significant contribution to global climate change.

With the implementation of the following mitigation measure and those presented in Section III Air Quality, the overall annual GHG emissions associated with the proposed Project (all phases) would be reduced by over 29.1 percent relative to the BAU scenario, consistent with applicable standards and thresholds of a 29 percent reduction. Because the proposed Project (all phases) would meet the 29 percent minimum reduction threshold, the proposed Project (all phases) would be consistent with the GHG reduction percentage sought by the State's Scoping Plan, implementation of the proposed project would not hinder the State's ability to reach the GHG reduction target.

The proposed Project (all phases) will comply with Title 24, Part 6 of the California Code of Regulations, known as the Building Energy Efficiency Standards. This includes the CALGreen requirements for new buildings to reduce water consumption, and install low pollutant-emitting materials. The City will review individual building plans as they are prepared to ensure that they comply with the latest Title 24 requirements, including CALGreen.

Based on the project's consistency with the City's Sustainability Action Plan, and with the reduction target set by SJVAPCD. Implementation of the proposed Project (all phases) would not exceed an established threshold, conflict with any applicable plan, policy, or regulation related to GHG reduction. Therefore, impacts related to GHG emissions and global climate change would be considered **less-than-significant** with the implementation of the following mitigation measure.

MITIGATION MEASURES

Mitigation Measure 11*: Along with the mitigation measures contained in Section III (Air Quality), the project applicant shall institute the following mitigation measures during construction and operation of the Project to reduce Greenhouse Gas Emissions and Energy Consumption.*

- *Increase transit accessibility in the Plan Area by ensuring a minimum distance of 0.1 miles to transit stops*
- *Ensure that the pedestrian network within the Plan Area connects to offsite pedestrian networks*
- *Exceed Title 24 by 15% through verified compliance with CALGreen Tier 1 efficiency requirements*
- *Install high efficiency lighting and appliance within all units*
- *Install low-flow faucets, toilets, and showers as applicable*
- *Use water-efficient irrigation systems throughout the Plan Area*

VIII. 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 for people residing or working in the project area?			X	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X	
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b): Less than Significant with Mitigation. The proposed project would place new low-density residential uses in an area of the City that currently contains residential and agricultural uses. Agriculture activities typically use and transport hazardous materials including fuel, herbicides and pesticides. Contaminated soils resulting from agricultural operations were investigated in 1998 with the collection of soil samples, which were analyzed for organochlorine pesticides (OCPs). The pesticide 4,4-DDE was found in all samples at concentrations below the applicable criteria. In 2014 BVNA completed a Limited Subsurface Investigation and found that

concentrations of Total petroleum hydrocarbons (TPH) constituents and organochlorine pesticides were not detected above applicable regulatory screening levels.

The proposed residential 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 operational phase of the proposed project does not pose a significant hazard to the public or the environment.

The initial construction phase will require the demolition of one onsite residential structure and adjoining outbuilding. The home was constructed in 1974 had has been continually occupied. There are no known hazardous materials or substances onsite.

Onsite reconnaissance, historical records, and geotechnical evaluations indicate that there are no known underground storage tanks or pipelines located on the Project site that contain hazardous materials. Therefore, the disturbance of such items during construction activities is unlikely. 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, Mitigation Measure 12 requires the project applicant to implement a Stormwater Pollution Prevention Plan during construction activities, which would prevent any contaminated runoff from leaving the Project site. Therefore, the proposed project would have a **less than significant** impact relative to this issue.

MITIGATION MEASURES

Implement Mitigation Measure 12 (SWPPP)

Response c): Less than Significant. The Project site is located within roughly ¼ mile of an existing school. There are two schools located in close proximity to the Project site. Figure 9 shows nearby schools in relation to the Project site. John C. Kimball High School is located approximately 0.35 miles north of the Project site, and George Kelly Elementary School located approximately 0.26 miles east of the Project site. As described under Response a), above, operation of the project would not involve the use, storage, transport or handling of hazardous materials, beyond those commonly found in typical residential areas. Construction related activities may utilize limited quantities of common hazardous materials on the site, and the use, storage, and transport of these materials are required to comply with applicable federal, state, and local statutes and regulations, which would reduce the potential for accidental spills or releases that could exposure schools to hazardous materials. Additionally Mitigation Measure 12 requires the project applicant to implement a Stormwater Pollution Prevention Plan during construction activities, which would prevent any contaminated runoff from leaving the Project site. Therefore, there is limited exposure of school sites to hazardous materials from operation or construction activities that may use or store hazardous materials at the Project site. This is a **less than significant** impact and no additional mitigation is required.

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 in the near vicinity of 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 investigation sites include:

> ***George Kelly School*** (site #39010033) was historically utilized for agricultural purposes, indicating potential pesticide application. The west parcel was occupied by row crops. The east parcel was occupied by walnut orchards. A preliminary environmental site assessment (PEA) was completed for the site in April of 2003. Site soils were sampled and analyzed for pesticides and heavy metals. On November 26, 2003, DTSC issued an approval letter for the PEA with a no further action determination.
>
> ***Kimball High School*** (site #60000718). This parcel of land, referred to as Kimball High School, is an addition to the Kimball High School project (Site Code 104281). Due to new easement requirements for the development, the District is adding ~7 acres to the southern boundary of the Kimball High site. This site has no historical structures and has identical historical agricultural use to the Kimball High site. The PEA for the original Kimball High School site revealed only trace levels of residual agricultural chemicals in the fields and received a partial site approval of the agricultural fields. Based on the identical history and previous investigations on the adjoining project, the Phase 1 recommends No Action. On October 4, 2007, DTSC approved the Phase I for this site with a no action determination.

A Phase I Environmental Site Assessment (Phase I) was completed for the Project site on December 17, 2013 by Bureau Veritas North America, Inc. (BVNA). BVNA conducted a Phase I ESA in conformance with ASTM Designation. The Phase I investigation included a review of environmental investigation reports and historic land use information, interviews, a site reconnaissance, a review of regulatory lists and databases, and the development of recommendations for further actions. The Phase I noted that the Project site was historically used for agricultural purposes from at least 1939 to 2010. This included orchards in the 1970s and 1980s. Historical agricultural use was investigated in 1998 with the collection of five discrete soil samples, which were analyzed for OCPs. The pesticide 4,4-DDE was found in all samples at concentrations below the applicable criteria. The 2013 samples were not analyzed for TPH/d/TPH-mo or metals, which are commonly associated with the application of organochlorine pesticides.

In 2014 BVNA completed a Limited Subsurface Investigation and found that concentrations of TPH constituents and organochlorine pesticides were not detected above applicable regulatory screening levels. Various metals were detected in each of the analyzed samples at concentrations below their respective Environmental Screening Levels (ESLs) and California Human Health Screening Levels (CHHSLs), with the exception of arsenic. Detected arsenic concentrations range from 2.8 to 3.9 milligrams per kilogram (mg/kg). The detected arsenic concentrations exceed the ESL and CHHSL of 0.39 and 0.07 mg/kg, respectively. According to the California Office of Environmental Health Hazard Assessment (OEHHA) CHHSL guidance document (DTSC, 2005),

naturally occurring background concentrations of arsenic, beryllium, cadmium, chromium and other metals in soils may exceed their respective CHHSLs. The California Environmental Protection Agency (Cal EPA) and other agencies within California typically do not require cleanup of naturally occurring chemicals to less than ambient concentrations. 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 San Joaquin County Airport Land-Use Commission (ALUC) provides for the appropriate development of the areas surrounding the six public access airports in San Joaquin County. The Airport Land Use Compatibility Plan (ALUCP), provides guidance intended to minimize the public's exposure to excessive noise and safety hazards, as well as ensure that the approaches to airports are kept clear of structures and other conflicts that could pose an aviation safety hazard. Currently, the SJCOG Board of Directors serves as the designated body to carry out the functions of the ALUC. This includes establishing an Airport Land Use Compatibility Plan (ALUCP).

The Tracy Municipal Airport is the closest airport to the Project site, located approximately 2.5miles southeast of the Project site. 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. 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. Building height would be consistent

with surrounding uses. Therefore safety hazards related to the project's proximity to the Tracy Municipal Airport are **less than significant,** and no mitigation is required.

Response g): No Impact. The General Plan (Adopted February 1, 2011) includes policies that require the City to maintain emergency access routes that are free of traffic impediments (Goal SA-6, Objective SA-6.1, Policy P1 and Action 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 residential land uses near similar residential uses, 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 and no mitigation is required.

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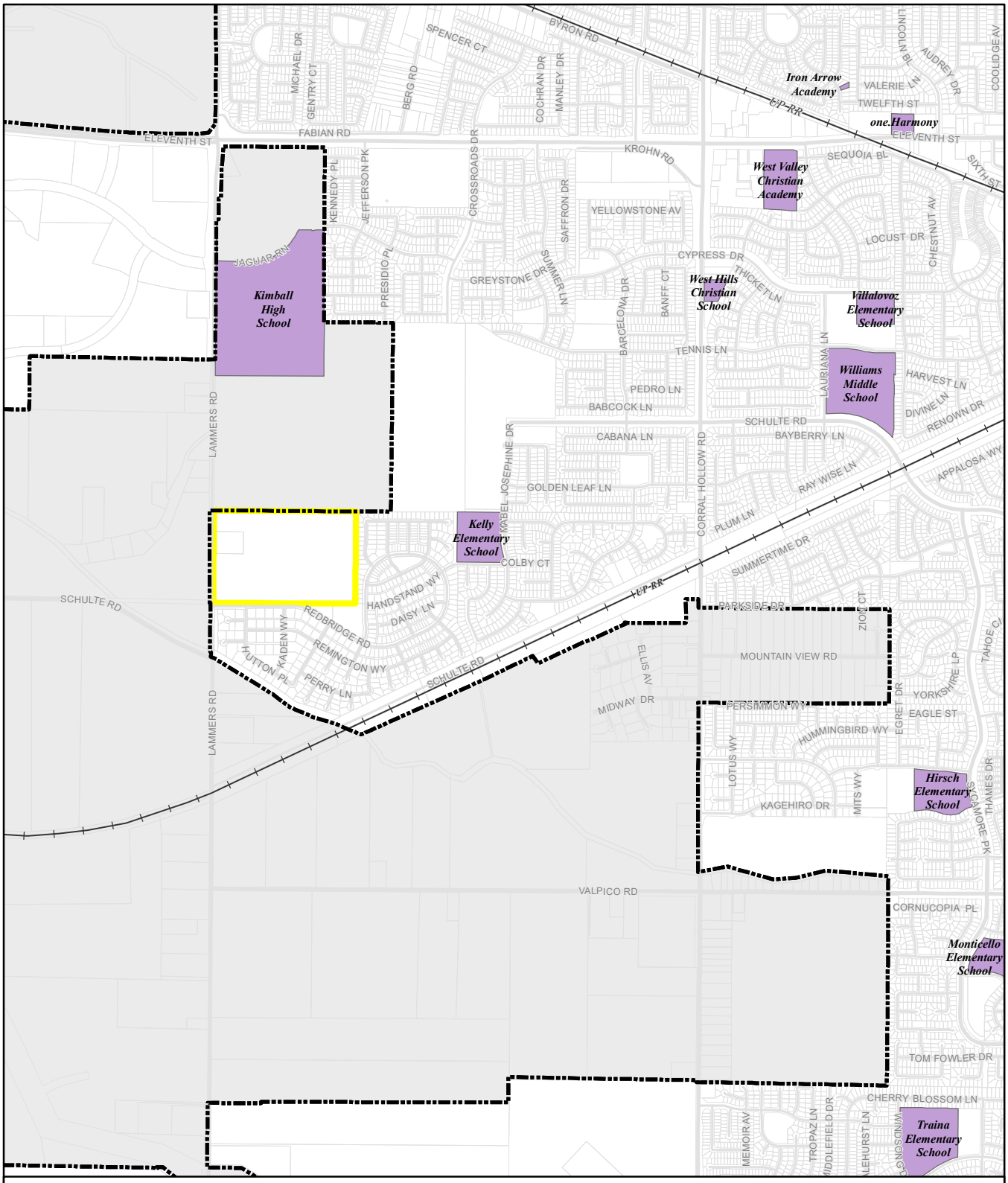

Legend

- Project Boundary
- City of Tracy
- Schools

N

0 600 1,200

Feet

1:24,000

ROCKING HORSE PROJECT MND
TRACY, CALIFORNIA

Figure 9: Schools Map

Sources: San Joaquin County GIS. Map date: November 9, 2015.

De Novo Planning Group
A Land Use Planning, Design, and Environmental Firm

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IX. 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?		X		
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			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, in a manner which would result in substantial erosion or siltation on- or off-site?		X		
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?		X		
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?		X		
f) Otherwise substantially degrade water quality?		X		
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X	
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?			X	

RESPONSES TO CHECKLIST QUESTIONS

Responses a): Less than Significant with Mitigation. 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 project's potential to violate a water quality standard or waste discharge requirement is related to the treatment of wastewater generated by the project, and the quality of stormwater runoff generated at the project site. These two issues are addressed below.

In 2008 the City expanded its wastewater treatment capacity to 10.8mgd. The City's Wastewater Treatment Plant (WWTP) currently treats approximately 9.0mgd of wastewater. 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. A unit generation factor of 264 gallons per day of wastewater per residential unit was used to estimate the wastewater that would be generated by the proposed project.[8] Based on this generation factor, it is estimated that the proposed project would generate up to 0.05996mgd of wastewater. The addition of 0.0596mgd of wastewater would not exceed the treatment capacity of the City's WWTP, or violate waste discharge requirements under the City's National Pollutant Discharge Elimination System (NPDES) permit. As such, the project would not cause, or contribute to, a violation of wastewater quality standards or waste discharge requirements.

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, the application of best management practices (BMPs) to effectively reduce pollutants from stormwater leaving the site during both the construction and operational phases of the project are required under Mitigation Measure 12, which requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP).

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, and SWPPP requirements required by Mitigation Measure 12, impacts from the proposed project would result in a **less than significant** impact relative to this environmental topic.

MITIGATION MEASURE

Implement Mitigation Measure 12 (SWPPP)

[8] Wastewater Flow and Loading Generation Factors from the Tracy Wastewater Master Plan (Low Density Residential wastewater generation factor)

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. As described in greater detail in the Utilities Section of this document, the City has adequate water supplies to serve the proposed project without increasing the current rate of groundwater extraction.

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. The proposed project would result in **less than significant** impacts related to depletion of groundwater supplies and interference with groundwater recharge. No mitigation is required.

Responses c), d), e), f): Less than Significant with Mitigation. 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 portions of the 59.1-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. Best management practices (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. Stormwater flows from the Project site would be directed to a retention basin by a new stormwater conveyance system on the Project site.

The proposed project will be designed and constructed with an onsite temporary storm drainage system that would remain in place until the downstream storm drain system is constructed with the project to the northeast of the site as indicated in the City's proposed Alternate Storm drain Connection, and Temporary Retention Basin diagrams for South Lammers Road. The temporary basin would be located in the northeast corner of the Project site. A preliminary engineering study has been completed for the Project site by Carlson Barbee & Gibson Inc. Civil Engineering services. The report has determined that 13.30 acre feet of storage capacity is needed to accommodate project stormwater requirements. The basin area accounts for a total surface area of 74,250 square feet (1.7 acres), and is sized per Section 5 of the City of Tracy Engineering Design and Construction Standards.

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. 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. 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.

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, Mitigation Measure 12 requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP), and structural BMPs. As described below, the SWPPP would require the application of best management practices (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 mitigation measure would reduce this impact to a **less than significant** level.

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, Mitigation Measure 13 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 mitigation measure would reduce this impact to a **less than significant** level.

MITIGATION MEASURES

Mitigation Measure 12*: 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.*

Mitigation Measure 13*: 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 g), h): 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. This is a **less than significant** impact and no mitigation is required.

Responses i), j): Less than Significant. The Project site is not located within an inundation risk area. The nearest inundation areas are at the northernmost parts of the city (approximately 3 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. Given the regulations provided in the California Dam Safety Act, and the ongoing monitoring performed by the DSD, the risk of loss, injury, or death to people or structures from dam failure is considered **less than significant**.

There are no significant bodies of water near the Project site that could be subject to a seiche or tsunami. Additionally, the Project site and the surrounding areas are essentially flat, which precludes the possibility of mudflows occurring on the Project site. This is a **less than significant** impact and no mitigation is required.

X. 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) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?		X		

RESPONSES TO CHECKLIST QUESTIONS

Responses a): No Impact. The Project site is surrounded by residential, and agricultural land uses. The project is located adjacent to existing communities and would be consistent and compatible with the surrounding residential land uses. The project would not physically divide any established community. Therefore, there is **no impact.**

Responses b): Less than Significant. The Project site is currently designated Urban Reserve by the City of Tracy General Plan Land Use Designations Map and is zoned Low Density Residential. The proposed project includes a request for a General Plan Amendment to designate the site Residential-Low, and a proposed rezone to Planned Unit Development (PUD).

