

Tuesday, May 19, 2020, 7:00 P.M.

Tracy City Hall, 333 Civic Center Plaza, Tracy

Web Site: www.cityoftracy.org

THIS REGULAR MEETING WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDER N-29-20 WHICH SUSPENDS CERTAIN REQUIREMENTS OF THE RALPH M. BROWN ACT

RESIDENTS ARE STRONGLY ENCOURAGED TO PARTICIPATE REMOTELY AT THE MAY 19, 2020 MEETING

Remote Access to City of Tracy Council Meeting:

In accordance with the guidelines provided in Executive Order N-29-20 on social distancing measures, the City of Tracy will allow for remote participation at the upcoming City Council meeting on Tuesday, May 19, 2020.

As always, the public may view the City Council meetings live on the City of Tracy's website at www.CityofTracy.org or on Channel 26. To view from the City's website, select "Watch Live Council Meetings" from the drop down menu "Select an Online Service" at the top of the City's homepage. You will be directed to the "Council Meeting Videos" page where you may select the video for the appropriate date under "Upcoming Events."

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

Remote Public Comment:

Public comment via email will only be accepted for agenda items before the start of the Council meeting at 7:00 p.m. Please send an email to publiccomment@cityoftracy.org Identify the item you wish to comment on in your email's subject line

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

- *Comments via:*
 - **Phone** by dialing (209) 831-6010, or
 - **Online** by visiting <https://cityoftracyevents.webex.com> and using the following **Event Number:** 626 878 277 and **Event Password:** TracyCC
 - ***If you would like to participate in the public comment anonymously***, you may submit your comment via phone or in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting Anonymous@example.com when prompted to provide an email address.

- **Protocols for submitting comments by phone:**
 - *If you wish to discuss an item on the “Consent Calendar” identify the item when calling in. All requests to discuss an item on the “Consent Calendar” must be submitted before the Mayor announces that the time to submit such a request has expired.*
 - *Identify the item you wish to comment on to staff when calling in. Comments received by phone will be accepted for the “Items from the Audience/Public Comment” and “Regular Items” portions of the agenda.*
 - *Comments received by phone for the “Items from the Audience/Public Comment” portion of the agenda must be received by the time the Mayor opens that portion of the agenda for discussion.*
 - *Comments received by phone on each “Regular Item” will be accepted until the Mayor announces that public comment for that item is closed.*

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

- **The total allotted time for public comment will be as follows:**
 - **Consent Calendar: 10 minutes**
 - **Items from the Audience: 15 minutes**
 - **Regular Items: 10 minutes**

Comments received by publiccomment@cityoftracy.org, phone call, or on Webex outside of the comment periods outlined above will not be included in the record.

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

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

and an orderly meeting, the Presiding Officer may request that a spokesperson be designated to represent similar views. A designated spokesperson shall have 10 minutes to speak. At the Presiding Officer's discretion, additional time may be granted. The City Clerk shall be the timekeeper.

Consent Calendar - All items listed on the Consent Calendar are considered routine and/or consistent with previous City Council direction. One motion, a second, and a roll call vote may enact the items listed on the Consent Calendar. No separate discussion of Consent Calendar items shall take place unless a member of the City Council, City staff or the public request discussion on a specific item.

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

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

Full copies of the agenda are available at City Hall, 333 Civic Center Plaza, and on the City's website:
www.ci.tracy.ca.us

CALL TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION
ROLL CALL

1. CONSENT CALENDAR

- 1.A. ADOPTION OF MAY 5, 2020, CLOSED SESSION AND REGULAR MEETING MINUTES
- 1.B. APPROVE AMENDMENT NO. 4 TO THE PROFESSIONAL SERVICES AGREEMENT WITH MCE, INC. FOR LANDSCAPE MAINTENANCE SERVICE TO AMEND THE 'NOT TO EXCEED' AMOUNT TO \$900,000 ANNUALLY
- 1.C. APPROVE THE FINAL SUBDIVISION MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT 3958, TRACY HILLS VILLAGE 8B, AND AUTHORIZE THE CITY CLERK TO FILE THE SUBDIVISION IMPROVEMENT AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER

- 1.D. APPROVE CITY OF TRACY TRANSIT DIVISION TITLE VI PROGRAM AND LANGUAGE ASSISTANCE PLAN FOR TRACER FIXED ROUTE AND PARATRANSIT SERVICES
 - 1.E. GRANT LEAVE TO FILE LATE CLAIM AND REJECT CLAIM FILED BY NANCY LUNETTA
 - 1.F. EXTEND THE YEAR 2020 DEADLINE TO OBTAIN A BUILDING PERMIT UNDER SECTION D.3.(c) OF THE CITY OF TRACY GROWTH MANAGEMENT ORDINANCE GUIDELINES FOR FORTY-FIVE (45) CALENDAR DAYS DUE TO COVID-19 PUBLIC HEALTH EMERGENCY
 - 1.G. AMEND THE TRACY STATION 95 FIRE STATION FIRST IMPLEMENTATION AGREEMENT BY AND BETWEEN THE CITY OF TRACY AND THE TRACY HILLS PROJECT OWNER, LLC, AND TRACY PHASE I, LLC, TO CLARIFY THE CONSTRUCTION SCHEDULE FOR FIRE STATION 95
2. ITEMS FROM THE AUDIENCE
 3. REGULAR AGENDA
 - 3.A. PUBLIC HEARING TO CONSIDER APPROVAL OF THE TRACY HILLS KT PROJECT, WHICH INVOLVES APPROVING A GENERAL PLAN AMENDMENT, INTRODUCING AN ORDINANCE APPROVING A TRACY HILLS SPECIFIC PLAN AMENDMENT, AND APPROVING A VESTING TENTATIVE SUBDIVISION MAP TO CREATE APPROXIMATELY 185 SINGLE-FAMILY RESIDENTIAL LOTS, TWO COMMERCIAL PARCELS, AND VARIOUS OTHER PARCELS, INCLUDING A LINEAR PARK AND AN HOA RECREATION AREA, CONSISTING OF APPROXIMATELY 45 ACRES, LOCATED EAST OF CORRAL HOLLOW ROAD IN THE VICINITY OF TRACY HILLS DRIVE
 - 3.B. APPROVE A NEW CITY SMALL BUSINESS FORGIVABLE LOAN PROGRAM TO SUPPORT LOCAL SMALL BUSINESSES AFFECTED BY COVID-19 AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO SIGN THE LOAN AGREEMENTS
 - 3.C. APPROVE CANNABIS BUSINESS PERMIT APPLICATION PROCEDURES AND GUIDELINES
 - 3.D. INTRODUCE AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 6.36 OF THE TRACY MUNICIPAL CODE REGARDING COMMERCIAL CANNABIS ACTIVITY
 - 3.E. APPROVE ACTIONS RELATED TO SUBMITTING A MEASURE TO THE VOTERS TO ADOPT AN ORDINANCE IMPOSING A CANNABIS BUSINESS TAX WHICH SHALL CUMULATIVELY NOT EXCEED 15% OF GROSS RECEIPTS ON COMMERCIAL CANNABIS ACTIVITIES IN TRACY TO FUND GENERAL SERVICES AT THE ELECTION ON NOVEMBER 3, 2020, INCLUDING:

- (1) CALLING FOR AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2020 FOR THE ELECTION OF CERTAIN OFFICERS AND CONSIDERATION OF LOCAL BALLOT MEASURE(S), AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN ORDER THE CONSOLIDATION OF SAID ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE
 - (2) ORDERING THE CITY CLERK TO SUBMIT A MEASURE TO THE VOTERS TO ADOPT AN ORDINANCE IMPOSING A CANNABIS BUSINESS TAX ON COMMERCIAL CANNABIS ACTIVITIES IN TRACY TO FUND GENERAL SERVICES AT THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 3, 2020
 - (3) INTRODUCTION OF AN ORDINANCE ADDING CHAPTER 6.40 "CANNABIS BUSINESS TAX" TO TITLE 6 OF THE TRACY MUNICIPAL CODE TO IMPOSE A TAX ON COMMERCIAL CANNABIS ACTIVITIES SUBJECT TO APPROVAL OF A MAJORITY OF THE ELECTORS VOTING ON THE MEASURE AT THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 3, 2020
- 3.F. ADOPT AN URGENCY ORDINANCE AMENDING ORDINANCE NO. 1285 EXTENDING CERTAIN DEVELOPMENT RELATED DEADLINES AND AUTHORIZING THE CITY MANAGER TO TAKE CERTAIN ACTIONS REGARDING PUBLIC IMPROVEMENT AGREEMENTS, GRANT APPLICATIONS, CHANGE ORDERS AND PROFESSIONAL AND GENERAL SERVICES AGREEMENTS, AND ACCEPTING IMPROVEMENTS DURING THIS LOCAL EMERGENCY
- 3.G. AUTHORIZE THE DISPLAY OF THE LGBT PRIDE FLAG AT CITY HALL FOR THE MONTH OF JUNE 2020 TO RECOGNIZE LGBT PRIDE MONTH AND ON THE DAY OF TRACY PRIDE CELEBRATION TO BE HELD IN FALL 2020
- 3.H. DISCUSS CITY'S RESPONSE TO COVID-19 (VERBAL REPORT)
4. ITEMS FROM THE AUDIENCE
5. STAFF ITEMS
6. COUNCIL ITEMS
7. ADJOURNMENT

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

May 5, 2020, 6:15 p.m.

Tracy City Hall, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Rickman called the meeting to order at 6:15 p.m. for the purpose of a closed session to discuss the items outlined below.
2. ROLL CALL – Roll call found Council Members Arriola, Vargas, Mayor Pro Tem Young and Mayor Rickman present. Council Member Ransom arrived at 6:17 p.m.
3. ITEMS FROM THE AUDIENCE – None
4. CLOSED SESSION
 - a. Conference with Legal Counsel – Existing Litigation (Gov. Code § 54956.9(d)(1)):
 - i. Case Name: Peter Luckhardt v. City of Tracy
WCAB Case No: ASJ11134833
 - ii. Case Name: Peter Luckhardt v. City of Tracy
WCAB Case No: ADJ11134852
 - b. Conference with Legal Counsel – Anticipated Litigation (Gov. Code § 54956.9)
 - i. Significant exposure to litigation pursuant to § 54956.9(d)(2). (One case).
5. RECESS TO CLOSED SESSION - Motion was made by Council Member Vargas and seconded by Council Member Arriola to recess the meeting to closed session at 6:19 p.m. Roll call vote found all in favor; passed and so ordered.
6. RECONVENE TO OPEN SESSION – The meeting reconvened to open session at 6:37 p.m.
7. REPORT OF FINAL ACTION – There was no report of final action.
8. ADJOURNMENT – Time: 6:38 p.m.

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

The agenda was posted at City Hall on April 30, 2020. The above are action minutes.

Mayor

ATTEST:

City Clerk

May 5, 2020, 7:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy

Web Site: www.ci.tracy.ca.us

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

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

Mayor Rickman led the Pledge of Allegiance.

Pastor Kal Waetzig, Saint Paul's Lutheran Church offered the invocation.

Roll call found Council Members Arriola, Ransom, Vargas, Mayor Pro Tem Young and Mayor Rickman present.

1. CONSENT CALENDAR – Motion was made by Mayor Pro Tem Young and seconded by Council Member Vargas to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
 - 1.A. ADOPTION OF APRIL 7, 2020, AND APRIL 21, 2020, REGULAR MEETING MINUTES – **Minutes were approved**
 - 1.B. APPROVE AMENDMENT NO. 2 TO THE MASTER PROFESSIONAL SERVICES AGREEMENTS WITH HARRIS & ASSOCIATES (HA16-01 AND HA16-02) FOR PROGRAM MANAGEMENT SERVICES TO EXTEND THE AGREEMENTS UNTIL JUNE 30, 2021 – **Resolution 2020-063** approved Amendment No. 2 to the MPSA with Harris & Associates (HA16-01 and HA16-02).
 - 1.C. APPROVE NEW CLASSIFICATION SPECIFICATIONS AND SALARY RANGES FOR ACCOUNTING MANAGER AND ASSISTANT TO THE CITY MANAGER AND AMEND THE SPECIFICATION FOR EXECUTIVE ASSISTANT TO THE CITY MANAGER AND AUTHORIZE AMENDMENTS TO VARIOUS DOCUMENTS TO IMPLEMENT THESE CHANGES – **Resolution 2020-064** approved the new Classification Specifications and Salary Ranges.
 - 1.D. APPROVE GRANTING ACCESS AND UTILITY EASEMENTS TO GARY L. PATTERSON, et al., FOR MAGNON COMPANIES, ON THE NORTH SIDE OF EAST PESCADERO AVENUE, AND APPROVE AN OFFSITE IMPROVEMENT AGREEMENT WITH MAGNON COMPANIES – **Resolution 2020-065** approved Granting Access and Utility Easements and Offsite Improvement Agreement.
 - 1.E. APPROVE AN APPROPRIATION OF \$250,000 FROM THE GASOLINE TAX FUND F245; AUTHORIZE AN INCREASE OF THE CONTINGENCY AMOUNT TO \$1,224,528 FOR THE MACARTHUR DRIVE WIDENING AND

RECONSTRUCTION PROJECT, CIPs 73126 AND 72073, FEDERAL PROJECT NUMBER STPL-5192(033); AND AUTHORIZE THE CITY MANAGER TO APPROVE CHANGE ORDERS UP TO THE APPROVED AMOUNT – Resolution 2020-066 approved an appropriation, increase in contingency amount for the MacArthur Drive Widening and reconstruction project.

2. ITEMS FROM THE AUDIENCE – Alex Monceaux expressed his disappointment regarding the direction Council gave staff at the April 21, 2020 Council meeting regarding locals, minorities, women or equity applications not having a chance at winning cannabis permits. Mr. Monceaux also spoke about economic inclusion for purchasing in San Joaquin County, community benefit fee, landlord letter requirement, and CUP's.

3. REGULAR AGENDA

- 3.A DISCUSS AND APPROVE DRAFT CITY OF TRACY HOMELESSNESS STRATEGIC PLAN AND PROVIDE DIRECTION TO STAFF

Midori Lichtwardt, Assistant City Manager provided the staff report.

Nicole Libaire, Technical Assistance Collaborative (TAC) consultant provided a presentation and responded to City Council questions.

Wayne Templeton spoke about the following: Support of Goal 2 of the Strategic Plan and taking care of both the homeless and helping to mitigate the virus, requested the City assign a designated person to talk about how to mitigate a medical emergency, and resuming shower operations and partnering with the City.

Jennifer Rowell, Tracy Community Connection Center spoke about transitional housing and added she would like to see other housing options, particularly permanent supportive housing, rapid rehousing factored into the mix as opposed to being focused on transitional housing.

Marcia asked if the City has looked at using the mall for potential rehousing or a short term homeless program, and reprioritizing city projects to reallocate funding to the homeless problem in Tracy.

City Council questions and comments followed.

Council Member Arriola and Council Member Ransom (Homeless Ad Hoc Committee Members) also responded to Council questions.

Council Member Arriola asked that Council consider his proposed amendment to the Tracy Homelessness Strategic Plan related to COVID-19 for the Implementation Plan (provided to City Council at the meeting, and made available on the website) which prioritizes the opportunities for COVID-19 funding to get that one time money now as opposed to using it from the General Fund. Council Member Vargas supported the request.

City Council questions and discussion continued.

Jenny Haruyama, City Manager summarized Council's consensus:

- Adopt a plan with consideration of Council Member Arriola's amendment with COVID objectives.
- Direct staff to develop a 2021 work plan potentially in consultation with the ad hoc subcommittee, Council would need to provide direction on that and on the work plan and would include prioritization on the timeline and potential funding depending on the items.
- Work to address immediate COVID related health and safety needs for homeless unsheltered population with the \$50,000 that was previously allocated for the warming center.

Mayor Pro Tem Young requested an amendment to add, "including but not limited to" to Goal 4, Objective 1 regarding examples of vulnerable subpopulation. Council Member Ransom supported the request.

ACTION: Motion was made by Council Member Vargas and seconded by Council Member Ransom to adopt the plan with amendments suggested by Council Member Arriola and Mayor Pro Tem Young to direct staff to work on the 2020/2021 work plan which will identify the next steps and possibly funding from the state, federal and local level and keep working on the health needs identifying what services are available and coordinate for the safety needs as well. Roll call found Council Members Arriola, Ransom, Vargas and Mayor Pro Tem Young in favor; passed and so ordered. Mayor Rickman abstained.

3.B DISCUSS AND PROVIDE DIRECTION REGARDING NEW CITY SMALL BUSINESS LOAN/GRANT PROGRAM AND APPROVE 2020/2021 CDBG FUNDING SOURCES FOR THE NEW PROGRAM

Barbara Harb, Economic Development Management Analyst provided the staff report and presentation.