The key planning documents that are directly related to, or that establish a framework within which the proposed project must be consistent, include:

- City of Tracy General Plan
- City of Tracy Zoning Ordinance

The City of Tracy General Plan provides the following designations relevant to the proposed project.

Urban Reserve 8: The Urban Reserve designation is applied to relatively large, contiguous, geographic areas where comprehensive planning must occur prior to urbanization. The purpose of assigning the Urban Reserve designation to these large, undeveloped areas rather than specific land use designations to various parcels is to provide guidance regarding the vision and types of land uses allowed while still allowing flexibility in location of these uses.

Each area with an Urban Reserve designation will require comprehensive planning and the preparation of a Zoning District, Specific Plan or PUD. In conjunction with a Zoning District, Specific Plan or PUD, a General Plan amendment will be necessary to establish specific General Plan land use designations for each parcel of land. The Zoning District, Specific Plan and/or PUD shall include a vision, goals, objectives and images that describe the most important qualities that

the built development should have when completed. In addition, a concept plan must be included in order to show the location and intensity of the land uses. The following General Plan policies apply the urban Reserve 8 Designation: [9]

- 8a. The acreages assigned to land uses in the statistical profile for this Urban Reserve are intended as guidelines; the overall distribution and mixture of residential densities may change.
- 8b. Future development in this Urban Reserve should have a well-integrated mix of housing types with an average density of six dwelling units per acre.
- 8c. Development in this area should be coordinated with development in Urban Reserves 5 and the surrounding development to ensure adequate transitions between the location, site layout and intensity of land uses.

Residential Low (RL). Single family dwelling units are the principal type of housing stock allowed in these areas. Attached units, zero lot line and clustered housing are also permissible and are encouraged within the overall framework of each community. These housing types can help to meet the City's desire to create unique neighborhoods and enhance the character of the community. Allowable densities for the Residential Low designation are 2.1to 5.8 units per gross acre.

The City of Tracy Zoning Ordinance (Municipal Code Title 10) provides the following designations relevant to the proposed project.

The **Low Density Residential** (LDR) Zone is intended to be utilized in the areas designated low-medium density residential with a density range of 2.0 to 5.8 dwelling units per gross acre by the General Plan.

The proposed uses on the Project site are consistent with the purpose of the General Plan designation of Urban Reserve, which designates larger partials of land for planned development. Approval of the requested General Plan Amendment (from Urban Reserve to Residential Low) would be required to ensure that the proposed project is consistent with the Tracy General Plan. The Project site is currently zoned LDR; the project applicant is requesting a rezone to PUD to allow for flexibility in site design, setbacks, and development characteristics. Approval of a Zoning Amendment from Low Density Residential to Planned Unit Development (PUD) would be required prior to project approval. The PUD development standards (including building heights, densities setbacks) will conform to the development agreement between the City and the Developer. 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, and no mitigation is required.

Response c): Less than Signification with Mitigation. As described under the Biological Resources section of this document, the proposed project is classified as Urban Reserve under the SJMSCP. As required by Mitigation Measure 7, prior to issuance of grading permits, the Project

[9] City of Tracy General Plan (2011) Section 2-77

proponent will be required to coordinate with SJCOG and will be responsible for the appropriate coverage, permits, compensatory mitigation or fees, and project-specific avoidance, minimization, and mitigation measures as defined within the SJMSCP. Implementation of Mitigation Measure 7 would ensure that the project would not conflict with the implementation of the SJMSCP and has appropriate measures to ensure compliance with payment of mitigation fees. The implementation of Mitigation Measure 7 would reduce this impact to a **less than significant** level.

MITIGATION MEASURES

Implement Mitigation Measure 7

XI. 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): Less than Significant. As described in the Tracy General Plan EIR, the main mineral resources found in San Joaquin County, and the Tracy Planning Area, are sand and gravel (aggregate), which are primarily used for construction materials such as asphalt and concrete. According to the California Geological Survey (CGS) evaluation of the quality and quantity of these resources, the most marketable aggregate materials in San Joaquin County are found in three main areas:

- In the Corral Hollow alluvial fan deposits south of Tracy
- Along the channel and floodplain deposits of the Mokelumne River
- 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**.

XII. NOISE -- WOULD THE PROJECT RESULT IN:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			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 expose people residing or working in the project area to excessive noise levels?			X	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

BACKGROUND

A noise study for the proposed project was performed by J.C. Brennan & Associates, Inc. in May of 2015.

KEY NOISE TERMS

Acoustics The science of sound.

Ambient Noise The distinctive acoustical characteristics of a given area consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.

Attenuation The reduction of noise.

A-Weighting A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.

Decibel or dB Fundamental unit of sound, defined as ten times the logarithm of the ratio of the sound pressure squared over the reference pressure squared.

CNEL Community noise equivalent level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by a factor of three and nighttime hours weighted by a factor of 10 prior to averaging.

Frequency The measure of the rapidity of alterations of a periodic acoustic signal, expressed in cycles per second or Hertz.

Impulsive Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.

L_{dn} Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.

L_{eq} Equivalent or energy-averaged sound levelThis section provides a general description of the existing noise sources in the project vicinity, a discussion of the regulatory setting, and identifies potential noise impacts associated with the proposed project. Project impacts are evaluated relative to applicable noise level criteria and to the existing ambient noise environment.

Lmax The highest root-mean-square (RMS) sound level measured over a given period of time.

L(n) The sound level exceeded a described percentile over a measurement period. For instance, an hourly L50 is the sound level exceeded 50 percent of the time during the one hour period.

Loudness A subjective term for the sensation of the magnitude of sound.

Noise Unwanted sound.

SEL Sound exposure levels. A rating, in decibels, of a discrete event, such as an aircraft flyover or train passby, that compresses the total sound energy into a one-second event.

METHODOLOGY

The FHWA Highway Traffic Noise Prediction Model (FHWA-RD 77-108) was used to develop Ldn (24-hour average) noise contours for the primary project-area roadways. The model is based upon the CALVENO noise emission factors for automobiles, medium trucks, and heavy trucks, with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and the acoustical characteristics of the site. The FHWA Model predicts hourly Leq values for free-flowing traffic conditions, and is generally considered to be accurate within 1.5 dB. To predict Ldn values, it is necessary to determine the hourly distribution of traffic for a typical 24-hour period.

Existing traffic volumes were obtained from the traffic study prepared for the project (Kimley Horn, May 7, 2015). Day/night traffic distributions were based upon file data for similar roadways. Using these data sources and the FHWA traffic noise prediction methodology, traffic noise levels were calculated for existing conditions.

Traffic noise levels are predicted at the sensitive receptors located at the closest typical setback distance along each project-area roadway segments. In some locations sensitive receptors may be located at distances which vary from the assumed calculation distance and may experience shielding from intervening barriers or sound walls. However, the traffic noise analysis is believed

to be representative of the majority of sensitive receptors located closest to the project-area roadway segments analyzed in this report.

The actual distances to noise level contours may vary from the distances predicted by the FHWA model due to roadway curvature, grade, shielding from local topography or structures, elevated roadways, or elevated receivers.

A community noise survey was conducted to document existing ambient noise levels at the Project site. The data collected included the hourly average (Leq), median (L50), and the maximum level (Lmax) during the measurement period.

Community noise monitoring equipment included a Larson Davis Laboratories (LDL) Model 820 precision integrating sound level meter equipped with an LDL ½" microphone. The measurement system was calibrated using a LDL Model CAL200 acoustical calibrator before and after testing. The measurement equipment meets all of the pertinent requirements of the American National Standards Institute (ANSI) for Type 1 (precision) sound level meters.

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant with Mitigation.

Exterior Noise Impacts

The proposed project is located in an area consisting predominately of residential and agricultural land uses. The primary sources of noise currently present in the project area are from vehicle traffic along Lammers Road.

The City of Tracy General Plan establishes allowable noise exposure levels for single-family residential land uses. As described under Goal N-1, Objective N-1.1, Policy P.4 of the Tracy General Plan, *"new single-family residential development shall not exceed 60 Ldn (day/night average noise level) for exterior noise in private use areas."*

The FHWA traffic noise prediction model was used to predict Cumulative + Project traffic noise levels at the proposed residential uses associated with the project. Table 9 shows the predicted traffic noise levels at the proposed residential uses adjacent to the major project-area roadways.

TABLE 9: CUMULATIVE + PROJECT TRANSPORTATION NOISE LEVELS AT PROPOSED RESIDENTIAL USES

ROADWAY	RECEPTOR DESCRIPTION	APPROXIMATE RESIDENTIAL SETBACK, FEET[1]	ADT	PREDICTED TRAFFIC NOISE LEVELS, LDN				
				NO WALL	6' WALL	7' WALL	8' WALL	9' WALL
Lammers Road	Backyards	100'	48,520	69 dB	63 dB	62 dB	61 dB	60 dB

[1] SETBACK DISTANCES ARE MEASURED IN FEET FROM THE CENTERLINES OF THE ROADWAYS TO THE CENTER OF RESIDENTIAL BACKYARDS.
SOURCE: FHWA-RD-77-108 WITH INPUTS FROM ABRAMS ASSOCIATES, AND J.C. BRENNAN & ASSOCIATES, INC. 2015.

The Table 9 data indicate that a 9-foot tall sound wall would be required for the residential uses proposed along S. Lammers Road. This wall is predicted to reduce exterior noise levels to 60 dB L_{dn}, or less. [10] Figure 10 shows the recommended wall location.

Interior Noise Impacts

Modern construction typically provides a 25 dB exterior-to-interior noise level reduction with windows closed. Therefore, sensitive receptors exposed to exterior noise of 70 dB L_{dn}, or less, will typically comply with the City of Tracy 45 dB L_{dn} interior noise level standard. Additional noise reduction measures, such as acoustically rated windows are generally required for exterior noise levels exceeding 70 dB L_{dn}.

It should be noted that exterior noise levels are typically 2-3 dB higher at second floor locations. The proposed residential uses are predicted to be exposed to unmitigated first floor exterior transportation noise levels of 69 dB L_{dn}. Therefore, second floor facades are predicted to be exposed to exterior noise levels of up to 72 dB L_{dn}. Based upon a 25 dB exterior-to-interior noise level reduction, interior noise levels are predicted to be 47 dB L_{dn}. These interior noise levels would exceed the City of Tracy 45 dB L_{dn} interior noise level standard and interior noise mitigation would be required. Specifically, all second floor windows with a view of South Lammers Road shall be fitted with sound transmission class (STC) 35 window assemblies. The (STC) 35 windows are predicted to achieve an interior noise level of 44 dB Ldn, which complies with the 45 dB Ldn standard. This calculation is predicted for a generic building construction with a safety factor, so it's possible the actual noise levels could be lower.

Conclusion

As described above, the proposed project would be subjected to vehicle roadway noise in excess of 65dBA in exterior areas, and in excess of 45dBA in interiors along South Lammers Road. The following mitigation measures will minimize noise impacts resulting from transportation noise impacts on the proposed Project site. Implementation of the following mitigation measures will ensure consistency with the City's noise standards, and will reduce this potentially significant impact to a **less than significant** level.

MITIGATION MEASURES

Mitigation Measure 14: *A 9-foot tall sound wall shall be constructed along S. Lammers Road. The wall may include a combination of earthen berm and concrete masonry to achieve the overall required wall height (e.g. 6-foot wall on 3-foot berm).*

Mitigation Measure 15: *All second floor windows with a view of S. Lammers Road shall have a minimum sound transmission class (STC) rating of 35. As an alternative to this requirement, the applicant may submit a detailed interior noise analysis outlining alternative noise control measures that would ensure compliance with the City of Tracy 45 dB* L_{dn} *interior noise level standard. This analysis should specify required sound ratings for*

[10] Existing Plus Project are lower than Cumulative Plus Project noise levels. The sound wall would more than mitigate for the existing plus project noise condition.

glazing as well as any other modifications to the building envelope used to meet the City's interior noise level standard. This analysis shall be prepared by a qualified noise control engineer.

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. The primary vibration-generating activities associated with the proposed project would occur during construction when activities such as grading, utilities placement, and roadway construction occur. Sensitive receptors which could be impacted by construction related vibrations, especially vibratory compactors/rollers, are located approximately 25-50 feet or further from the Project site. At this distance construction vibrations are not predicted to exceed acceptable levels. Additionally, construction activities would be temporary in nature and would likely occur during normal daytime working hours.

Construction vibration impacts include human annoyance and building structural damage. Human annoyance occurs when construction vibration rises significantly above the threshold of perception. Building damage can take the form of cosmetic or structural. Table 10 shows the typical vibration levels produced by construction equipment.

Table 10: 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 *Transit Noise and Vibration Impact Assessment Guidelines* 2006	

As indicated in Table 10, predicted vibration levels are not anticipated to exceed recommended criteria for structural damage and human annoyance (0.2 and 0.1 in/sec ppv, respectively) at nearby land uses. As a result, short-term groundborne vibration impacts would be considered **less than significant** and no mitigation is required.

Response c): Less than Significant. Generally, a project may have a significant noise effect on the environment if it will substantially increase the ambient noise levels for adjoining areas or expose people to severe noise levels. In practice, more specific professional standards have been developed. These standards state that a noise impact may be considered significant if it would generate noise that would conflict with local planning criteria or ordinances, or substantially increase noise levels at noise-sensitive land uses.

The proposed project would not directly generate increased noise beyond those activities commonly found in residential developments (i.e., lawnmowers, leaf blowers, etc.). The noise directly generated by the project would not differ from the existing ambient noises currently generated by the surrounding residential land uses.

However, the proposed project may indirectly increase ambient noise levels in the project vicinity through the introduction of additional vehicle trips to area roadways. To describe future noise levels due to traffic, the Federal Highway Administration Highway Traffic Noise Prediction Model (FHWA RD-77-108) was used. Inputs to the model included traffic volumes provided by Kimley Horn. The FHWA model is based upon the Calveno reference noise factors for automobiles, medium trucks and heavy trucks, with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and the acoustical characteristics of the site. The FHWA model was developed to predict hourly L_{eq} values for free-flowing traffic conditions. To predict Ldn/CNEL values, it is necessary to determine the day/night distribution of traffic and adjust the traffic volume input data to yield an equivalent hourly traffic volume.

Table 11 shows the noise levels associated with traffic on the local roadway network under the existing and existing plus project traffic conditions.

TABLE 11: EXISTING TRAFFIC NOISE LEVELS VS. EXISTING PLUS PROJECT TRAFFIC NOISE LEVELS

ROADWAY	SEGMENT	NOISE LEVELS (LDN, DB)			DISTANCE TO EXISTING + PROJECT TRAFFIC NOISE CONTOURS, FEET[1]		
		EXISTING	EXISTING + PROJECT	CHANGE (DB)	70 DB LDN	65 DB LDN	60 DB LDN
Lammers Road	North of Crossroads	62.5	63.7	1.2	38	82	177
Lammers Road	Crossroads to Redbridge	62.5	62.8	0.3	33	71	153
Lammers Road	Redbridge to Old Schulte	56.5	56.9	0.4	13	29	62
Redbridge Road	East of Lammers	54.4	54.4	0.0	5	10	21

[1] Distances to traffic noise contours are measured in feet from the centerlines of the roadways. Actual distances may vary due to shielding from existing noise barriers or intervening structures. Traffic noise levels may vary depending on actual setback distances and localized shielding.
SOURCE: FHWA-RD-77-108 WITH INPUTS FROM KIMLEY HORN AND J.C. BRENNAN & ASSOCIATES, INC. 2015

As indicated by Table 11, the related noise level increases from development of the proposed project are predicted to range between 0.3 to 1.2 dB. The traffic noise from the Proposed Project is not expected to produce noise levels that would exceed City standards. Increased project related traffic would increase traffic noise levels by less than the City's 3-5 dB test of significance at existing sensitive receptors. As such, this is a **less than significant** impact and no mitigation is required.

Response d): Less than Significant. 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. Activities involved in project construction would typically generate maximum noise levels ranging from 85 to 90 dB at a distance of 50 feet. The nearest residential receptors would be located 25-50 feet or more from the majority of project construction activities.