Andrew Malik, Assistant City Manager continued with the presentation.

There was no public comment.

City Council questions and discussion followed.

Jenny Haruyama, City Manager summarized Council's consensus:

- Council supported deferring the \$218,925 (Downtown Façade Grant Program), but did not support the \$150,000 (ADA Sidewalk Improvements and Repair).
- Council supported Program Allocation Option 4, but agreed to move the \$37,941 into the \$137,941 loan to increase to \$175,882, which would leave \$100,000 for the homeless, and if additional funds become available we would reevaluate at that time.
- Supported a Forgivable Loan model.
- Reaffirm loan criteria for loan amounts based on the number of employees is correct as presented in the staff report.

- Supported giving a priority to businesses that did not receive Small Business Administration's Paycheck Protection Program (PPP).

Staff will return to Council with a formalized loan program.

3.C DISCUSS CITY'S RESPONSE TO COVID-19 (VERBAL REPORT)

Jenny Haruyama, City Manager provided an update and presentation.

Leticia Ramirez, City Attorney provided a Federal, State and San Joaquin County update.

Debbie stated staff reported 578 total number of cases for San Joaquin, but did not report the 443 recovered cases, leaving only 135 active cases in San Joaquin County.

City Council questions and comments followed.

Ms. Ramirez stated staff will get back to Council regarding whether opening dog parks is consistent with the order.

4. ITEMS FROM THE AUDIENCE – There was no public comment.
5. STAFF ITEMS – Jenny Haruyama, City Manager provided an update on the following actions taken by the City Manager during the COVID emergency:
 - Approval of an Inspection Improvement Agreement (IIA) for Valpico-Glenbriar Apartments, LLC.
 - Approval of an Inspection Improvement Agreement (IIA) for Home Depot Project (IPC Building 19) for Construction of Street and Other Improvements.
 - Acceptance of Sidewalk, Curb & Gutter Project – CIP 73167, completed by Tom Mayo Construction.
6. COUNCIL ITEMS – Council Member Arriola requested that the flag be raised for the month of June to recognize LGBT Pride month, and also during a small Tracy pride event being organized by local community members in Fall. Council Member Vargas supported the request.

Mayor Pro Tem Young reported on the ACE San Joaquin Regional Rail meeting. Mayor Pro Tem Young read a Rod Serling twilight meme.

Council Member Ransom thanked Council for passing the Homeless Strategic Plan, the community and first responders for all the sacrifices to keep everyone safe, Sikhs of Tracy and Sikhs of Humanity for their drives for PPE, Love Never Fails who delivered food to seniors, Mayor Rickman for participating in Operation Compassion giving out food, Virna and Cliff Hudson for making masks, and Dhaba restaurant for passing out food to our seniors.

Mayor Rickman thanked the community for coming together and doing their part and encouraged residents to support our small businesses.

7. ADJOURNMENT – Time: 11:28 p.m.

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

Mayor

ATTEST:

City Clerk

AGENDA ITEM 1.B

REQUEST

APPROVE AMENDMENT NO. 4 TO THE PROFESSIONAL SERVICES AGREEMENT WITH MCE, INC. FOR LANDSCAPE MAINTENANCE SERVICE TO AMEND THE 'NOT TO EXCEED' AMOUNT TO \$900,000 ANNUALLY

EXECUTIVE SUMMARY

Per Resolution 2017-255, Council approved an initial two-year Professional Services Agreement (Agreement) with extensions to the term not to exceed a total of seven years with MCE, Inc. (MCE) for landscape maintenance services. When the Agreement was approved in 2017, the City did not have any new public landscaping plans prepared to include for the bid of services. As a result of increased public landscaping in areas such as Tracy Hills and Ellis, expenses under the Agreement will exceed the initial estimated total annual compensation amount of \$705,000 prior to the end of the contract life. Staff is asking Council to approve Amendment No. 4 to increase the not to exceed amount for MCE to \$900,000 per fiscal year to cover the costs of the added public landscaping.

DISCUSSION

The Public Works Department is responsible for the maintenance management of all public parks, sports facilities and public landscaping. The City's specially funded parks and landscaping (including the LMD and CFD's) total an estimated 9.6 million square feet. These areas are maintained through a combination of contracted services and in-house staff.

In 2017, the Department issued a request for proposals for landscape maintenance services. As a result of that process, the City entered into an agreement with MCE for landscape maintenance services. MCE's proposal was found to be responsive and responsible. Council approved the Agreement with MCE on December 5, 2017 (See Attachment B). The initial term of the Agreement was for two years, commencing on January 1, 2018 through December 31, 2019. The Council also authorized the City Manager to extend the Agreement for an additional five years in any combination of years upon recommendation by the Public Works Director, for a total term of seven years. Such action has been taken and the current expiration date for the Agreement is now December 31, 2020.

With the addition of the Tracy Hills and Ellis subdivisions, additional specially funded public landscaping and parks are being added into the City's inventory. These additional tracts were not included in the original scope of the Agreement, as the City did not have any specifications on the full list of amenities that would be installed and what the corresponding maintenance costs would be. Due to these added areas, the Agreement must be amended to increase the annual 'Not to Exceed' amount from \$705,000 a year to \$900,000 a year.

MCE has proven to be a responsive contractor and a reliable partner in managing the specially funded landscaping. MCE completes work efficiently, effectively, safely and

with a high level of customer satisfaction. Any reported deficiencies are corrected quickly and within the scope of the Agreement.

STRATEGIC PLAN

This is a routine operational item and is not related to one of the City Council's Strategic Plans.

FISCAL IMPACT

Funding for the increase of contacted prices are funded from LMD Fund 271, CFD 2018-1 and CFD 2016-2 Fund 272.

RECOMMENDATION

That the City Council, by resolution, approve Amendment No. 4 to the Professional Services Agreement with MCE, Inc., for landscape maintenance services to increase the not to exceed amount to \$900,000 annually, effective the date of Council approval.

Prepared by: Robin Kloepfer, Management Analyst II

Reviewed by: Don Scholl, Public Works Director
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Jennifer D. Haruyama, City Manager

ATTACHMENTS:

Attachment A - City of Tracy Amendment No. 4 to Professional Services Agreement for Landscape Maintenance Services

Attachment B - Current MCE PSA Landscape Maintenance Contract

Attachment C - Resolution 2017-255

**City of Tracy
AMENDMENT NO. 4 TO
Landscape Maintenance Services**

This Amendment No. 4 (Amendment) to the Professional Services Agreement for Landscape Maintenance Services is entered into between the City of Tracy, a municipal corporation (City), and MCE Corporation, a California Corporation (Contractor).

Recitals

- A. The City and Contractor entered into a Professional Services Agreement (Agreement) for Landscape Maintenance Services, which was approved by the City Council on December 5, 2017 under Resolution No. 2017-255.
- B. The City has increased additional specially funded landscaping square footage with new developments. The increased square
- C. It is the intent of the City to have all special funded parks serviced by contractors.

Now therefore, the parties mutually agree as follows:

1. Incorporation by Reference. This Amendment incorporates by reference all terms set forth in the Agreement and all terms set forth in the Exhibits attached to the Agreement, unless specifically modified by this Amendment. The terms which are not specifically modified by this Amendment will remain in effect.

2. Terms of Amendment.

Section 4.1 Compensation, is hereby amended in its entirety to read as follows:

“ **General.** For general maintenance services performed by Contractor under this Agreement, City shall pay Contractor at the billing rates and service levels set forth in Exhibit “B,” attached and incorporated by reference. Contractor’s fee for this Agreement is Not to Exceed \$900,000 per year, not including the Initial Clean-up and Extra Work. Contractor’s billing rates shall cover all costs and expenses for Contractor’s performance of this Agreement. Service levels will vary and may be adjusted, depending on available funding. No work shall be performed by Contractor in excess of the Not to Exceed amount without the City’s prior written approval.”

3. Modifications. This Amendment may not be modified orally or in any manner other than by an agreement in writing signed by both parties, in accordance with the requirements of the Agreement.

4. Severability. If any term of this Amendment is held invalid by a court of competent jurisdiction, the Amendment shall be construed as not containing that term, and the remainder of this Amendment shall remain in effect.

5. Signatures. The individuals executing this Amendment represent and warrant that they have the right, power, legal capacity and authority to enter into and to execute this Amendment. This Amendment shall inure to the benefit of and be binding upon the parties and their respective successors and assigns.