As stated above, noise sensitive receptors near the construction site would, at times, experience elevated noise levels from construction activities; however, construction-related noise generally

would occur during daytime hours only. General Plan Noise Element Policy 4 (Goal N-1.2) establishes the following construction requirements:

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

Implementation of these required measures (i.e., engine muffling, placement of construction equipment, and strategic stockpiling and staging of construction vehicles), and compliance with the City Municipal Code requirements, would serve to further reduce exposure to construction noise levels. Adherence to City General Plan, City Municipal Code Title 4.12, Article 9 (Noise Control Ordinance), would minimize any impacts from noise during construction. Requirements stated above are adopted by the City as Conditions of Approval (COAs) for all new development projects prior to project approval. Therefore, no additional noise control measures would be required and this impact would be considered **less than significant**.

Response e): Less than Significant. The Tracy Municipal Airport located approximately 2.5 miles southeast is the closest airport to the Project site. 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 dBCNEL and the 60 dBCNEL noise contours for the Tracy Municipal Airport. As such, the Project site would not be exposed to excessive noise from the Tracy Municipal Airport. This is a **less than significant** impact, and no mitigation is required.

Response f): No Impact. The Project site is not located in the vicinity of a private airstrip. Therefore, there is no impact.

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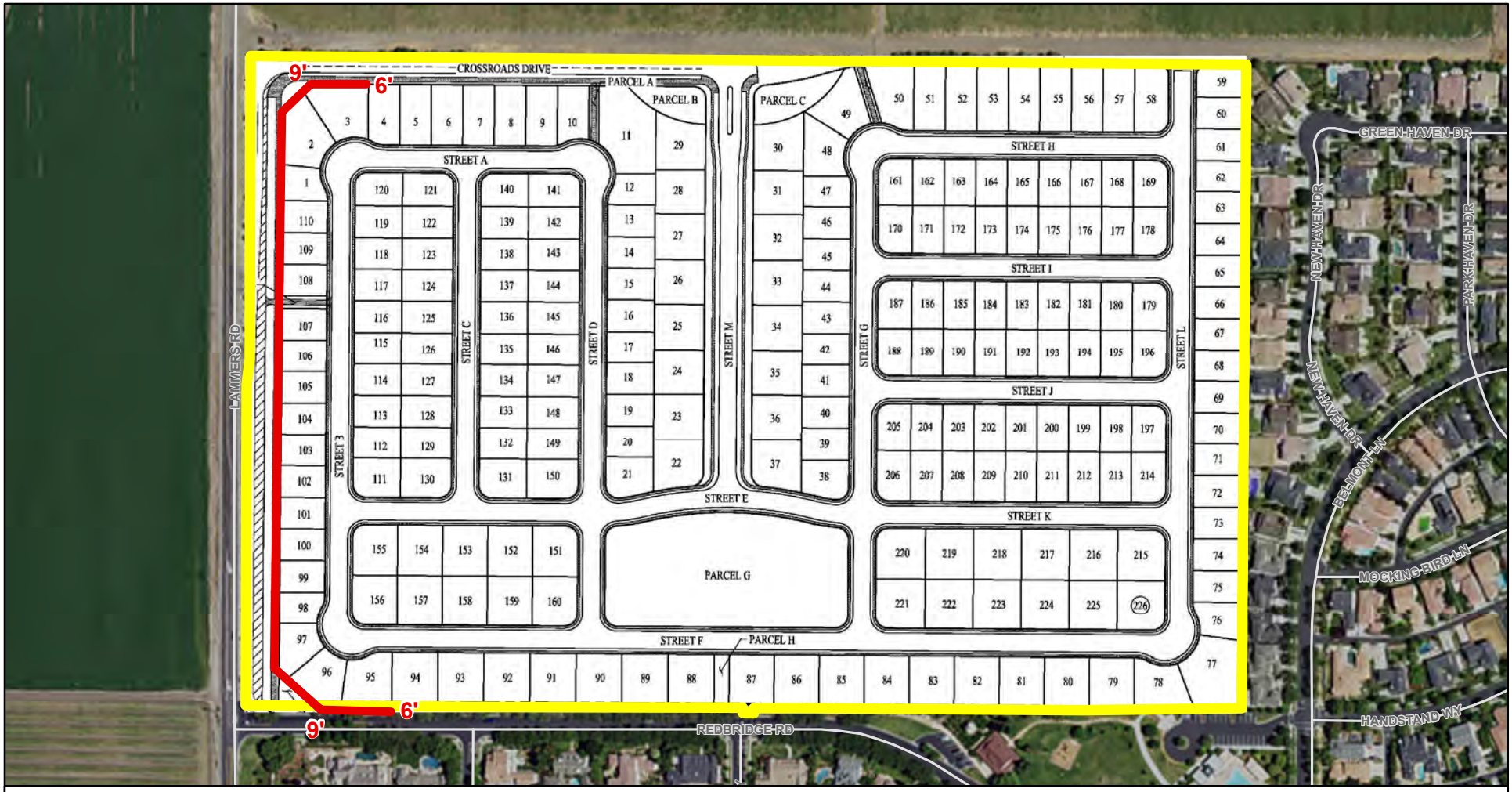

Legend

- Project Boundary
- Recommended Noise Barrier Locations and Heights

N

0 150 300

Feet

1:3,600

ROCKING HORSE PROJECT MND
TRACY, CALIFORNIA

Figure 10: Recommended Sound Wall Location

Sources: Carlson, Barbee & Gibson, Inc.; San Joaquin County GIS; ArcGIS Online World Imagery Map Service. Original figure prepared by J.C. Brennan & Associates May 2015. Map date: November 9, 2015.

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XIII. POPULATION AND HOUSING -- WOULD THE PROJECT:

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

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant. Implementation of the project would result in the construction of 226 single-family housing units on the Project site. The proposed project is located along the edge of an existing urbanized area of the City. There is existing infrastructure (roads, water, sewer, etc) in the immediate vicinity of the Project site. While the project would extend these services onto the site to serve the proposed development, the project would not extend infrastructure beyond an area of the City not currently served. Therefore, while the project may directly induce population growth through the provision of 226 new low-density residences, the project would not indirectly induce population growth in other areas of the City of Tracy.

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 other types of environmental impacts, such as traffic, service demands, etc. As described throughout this environmental document, the population growth attributable to the proposed project would not result in any significant environmental impacts that cannot be mitigated to a less than significant level. Future growth will occur through development allowed by the General Plan and by the City's Growth Management Ordinance (GMO). Under the GMO, approximately 19,981 building permits can be issued between 2011 and 2041.[11] Growth under this project is consistent with the General Plan and GMO. Additionally, growth generated by the project is within the growth forecast for the UR-8 designation contained in the General Plan, which assumes up to 450 additional units.[12]

While this document acknowledges that project approval would provide for additional housing opportunities in the City of Tracy, which may lead to population growth in the City, this impact is **less than significant**, as demonstrated throughout this document. No additional mitigation is required.

[11]http://www.sjgov.org/lafco/Tracy%20MSR/TracyMSR_Dec2011_ALL%20FILES[1].pdf
[12] Tracy General Plan 2011. Table 2-10 statistical profile: urban reserve 8.

Responses b), c): Less than Significant. There is one residential structure located on the Project site. Development of the Project would remove one housing unit onsite, and add 226 single-family residential units. Therefore, the Project would not displace substantial numbers of people or existing housing, and would have a **less than significant** impact in this respect.

XIV. 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 with Mitigation. The Tracy Fire Department, as a member agency of the South County Fire Authority, provides fire protection, life safety, and emergency response services to 167 square miles of the southern part of San Joaquin County. In 1999, the South County Fire Authority (SCFA) was established to more effectively and efficiently serve the City of Tracy and the Tracy Rural Fire Protection District (FPD).

The SCFA currently operates six fire stations and an administrative office. Twenty-four hour-per-day staffing is provided with six paramedic engine companies and one ladder truck company. Four fire stations are within the incorporated area of the City of Tracy, and two are in the surrounding rural Tracy area.

Medical transport is provided by private ambulance. American Medical Response is the exclusive emergency ambulance service provider in San Joaquin County.

The Tracy Fire Department conducted a Standards of Response Coverage study in late 2007. Findings of the study indicated that the Department had challenges in meeting its established response time objectives in the areas of the West Valley Mall and Downtown Tracy utilizing existing resources. Two new facilities were opened in June 2014, to replace Fire Stations 92 and 96. The new facilities allow the Fire Department to serve the greater community of

Tracy (including the West Valley Mall) more effectively within the established response time standard of 6.5 minutes.

Response time and fire department effectiveness once units arrive are critical considerations in mitigating emergencies. The response time standard is defined as total reflex time (1:30 call processing, 1:00 turn-out time, and 4:00 travel-time). In addition, the Fire Department performance standard to measure effectiveness is to confine moderate risk structure fires to the room of origin or less 90% of the time in the City. In order to successfully mitigate emergencies, it is essential the Fire Department assemble an adequate number of personnel to perform critical tasks at the scene once the unit(s) arrive.

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 is implemented through the review of all new projects with the City's Sphere of Influence, prior to development, and through the collection of development impact fees for the funding of facilities.

Implementation of the proposed project will adversely impact existing fire and emergency services within the City, and will require the purchase of a new Type-I Fire Pumper Apparatus to be operated from and in addition to the existing resources assigned to Fire Station 94 at 16502 W. Schulte Road. 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 facility and equipment needs.

The project will also be required to provide additional sources of funding to support what will be on-going operational costs for Fire and Police services in the project area (as well as for Public Works staffing services related to maintenance of landscaping and other improvements within the public right-of-way). The City will therefore impose a condition of approval on the project requiring the developer to establish and fund a Community Facilities District (CFD) or other lawful funding mechanism prior to issuance of any building permits for the project. Alternatively, the developer can propose, subject to City review and approval of an agreement which shall then be recorded, a source of direct funding that will ensure provision of Fire, Police, and Public Works maintenance services for the project area in perpetuity. This option would also be required to be met prior to building permit issuance. With City imposition of this condition, impacts to Fire, Police, and Public Works maintenance services will be less than significant.

Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from property taxes, sales taxes, participation in the Community Facilities District or similar funding mechanism, and other revenues generated by the project, would fund capital and labor costs associated with fire protection services.

The Project is located approximately 2.7 miles from the nearest existing fire station and outside of the Department's 4-minute travel-time standard. The Project is adjacent to an existing development that contains 438 units that are also outside of the 4-minute travel-time standard. The addition of 226 units to the existing deficiency will generate a population increase

of 725 persons (226 X 3.21 persons per household = 725) outside of the 4-minute travel-time, and when added to the existing deficiency of the adjoining 438 units, 2,131 people would be in the area of deficient coverage. The nearest existing station at 16502 W. Schulte Road will experience increased demand due to a growing industrial/commercial development within its first-due area. Additional future development in the project area will further degrade the Fire Department's ability to adequately serve the area unless a permanent fire station is constructed. Therefore, in order to provide adequate fire protection and suppression services to the Project site in the interim, the Tracy Fire Department requires a new Type-I Fire Pumper Apparatus be purchased and operated from and in addition to the existing unit assigned to Fire Station 94 at 16502 W. Schulte Road before project build-out. Although the project remains outside of the 4-minute travel time standard, the number of incidents generated due to the population increase are low (226 X 3.21 persons per household = 725 X .064 calls per capita = 46 additional calls for service). The addition of a Type-I Fire Pumper Apparatus staffed with personnel will assist the Fire Department in assembling an adequate workforce to perform critical tasks within the project area for critical fire incidents. The additional unit will not enhance response times for critical emergency medical incidents.

The City of Tracy Public Safety Master Plan identifies this fire station that will permanently serve the project area as Station "B" (P31, Figure 22). The new Type-I Fire Pumper Apparatus purchased by the project developer and operated from Fire Station 94 at 16502 W. Schulte Road on an interim basis, would be reassigned to the permanent fire station once constructed. Impact fees that have been collected from existing development would also be applied to the new fire station, though additional funding may be needed from the project developer to ensure timely purchase of the new Type-I Fire Pumper Apparatus. This is addressed in the following mitigation measure:

MITIGATION MEASURES

> ***Mitigation Measure 16:*** *In order to provide adequate fire protection and suppression services to the project site, the developer shall fund the cost of a new Type-I Fire Pumper Apparatus (up to the estimated cost of said equipment assumed in the Citywide Public Safety Master Plan dated 3/21/13, not to exceed the total amount of $500,000) before issuance of the 151st building permit for the project as follows: the developer shall pay applicable public safety impact fees on a per-unit basis, and shall pay the remaining amount of said funding due (after crediting the amount of public safety impact fees already paid) no later than issuance of the 151st building permit for the project. Since said funding exceeds the developer's pro rata fair share of applicable public safety impact fees, the developer shall be eligible for fee reimbursement of costs paid for the Type-I Fire Pumper Apparatus that are above and beyond developer payment of applicable impact fees pursuant to the City's Municipal Code, as other development projects post impact fee payments with the City.*

In addition, the 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 with mitigation incorporation**, and with application of the condition of approval related to facility funding and operations.

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 3.5 miles east of the Project site. There are no satellite offices or plans to construct any in the near future.

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.

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.

The project will also be required to provide additional sources of funding to support what will be on-going operational costs for Fire and Police services in the project area (as well as for Public Works staffing services related to maintenance of landscaping and other improvements within the public right-of-way). The City will therefore impose a condition of approval on the project requiring the developer to establish and fund a Community Facilities District (CFD) or other lawful funding mechanism prior to issuance of any building permits for the project. Alternatively, the developer can propose, subject to City review and approval of an agreement which shall then be recorded, a source of direct funding that will ensure provision of Fire, Police, and Public Works maintenance services for the project area in perpetuity. This option would also be required to be met prior to building permit issuance. With City imposition of this condition of approval, impacts to Fire, Police, and Public Works maintenance services will be **less than significant.**

iii) Schools: Less than Significant. Implementation of the proposed project would result in population growth within the City of Tracy, which would likely increase enrollment at schools within the Tracy Unified School District. According to the School District's boundary maps, new elementary and middle school students residing at the Project site are expected to attend George Kelly Elementary School, and high school students would attend John C. Kimball High School.

George Kelly School consists of 10.02 acres located at 535 Mabel Josephine Road and serves students in grades K through 8th. According to the Tracy Unified School District School Facilities Needs Analysis (August 7, 2015), George Kelly School has a current capacity of 714 students. According to the California Department of Education, Education Demographics Unit, current enrollment at George Kelly is 1,125 students (resulting in a 411 student capacity deficit).

John C. Kimball High School consists of 61.42 acres located at 3200 Jaguar Run and serves students in grades 9th through 12th. Tracy Unified School District School Facilities Needs Analysis (August 7, 2015), John C. Kimball High School has a current capacity of 2,133 students. According

to the California Department of Education, Education Demographics Unit, current enrollment at John C. Kimball HS is 1,765 students (resulting in a 368 student capacity remaining).

The Tracy Unified School District (TUSD) Estimates that 0.1138 elementary school students (grades kindergarten through 5th), 0.0650 middle school students (grades 6th through 8th), and 0.1471 high school students (grades 9th through 12th) will be generated from each new single family detached (SFD) residential unit. Using this generation factor, the proposed project would be expected to generate an additional 25.7 elementary school students, 14.7 middle school students, and 33.2 high school students. The addition of these students would exceed the current capacity at George Kelly School, and would not exceed the capacity at Kimball High School. According to the Districtwide Facilities Master Plan the build-out projections of residential units currently planned within the School District boundaries (including the proposed project), future school facilities, or expansion of existing facilities may be required.

The TUSD performs needs analysis and adopts an annual budget allocating resources for new school facilities as they are warranted. The proposed project does not trigger the need for a new school directly, however it would contribute to existing capacity deficiencies within the TUSD service area, specifically at the George Kelly School. Any new school would require environmental review when it is proposed. The environmental review will determine if there would be an adverse physical impact associated with its construction.

The TUSD 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. Under the provisions of SB 50, a project's impacts on school facilities are fully mitigated via the payment of the requisite new school construction fees established pursuant to Government Code Section 65995. As such, the project's impacts to school services are **less than significant**.

iv) Parks. Less than Significant. Potential project impacts to parks and recreational facilities are addressed in the following Recreation 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 would 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. 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. Payment of the applicable impact fees by the project applicant,

and ongoing revenues that would come from taxes, would ensure that project impacts to libraries and public buildings are **less than significant.**

XV. 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	

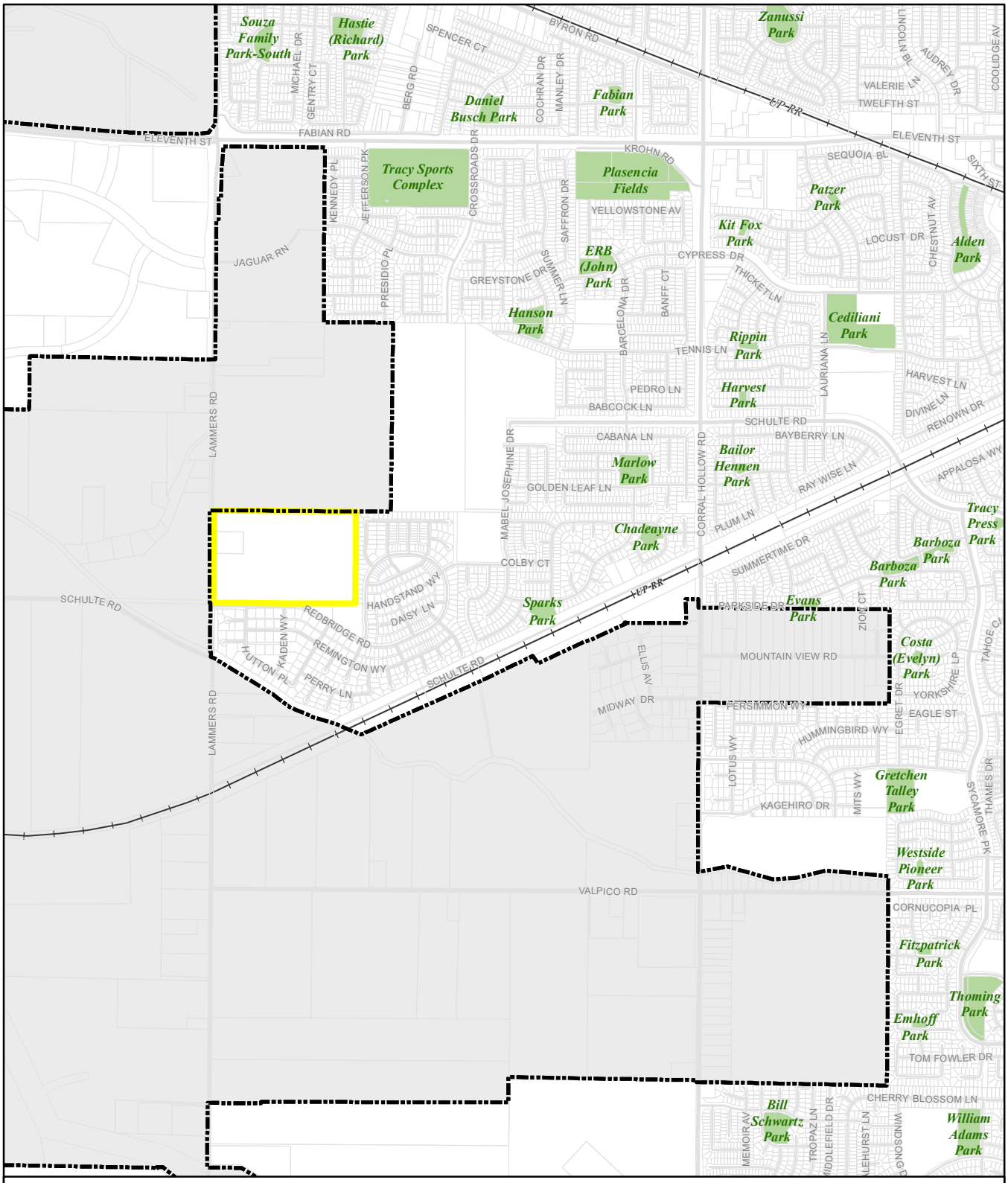
RESPONSES TO CHECKLIST QUESTIONS

Responses a), b): Less than Significant. The proposed project would increase demand for parks and recreational facilities within the City of Tracy, and would increase the use of the City's existing parks and recreation system. As described in the Tracy General Plan, the City maintains 48 mini-parks, 15 neighborhood parks, and eight community parks, providing approximately 256 acres at 71 sites. The City is also in the process of constructing the Holly Sugar Sports Park at the northern edge of the City, which will provide an additional 166 acres of sports parks, 86 acres of passive recreation area, and a 46-acre future expansion area for additional park facilities. Figure 10 displays current park locations in relation to the Project site.

The City strives to maintain a standard of 4 acres of park land for every 1,000 persons. In order to maintain this standard, the City requires new development projects to either include land dedicated for park uses, or to pay in-lieu fees towards the City's parks program. Chapter 13.12 of the Tracy Municipal Code states that, *"all development projects shall be required to maintain the City standard of four (4) acres of park land per 1,000 population. All development projects, as a condition of approval of any tentative parcel map or tentative subdivision map, or as a condition of approval of any building permit, shall dedicate land to the City or pay a fee in lieu thereof, or a combination of both, in order to maintain this City standard. The precise obligation of any development project to dedicate land or pay a fee pursuant to this section shall be incorporated in the implementing resolution for the park fee applicable to the development project."*

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 Conditions of Approval (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. Potential impacts associated with construction of the proposed onsite park are addressed throughout this Initial Study, given that the park site is within the area proposed for development and included in the project description. Additionally, given that the City maintains an ample and diverse range of park sites and park facilities, and collects fees from new development to fund the construction of new parks and the maintenance of existing parks, the additional demand for parks generated by

the proposed project would not result in the physical deterioration of existing parks and facilities within Tracy. As such, this is a **less than significant** impact and no mitigation is required.



Legend

- Project Boundary
- City of Tracy
- Parks

N

0 600 1,200

Feet

1:24,000

Sources: San Joaquin County GIS. Map date: November 9, 2015.

STRINGER SUBDIVISION MND
TRACY, CALIFORNIA

Figure 11: Parks Map

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XVI. TRANSPORTATION/TRAFFIC -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.?			X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?.			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X

RESPONSES TO CHECKLIST QUESTIONS

Response a), b): Less than Significant. In order to determine potential impacts related to traffic generated by the proposed project, a Traffic Impact Assessment (TIA) was prepared by Kimley-Horn and Associates in July 2015. In consultation with staff from the City of Tracy, it was determined that the following existing and planned intersections have the greatest potential to be impacted by the proposed project.

- Lammers Road / Crossroads Drive – New Intersection
- Project Driveway / Crossroads Drive – New Intersection
- Lammers Road / Redbridge Road
- Lammers Road / Old Schulte Road
- Byron Road / Grant Line Road

These intersections were addressed in the traffic assessment to determine if the project would result in an unacceptable level of service (LOS) under either existing (near-term) conditions, or cumulative (future) conditions with the addition of traffic generated by the proposed project. Level of service is a qualitative measure describing operational conditions at an intersection. The LOS generally describes these conditions in terms of average delay per vehicle. Six levels of service are defined and given letter designations from A to F, with LOS A representing the best operating conditions and LOS F the worst.

The proposed project would generate new vehicular trips that would increase traffic volumes on the nearby street network. To assess changes in traffic conditions associated with the proposed project, the following roadway segments for evaluation in this traffic study include:

- Lammers Road – Crossroads Drive to Redbridge Road
- Lammers Road – Redbridge Road to Old Schulte Road
- Lammers Road – Old Schulte Road to Valpico Road
- Old Schulte Road – Hansen Road to Lammers Road
- Crossroads Drive – Lammers Road to Project Driveway
- Crossroads Drive – Project Driveway to New Schulte Road

Freeway Facilities

The Traffic Impact Assessment determined the project would add 0.1% or less traffic in either direction on the I-205 and I-580 freeways under cumulative conditions. This addition is insignificant. The project would pay Traffic Impact Fess to SJCOG and the City to offset incremental cumulative impacts as stated in the TIA. Therefore, impacts to freeway facilities will not be further evaluated.

Thresholds of Significance

Significance criteria are used to identify Project impacts. Currently, the City, SJCOG, and the County specify LOS thresholds that are utilized for roadways under their respective jurisdictions. The following significance criteria were used for the project's Traffic Impact Analysis and are consistent with the thresholds from the 2011 General Plan Update, SJCOG criteria, SJ County criteria, and Appendix G of the CEQA Guidelines. Accordingly, the Project would have a significant traffic impact under the jurisdiction of each of the following agencies if any of the criteria discussed below are met.

SAN JOAQUIN COUNCIL OF GOVERNMENTS

The CMP system for project condition analysis includes Lammers Road. Per the 2012 SJCOG CMP, the intersection LOS threshold is D.

CITY OF TRACY

The City has established LOS D, where feasible, as the minimum acceptable LOS for roadways and overall intersection operations (for roadways a v/c ratio of .80-.89 = LOS D). However, there are certain locations where this standard does not apply. The following provides a list and description of exceptions to the LOS D standard:

- LOS E or lower shall be allowed on streets and at intersections within 1/4 mile of any freeway, to discourage inter-regional traffic from using City streets.
- In the Downtown and Bowtie area of the City of Tracy, LOS E shall be allowed in order to create a pedestrian-friendly urban design character and densities necessary to support transit, bicycling, and walking.
- The City may allow individual locations to fall below the City's LOS D standard at intersections where construction of improvements is not feasible, prohibitively expensive, significantly impact adjacent properties or the environment, or have a significant adverse impact on the character of the community, including pedestrian mobility, crossing times, and comfort/convenience. Intersections may be permitted to fall below their adopted LOS standard on a temporary basis when the improvements necessary to preserve the LOS standard are in the process of construction or have been designed and funded but not yet constructed.

Signalized Intersections

- Signalized intersections operating at an acceptable level (LOS D or better if located more than ¼ mile from a freeway) degrade to an unacceptable LOS E or F.
- Addition of project trips causes a delay increase of more than four seconds to an intersection already operating at an unacceptable level.

Un-signalized Intersections

- Un-signalized intersections operating at LOS D or better degrade to an unacceptable LOS E or under (outside ¼ mile of a freeway), and LOS E or better degrade to an unacceptable LOS F (within ¼ mile of a freeway), and a traffic signal warrant is met.
- Addition of project trips causes a volume increase of more than 10 percent at an intersection operating at an unacceptable level and meeting a signal warrant.

Existing Intersection Traffic Counts

In preparing the traffic assessment, Kimley-Horn evaluated traffic operations at the study intersections under existing traffic conditions. Results of the analysis are presented in Table 12. Analysis sheets for LOS are provided in Appendix B of the Traffic Impact Analysis.

Table 12 summarizes the results of the intersection analysis under Existing Conditions for the a.m. and p.m. peak hours. Under Existing Conditions, all the study intersections except Lammers Road / Old Schulte Road operate at LOS D or better during both the a.m. and p.m. peak hours. The intersection of Lammers Road / Old Schulte Road currently operates at LOS E during the AM peak hour, which is below the City's LOS D standard.

TABLE 12: INTERSECTION LOS- EXISTING CONDITIONS

#	Intersection	Control Type	Existing Conditions					
			AM Peak Hour			PM Peak Hour		
			Movement	Delay	LOS	Movement	Delay	LOS
1	Lammers Road / Crossroads Drive	Does Not Exist	-	-	-	-	-	-
2	Crossroads Drive / Project Driveway	Does Not Exist	-	-	-	-	-	-
3	Lammers Road / Redbridge Road	SSSC	Overall	6.8	A	Overall	3.3	A
		Worst Approach	WB	34.6	D	WB	13.0	B
4	Lammers Road / Old Schulte Road	AWSC	Overall	**40.8**	**E**	Overall	14.7	B
5	Byron Road / Grant Line Road	Signal	Overall	18.0	B	Overall	47.5	D

Notes:

1. Analysis performed using HCM 2010 methodologies.
2. Delay indicated in seconds/vehicle.
3. Overall level of service (LOS) standard for the City is D.
4. Intersections that fall below City standard are shown in **bold.**

Project Trip Generation

Kimley-Horn developed estimated project trip generation for the proposed project using the Trip Generation Rates developed for the City of Tracy travel demand model as cited in the City of Tracy Transportation Master Plan (November 2012). The City developed the travel demand model in order to customize the model to more accurately reflect real time travel patterns in the city, and more accurately determine roadway infrastructure needs.

Trip generation for the project was also calculated using the rates from the Institute of Transportation Engineer's publication *Trip Generation 9th Edition*[13], which is a standard reference used by jurisdictions throughout the county for the estimation of trip generation. Since the City of Tracy specifies its own rates, ITE rates are supplied for comparison purposes only. A trip is defined in *Trip Generation* as a single or one-directional vehicle movement with either the origin or destination at the Project site. In other words, a trip can be either "to" or "from" the site. In addition, a single customer visit to a site is counted as two trips (i.e., one to and one from the site).

For purposes of determining the worst-case impacts of traffic on the surrounding street network, the trips generated by a proposed development are typically estimated between the hours of 7:00-9:00 AM and 4:00-6:00 PM on weekdays. Trip generation calculations prepared per ITE methodology are based on the number of residential dwelling units. Additionally, since the property is single use residential, no internal capture, linked trip, or pass-by trip reductions were considered. Table 13below shows trips generated by the proposed development based on both previously discussed standards. As illustrated in Table 13, total project trips generated during the AM Peak using the City's rates are lower than total project trips generated using ITE's rates

[13] *Trip Generation, 9th Edition*, Institute of Transportation Engineers, 2012.

(124 vs. 168). During the PM Peak, total project trips generated using the City's rates are higher than total project trips generated using ITE's rates (237 vs. 219). Based on the City of Tracy rates, the project will generate 124 net new trips in the AM peak hour and 237 net new trips in the PM peak hour.

TABLE 13: PROJECT TRIP GENERATION

Land Uses	Project Size	AM PEAK HOUR				PM PEAK HOUR			
		Total Peak Hour	IN	/	OUT	Total Peak Hour	IN	/	OUT
Trip Generation Rates[1]									
Project Use									
Low/Mid Density Residential & Residential Real Estate		0.55	25%	/	75%	1.05	63%	/	37%
Trips Generated									
Project Use									
Low/Mid Density Residential & Residential Real Estate	226 DUs	124	31	/	93	237	149	/	88
Total Project Trips		**124**	**31**	**/**	**93**	**237**	**149**	**/**	**88**
Total Project Trips per ITE[2]		*168*	*42*	*/*	*126*	*219*	*138*	*/*	*81*
Comparison		*(44)*	*(11)*	*/*	*(33)*	*18*	*11*	*/*	*7*

Notes:

1. Trip Generation Rates developed for the City of Tracy travel demand model as cited in the City of Tracy Transportation Master Plan (November, 2012) were used in this study.
Source: Kimley-Horn and Associates, Inc., 2015

2. Trip Generation using ITE rates provided for comparison purposes only. The AM trip rate for the City is lower compared to ITE, but the PM City rate is higher. The City PM rate is also higher than all ITE rates, thus capacity needs are determined by the PM rate. The City PM rate provides for a more conservative analysis compared to ITE.

Project Trip Distribution and Assignment

Trip distribution is a process that determines in what proportion vehicles would travel between a Project site and various destinations outside the project study area. The process of trip assignment determines the various routes that vehicles would take from the Project site to each destination using the calculated trip distribution.

Due to the nature of the proposed development, most residents living at the proposed site are expected to travel predominantly to the north, where they will have access to the nearest retail land uses, schools, downtown, regional roadway (I-205), and major arterials (11th Street, Tracy Boulevard, and Grant Line Road).

The City of Tracy Travel Demand Model was used to determine the trip distribution and assignment. Applying the directional distribution provided by the Tracy Hills EIR for residential trips, the AM and PM trips for the site were calculated.

Existing Plus Project Conditions

From the Lammers Road / Crossroads Drive intersection, approximately 82% of the project trips would distribute northwards along Lammers Road and 18% would distribute southwards. Of the trips distributed to the north, 1% would be distributed onto Byron Road north of Grant Line Road and 9% would distribute along Grant Line Road, east of Byron Road to the City retail areas. The remaining traffic would be distributed to downtown, to 11th Street, Tracy Boulevard, Byron Road and the freeways. Of the trips distributed to the south, 5% would be distributed westwards on Old Schulte Road. The remaining 13% would be distributed on Lammers Road south of Old Schulte Road to Linne Road.

In the morning peak, 124 peak hour trips will be generated, of which 31 trips will enter the site and 93 trips will exit the site. In the afternoon peak, 237 trips will be generated, of which 149 trips will enter the site and 88 trips will exit the site.

Cumulative (2035) Plus Project Conditions

From the Project Driveway on Crossroads Drive, approximately 67% would distribute west on Lammers Road and 33% would distribute east along Crossroads Drive and eventually continue north. 49% of the project trips would distribute northwards along Lammers Road and 18% would distribute southwards on Lammers Road. The trips distributed to the north would be distributed onto I-205, 11th Street, and Byron Road (southbound). Of the trips distributed to the south, 5% would be distributed westwards on Old Schulte Road. The remaining 13% would be distributed on Lammers Road south of Old Schulte Road.

In the morning peak 124 peak hour trips will be generated, of which 31 trips will enter the site and 93 trips exit the site. In the afternoon peak hour 237 trips will be generated, of which 149 trips will enter the site and 88 trips will exit the site.