The parties agree to the full performance of the terms set forth here.

City of Tracy

MCE Corporation

By: _____
Jennifer Haruyama
Title: City Manager
Date: _____

By:  _____
Title: President & CEO
Date: 2/26/20

Attest:

By: _____
Adrienne Richardson, City Clerk

By:  _____
Title: VICE PRESIDENT
Date: 2/26/20

Approved as to form

Federal Tax Id No. 95-2395310

By: _____
Leticia Ramirez, City Attorney

City of Tracy
PROFESSIONAL SERVICES AGREEMENT
Landscape Maintenance Services

This Professional Services Agreement (Agreement) is entered into between the City of Tracy, a municipal corporation (City), and MCE Corporation, a California corporation (Contractor).

Recitals

- A. A Request for Proposal (RFP) was issued on August 31, 2017 for Landscape Maintenance Services. 2017-2019 (hereinafter "Project"). All RFP's were submitted to the Public Works Department by October 5, 2017.
- B. After negotiations between the City and Contractor, the parties have reached an agreement for the performance of services in accordance with the terms set forth in this Agreement.

Now therefore, the parties mutually agree as follows:

- 1. **Scope of Services.** Contractor shall perform the services described in Exhibit "A" attached and incorporated by reference. The services shall be performed by, or under the direct supervision of, Contractor's Authorized Representative: Lowell Dean McDonald, Vice President. Contractor shall not replace its Authorized Representative, nor shall Contractor replace any of the personnel listed in Exhibit "A," nor shall Contractor use any subcontractors or subcontractors, without City's prior written consent.
- 2. **Term of Agreement.** The term of the Agreement shall be for two calendar years commencing January 1, 2018 through December 31, 2019. In the event that the City determines that the Contractor has satisfactorily performed all requirements in this agreement, and per recommendation from the Public Works Director to the City Manager, the City Manager may extend the Agreement for an additional five (5) years in any combination not to exceed a total agreement length of seven (7) years. If all extensions are applied, the ending date of the agreement will be December 31, 2024.
- 3. **Time of Performance.** Time is of the essence in the performance of services under this Agreement and the timing requirements set forth shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. Contractor shall begin performance, and shall complete all required services no later than the dates set forth in Exhibit "A." Any services for which times for performance are not specified in this Agreement shall be started and completed by Contractor in a reasonably prompt and timely manner based upon the circumstances and direction communicated to the Contractor.

4. Compensation.

4.1 General. For general maintenance services performed by Contractor under this Agreement, City shall pay Contractor at the billing rates and service levels set forth in Exhibit "B," attached and incorporated by reference. Contractor's fee for this Agreement is Not to Exceed \$705,000 per year, not including the Initial Clean-up Work and Extra Work. Contractor's billing rates shall cover all costs and expenses for Contractor's performance of this Agreement. Service levels will vary and may be adjusted, depending on available funding. No work shall be performed by Contractor in excess of the Not to Exceed amount without the City's prior written approval.

a. **Initial Clean-up Work.** For the Initial Clean-up Work, Contractor's fee for the initial Clean-up Work shall not exceed \$25,000. City shall pay Contractor at the billing rates set forth in Exhibit "B," attached and incorporated by reference. These amounts may be reduced prior to the start of the Clean-up Work as a result of the current City contractor completing Clean-up prior to the start of this agreement. The City and Contractor will meet prior to the start of any Clean-up Work to determine the amount of any such reduction in cost. No Initial Clean-up Work shall be performed by Contractor without written Notice to Proceed by the City and must be completed by March 30, 2018, unless otherwise extended at the sole discretion of the Public Works Director.

b. **Extra Work.** For Extra Work performed by Contractor under this Agreement, City shall pay Contractor at the billing rates set forth in Exhibit "B," attached and incorporated by reference. Contractor's fee for Extra Work is Not to Exceed \$50,000 per year. Payment for extra work will be based on actual cost of labor plus wholesale cost of materials plus 10%, and must be supported by receipts of said materials and certified payroll reports. Contractor's billing rates shall cover all costs and expenses for Contractor's performance of Extra Work. No Extra Work shall be performed by Contractor without written Notice to Proceed by the City.

4.2 Invoices. Contractor shall submit monthly invoice based on established rate and on completion of work for each individual zone and channelway. Any invoice that is deemed to not be paid in full by the City will require Contractor to resubmit a corrected invoice.

4.3 Payment. Within 30 days after the City's receipt of invoice, City shall make payment to the Contractor based upon the services described on the invoice and approved by the City.

4.4 Inflationary Increases. After the initial contract period expiring December 31, 2019, and upon satisfactory performance, Contractor may submit a written request to the City for an increase to the Not to Exceed amount. The Not to Exceed amount may be increased by the lesser of: (1) three percent (3%), or (2) the annual percentage increase of the Local Consumer Price Index (CPI) for "All Urban Consumers" for the San Francisco-Oakland-San Jose Area. Following the City's receipt of a written request for an increase to the Not to Exceed amount, City and Contractor will enter into an amendment to this Agreement reflecting the adjustment to the Not to Exceed amount.

5. Indemnification. Contractor shall, to the fullest extent permitted by law, indemnify, defend (with independent counsel approved by the City), and hold harmless the City from and against any claims arising out of Contractor's performance or failure to comply with obligations under this Agreement, except to the extent caused by the sole, active negligence or willful misconduct of the City.

In this section, "City" means the City, its officials, officers, agents, employees and volunteers; "Contractor" means the Contractor, its employees, agents and subcontractors; "Claims" includes claims, demands, actions, losses, damages, injuries, and liability, direct or indirect (including any and all related costs and expenses) and any allegations of these; and "Arising out of" includes "pertaining to" and "relating to".

The provisions of this section survive completion of the services or the termination of this contract, and are not limited by the provisions of Section 6 relating to insurance.

6. Insurance.

6.1 General. Contractor shall, throughout the duration of this Agreement, maintain insurance to cover Contractor, its agents, representatives, and employees in connection with the performance of services under this Agreement at the minimum levels set forth here.

6.2 Commercial General Liability (with coverage at least as broad as ISO form CG 00 01 01 96) "per occurrence" coverage shall be maintained in an amount not less than \$2,000,000 general aggregate and \$1,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.

6.3 Automobile Liability (with coverage at least as broad as ISO form CA 00 01 07 97, for "any auto") "claims made" coverage shall be maintained in an amount not less than \$1,000,000 per accident for bodily injury and property damage.

6.4 Workers' Compensation coverage shall be maintained as required by the State of California.

- 6.5 Endorsements.** Contractor shall obtain endorsements to the automobile and commercial general liability with the following provisions:
- 6.5.1** The City (including its elected officials, officers, employees, agents, and volunteers) shall be named as an additional "insured."
- 6.5.2** For any claims related to this Agreement, Contractor's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Contractor's insurance and shall not contribute with it.
- 6.6 Notice of Cancellation.** Contractor shall notify the City if the policy is 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. Contractor shall immediately obtain a replacement policy.
- 6.7 Authorized Insurers.** All insurance companies providing coverage to Contractor 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.
- 6.8 Insurance Certificate.** Contractor shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance and endorsements, in a form satisfactory to the City, before the City signs this Agreement.
- 6.9 Substitute Certificates.** No later than 30 days prior to the policy expiration date of any insurance policy required by this Agreement, Contractor shall provide a substitute certificate of insurance.
- 6.10 Contractor's Obligation.** Maintenance of insurance by the Contractor as specified in this Agreement shall in no way be interpreted as relieving the Contractor of any responsibility whatsoever (including indemnity obligations under this Agreement), and the Contractor may carry, at its own expense, such additional insurance as it deems necessary.
- 7. Independent Contractor Status; Conflicts of Interest.** Contractor is an independent contractor and is solely responsible for the acts of its employees or agents, including any negligent acts or omissions. Contractor is not City's employee and Contractor shall have no authority, express or implied, to act on behalf of the City as an agent, or to bind the City to any obligation, unless the City provides prior written authorization. Contractor is free to work for other entities while under contract with the City. Contractor, and its agents or employees, are not entitled to City benefits.
- Contractor (including its employees, agents, and subcontractors) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. If Contractor maintains or acquires such a conflicting interest, the City may terminate any contract (including this Agreement) involving Contractor's conflicting interest.

8. **Termination.** City may terminate this Agreement without cause by providing 60 days' written notice or less under urgent circumstances.