Level of Service Analysis- Existing plus Project Conditions

Traffic operations were evaluated at the study intersections under Existing Plus Project conditions. Table 14 shows the results of the LOS analysis for the study intersections under Existing Plus Project Conditions.

TABLE 14: INTERSECTION LOS- EXISTING PLUS PROJECT CONDITIONS

		Existing Conditions				*Existing Plus Project Conditions*			
Intersection	**Control Type**	**AM Peak Hour**		**PM Peak Hour**		**AM Peak Hour**		**PM Peak Hour**	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Lammers Road / Crossroads Drive	SSSC	--	--	--	--	1.6	A	2.6	A
	Worst Approach WB	--	--	--	--	17.4	C	12.4	B
Crossroads Drive / Project Driveway	Roundabout	--	--	--	--	8.3	A	6.1	A
Lammers Road / Redbridge Road	SSSC	6.8	A	3.3	A	7.1	A	3.2	A
	Worst Approach WB	34.6	D	13	B	**36.8**	**E**	13.5	B
Lammers Road / Old Schulte Road	AWSC	**40.8**	**E**	14.7	B	**41**	**E**	16.7	C
Byron Road / Grant Line Road	Signal	18	B	47.5	D	18.3	B	51.2	D

Notes:
1. Analysis performed using HCM 2010 methodologies.
2. Delay indicated in seconds/vehicle.
3. Overall level of service (LOS) standard for the City is D.
4. Intersections that fall below City standard are shown in bold.
5. Sidra was used to analyze the roundabout at Crossroads Drive / Project Driveway.
6. SSSC - side-street stop-controlled
7. AWSC- all-way stop-controlled

Source: Kimley-Horn and Associates, Inc. 2015

As shown in Table 14 above, all the intersections would operate at acceptable levels of service, except for Lammers Road / Redbridge Road, and Lammers Road / Old Schulte Road (LOS E) AM Peak Hour under Existing Plus Project Conditions. However, the addition of the project traffic does not increase by more than 10% of existing volumes (the City significance threshold), and thus the project has no significant impact at these intersections.

Under existing plus project conditions, the proposed project would have a **less than significant** impact, and no mitigation is required.

Cumulative plus Project Traffic Analysis

Cumulative Conditions 2035 represent build out of the City of Tracy Transportation Master Plan (City TMP). Traffic volumes for 2035 were forecasted using the most recent update to the City of Tracy Travel Demand Model (TDM). This scenario addresses cumulative intersection and roadway operations on the future transportation network as discussed in the City TMP. Table 15 shows the results of the LOS analysis for the study intersections under Cumulative plus Project Conditions.

TABLE 15: INTERSECTION LOS- CUMULATIVE PLUS PROJECT CONDITIONS

		Cumulative Conditions				*Cumulative Plus Project Conditions*			
Intersection	**Control Type**	**AM Peak Hour**		**PM Peak Hour**		**AM Peak Hour**		**PM Peak Hour**	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Lammers Road / Crossroads Drive	Signal	23.9	C	4.3	A	24.5	C	7.9	A
Crossroads Drive / Project Driveway	Roundabout	2.7	A	3.2	A	3.5	A	3.5	A
Lammers Road / Redbridge Road	SSSC	**41.2**	**E**	**47.8**	**E**	**43.1**	**E**	**52.1**	**F**
	Worst Approach WB	**533.8**	**F**	**1387.2**	**F**	**562.9**	**F**	**1541.9**	**F**
Lammers Road / Old Schulte Road	Signal	11.3	B	32.8	C	12.8	B	33.8	C
Byron Road / Grant Line Road	Does Not Exist	--	--	--	--	--	--	--	--

Notes:
1. Analysis performed using HCM 2010 methodologies.
2. Delay indicated in seconds/vehicle.
3. Overall level of service (LOS) standard for the City is D.
4. Intersections that fall below City standard are shown in bold.
5. Sidra was used to analyze the roundabout at Crossroads Drive / Project Driveway.
Source: Kimley-Horn and Associates, Inc. 2015

As shown in Table 15, the intersection of Lammers Road / Redbridge Road would operate at an overall unacceptable LOS during the AM and PM peak hours under Cumulative, and Cumulative Plus Project conditions, and does not meet the City's LOS criteria. However, the additional project generated traffic does not increase by more than 10% of existing volumes (the City significance threshold), and thus traffic from the proposed project would have a less than significant impact at this intersection.

The intersection of Lammers Road / Redbridge Road operates at an unacceptable LOS in the Cumulative and Cumulative Plus Project conditions due to the projected growth along Lammers Road by the year 2035. Installing a signal at this intersection would mitigate the unacceptable operation. This is however not a project impact. The City will include signalization of this intersection as a CIP project in the City Transportation Impact Fee Program when the intersection signal warrant is met and the threshold is exceeded. The project will be required to pay the SJCOG and the City Transportation traffic impact fees. These programs include the development of Travel Demand Management (TDM) principles such as: ride and car sharing, ride match assistance, preferential car pool parking, flexible work schedules and telecommute, van pool assistance, employer shuttles, and bicycle racks, lockers and showers. 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 project applicant will also be required to coordinate with SJCOG to assess traffic impact fees schedules.

With a signal control installed at Lammers Road / Redbridge Road the intersection will operate at acceptable LOS A. Therefore, under cumulative conditions, the proposed project would have a **less than significant** impact on intersection operations, and no mitigation is required.

As demonstrated above, the project will not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections); nor would project-generated traffic cause traffic levels to exceed, either individually or cumulatively, an adopted level of service standard.

Response c): Less than Significant. The Tracy Municipal Airport is the closest airport to the Project site, located approximately 2.5 miles southwest of the site. The Airport is a general aviation airport owned by the City and managed by the Public Works Department. As discussed previously in the Hazards section, the Project site is not located within any of the safety restriction zones or within the airport influence area as designated by SJCOG. The proposed project includes single and two-story residential structures that would not protrude into active airspace, or disrupt aviation patterns. The distance, and development characteristics precludes the possibility of the proposed project altering aviation patterns or creating aviation hazards. Additionally, the addition of 226 single-family units would not be expected to significantly increase air travel demand. Therefore, Implementation of the proposed project would not result in any needed changes to airport operations or air travel patterns at the Tracy Municipal Airport. This impact is **less than significant,** and no mitigation is required.

Responses d) and e): **Less than Significant.**

Based on the preliminary site plan driveway access to the site will be off Crossroads Drive. Primary access to the site will be off Crossroads Drive via M Street. A secondary access and /or Emergency only vehicle (EV) access will be provided from Street L onto Crossroads Drive, once Crossroads Drive is built out, which will occur with future development to the north of the Project site.

The proposed site plan provides adequate access to the Project site, which would adequately accommodate emergency vehicles. 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. This is a **less than significant** impact and no mitigation is required.

Response f): No impact. The project would have no impact on any existing plans or policies related to alternative transportation.

Lammers Road will be a transit route in the future as identified in the City TMP. Typically bus stops are provided at intersections where pedestrian access will be provided and it is anticipated that a future bus stop in each direction of travel (pull-outs) will be located on Crossroads Drive east of the proposed project's driveway.

Goal CIR-3 of the General Plan provides for safe and convenient bicycle and pedestrian travel as alternative modes of transportation in and around the City. This goal includes several policies that are designed to enhance safe and convenient travel for bicyclists and pedestrians. Policies P4 and P6 under CIR-3 state that the City's bicycle and pedestrian system shall have a high level of connectivity, and that new development shall include pedestrian and bicycle facilities internal to the development, and which connect to citywide facilities, such as parks, schools, and

recreational corridors. The project on-site streets and the adjacent City street network (Crossroads Drive and Lammers Road) include pedestrian and bicycle facilities. To establish a connection from the existing Project site to the City system, the project shall construct an interim pedestrian and bicycle facility along the east side of Lammers Road from Crossroads Drive to the Kimball High school, where it will connect with the existing pedestrian system. This will be a condition of approval for the proposed project. Future transit stops and routes are identified in the TMP provide mode choice opportunities to project residents.

As described previously, the project applicant will pay the SJCOG and the City Transportation traffic impact fees. These programs include the development of Travel Demand Management principles such as:

- Ride and car sharing
- Ride match assistance
- Preferential car pool parking
- Flexible work schedules and telecommute
- Van pool assistance
- Employer shuttles
- Bicycle racks, lockers and shower

Project implementation would assist the City in providing connections and access to alternative transportation in the project area. Therefore, in regard to this environmental topic there is **no impact**.

XVII. UTILITIES AND SERVICE SYSTEMS -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		X		
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) 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	
f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b) and e): Less than Significant. 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 mgd in 2008. Currently with the final completed phase the City plans to expand the average dry weather flow treatment capacity of the Plant from 9.0 million gallons per day to 16.0 million gallons per day. The expansion also will result in improvements to the quality of the effluent discharged from

the Plant by upgrading the facility from secondary to tertiary treatment. Design plans on the expansion will commence by late 2016.

The City's WWTP currently treats approximately 9.0 mgd of wastewater. City residents generated an average dry weather flow (ADWF) of 7.6 million gallons per day (mgd). The City's wastewater treatment plant (WWTP), has an ADWF design capacity of 10.8 mgd.[14] For this analysis, a unit generation factor of 264 gallons per day of wastewater per residential unit was used.[15] Therefore, the proposed project would generate up to 59,664 gallons per day of wastewater, or 0.05996 mgd of wastewater. The addition of 0.0596 mgd of wastewater would not exceed the current treatment capacity of the City's WWTP, and the addition of project-generated wastewater would not result in any RWQCB violations related to effluent treatment or discharge. As of January 2015, the City had an unused capacity of approximately 4,200 EDU's (Equivalent Dwelling Units, equal the wastewater demand generated by a single-family residence) within its wastewater treatment plant (WWTP), available to new development within the City on a first-come, first-served basis. These EDU's are currently available to serve the proposed project, which would generate a wastewater demand of 226 EDU's.

As other development projects within the City come forward, and building permits are issued, this remaining capacity will be reduced. Accordingly, as noted above and to ensure that capacity at the WWTP is available and sufficient to respond to planned future development demands, the City is proceeding with the next phase of expansion of the WWTP, which has been approved by the City and subject to comprehensive environmental review under the California Environmental Quality Act, as documented in that certain environmental impact report certified by the City in November 2002 under State Clearinghouse Number 2000012030.

The development of the 226 units of the project would be required to pay sewer impact fees at time of building permit issuance, ensuring fair-share contribution towards the future WWTP expansion project. With this condition of approval, impacts related to City sewer services will be **less than significant**.

Response d): Less than Significant. Potable water for the proposed project would be supplied from the City's municipal water system. 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 2011 City of Tracy Urban Water Management Plan, Tracy's maximum annual water supply amounts to over 31,500 acre feet per year from its various supply sources. Future agreements may increase the City's available potable water supply to over 49,500 acre-feet per year.

[14] http://www.ci.tracy.ca.us/documents/Tracy_Wastewater_Master_Plan.pdf (does not take into account increased capacity with upgrades)
[15] Wastewater Flow and Loading Generation Factors Tracy Wastewater Master Plan (Low Density Residential wastewater generation factor)

In recent years, demand for potable water in the City of Tracy has been trending downward. As of 2010 the total water demand in the City was 16,603 afy.

Based on the Hydraulic Evaluation completed for the proposed project (West Yost Associates) in May 2015, the project's water demand is estimated to increase the demand for the City's municipal potable water supplies by up to 129 acre feet per year (afy), which accounts for residential water usage, and landscape irrigation. Water delivery piping upsizing is planned northeast of the Project site to serve existing and future area development as indicated in the Citywide Water System Master Plan buildout potable water system pipeline improvements.

The Project site would receive potable water via a connection to an existing water system as indicated in the Hydraulic Evaluation. The project is proposed to be primarily served by 8-inch or 12-inch diameter on-site water mains, connected to the existing 20-inch diameter water main on South Lammers Road, and to the existing 12-inch diameter water main located on Redbridge Road. The proposed connections to these two existing water mains provides for a looped connection of the project to the City's Pressure Zone 2 water distribution system consistent with recommendations from the 2012 Citywide Water System Master Plan.

Based on West Yost's analysis, the existing and proposed pipelines serving the project are adequate to meet the required minimum pressure and maximum pipeline velocity during a peak hour demand condition.

The additional water demand (129 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. This is a **less than significant** impact and no mitigation is required.

Responses c): Less than Significant with Mitigation. Development of the Project site would place impervious surfaces on portions of the 59.1-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. Best management practices (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.

The project would be designed and constructed with an on-site temporary storm drainage basin that would remain in place until the downstream storm drain system is constructed northeast of the site as indicated by the City public works department. The temporary basin will be located in the northeast corner of the Project site. A preliminary engineering study has been completed for the Project site by Carlson Barbee & Gibson Inc. Civil Engineering services. The report has determined that 13.30 acre feet of storage capacity is needed to accommodate project stormwater requirements. The basin area would account for a total surface area of 74,250 square feet (1.7 acres).[16] The construction of the temporary stormwater conveyance and detention

[16] Temporary retention basin sized per Section 5 of the City of Tracy Engineering Design and Construction Standards.

system, would ensure that the project is consistent with all applicable plans and regulations related to stormwater conveyance and detention as required by the city, and would ensure that offsite, or onsite flooding does not occur during storm events. Permanent onsite storm drainage would be installed to serve the proposed project. The collection system would consist of inlets and underground piping. 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.

Because the Project site could increase runoff, and create downstream drainage problems; project impacts to stormwater are considered potentially significant.

Mitigation Measure 20 identified in the Tracy Citywide Storm Drain Master Plan (Mitigated Negative Declaration 2012) requires that prior to the issuance of grading permits, new development shall be required demonstrate to the satisfaction of the City Engineer that it has incorporated storm drainage facilities that conform to the SDMP and the City's SWQC Manual or that it has incorporated temporary retention facilities when downstream SDMP facilities are not constructed or operational.

All of the storm drainage facilities required for the proposed project would be located on the project site. As such, there is no potential for the project to result in environmental impacts associated with the construction of off-site drainage facilities. The environmental impacts associated with the construction of onsite drainage facilities fall within the project "footprint" and have been addressed throughout this environmental document.

The following mitigation measure requires the project applicant to install a drainage system that meets this performance standard and, prior to issuance of grading permits, provide a drainage plan and report to the City of Tracy for review and approval. With the implementation of the following mitigation measure, drainage impacts would be reduced to **less than significant**.

MITIGATION MEASURE

> ***Mitigation Measure 17:*** *Prior to the issuance of a building or grading permit, the project applicant shall submit a drainage plan to the City of Tracy for review and approval. The plan shall include an engineered storm drainage plan that demonstrates attainment of pre-project runoff requirements prior to release and describes the volume reduction measures and treatment controls used to reach attainment consistent with the Tracy Citywide Storm Drain Master Plan.*

Responses f) and g): 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.[17] 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, beyond levels normally found in residential developments. The proposed project would not generate hazardous waste or waste other than common household solid waste. 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.

[17]Source: California Integrated Waste Management Board, Solid Waste Information System (SWIS). http://www.ciwmb.ca.gov/SWIS

XVIII. 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) 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 mitigated to a less than significant level. The proposed project would be required to implement mitigation measures aimed at reducing stormwater pollutants and runoff through Mitigation Measure 12, 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, Mitigation Measure 7 requires the SJMSCP Monitoring Plan an Annual Report process, Biological Monitoring Plan, SJMSCP Compliance Monitoring Program, and the SJMSCP Adaptive Management Plan. The project proponent shall seek coverage under the SJMSCP to mitigate for habitat impacts to covered special status species that would reduce any potentially significant impacts to a less than significant level. Through the full mitigation of biological impacts, the project would not result in any cumulative impacts, related to biological resources. These are **less than significant** impacts.

Response b) As described throughout the analysis above, the proposed project would not result in any significant individual or cumulative impacts that would not be mitigated to less than significant levels. Therefore, these are less **than significant impacts**.

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 standards and mitigation measures to reduce any potentially significant impacts on humans to less than significant levels. A variety of mitigation measures 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, these are **less than significant** impacts.