Contractor may terminate this Agreement for cause and only upon the occurrence of one of the following: (1) Contractor provides 180 days' written notice to City that Contractor is unable to secure sufficient qualified staff; or (2) Contractor provides 60 days' written notice to City that Contractor has commenced a voluntary case under title 11 of the United States Code or the corresponding provisions of any successor laws. The cause(s) for cancellation, and proof thereof, shall be included in the written notification to the City.

In the event of termination, Contractor shall be entitled to compensation for services satisfactorily performed up to the effective date of termination. Contractor shall submit to City an itemized statement of services performed for which compensation has not been paid. City, however may condition payment of such compensation upon Contractor delivering to City any and all documents, photographs, computer software and data, video and audio recordings, and other materials provided to Contractor, or prepared by or for Contractor or the City in connection with this Agreement.

9. **Ownership of Work.** All original documents prepared by Contractor for this Agreement, whether complete or in progress, are the property of the City, and shall be given to the City at the completion of Contractor's services, or upon demand from the City. No such documents shall be revealed or made available by Contractor to any third party without the City's prior written consent.

10. **Miscellaneous.**

10.1 Notices. All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed to the other party as follows:

To City:
Don Scholl
Public Works Director
City of Tracy
520 Tracy Blvd
Tracy, CA 95376

To Contractor:
Lowell Dean McDonald
Vice President
MCE Corporation
6805 Sierra Ct. Ste B.
Dublin, Ca. 94568-2686

With a copy to:
City Attorney
333 Civic Center Plaza
Tracy, CA 95376

Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the address designated above, or (2) three working days after the deposit in the United States Mail of registered or certified mail, sent to the address designated above.

10.2 Standard of Care. Unless otherwise specified in this Agreement, the standard of care applicable to Contractor's services will be the degree of skill and diligence ordinarily used by reputable professionals performing in the same or similar time and locality, and under the same or similar circumstances.

10.3 Modifications. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.

10.4 Waivers. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

10.5 Assignment and Delegation. Contractor may not assign, transfer or delegate this Agreement or any portion of it without the City's written consent. Any attempt to do so will be void. City's consent to one assignment shall not be deemed to be a consent to any subsequent assignment.

10.6 Jurisdiction and Venue. The interpretation, validity, and enforcement of the Agreement shall be governed by and construed under the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of San Joaquin.

10.7 Compliance with the Law. Contractor shall comply with all local, state, and federal laws, whether or not those laws are expressly stated in this Agreement.

10.8 Business Entity Status. Contractor is responsible for filing all required documents and/or forms with the California Secretary of State and meeting all requirements of the Franchise Tax Board, to the extent such requirements apply to Contractor. City may void this Agreement if Contractor is a suspended corporation, limited liability company or limited partnership at the time it enters into this Contract. City may take steps to have this Agreement declared voidable.

10.9. Business License. Before the City signs this Agreement, Contractor shall obtain a City of Tracy Business License.

10.10 Entire Agreement; Severability. This Agreement comprises the entire integrated understanding between the parties concerning the services to be performed. This Agreement supersedes all prior negotiations, representations or agreements.

If a term of this Agreement is held invalid by a court of competent jurisdiction, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in effect.

11. Labor Provisions.

11.1 Discrimination Prohibited. Discrimination against any prospective or present employee engaged in the Work on grounds of race, color, ancestry, national origin, ethnicity, religion, sex, sexual orientation, age, disability, or marital status is strictly prohibited. Contractor and its Subcontractors are required to comply with all applicable federal and California laws including the California Fair Employment and Housing Act (Government Code sections 12900 et seq.), Government Code section 11135, and Labor Code sections 1735, 1777.5, 1777.6, and 3077.5.

11.2 Labor Code Requirements.

11.2.1. Eight Hour Day. Under Labor Code section 1810, eight hours of labor constitute a legal day's work under this Contract.

11.2.2. Penalty. Under Labor Code section 1813, Contractor will forfeit to City as a penalty, the sum of \$25.00 for each day during which a worker employed by Contractor or any Subcontractor is required or permitted to work more than eight hours in any one calendar day or more than 40 hours per calendar week, except if such workers are paid overtime under Labor Code section 1815.

11.2.3. Apprentices. Contractor is responsible for compliance with the requirements governing employment and payment of apprentices, as set forth in Labor Code section 1777.5, which is incorporated by reference.

11.2.4. Notices. Under Labor Code section 1771.4, Contractor is required to post all job site notices prescribed by law or regulation.

11.3 Prevailing Wages. Each worker performing Work under this Contract that is covered under Labor Code section 1720 or 1720.9, including cleanup at work site(s), must be paid at a rate not less than the prevailing wage as defined in sections 1771 and 1774 of the Labor Code. The prevailing wage rates are on file with the City and available online at <http://www.dir.ca.gov/dlsr>. Contractor must post a copy of the applicable prevailing rates at the work site(s).

11.3.1. Penalties. Under Labor Code section 1775, Contractor and any Subcontractor will forfeit to City as a penalty up to \$200.00 for each calendar day, or portion a day, for each worker paid less than the applicable prevailing wage rate. Contractor must also pay each worker the difference between the applicable prevailing wage rate and the amount actually paid to that worker.

11.3.2. Federal Requirements. If this Project is subject to federal prevailing wage requirements in addition to California prevailing wage requirements, Contractor and its Subcontractors are required to pay the

higher of the current applicable prevailing wage rates under federal law, available online at <http://www.access.gpo.gov/davisbacon/ca.html>.

11.4 Payroll Records. Contractor must comply with the provisions of Labor Code sections 1776 and 1812 and all implementing regulations, which are incorporated by this reference, including requirements for electronic submission of payroll records.

11.4.1. Contractor and Subcontractor Obligations.

Contractor and each Subcontractor must keep accurate payroll records, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed in connection with the services. Each payroll record must contain or be verified by a written declaration that it is made under penalty of perjury, stating both of the following:

(A) The information contained in the payroll record is true and correct.

(B) Contractor or Subcontractor has complied with the requirements of Labor Code sections 1771, 1811, and 1815 for any services performed by its employees on the Project.

11.4.2. Certified Record.

A certified copy of an employee's payroll record must be made available for inspection or furnished to the employee or his or her authorized representative on request, to City, or to the Division of Labor Standards Enforcement, and the Division of Apprenticeship Standards of the Department of Industrial Relations, and as further provided by the Labor Code.

11.4.3. Enforcement.

Upon notice of noncompliance with Labor Code section 1776, Contractor or Subcontractor has ten days in which to comply with requirements of this section. If Contractor or Subcontractor fails to do so within the ten day period, Contractor or Subcontractor will forfeit a penalty of \$100.00 per day, or portion a day, for each worker for whom compliance is required, until strict compliance is achieved. Upon request by the Division of Apprenticeship Standards, or the Division of Labor Standards Enforcement, these penalties will be withheld from progress payments then due.

11.5 Labor Compliance. Under Labor Code section 1771.4, the Contract for this Project is subject to compliance monitoring and enforcement by the California Department of Industrial Relations."

- 12. Bond.** Contractor's performance of the Agreement will be secured by the way of the Contractor issuing a bond, acceptable to the City Attorney, in the amount of \$350,000. City will be entitled to use the bond to cause any uncompleted work to be performed by its own forces and/or by a third party. Within 30 days after the termination of the Agreement, if no uncured default exists, City will release the bond.

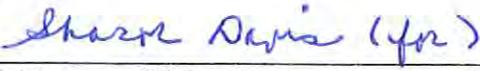
13. **Signatures.** The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the Contractor and the City. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

The parties agree to the full performance of the terms set forth here.

City of Tracy


By: Robert Rickman
Title: Mayor
Date: 12-17-17

Attest:


Adrienne Richardson, Interim City Clerk

Approved as to form:

 for
Thomas Watson, City Attorney

Contractor

MCE Corporation


By: Jeff Core
Title: Chief Executive Officer
Date: 11/9/17

Federal Employer Tax ID No. 95-2395310


By: Steven Loweree
Title: Secretary
Date: 11/9/17

Exhibits:

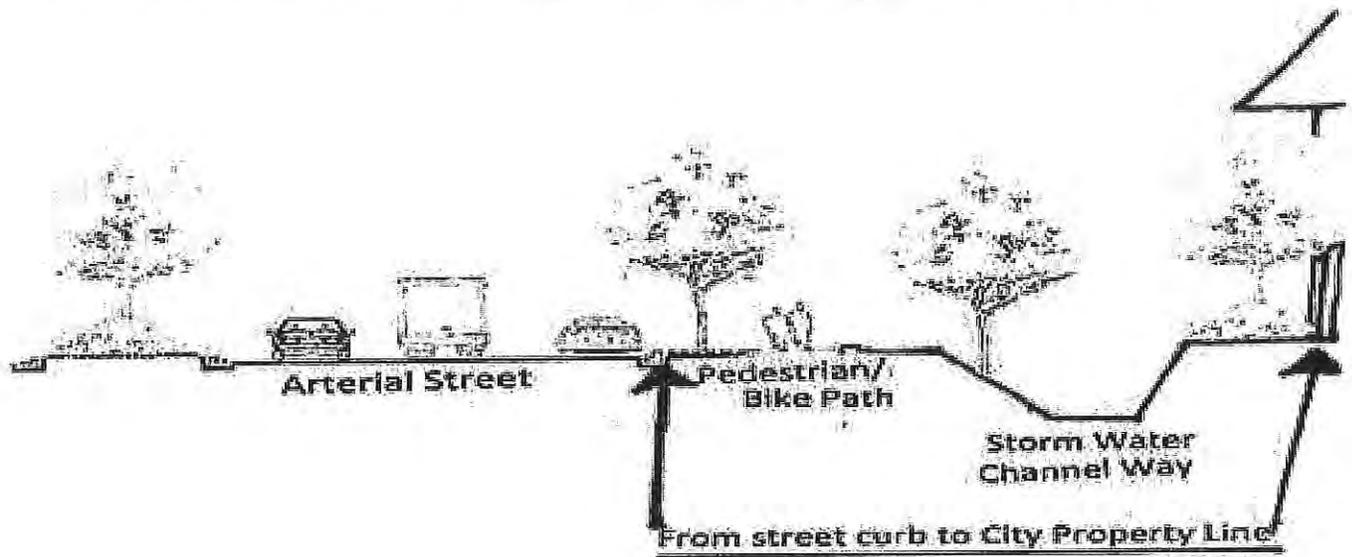
- A Scope of Services
- B Compensation

Exhibit "A"

CONDITIONS AND SCOPE OF SERVICES

SECTION 1 - DEFINITIONS

1. Area – The City will be divided into two (2) areas; north of Schulte and south of Schulte at the Union Pacific Railroad tracks. North Tracy services 130 acres while South Tracy services 91 acres.
2. Channelway – Exposed channelway from City property line to face of curb.

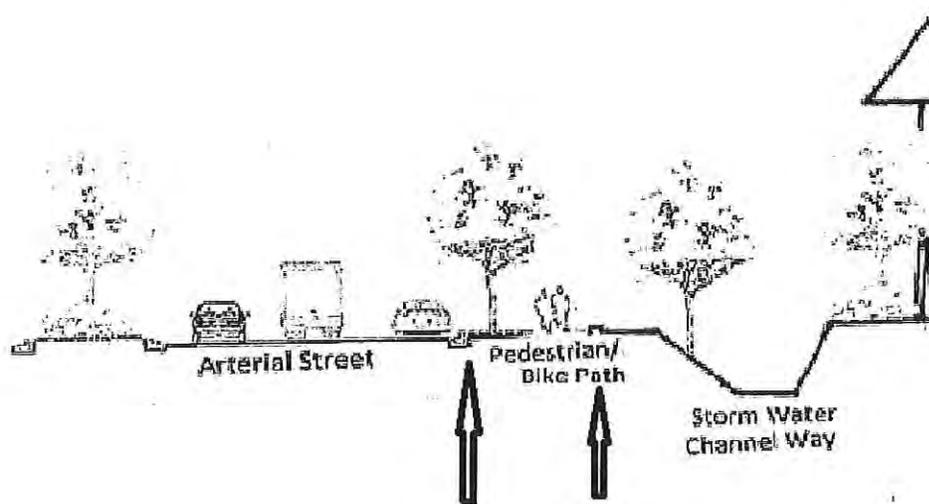


3. CITY – City's *authorized* representative
4. Cobble – Permanent hardscape appearing as deliberately placed river rock or stone
5. Dredge – The periodic removal of sediments and debris from the bottom of the channelways and culvert entrance/exit to assure reasonable unobstructed conveyance of storm water
6. Extra Services – Requested services beyond the current Scope of Services contained within the Agreement (separate from "adding area").
7. General Cleanup – Removal of debris, litter, refuse, trimmings, clippings, branches, cores, tools and equipment, or any obstruction not part of the designed landscape plan
8. Hardscape - Non-living landscape in the public right-of-way that provides aesthetic and functional benefits to the public such as pedestrian/bike paths, stamped concrete, and cobble

Exhibit "A"

9. IPM – Integrated Pest Management techniques for weed and pest control. Includes the use of cultural techniques, biological controls and pesticides to manage/prevent infestations and reduce pesticide usage
10. LMD – Landscape Maintenance District
11. Median – The dividing area, either hardscaped (such as cobble or concrete) or landscaped, between opposing lanes of traffic and include turning lanes
12. Mow Strip – Grass area between curb and pedestrian/bike path
13. New Area – Existing area not included in AGREEMENT, either by error or new development resulting in additional landscaping and improvements added to the agreement (not renovations of existing area)
14. Pest Control – Includes the control of vertebrate pests, insects, diseases and fungi. IPM guidelines and practices are to be utilized
15. PSA – Professional Services Agreement
16. Planter Strip – Non-grass area between curb and pedestrian/bike path
17. Public Right-of-Way Area - not considered private property which the City owns and is accessible to the public for travel either by walking, bicycling, or driving
18. Shrubs/Groundcover – Area consisting of shrubs and/or other living groundcover, other than lawn or trees
19. Streetscape – Any combination of turf, trees, shrubs, and groundcover, along or within, a public right-of-way street
20. Safety Cleanup – Trimming of shrubs, groundcovers or trees that are obstructing path of travel; vehicular/pedestrian lines of vision to safety traffic signs and control signals; removal of hazards such as glass or other harmful debris within children's play areas and parks; keeping sidewalks free from slime/algae
21. Service Level "A":– The highest standard of maintenance which includes trimming, pruning, training, edging, mowing of groundcover, fertilizing, aerating, dethatching, removal and replacement of dead plants, leaf and trash pickup, weed, pest and disease control, general cleanup and related services as needed (Exhibit B)
22. Service Level "B":– Grounds maintenance performed at a lesser standard than Service Level "A" in terms of *frequency*, and/or tasks performed (Exhibit B)
23. Transit Channelway Corridor – Inner edge of pedestrian/bike path to face of curb, but still within the channelway

Exhibit "A"



24. Turf or Lawn – Irregular or regular shaped grass area
25. Zone – Geographic area within the Tracy LMD
26. Initial Clean-up Work – within the first three months of the Agreement, Contractor will bring the maintenance levels of City-specified areas, at the time the Agreement is executed, up to the maintenance levels set forth in this Agreement.

SECTION 2 – SUMMARY DESCRIPTION OF WORK

A. General Scope Summary

The work required for this AGREEMENT consists of landscape and parks landscaping maintenance predominantly within Zones 1-43, and non-LMD areas along Grant Line Road, Eleventh Street, and Valpico Road. The successful Contractor will furnish all labor, appropriate equipment, materials, disposal and supervision to perform landscape maintenance as described herein.

B. Maintenance Standard Summary

It is the intent of the AGREEMENT to establish a level of maintenance that will present an attractive and desirable landscape appearance at all times. This will be accomplished by keeping plants, lawn, and other vegetation in a healthy, well-kept, safe state at all times.

The work required for this AGREEMENT consists of landscape (including median and channelways) and parks landscaping maintenance. To accomplish the City's objective, services will include, but are not limited to, the following:

1. Weeding and cultivating
2. Fertilizing and aerating

Exhibit "A"

3. Trimming, pruning, training of shrubs
4. Pest and disease control
5. Mowing, edging, aerating, dethatching
6. Weed control including herbicide applications
7. Debris and litter removal including removal of hazardous items and debris in park playground areas on a weekly basis
8. Leaf pick-up
9. Providing weekly written report from the Contractor's Landscape Supervisor describing the deficiencies of work not performed
10. Providing updates on City's internal service request system within two business days of work completion on work orders assigned to Contractor by City
11. Climbing vine maintenance
12. Ensure proper pedestrian and vehicle clearance as outlined in Exhibit "B".
13. Keeping all gutters, curbs, turn lane noses, parking lots, and pedestrian/bike paths adjacent to Agreement areas free of weeds, trash, leaves, and other debris
14. Removing fallen tree limbs, dead plant material, and any other debris from landscaped areas

SECTION 3 – PERMITS AND LICENSES

The Contractor shall procure all permits and licenses, pay all charges and fees, and give all notices necessary and incidental for the performance of the work, and shall obtain such permits, licenses, and other authorizations in sufficient time to prevent delays of the work. In the event that the City has obtained permits, licenses, or other authorizations applicable to the work, the Contractor shall comply with the provisions of said permits, licenses and other authorizations.