REFERENCES

- City of Tracy General Plan and EIR (City of Tracy, 2011)
- California Department of Education, Educational Demographics Unit, California Public School Enrollment-School Report
- California Important Farmlands 2010 Map (California Department of Conservation, September 2012)
- California Air Pollution Control Officers Association (CAPCOA) ENVIRON International Corporation and SCAQMD. CalEEMod version 2013.2.1Ozone Plan, 2007 PM10 Plan and the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI), prepared by the San Joaquin Valley Air Pollution Control District.
- Meteorology Today: An Introduction to Weather, Climate, & the Environment, 2003, D.C. Ahrens
- Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004. (Staff Final Report), California Energy Commission, 2006
- City of Tracy Airport Master Plan (P&D Aviation, 1998)
- City of Tracy Manual of Stormwater Quality Standards for New Development and Redevelopment (Larry Walker Associates, 2008)
- City of Tracy Citywide Storm Drainage Master Plan 2012 (Stantec 2012)
- City of Tracy Wastewater Master Plan 2012 (CH2MHILL 2012)
- City of Tracy Municipal Services Review 2011 (Design Community & Environment 2011)
- City of Tracy 2010 Urban Water Management Plan (Erler & Kalinowski, Inc. 2011)
- Geotechnical Feasibility Investigation (Stevens, Ferrone & Bailey Engineering Company, Inc. SFB March 4, 2014)
- Phase I Environmental Site Assessment, 25380 South Lammers Road (Bureau Veritas North America Inc., December 17, 2013)
- Biological Resources Reconnaissance (Zander Associates, Environmental Consultants, February 10, 2014)
- Limited Subsurface Investigation Report, 25380 South Lammers Road (Bureau Veritas North America, Inc January 9, 2014)
- Traffic Impact Study for the Proposed 226 Units Stringer Development Project (Kimley-Horn and Associates, May 18, 2015)
- San Joaquin Valley Unified Air Pollution Control District Guidance for Assessing and Mitigating Air Quality Impacts 2015. Available At: http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf
- San Joaquin Council of Governments (SJCOG) Airport Land Use Compatibility Plan (ALUCP). 2009 ALUCP, and 1993 ALUCP.
- U.S. Environmental Protection Agency (EPA) Water Sense Guide. Available At http://www.epa.gov/
- West Yost Associates. Hydraulic Evaluation of South Lammers Road Development May 20, 2015
- Tracy Unified School District Districtwide Facilities Master Plan 2015 Available At: https://www.tracy.k12.ca.us/Board/Board%20Meeting%20Agendas/05.12.15%20Board%20Agenda/_05.12.15%20FACILITIES%20MASTER%20PLAN%20Separate%20Cover%2014.1.3.pdf
- Tracy Unified School District, School Facilities Needs Analysis (Dolinka Group, August 7, 2015).

Exhibit 2

Rocking Horse Conditions of Approval
Application Numbers PUD15-0001 and TSM15-0001
January 13, 2016

These Conditions of Approval shall apply to the real property described as the Rocking Horse Development Project of 226 single-family residential lots on approximately 59.1 acres located on the east side of Lammers Road, north of Redbridge Road. Assessor's Parcel Numbers 240-060-26 and 240-060-27; Application Number PUD15-0001.

A. The following definitions shall apply to these Conditions of Approval:

1. "Applicant" means any person, or other legal entity, defined as a "Developer."

2. "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.

3. "City Regulations" means all written laws, rules and policies established by the City, including those set forth in the City of Tracy General Plan (also known as Urban Management Plan), the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design documents (the Streets and Utilities Standard Plans, Design Standards, Parks and Streetscape Standard Plans, Standard Specifications, and Manual of Storm Water Quality Control Standards for New Development and Redevelopment, and Relevant Public Facilities Master Plans).

4. "Conditions of Approval" shall mean the conditions of approval applicable to the Rocking Horse development project, consisting of 226 single-family residential lots on approximately 59.1 acres located on the east side of Lammers Road, north of Redbridge Road. Assessor's Parcel Numbers 240-060-26 and 240-060-27, Application Number PUD15-0001. The Conditions of Approval shall specifically include all Development Services Department conditions, including Planning Division and Engineering Division conditions set forth herein.

5. "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.

6. "Project" means the real property consisting of approximately 59.1 acres located on the east side of Lammers Road, north of Redbridge Road. Assessor's Parcel Numbers 240-060-26 and 240-060-27, Application Number PUD15-0001.

7. "Property" means the real property generally located on the east side of Lammers Road, north of Redbridge Road. Assessor's Parcel Numbers 240-060-26 and 240-060-27.

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

B. Planning Division Conditions of Approval:

1. 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 Subdivision Map Act (Government Code sections 66410, et seq.), the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title
14, sections 15000, et seq., "CEQA Guidelines").

2. Unless specifically modified by these Conditions of Approval, the Project shall comply with all City Regulations.

3. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the Rocking Horse Development Project Mitigated Negative Declaration dated November 2015.

4. 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) will begin 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.

5. Except as otherwise modified herein, all construction shall be consistent with the plans received by the Development Services Department on January 5, 2016. .

6. Prior to the issuance of a building permit, the applicant shall provide a detailed landscape and irrigation plan consistent with City landscape and irrigation standards and the approved plan, including, but not limited to Tracy Municipal Code Section 10.08.3560, the City's Design Goals and Standards, and the applicable Department of Water Resources Model Efficient Landscape Ordinance on private property, and the Parks and Parkways Design Manual for public property, to the satisfaction of the Development Services Director. Newly planted, on-site trees shall be a minimum size of 24-inch box and shrubs shall be a minimum size of five gallons.

7. Prior to final inspection for any residential unit of the project, the Developer shall construct a nine-foot tall masonry wall (as measured from the taller grade on either side of the wall) along the project's west property line, consistent with requirements of the project's environmental mitigation measures related to noise attenuation. The wall shall be designed consistent with the approved plans and subject to final approval by the Development Services Director, and may include mounding on the west side of the wall to reduce its effective visual height as seen from Lammers Road.

8. Prior to the issuance of a building permit, the developer shall document compliance with the City of Tracy Manual of Stormwater Quality Control Standards for New Development and Redevelopment (Manual) to the satisfaction of the Public Works Director, which includes the requirement for Site Design Control Measures, Source Control Measures and Treatment Control Measures under the guidelines in a project Stormwater Quality Control Plan (SWQCP).

Compliance with the Manual includes, but is not limited to, addressing outdoor storage areas, trash enclosures, parking areas, any wash areas and maintenance areas. The SWQCP must conform to the content and format requirements indicated in Appendix D of the Manual and must be approved by the Public Works Director prior to issuance of grading or building permits. The project was deemed complete prior to the new stormwater regulations adopted by the City. Stormwater treatment shall be consistent with the approved plans, subject to approval by the City's Engineering Division.

9. The project shall comply with all applicable provisions of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, including Incidental Take Minimization Measures applicable at the time of permit and a pre-construction survey prior to ground disturbance, to the satisfaction of San Joaquin Council of Governments.

10. The developer shall design and construct all buildings with fire sprinklers in accordance with City Regulations to the satisfaction of the Chief Building Official.

11 . The on-site interim storm drainage basin in the northeast portion of the site shall be fenced to provide both visual relief of the basin until such time as a permanent off-site basin is constructed. The color, material, and other design elements of the fence, which shall also include perimeter landscaping to help soften its appearance, shall be compatible with the residential neighborhood, and the height shall be the minimum necessary to provide reasonable security but not over 72 inches tall, to the mutual satisfaction of the Developer and the Development Services Director.

12. The project shall utilize a total of 28 different building elevations, consistent with requirements of the City Design Standards and Guidelines and the project Planned Unit Development provisions. The final design plans shall be subject to review and approval of the City Council prior to the issuance of any building permits.

13. All common area lots and open spaces, including landscaping, shall be maintained by the Project homeowner's association (HOA). Final covenants, conditions and restrictions (CC&Rs) shall be submitted to the City for review and approval prior to their recordation. The CC&Rs shall be recorded prior to City issuance of a grading plan or improvement plans for the Project.

14. Final design plans shall be provided for the entry feature to the project located along Crossroads Drive, providing for additional architectural detailing of the features.

15. The Emergency Vehicle Access (EVA) connecting the project to Lammers Road shall be built subject to Fire Department and Engineering Division approval, including with respect to width, loads, turn radius, and use of gates or other barriers. The EVA shall be converted to a pedestrian and bicycle pathway after elimination of the EVA once the secondary street connection to Crossroads Drive is constructed at the northeast corner of the project. The design of the pedestrian and bicycle pathway shall be subject to review and approval of the Development Services Director, and the pathway shall be subject to maintenance by the project Homeowner's Association.

16. The developer shall be required to pay all applicable City impact fees, including park fees. No fee credit shall be given for the developer construction of the 2.4-acre private park.

17. The 2.4-acre private park shall be designed for the recreational use of the project residents. The amenities included will be designed, constructed, and maintained at the discretion of the developer and the homeowner's association, but shall comply with the all applicable City Standards for private property landscaping, including, but not limited to water-efficient landscape and stormwater design standards.

18. Before approval of the first building permit, the applicant shall do one of the following, subject to the approval of the Administrative Services Director:

a. CFD or other funding mechanism. The applicant shall enter into an agreement with the City, which shall be recorded against the property, which stipulates that prior to final inspection or certificate of occupancy, the applicant will form a Community Facilities District (CFD) or establish another lawful funding mechanism that is reasonably acceptable to the City for funding the on-going operational costs of providing Police services, Fire services, Public Works services and other City services to serve the Project area. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. Upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment.

Or

b. Direct funding. The applicant shall enter into an agreement with the City, which shall be recorded against the property, which stipulates that prior to final inspection or certificate of occupancy, the applicant will fund a fiscal impact study to be conducted and approved by the City to determine the long term on-going operational costs of providing Police services, Fire services, Public Works services and other City services to serve the Project area, and deposit with the City an amount necessary, as reasonably determined by the City, to fund the full costs in perpetuity as identified by the approved study.

C. Building Division and Fire Prevention Conditions of Approval

1. NFPA 13-R automatic sprinkler systems and fire and smoke alarm systems are required with monitoring.

2. Provide "No Parking" signage along both sides of Crossroads Drive.

3. Prior to the issuance of the 151st building permit, the developer shall fund the cost of a new Type-I Fire Pumper Apparatus per the requirements of the Citywide Public Safety Master Plan dated 3/21/13, in an amount not to exceed the estimated cost of said equipment ($500,000).

D. Public Works Conditions of Approval

1. The Project is located on the City's Landscape Maintenance District (LMD) map and designated as inactive LMD Zone 32. The City requires that the project homeowners association (HOA) provide for maintenance of all landscape areas in streets and road rights-of-way and that the project join the City LMD. While required to join the LMD, it will be kept in a "dormant" status and only activated if the HOA does not provide for maintenance as needed. Landscape maintenance on each privately owned lot will be the responsibility of the individual homeowners.

2. Landscaping shall be provided consistent with standard details of the City Master Plan.

3. Utilize decorative pavement (i.e., stamped concrete) instead of use of pavers in street sections.

E. Engineering Division Conditions of Approval

E.1. General Conditions

E.1.1. Subdivider shall comply with the applicable requirements of the approved documents, technical analyses/ reports prepared for the Project listed as follows:

a. Subdivider shall comply with the applicable recommendations of the *Stringer Property Traffic Impact Study in the City of Tracy",* prepared by Kimley-Horn and Associates, Inc., dated July 20, 2015 and *"Stringer Development Plan Set Engineering Comments"* prepared by Kimley-Horn and Associates, Inc., dated May 21, 2015 ("Traffic Analysis").

b. "*Precise Plan Line (Alignment) for Eleventh Street, Lammers Road",* prepared by BKF and approved by the City Council on June 19, 2007 by Resolution No. 2007-137.

c. *"Hydraulic Evaluation of South Lammers Road Development",* prepared by West Yost Associates, dated May 20, 2015 ("Water Analysis").

E.2. Final Map No application for any final map within the Project boundaries will be accepted by the City as complete until the Subdivider provides all documents as required by City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

E.2.1. The final map application, which includes tract boundary, street right- of-way, and lot closure calculations, preliminary title report, updated subdivision map guarantee, copies of recorded deeds and/or easements and documents that are necessary to complete the technical accuracy review of the final map.

E.2.2. The Final Map is prepared in accordance with the Tracy Municipal Code and the City Design Documents, and in substantial conformance with the Tentative Subdivision Map.

E.2.3. The Final Map shall include dedications or offers of dedication of all right(s)-of-way and/or easement(s) required to serve the Project described by the Final Map, in accordance with City Regulations and these Conditions of Approval.

a. The Subdivider shall dedicate a 10-foot wide Public Utility Easement (PUE) along the lot frontages within the Property, for the installation, repair, use, operation, and maintenance of other public utilities such as electric, gas, telephone, cable TV, and others.

E.2.4. Horizontal and vertical control for the Project shall be based upon the City of Tracy coordinate system and at least three 2nd order Class 1 control points establishing the "Basis of Bearing" and shown as such on the Final Map. The Final Map shall also identify surveyed ties from two of the control points to a minimum of two separate points adjacent to or within the property described by the Final Map.

E.2.5. Improvement Plans for in-tract and offsite improvements required to serve the Property described by the final map and Tentative Subdivision Map in accordance with the Tracy Municipal Code, the City Design Documents,

and these Conditions of Approval. The Improvement Plans shall specifically include all the requirements specified in Condition C.6., below.

a. The Improvement Plans shall consist of the Grading and Storm Drainage Plans, Irrigation and Landscaping Plans, Composite / Joint Utility Plans, In-tract Civil and Utility Plans, Street Lighting Plans, Signing and Striping Plans, Masonry Wall Plans, and Storm Water Plans prepared in accordance with the Tracy Municipal Code and City Regulations. The Grading Plans shall be submitted together with the calculations of earthwork quantities or specifically the volumes of cut and fill in cubic yards.

b. All supporting and engineering calculations, material and technical specifications, and reports related to the design of the subdivision improvements, and as required by the City Engineer. The engineering calculations shall include calculations for determining the size and capacity of sewer, water and storm drain lines.

c. If multiple final maps are to be filed, the Improvement Plans, as described above, must be prepared with a detailed phasing plans showing construction limits and logical sequence or order of constructing street and utilities improvements. The phasing plan shall clearly identify the improvements to be constructed with each construction phase.

E.2.6. A signed and stamped Engineer's Estimate for the cost of subdivision improvements and all the required public facilities, prepared in accordance with City Regulations. Use and add ten percent (10%) for construction contingencies.

E.2.7. All the required improvement plans are prepared in accordance with City Regulations and these Conditions of Approval. The improvement agreements are executed, improvement security is submitted and documentation of insurance are provided, as required by these Conditions of Approval. The amounts of improvement security shall be approved by the City and the form of improvement security shall be in accordance with the Tracy Municipal Code.

E.2.8. Improvement Security. The Subdivider shall provide improvement security for all public facilities, as required by any Subdivision Improvement Agreement and any Deferred Improvement Agreement. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with City Regulations. The amount of the improvement security shall be as follows:

a. Faithful Performance (100% of the estimated cost of constructing the public facilities),

b. Labor & Material (100% of the estimated cost of constructing the public facilities), and

c. Warranty (10% of the estimated cost of constructing the public facilities)

d. Monumentation ($500 multiplied by the total number of street centerline monuments that are shown on the Final Map)

E.2.9. The Subdivider shall participate in any applicable Benefit Districts, Assessment Districts, or sub-regional reimbursement areas, in accordance with City Regulations.

E.2.10. Initial payment of plan and map checking, agreement(s) processing, and other fees required by these Conditions of Approval and City Regulations.

E.3. Grading Permit The City will not accept grading permit application for the Project until the Subdivider has provided all relevant documents related to said grading permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

E.3.1. Grading and Drainage Plans prepared on a 24" x 36" size polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil Engineer.

E.3.2. Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.

E.3.3. Three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) for the Project with a copy of the Notice of Intent (NOI) submitted to the State Water Quality Control Board (SWQCB) and any relevant documentation or written approvals from the SWQCB, including the Wastewater Discharge Identification Number (WDID#).

a. After the completion of the Project, the Subdivider is responsible for filing the Notice of Termination (NOT) required by SWQCB. The Subdivider shall provide the City with a copy of the completed Notice of Termination.

b. The cost of preparing the SWPPP, NOI and NOT, including the filing fee of the NOI and NOT, shall be paid by the Subdivider.

c. The Subdivider 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.

E.3.4. Two (2) sets of the Project's Geotechnical Report signed and stamped by a licensed Geotechnical Engineer licensed to practice in the State of California. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, pavement design recommendations, percolation rate, and elevation of the highest observed

groundwater level (measured in two locations within the proposed temporary storm drainage retention basin sites).

E.3.5. Two (2) sets of Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system and for determining the size of the project's storm drainage connection.

E.3.6. A copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD) as required in Mitigation Measures 4 and 5 of the Mitigation Monitoring and Reporting Program of the Mitigated Negative Declaration (MND).

E.3.7. Check payment in the amount of a $25,000 deposit, to cover City's actual cost of services for any emergency repair or maintenance work to be performed on the off-site or on-site temporary storm drainage retention basin.

E.3.8. Prior to the issuance of Grading Permit for the Project, Subdivider shall submit improvement plans and secure approval of plans from the City's Building Division, for the design of on-site sewer improvements.

E.4. Encroachment Permit - No applications for encroachment permit will be accepted by the City as complete until the Subdivider provides all relevant documents related to said encroachment 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:

E.4.1. Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (mylar). 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.

E.4.2. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.

E.4.3. Signed and notarized Offsite Improvement Agreement (OIA) and Improvement Security, to guarantee completion of the identified public improvements that are necessary to serve the Project as required by these Conditions of Approval.

E.4.4. Check payment for the applicable of engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by these Conditions of Approval. The engineering review fees will be calculated based on the fee rate adopted by the City Council on April 15, 2014, per Resolution 2014-059.

E.4.5. If it is necessary to close or interrupt the operation of travel lane(s) on Lammers Road during construction, a Traffic Control Plan prepared and/or signed by a Registered Civil or Traffic Engineer licensed to practice in the State of California, must be submitted for review and approval. No work shall start within City's right-of-way or no lane closure shall be made without obtaining City Engineer's approval on the Traffic Control Plan.

E.5. Improvement Plans - The Improvement Plans that are required in this section shall contain the design and construction details of street and utilities improvements on South Lammers Road, and all subdivision improvements that are required to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and prepared under the supervision of, and stamped and signed by a Registered Civil Engineer, Traffic Engineer, Electrical Engineer, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

E.5.1. Grading and Storm Drainage Plans

E.5.1.1. Erosion Control Improvement Plans shall specify the method of erosion control to be employed and materials to be used.

E.5.1.2. Site Grading

a. When the grade differential between the Project Site and adjacent property(s) exceeds 12 inches, a reinforced or masonry block, or engineered retaining wall is required for retaining soil. The Grading Plan shall show construction detail(s) and structural calculations of the retaining wall or masonry wall for City's review and approval. The entire retaining wall and footing shall be constructed within the Project Site. A structural calculation shall be submitted with the Grading and Storm Drainage Plans.

b. An engineered fill may be accepted as a substitute of a retaining wall, if the grade differential is less than 2 feet and subject to approval by the City Engineer. If an engineered slope is used to retain soil, a slope easement will be necessary from the adjacent property. The Subdivider shall obtain a slope easement from owner(s) of the adjacent and affected property(s) and show the slope easement on the Final Map. The Grading and Storm Drainage Plans must show the extent of the slope easement(s). The Subdivider 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.

c. Site grading shall be designed such that the Project's storm water can surface drain directly to a public street that has a functional storm drainage system with adequate capacity to drain storm water from the Project Site, in the event that the on-site storm drainage system fails or it is clogged. The storm drainage release point is recommended to be at least 0.70 foot lower than the building finish floor elevation and shall be improved to the satisfaction of the City Engineer.

E.5.1.3. Storm Drainage

a. The design and construction details of the Project's storm drainage system and treatment facilities shall comply with the applicable requirements of the City's Storm Water Quality Control Standards and storm water regulations that were adopted by the City Council in 2008 and any subsequent amendments.

b. 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. Temporary Retention ("Interim Drainage"). In the absence of permanent downstream storm drainage facilities (i.e., the 30" storm drain pipe downstream from the project, and the SDMP Detention Basin 3B and associated outfall, as shown on Figure 5.1a of the *City of Tracy Citywide Storm Drainage Master Plan*, prepared by Stantec/Storm Water Consulting, Inc., dated November 2012), the City will allow the use of off-site or on-site temporary storm drainage retention basin(s) as an interim solution for disposal of storm water generated from the Project Site, provided the Subdivider complies with the applicable City Regulations pertaining to the design and construction of said interim storm drainage retention basin, and signs a Deferred Improvement Agreement (DIA), to assure completion of the Subdivider's obligation to repair and maintain said basin(s) while the off-site or on-site temporary storm drainage retention basin(s) are in service and then to remove the off-site or on-site temporary storm drainage retention basin(s) at such time they are no longer needed due to the construction of the above-referenced permanent facilities. The Subdivider shall be responsible for backfilling the temporary storm drainage retention basin(s) and grading the basin site. The Subdivider shall pay all costs for the design, construction, maintenance and removal of the on-site temporary storm drainage retention basin(s), and any modifications to temporary facilities.

d. The Subdivider shall provide a geotechnical investigation with respect to the Temporary Retention Basin that validates that percolation rates for the subsurface soils that exist at and below the bottom of the basin are acceptable.

e. To avoid reverse flow, the off-site or on-site temporary storm drainage retention basin(s) must be located at the downstream portion of the Project's on-site storm drainage system and the Project Site, and must be designed and constructed in accordance with the applicable City Regulations.

f. Excavated materials shall be kept within the basin site. If the excavated materials are removed from the basin site, the

Subdivider shall be responsible for the cost of import backfill materials, hauling to the basin site, spreading, compacting and re-grading the basin site. If excavated materials are retained on-site, the stockpile of excavated materials shall not be higher than 8 feet and slope should not be steeper than 1:1. A metal fence and access gate shall be installed by the Subdivider to enclose the basin site. The bottom of the temporary on-site storm drainage retention basin(s) shall be 5 feet above the observed highest groundwater elevation at the basin site. The Geotechnical Report shall also indicate the observed highest groundwater elevation at the basin site.

g. The Subdivider shall record a temporary storm drainage easement to grant rights to the City to access the temporary on-site storm drainage retention basin(s) for any necessary emergency repair or maintenance work the City may have to perform within the basin site. The temporary access easement shall include a sunset clause that such easement will automatically be terminated at such time as the above-referenced permanent storm drainage improvements are completed.

h. If the Subdivider elects to construct an off-site temporary storm drainage retention basin(s), the Subdivider shall provide reasonable documentation to the City that adequate permission, right-of-way and/ or easements (temporary or permanent), to the extent necessary, have been granted by owner(s) of the involved property(s). The Grading and Storm Drainage Plans shall incorporate applicable design and construction details of the necessary improvements such as pipelines and manhole(s) to make the offsite temporary storm drainage retention basin(s) and appurtenances functional. The Subdivider shall pay for all the costs associated with the construction, operation and maintenance of any temporary offsite storm drainage retention basin(s) and appurtenances including the cost of obtaining such adequate permission(s), right-of-way and/ or easements (permanent or temporary), with no reimbursements from the City.

E.5.1.4. Prior to the final inspection of the first building to be constructed on the Property, the Subdivider shall submit a signed and notarized Stormwater Treatment Facilities Maintenance Agreement (STFMA) as a guarantee for the performance of Subdivider's responsibility towards the repair and maintenance of on-site storm water treatment facilities. Calculations related to the design and sizing of on-site storm water treatment facilities must be submitted with the STFMA and the Grading and Storm Drainage Plans.

E.5.2. Sanitary Sewer Facilities

E.5.2.1. The Subdivider shall design and install sanitary sewer facilities including the Project's sewer connection in accordance with City

Regulations and utility improvement plans approved by the City Engineer. The Subdivider 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 Plan No. 203. The City's responsibility to maintain on the sewer lateral is from the wye fitting to the point of connection with the sewer main.

E.5.2.2. Connection to Westside Catchment Sewer System - According to the Tracy Wastewater Master Plan (TWMP) that was adopted by the City Council on January 15, 2013, (Resolution 2013-008), the Property is within the planned service area of the Westside Catchment Sewer System (Page 5-1 of the TWMP). The Subdivider is responsible to design and construct the 18-inch and 21-inch sewer lines in Lammers Road per the master plan, approximately 3000 Linear Feet from the southerly property boundary to the existing terminus in Lammers Road.

a. Fee Credits and/or reimbursements (if cost of improvements exceeds available fee credits) for design and construction of the Westside Catchment Sewer system shall be in accordance Title 13 of the Tracy Municipal Code. The amount of fee credits/reimbursement shall be determined during the review of the Improvement Plans.

b. The Subdivider shall pay a fair share fee for the use of the Hansen Sewer capacity in the interim, until the Westside Catchment Sewer is completed. The amount of the fair share fee to be determined by the City Engineer.

c. Subdivider shall design and construct the sewer line in Crossroads Drive from the Project to the manhole connection to the Westside Catchment Sewer System in Lammers Road (identified as Node 5W on Fig.5-1 of the TWMP). The sewer line in Crossroads Drive is not a master plan Program facility. The full cost of the design and construction of this sewer line shall be paid by the Subdivider, and no reimbursement or fee credits shall be applicable.

d. The Developer is hereby notified that the City has limited wastewater treatment capacity in the City's Wastewater Treatment Plant until current and future expansion capital improvement projects are completed and operational. As of January 2015, the City had an unused capacity of approximately 4200 EDU's within its wastewater treatment plant available to new development within the City on a first come-first served basis. These EDU's are currently available to serve the proposed project, but as other development projects within the City come forward and building permits are issued, this remaining capacity will be reduced.

Should the remaining EDUs be fully allocated prior to start of completion of the proposed project and the developer seeks to complete construction of the 226 lots, the developer would have

the option to provide the necessary funding to the City to assist in completion of the phased WWTP expansion construction, above and beyond payment of sewer impact fees, and would be eligible for reimbursement of these monies as other projects are developed and sewer impact fees posted with the City.

E.5.3. Water System Facilities

E.5.3.1. The Subdivider shall complete the design and installation of water lines and connections as recommended in the Water Analysis (Figure 3) including the 12-inch diameter DIP connection from the Project to the existing 20-inch water main in Lammers Road at the intersection of Crossroads Drive and Lammers Road and the 12-inch diameter connection from the project to the existing 12-inch water main located in Redbridge Road near the intersection of Redbridge Road and Kaden Lane.

E.5.3.2. Water Shutdown Plan and Traffic Control Plan: If water main shut down is necessary, the City will allow a maximum of four hours water supply shutdown. The Subdivider shall be responsible for notifying residents or business owner(s), regarding the water main shutdown. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least 72 hours before the water main shutdown. Prior to starting the work described in this section, the Subdivider shall submit a Water Shutdown Plan and Traffic Control Plan to be used during the installation of the offsite water mains.

E.5.3.3. Domestic and Irrigation Water Services

a. All water connections that are bigger than 2 inches in diameter shall be Ductile Iron Pipe (DIP).

b. Domestic water service shall be installed in accordance with City Regulations and the utility improvement plans approved by the City Engineer. City's responsibility to maintain water lines shall be from the water main on the street to the back of the water meter (inclusive) only. Repair and maintenance of all on-site water lines, laterals, sub- meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Subdivider.

c. All costs associated with the installation of the Project's permanent water connection(s) as identified in the Water Analysis 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 Subdivider.

E.5.3.4. Prior to the approval of the Improvement Plans, the Subdivider shall obtain written approval from the City's Fire Safety Officer

and Chief Building Official, for the location and spacing of fire hydrants that are to be installed to serve the Project.

E.5.4. Street Improvements

E.5.4.1. Roadway Improvements Frontage Responsibility – Per the Citywide Roadway & Transportation Master Plan (CRTMP) that was adopted by the City Council on November 26, 2012, pursuant to Resolution 2012-240, Lammers Road will be a 6-lane expressway (parkway) street with a minimum right-of-way of 137 feet. According to the CRTMP (Figure 5.1 – Roadway Improvement Cross Section Responsibility per Frontage Policy), the Subdivider is responsible to design and construct the outside travel lane (plus shoulder) and the landscape strip behind the curb up to the property line. The Subdivider shall be eligible to receive fee credits for the cost of program portion of improvements.

E.5.4.2. Right-of-Way on Lammers Road – The Subdivider shall dedicate 70 feet of right-of-way along the entire frontage of the Property on Lammers. An additional 5 feet of right-of-way (75 feet total) shall be dedicated where the right-turn lane to Crossroads Drive is to be located. The Subdivider shall execute a Grant Deed to convey the land in fee title or dedicate the right-of-way on the Final Map.

a. The Subdivider shall vacate the existing 40' wide irrigation easement adjacent to the Lammers Road right-of-way at the west boundary line of the Project parcel.

b. The Subdivider shall work with the City of Tracy, San Joaquin County and the adjacent property owner to the north to locate and construct an interim pedestrian path from Crossroads Drive to Kimball High School. The exact location and width will be determined by all parties after review of the available options.

   If requested by the Subdivider, the City will assist in the acquisition of right-of-way, for this interim pedestrian path by extending its power of eminent domain, subject to approval by the City Council.

c. The Subdivider shall dedicate the proposed Parcel "F" lot adjacent to Redbridge Road for future intersection improvements.

E.5.4.3. Right-of-Way on Crossroads Drive – Per the Citywide Roadway & Transportation Master Plan (CRTMP) that was adopted by the City Council on November 26, 2012, pursuant to Resolution 2012-240, Crossroads Drive will be a 4-lane arterial street with a minimum right-of-way of 99 feet. According to the CRTMP (Figure 5.1 – Roadway Improvement Cross Section Responsibility per Frontage Policy), the Subdivider is responsible to design and construct the outside travel lane (plus shoulder) and the landscape strip behind the curb up to

the property line. Any travel lane(s) or left-turn and right-turn lane(s) along the Property's frontage or at all the access points on Crossroads Drive that are provided and are necessary to meet access spacing requirements are considered to be site specific offsite improvements and they are Subdivider's responsibility to design and construct without any reimbursement from the City.

a. For the section of Crossroads Drive located between Lammers Road and the Project entry at Street 'M', the Project shall dedicate 54 feet of right-of-way for Crossroads Drive, with the remaining 45 feet of right-of-way to be dedicated by the property located to the north of the Project when that property is developed. The Subdivider shall not be eligible for fee credits /reimbursement for this portion of right-of-way dedication in excess of its obligation, as the amount will be credited towards Subdivider's obligations outlined in Condition C.5.4.3(b) below.

b. For the section of Crossroads Drive east of Street 'M' , the proposed alignment of Crossroads Drive shifts to the north. Subdivider and the City have agreed that the fee credits for the excess right-of-way dedication outlined in Condition C.5.4.3(a) above shall be applied towards Subdivider's obligation for future required transitions in the alignment of Crossroads Drive to east of Street 'M'.

E.5.4.4. Street 'M' entry road and Other In-tract Streets. The Subdivider shall dedicate all rights-of-way that are necessary to construct Street 'M' and all the in-tract streets based on their respective cross sections shown on the VTM. The width of travel lanes, street median, landscaping strip and sidewalk shall be in accordance with the City Standards or as shown on the approved Tentative Map package.

E.5.4.5. Emergency Vehicle Access Easement (EVA) Prior to final inspection of the first residential unit within the Project, the Subdivider shall provide minimum 20-foot wide Emergency Vehicle Access between Lots 107 and 108 to provide a second point of Fire Department access to the Project as required by the Fire Code Official. The Subdivider and City shall enter into an EVA Agreement prior to the start of construction. This agreement will address access across private property and maintenance responsibilities of the HOA The Subdivider shall submit improvement plans for the EVA for approval.

E.5.4.6. Frontage Improvements on Lammers Road – The Subdivider shall design and construct all roadway improvements on Lammers Road that are necessary to provide safe and functional access to the Project, as described by the Technical Memorandum prepared by Kimley-Horn and Associates, titled "*Stringer Development Plan Set Roadway Engineering*

Comments" dated May 21, 2015 (Traffic Report), and as required by these Conditions of Approval and as approved by the City Engineer. The Traffic Report is on file with the Office of the City Engineer and is available for review upon request. The conceptual layouts of Interim and Ultimate improvements required to be completed are shown on Sheets TM09 and TM10 of the Vesting Tentative Map.

a. Frontage Improvements: The frontage roadway improvements required on Lammers Road involve widening of the east side of Lammers Road along the frontage of the Project to provide a interim median island, two northbound travel lanes, and a right-turn lane; roadway improvements shall include pavement transitions and other improvements which includes but not limited to, the installation of new asphalt concrete pavement, concrete curb and gutter, a 10-foot wide Class 1 Bikeway/pedestrian facility, handicap ramp(s), crosswalks, and parkway landscaping improvements with automatic irrigation system, storm drainage, catch basin/ drop inlet, fire hydrants, domestic, irrigation and fire services, LED street lights, traffic sign(s), pavement marking and striping along the entire frontage of the Project and other improvements such as barricades, signing, and striping that are necessary to provide a safe transitions to and from a widened roadway section of Lammers Road. Design and construction of Frontage Roadway Improvements shall be completed by the Subdivider, prior to final inspection of the first building to be constructed within the Property.