1. **City Business License** – Prior to beginning any service that shall be furnished under this specification, the Contractor shall secure the appropriate Business/Delivery license from the City of Tracy. Business/Delivery license information may be obtained at <http://www.thinkinsidethetriangle.com/?navid=78> or by calling (209) 831-6800.
2. **Contractor's License** – If the Contractor is furnishing any labor or service including installation or maintenance, the Contractor shall possess the appropriate California Contractor's license(s) at the time the proposal is submitted. A contract shall not be awarded to a Contractor that does not possess the appropriate Contractor's License. The appropriate Contractor's License is

Exhibit "A"

that specified in this request, or if not specified, that which is otherwise required by law, and qualifies the Contractor to do business in the State of California.

3. **C-27 – Landscaping License** - A landscape contractor constructs, maintains, repairs, installs, or subcontracts the development of landscape systems and facilities for public and private gardens and other areas which are designed to aesthetically, architecturally, horticulturally, or functionally improve the grounds within or surrounding a structure or a tract or plot of land. In connection therewith, a landscape contractor prepares and grades plots and areas of land for the installation of any architectural, horticultural and decorative treatment or arrangement.
4. **Qualified Applicators License** – person [business] who has qualified by examination in one or more pest control categories to supervise the pesticide applications made by a pest control business licensed pursuant to sections 11701 to 11709, inclusive, of the Food and Agricultural Code, and who is responsible for safe and legal operations under such license

SECTION 4 - GENERAL PREVAILING RATE OF PER DIEM WAGES

Contractor is hereby notified that pursuant to California Labor Code Section 1770 et. seq., the City of Tracy has ascertained the general prevailing rate of per diem wages and the rates for legal holiday and overtime work for the locality in which the work is to be performed. The work contemplated by the PSA is a public work subject to prevailing wages under Labor Code Sections 1720 et. seq. Pursuant to Labor code Section 1781, the Contractor will be obligated to cause the work contemplated by this PSA to be performed as such.

SECTION 5 - PRE-WORK CONFERENCE

Subsequent to the execution of the project, the City shall designate a date and time for pre-work conference. The Contractor will, at the pre-work conference, present:

1. A project schedule
2. List of contacts for managerial staff including a 24-hour contract assigned to the project.
2. A list of material suppliers upon request from City
3. Traffic control plan required in accordance with CMUTCD, Title 13, SB 198 and CAL/OSHA

Exhibit "A"

SECTION 6 - QUANTITIES

The estimate of work to be performed is approximate only, and is being given as a basis for the comparison of proposals. The City does not expressly or by implication agree that the actual amount of work will correspond therewith, but reserves the right to increase or decrease the amount of any portion of the work or to omit portions of the work that may be deemed reasonably necessary by the City to conform with the standards contained in the Agreement or within the fiscal constraints of each zone.

Where area of vegetation have been removed, quantities may be adjusted and compensation modified accordingly until the areas can be renovated.

SECTION 7 – WORK HOURS

Normal working hours shall be between 7:00 a.m. and 5:00 p.m. Monday through Friday. No work shall be done on the weekends, holidays, and before or after these specified hours, unless otherwise approved by the City's authorized representative. Any work outside of these times must first be approved by the City and will only be considered as a temporary change to the schedule.

SECTION 8 – SOLICITATION OF WORK / OUTSIDE WORK

Contractor is prohibited from using any of its crew, including direct or line level supervisory staff, assigned to perform work under the Agreement, to solicit or perform work for private parties outside of the City Agreement during the hours, including lunch and break times, that they are scheduled to be executing any part of the City Agreement. Contractor's equipment and/or vehicles assigned to executing any part of the City Agreement may not be used for any residential or commercial work outside of the City Agreement at any time within City limits during the hours of work scheduled under the City Agreement, including lunch and other breaks.

SECTION 9 - PRESERVATION OF PROPERTY AND UTILITIES

A. General

Due care shall be exercised to avoid damage to existing roadway improvements or facilities, utility facility, adjacent property, and roadside trees and shrubbery

Exhibit "A"

B. Provider Responsible to Replace Plant Material

The Contractor shall replace at the same size and shape, at Contractor's own expense, any lawn, groundcover, trees, shrubs, or other plant materials requiring replacement through negligent acts resulting from Contractor's failure to provide maintenance in accordance with the provision herein. All plant materials replaced or provided by the Contractor shall be warranted by the Contractor to be of good quality, healthy, and disease-free for one year from the date of planting. Plant materials not replaced by established date given by the City will be replaced by the City and the cost of labor and materials deducted from Contractor's monthly payment.

All existing pipes, conduits, sewer drains, curbs, surveying monuments, valve boxes, irrigation parts, pedestrian/bike paths, and other structures and amenities shall be carefully protected from damage by the Contractor, and in case of damage, the damage shall be immediately reported to the City who shall oversee the restoration at the Contractor's expense.

C. Utilities

The Contractor is required to take due precautionary measures to protect the existing improvements and any other utilities, irrigation system components, structures, or amenities found at the site. Contractor shall be responsible to protect existing storm drain systems free from any landscaping material and shall not knowingly deposit any landscaping material into existing storm drain system. If Contractor deposits landscaping material into existing storm drain system, the material will need to be removed by the Contractor immediately. Should the Contractor fail to remove the materials, the City will perform the removal at the Contractor's expense.

SECTION 10 - DUST AND NOISE CONTROL

At all times, the Contractor shall comply with the City's Dust Control and Noise Ordinances. (Sections 7.24.010 and 4.12.810 respectively in the Tracy Municipal Codes)

The Contractor shall be responsible for furnishing all labor, materials, tools, equipment, and incidentals for doing all work involved in controlling and preventing the formation of an airborne dust nuisance by watering as required by the City, to treat the site of the work in such a manner that it will confine dust particles to the immediate surface of the work.

Exhibit "A"

The Contractor shall make every reasonable effort to control noise generated as a result of this landscape maintenance to the satisfaction of the City. Use of power equipment shall be limited to between the hours of 7:00 a.m. and 5:00 p.m. unless otherwise authorized by the City.

SECTION 11 - DISPOSAL OF MATERIAL

Unless otherwise specified, all materials shall become property of the Contractor and disposed of by the Contractor at the Contractor's expense. Contractor shall be responsible for disposing all excess materials in a safe and legal manner. No material shall be placed on private property or public property without prior approval from the City and the property owner. The Contractor shall not allow any refuse to be disposed upon paved streets or into the City's storm drain system.

Service Provider shall take all clippings and refuse to the Tracy Material Recovery Facility (MRF) and Solid Waste Transfer Station at 30703 South MacArthur Drive and/or use the refuse disposal services of Tracy Disposal to be included in the composting of yard waste per City Franchise Agreement. The Service Provider shall be charged prevailing dumping fees at the Tracy MRF.

SECTION 12 – INSPECTION AND CORRECTIVE WORK

The Contractor shall perform the work described herein, under the direction and satisfaction of the City. The City may make inspections of the work at any time, and request the Contractor make corrections to any work that does not meet the standards outlined in this AGREEMENT. If corrective work is required, the City shall provide the Contractor with a written list of items that need correcting, and the Contractor shall make the necessary corrections within time established by City. If the corrections are not made, the City shall deduct those applicable portions, pro-rata as determined by the City, from the Contractor's payment. Unless otherwise negotiated, billing adjustments for incomplete or uncorrected work shall be permanent retention of 100% of the estimated monthly cost for the work not corrected or completed. Repeated failures to provide services at the standards stated in these specifications, or failure to respond to requests for corrective work, may result in the termination of the contract.

SECTION 13 – ACCEPTABILITY OF WORK PERFORMED

All work must be reasonably acceptable to the City, or Contractor shall re-perform the work until it is acceptable, at no further cost to the City. There shall be a weekly meeting at Boyd Service Center (BSC) or on-site with Contractor and a City representative, to certify the accomplishment of work. Any specific problem area which does not meet the

Exhibit "A"

conditions of the specifications set forth herein will be called to the attention of the Contractor along with action required to satisfy the specifications.