   Subdivider shall be eligible to receive fee credits for the program portion of the improvements in accordance with the CRTMP.

b. The masonry wall along the Project's frontage on South Lammers Road and Crossroads Drive is considered a public improvement which will be maintained by the HOA. The masonry wall including its column and wall footings shall be constructed within the area that will be dedicated to the City with the first final map. The masonry wall shall be designed and constructed in accordance with City Regulations.

c. To provide pedestrian and bicyclist access from the Project to Kimball High School, the Subdivider is required to install an interim sidewalk on Lammers Road from the Property to the existing sidewalk on Lammers Road in front of the Kimball High School sports field, approximately 2200 feet north of Crossroads Drive. The interim sidewalk shall be 5-feet wide and have a structural section of 3" asphalt concrete and 8" Class II aggregate base. The design and construct details of the interim sidewalk shall be included on the Offsite Improvement Plans. Cost of designing and constructing the interim sidewalk shall be paid by the Subdivider without any reimbursement from the City.

Construction of pedestrian and bicyclist access to be completed prior to final inspection of the first residential unit within the Project.

E.5.4.7. Frontage Improvements on Crossroad Drive – The Subdivider shall design and construct all roadway improvements on Crossroads Drive that are necessary to provide safe and functional access to the Project for each phase and at Project's build-out condition.

a. Frontage Improvements: The roadway improvements required on Crossroads Drive includes construction of median curb on project frontage, a 12-foot wide westbound travel lane, and a 12-foot wide eastbound travel lane. The roadway improvements shall include the installation of new asphalt concrete pavement, concrete curb and gutter, a 10-foot wide Class 1 Bikeway/pedestrian facility to be installed seven feet behind the back of curb, handicap ramp(s), crosswalks, parkway landscaping improvements with automatic irrigation system, storm drainage, catch basin/drop inlets, fire hydrants, domestic, irrigation and fire services, LED street lights, traffic sign(s), pavement marking and striping along the entire frontage of the Project from Lammers Road to the end of Crossroads Drive at the Project Entry at Street 'M". Other improvements such as barricades, signage, and fencing shall be installed as required or as directed by the City Engineer. Design and construction of frontage Improvements shall be completed by the Subdivider, prior to final inspection of the first building to be constructed within the Property.

c. The Subdivider shall not be eligible for fee credits /reimbursement for this portion of frontage improvements in excess of Subdivider's obligation in accordance with the CRTMP, as the Subdivider and the City have agreed that the fee credits for the excess frontage improvements shall be applied towards Subdivider's obligation for future required transitions in the alignment of Crossroads Drive to east of Street 'M'.

b. Traffic Signal on Crossroads Drive According to the Traffic Analysis for the Project, the Lammers Road/Crossroads Drive Intersection does not warrant a traffic signal by a marginal amount (7 vehicles in the AM peak hour). Because of the high speeds on Lammers Road, the City's Traffic Section will monitor traffic conditions at this intersection and will conduct two additional volume counts and speed study (warrant analysis), one after the 180th home is occupied and one after the 226th home is occupied.

(1) In order to guarantee the Project's obligation towards mitigation of traffic impacts caused as a result of traffic

increase generated by the Project, the Subdivider will be required to deliver a cash deposit in the amount of $10,000 prior to the approval of the first Final Map. The cash deposit will include the cost of performing two (2) traffic signal warrant analyses. The City shall complete the warrant analyses prior to performing final inspection of the 181st and 226th residential buildings to be constructed within the Project. If the actual cost of the warrant analyses is more than the cash deposit, the Subdivider shall pay the cost difference within fifteen (15) working days from the date of written notice from the City Engineer. The unused portion of the cash deposit shall be refunded to the Subdivider after the Project closeout is completed.

(2) If the signal warrant is met, the Subdivider shall install a traffic signal at this intersection. The Subdivider shall enter into a Deferred Improvement Agreement with the City for installation of the traffic signal prior to approval of the first Final Map. Security for the traffic signal shall be provided when the traffic signal warrants are met. The signal is included in the City TIF, and the Subdivider will be eligible for a fee credit for installation of the traffic signal if it is required.

E.5.4.8. At the time of issuance of first building permit, the Subdivider shall pay its fair share of the cost of interim improvements at the intersection of Lammers Road and Old Schulte Road per the capital improvement project.

E.5.4.9. All roadway improvements described in these Conditions of Approval must be designed and constructed by the Subdivider to meet the applicable requirements of the latest edition of the California Department of Transportation Highway Design Manual (HDM) and the California Manual of Uniform Traffic Control Devices (MUTCD), all applicable City Regulations, and these Conditions of Approval, prior to final inspection of the first building to be constructed within the Property.

E.5.4.10. The City will assume responsibility to maintain the public improvements and accept the offer of dedication for right-of-way on Lammers Road, Crossroads Drive, and all other public streets after the City Council accepts the public improvements.

E.5.4.11. All traffic control devices and appurtenances, including stop sign, street name sign, pavement legend, and pavement marking and striping shall be installed in accordance with City Regulations and a detailed signing and striping plan approved by the City Engineer.

E.5.4.12. LED Street lights shall be installed in accordance with City Regulations and at locations approved by the City Engineer. As part of the Improvement Plans, a street lighting plan that shows

the LED street lights, conduits, wires and electrical connection to PG&E facility including all pertinent construct details. A Photometric Plan must be submitted for City's review and approval.

E.5.4.13. Landscaping improvements along Lammers Road and Crossroads Drive shall be installed with an automatic irrigation system as approved by the City Engineer, and shall be completed by the Subdivider, prior to the final inspection of the first residential building to be constructed within the Property (excluding model homes). Irrigation and Landscape Plans shall be signed and stamped by a registered Landscape Architect licensed to practice in the State of California

E.5.4.14. A standard barricade and guardrail with appropriate traffic sign will be required at the east end of Crossroads Drive at the intersection to the Project entrance at Street 'M'. The space behind the barricade shall be paved to prevent growth of weeds and provide easier access for removing accumulated debris. To prevent street runoff from draining to adjacent property(s), a curb shall be installed through the entire width of the pavement or curb-to-curb. Alternatively, the space behind the barricade may be landscaped and maintained by the HOA.

E.5.4.15. The Subdivider shall coordinate with the Tracy Post Master for location of, and installation (by the Subdivider) of, cluster type mailbox units. Design and construction criteria shall be in accordance with City requirements. The US Postal Services is responsible for repairing and maintaining all cluster mailboxes located within City's right-of-way.

E.5.5. The Utility Corridor parcels shown on the Tentative Map as Parcels A, D, and H shall be dedicated to and maintained by the Homeowner's Association. If these parcels will also be used for pedestrian access to the subdivision, details related to maintenance vehicle access, driveway curb cuts, maintenance access road structural sections, bollards, safety lighting, landscaping, any safety concerns by police department, etc. will need to be coordinated with the Planning, Public Works, and Police departments.

E.5.6. Neighborhood Park

E.5.6.1. As part of the project development, the Subdivider shall construct a private, neighborhood park per Planning Division's Conditions. The private park shall be maintained by the project Homeowners Association (HOA).

E.5.7. Joint Utility Trench Plans – All future utilities along the frontage of the Project on Lammers Road shall be placed in an underground facility. If required, the Subdivider shall relocate existing utility poles after obtaining approval of affected utility companies and the City. No fee credits or reimbursements shall be applicable for utility pole relocations.

E.5.7.1. Subdivider shall prepare joint trench plans in compliance with

utility companies' requirements and City regulations, and obtain approval of the plans. All private utility services to serve Project such as electric, telephone and cable TV to the building must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities. The Subdivider shall submit Joint Utility Trench Plans for the installation of electric, gas, telephone and TV cable main and service lines that are necessary to be installed to serve the Project. These utilities shall be installed within the 10-feet wide Public Utility Easement (PUE) that will be offered for dedication to the City. The Subdivider shall coordinate, as feasible, with the respective owner(s) of the utilities for the design of these underground utilities to ensure they can be installed within the 10-feet wide PUE to the extent feasible (and except in the event, that additional space beyond the 10-feet PUE is required, as determined by the utilities owner(s)).

E.5.7.2. Pavement cuts or utility trench(s) on existing street(s) for the installation of water distribution main, storm drain, sewer line, electric, gas, cable TV, and telephone will require the application of 2" asphalt concrete overlay and replacement of pavement striping and marking that are disturbed during construction. The limits of asphalt concrete overlay shall be 25 feet from both sides of the trench, and shall extend over the entire width of the adjacent travel lane(s) if pavement excavation encroaches to the adjacent travel lane or up to the street centerline or the median curb. If the utility trench extends beyond the street centerline, the asphalt concrete overlay shall be applied over the entire width of the street (to the lip of gutter or edge of pavement, whichever applies). This pavement repair requirement is applicable when cuts or trenches are perpendicular to the street direction; when the new joint trench is placed in the street parallel to the street direction; the width of overlay is to be the width of the affected lane.

E.6. Building Permit No building permit within the Project boundaries will be approved by the City until the Subdivider demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

E.6.1. Payment of the Master Plan Fees for Citywide Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park adopted by the City Council on January 7, 2014, per Resolution 2014-010, as required by these Conditions of Approval.

E.6.2. Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC, and these Conditions of Approval.

E.6.3. Payment of the Agricultural Conversion or Mitigation Fee

E.6.4. Payment of the Regional Transportation Impact Fees (RTIF) as required in Chapter 13.32 of the TMC, and these Conditions of Approval.

E.6.5. The Subdivider agrees that no building permit applications will be accepted and processed until the City approves the development impact fees applicable for this Project. If the development impact fees are not adopted, the City will accept cash deposit as a guarantee for payment towards the Project's development impact fees. The amount of cash deposit will be determined by the City Engineer, prior to the approval of the Final Map.

E.6.6. A letter signed and stamped by the Project's Geotechnical Engineer certifying that all grading work that was performed by the Subdivider within the Project meets the requirements of the Project's Geotechnical/Soils Report and the recommendations of the Project's Geotechnical Engineer.

E.6.7. The applicable final map is approved by the City and recorded at the Office of the San Joaquin County Recorder.

E.7. Agreements, Improvement Security, and Insurance

E.7.1. Subdivision Improvement Agreement - Concurrently with the City's processing of a final map, and prior to the City's approval of the final map, the Subdivider shall execute a Subdivision Improvement Agreement (for the public facilities required to serve the real property described by the final map), which includes the Subdivider's responsibility to complete all of the following requirements to the satisfaction of the City Engineer:

a. The Subdivider has submitted all required improvement plans in accordance with the requirements of City Regulations and these Conditions of Approval, and the improvement plans have been approved by the City Engineer.

b. The Subdivider has submitted a complete application for a final map which is served by the required public improvements, and the final map has been approved by the City Engineer.

c. The Subdivider has paid all required processing fees including plan check and inspection fees.

d. The Subdivider executes a Subdivision Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all required improvements.

e. The Subdivider posts all required improvement security and evidence of insurance.

E.7.2. Offsite Improvement Agreement: Prior to starting any work on Roadway Improvements, the Subdivider shall sign an improvement agreement (Offsite Improvement Agreement or OIA) and post improvement security in accordance with Section 12.36.080 of the TMC, to guarantee completion of the public improvements. The OIA requires approval from the City Council.

a. Prior to the approval of the OIA, the Subdivider will be required to submit Improvement Plans that contains the design, construction details and specifications of all public improvements that are required to serve the

Project, prepared in a 24" x 36" size polyester film (mylar), signed and stamped by the Design Engineer, for City's approval and signature. The Subdivider shall also submit Technical Specifications and Cost Estimates. All engineering calculations for the design of the improvements must be submitted as part of the Improvement Plans.

b. The Subdivider will be required to pay Engineering Review Fees which include plan checking, agreement and permit processing, testing, engineering inspection, and program management fees, prior to the approval of the OIA.

E.7.3. Deferred Improvement Agreement - Prior to the City's approval of the first final map within the Project, the Subdivider shall execute a Deferred Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all remaining public facilities (to the extent the public facilities are not included in the Subdivision Improvement Agreement) which are required by these Conditions of Approval. The Deferred Improvement Agreement shall identify timing requirements for construction of all remaining public facilities, in conformance with the phasing plan submitted by the Subdivider and approved by the City Engineer and shall include improvement security for the deferred improvements.

E.7.4. Improvement Security - The Subdivider shall provide improvement security for all public facilities, as required by Deferred Improvement Agreement, Subdivision Improvement Agreement, or Offsite Improvement Agreement. The form of the improvement security may be a bond, or other form in accordance with City Regulations. The amount of the improvement security shall be in accordance with City Regulations, generally, as follows: Faithful Performance (100% of the approved estimates of the construction costs of public facilities), Labor & Material (100% of the approved estimates of the construction costs of public facilities), and Warranty (10% of the approved estimates of the construction costs of public facilities).

E.7.5. Insurance - For each Inspection Improvement Agreement and Subdivision Improvement Agreement, the Subdivider shall provide the City with evidence of insurance, as follows:

a. General. The Subdivider shall, throughout the duration of the Agreement, maintain insurance to cover Subdivider, its agents, representatives, contractors, subcontractors, and employees in connection with the performance of services under the Agreement at the minimum levels set forth below.

b. Commercial General Liability (with coverage at least as broad as ISO form CG 00 01 01 96) coverage shall be maintained in an amount not less than $3,000,000 general aggregate and $1,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.

c. Automobile Liability (with coverage at least as broad as ISO form CA 00 01 07 97, for "any auto") coverage shall be maintained in an amount not less

than $1,000,000 per accident for bodily injury and property damage.

d. Workers' Compensation coverage shall be maintained as required by the State of California.

e. Endorsements. Subdivider shall obtain endorsements to the automobile and commercial general liability with the following provisions:

1) The City (including its elected and appointed officials, officers, employees, agents, and volunteers) shall be named as an additional "insured."

2) For any claims related to this Agreement, Subdivider's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Subdivider's insurance and shall not contribute with it.

f. Notice of Cancellation. Subdivider shall obtain endorsements to all insurance policies by which each insurer is required to provide thirty (30) days prior written notice to the City should the policy be canceled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation.

g. Authorized Insurers. All insurance companies providing coverage to Subdivider shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

h. Insurance Certificate. Subdivider shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance, in a form satisfactory to the City.

i. Substitute Certificates. No later than thirty (30) days prior to the policy expiration date of any insurance policy required by the Agreement, Subdivider shall provide a substitute certificate of insurance.

j. Subdivider's Obligation. Maintenance of insurance by the Subdivider as specified in the Agreement shall in no way be interpreted as relieving the Subdivider of any responsibility whatsoever (including indemnity obligations under the Agreement), and the Subdivider may carry, at its own expense, such additional insurance as it deems necessary.

E.8. Release of Improvement Security - Improvement Security(s) described herein shall be released to the Subdivider after City Council's acceptance of public improvements, and after the Subdivider demonstrates, to the satisfaction of the City Engineer, compliance of these Conditions of Approval, and completion of the following:

E.8.1. Improvement Security for Faithful Performance, Labor & Materials, and Warranty shall be released to the Subdivider in accordance with Section 12.36.080 of the TMC.

E.8.2. Written request from the Subdivider and a copy of the recorded Notice of Completion.

E.9. Acceptance of Public Improvements - Public improvements will not be accepted by the City Council until after the Subdivider completes construction of the relevant public improvements, and also demonstrates to the City Engineer satisfactory completion of the following:

E.9.1. Correction of all items listed in the deficiency report prepared by the assigned Engineering Inspector relating to public improvements subject to City Council's acceptance.

E.9.2. Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Subdivider, the City shall temporarily release the originals of the Improvement Plans to the Subdivider that the Subdivider will be able to document revisions to show the "As Built" configuration of all improvements.

E.10. Temporary or Final Building Certificate of Occupancy - No Temporary or Final Building Certificate of Occupancy will be issued by the City until after the Subdivider provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:

E.10.1. The Subdivider has satisfied all the requirements set forth in Condition C.9, above.

E.10.2. The Subdivider has completed construction of all required public facilities for the building for which a certificate of occupancy is requested and all the improvements required in these Conditions of Approval. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Subdivider shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Subdivider shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

E.11. Special Conditions

E.11.1. All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Regulations, and City's Design documents including the City's Facilities Master Plan for storm drainage, roadway, wastewater and water adopted by the City, or as otherwise specifically approved by the City.

E.11.2. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Subdivider shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection. The Subdivider shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.

E.11.3. The Subdivider shall abandon or remove all existing irrigation structures, channels and pipes, if any, as directed by the City after coordination with the irrigation district, if the facilities are no longer required for irrigation purposes. If irrigation facilities including tile drains, if any, are required

to remain to serve existing adjacent agricultural uses, the Subdivider will design, coordinate and construct required modifications to the facilities to the 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 Subdivider.

E.11.4. 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 Subdivider's cost.

E.11.5. All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers. Any damaged, displaced, obliterated or lost monuments or survey markers shall be re-established or replaced by a licensed Land Surveyor at the Developer's (or Contractor's) sole expense. A corner record must be filed in accordance with the State law for any reset monuments (California Business and Professions Code Section 8871).

E.11.6. 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 Subdivider shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.