SECTION 14 – WORK ORDER SYSTEM

The Contractor shall be required to access, respond to, and update customer requests on the City's internal service request system. Each request will be closed by the City's representative following the review and approval of the service performed.

If the requested work is outside of the scope of normal services herein identified, the Contractor must provide the City a written proposal, and get City approval for the Extra Work prior to initiating the task. If the requested work is within the scope of normal services, the Contractor will remedy the item as prioritized by the City.

SECTION 15 - PROGRESS MEETINGS AND REPORTS

A. Work Program

1. Each month, the Contractor shall provide a schedule with the days of the week, approximate times, work to be performed, parks and locations within each Zone that the Contractor will be performing landscaping and maintenance tasks described in the Scope of Services.
2. The Contractor shall perform the work in accordance with the schedule and will immediately notify the City if the scheduled work that cannot be performed.
3. The Contractor will attend weekly progress meetings and other meetings that will be scheduled by the City.

B. Form Submittals

The Contractor will submit the following forms to the City as specified below:

1. Work Schedule: A monthly work schedule calendar will be submitted to the City by the Contractor's Supervisor.
2. Pesticide Application Record: All legally required local and State pesticide related reporting remains the responsibility of the Contractor. A copy of all legally required forms shall be submitted to the County and a copy to the City's authorized representative on a monthly basis. Additionally, notification to the City's representative is required within 72 hours of any pesticide application.
3. Notification of Problem or Repair: Notification shall be submitted to the City's authorized representative immediately of the discovery of a problem or needed repair via email.
4. Certified Payroll Records: As required by the City to comply with DIR regulation.

Exhibit "A"

SECTION 16 - PROVISIONS FOR EXTRAS

No new or extra work of any kind will be considered unless a separate estimate is given in writing for said work and the estimate is approved in writing by the Public Works Director or designee before the work is commenced. Verbal authorizations will not be permitted.

SECTION 17 – WORKFORCE, SAFETY, WORKMANSHIP, SUPERVISION, AND DAMAGES

- A. Contractor shall provide sufficient labor at all times to carry out the project properly and shall ensure that fully experienced competent licensed workers who are skilled in the type of work required are employed. Contractor shall ensure that supervision is provided at all times while any work under this contract is being performed. If, in the judgment of the CITY, any person is incompetent or disorderly, Contractor shall promptly remove such person from the work for the duration of the contract.
- B. The Contractor shall take all necessary precautions for the safety of employees on the workforce to prevent accidents or injury to persons on, about, or adjacent to the premises where the work is being performed. The Contractor shall provide and properly maintain at all times as required by the conditions and progress of the work, all necessary safeguards for the protection of workers and the public and shall post appropriate signs warning against hazards created by such features of landscape maintenance. All work to be done in accordance with CMUTCD, Title 13, SB 198 and CAL/OSHA.
- C. Where landscaping maintenance may create potential or known hazards on streets or roads and to persons traveling them, Contractor shall obtain at its own expense, and place whatever signs, lights, barricades, or other safety devices as necessary to prevent accidents, injuries, or damages, consistent with the City, County, and CMUTCD (Traffic Control Handbook).
- D. All operations will be conducted so as to provide maximum safety for the public, City staff, and Contractor.
- E. The Contractor's Supervisor will have control of all work crews assigned to perform work under this AGREEMENT.
- F. The Contractor's Supervisor or Foreman is to be assigned to this project only and is to be available to the City during working hours.
- G. If Contractor damages any property belonging including landscaping, irrigation, equipment, trees, etc to the City, the City may either retain from the money due to Contractor an amount sufficient to repair the damage or require Contractor to repair the damage to the satisfaction of the City at Contractor's cost.

Exhibit "A"

- H. Replacement of all plant materials, shrubs, ground cover, mulch, pebble, bark, and/or other materials or amenities due to Contractor's negligence shall be the responsibility of the Contractor and should be replaced within 10 days of damage, unless plant material is unavailable. Damage to irrigation system components shall be immediately repaired with City approval of repairs or repaired by City forces and deducted from monthly payment for services. If work is not completed, City will have work performed correct damage and withhold payment.
- I. Plants that are destroyed by vandalism or due to no fault of the Contractor, shall be the responsibility of the City. Contractor must notify City at weekly progress meetings.
- J. Any damage to plant material by rodents that have been neglected to be controlled by Contractor shall be replaced by Contractor, at same size and shape, at no additional cost to the City.

SECTION 18 - STORAGE OF MATERIALS

A location for staging and storing of equipment and trucks shall be located within 50 miles of Tracy city limits. Contractor will notify the City of location and/or changes to location.

SECTION 19 - PERSONNEL QUALIFICATIONS AND CONDITIONS

A. CONTRACTOR'S EMPLOYEES

1. The Contractor shall employ sufficient, properly trained personnel, to perform all of the work outlined in this AGREEMENT. This shall include pesticide applications by an individual possessing a Qualified Applicator License with the appropriate categories.
2. The Contractor's employees assigned to this contract shall be well groomed and dressed in a uniform that clearly identifies the employee's name and company. The Contractor shall provide sufficient supervisory personnel that can represent the Contractor at all times.
3. The Contractor's equipment shall also be easily identified as such and in good working manner.

B. STAFFING REQUIREMENTS

1. Contractor shall provide, at all times, adequate and expert managerial and administrative supervision for its employees in the service area. The City may require the assignment of a full-time qualified supervisor to the project. Contractor agrees that all persons working for or on behalf of

Exhibit "A"

Contractor whose duties bring them upon the premises shall obey the rules and regulations that are established by the City and shall comply with the reasonable directions of its officers.

2. Contractor shall provide sufficient back-up in times of staff vacations.
3. Contractor shall have a minimum of one supervisor/foreman assigned to the City of Tracy. The City must be notified within 24 hours of any change in supervision. Notification must include who the new supervisor/foreman is and provide contact information.

SECTION 20 - CLEANING

- A. The Contractor shall perform general and safety cleanup at all times.
- B. Upon completion of any work, and before leaving site for remainder of the day, the Contractor shall remove remaining excess materials, waste, rubbish, debris, and any construction and installation equipment from the premises.
- C. Any dirt or stains caused by the work shall be properly removed.
- D. No debris shall be forced to the street or catch basins/drainage inlets by blowing equipment or by any other means.
- E. Contractor will clean pedestrian/bike paths, roadways, and any other areas littered or soiled by its maintenance operations and/or equipment.

SECTION 21 - WORKMANSHIP

- A. Contractor is required to furnish all equipment, supplies, and materials to accomplish required maintenance to meet City objectives. The City may determine that additional maintenance is required to meet the standards set forth in the AGREEMENT and will issue directives for additional action.
- B. Work shall be performed by a skilled landscape worker, and supervised by a competent Landscape Supervisor with experience and technically trained in landscape maintenance work in accordance to industry standards.
- C. Pest Control.
 1. When maintaining City landscapes, the Contractor, after consulting the City, shall manage pest problems utilizing IPM guidelines and techniques through prevention and treatment using physical, mechanical and biological controls as the first measure of treatment when possible. The least toxic pesticide practical for the control of the target pest shall be used only after alternative treatment methods or products have been determined to be unfeasible.
 2. The City and the Contractor shall work to implement progressive integrated Pest Management (IPM) principles and practices in an effort to minimize the use of pesticides. These programs include setting acceptable thresholds of infestations

Exhibit "A"

- and a process for determining the best prevention or treatment method for a given pest while adjusting treatments as necessary to prevent resistance.
3. The Contractor shall be responsible for the selection and proper application of pesticides. All applications must be done under the supervision of a licensed Q.A.L. The Contractor shall obtain a signed pest control recommendation from a California licensed Pest Control Adviser (PCA) prior to any application. A copy of all recommendations as well as all pesticide use reports will be supplied to the City and the County on a monthly basis.
 4. Any property damage, injuries or illnesses resulting from the use of such pesticides will be the responsibility of the Contractor.
 5. Any damage to trees, shrubs, groundcover, and/or lawn areas resulting from improper application of pesticides or fertilizers will be the responsibility of the Contractor and will be replaced within 14 days.
 6. When required by law or regulation, areas to be treated shall be posted in a visible area 48 hours prior to treatment by the Contractor. The postings shall be removed per product label, State, and County requirements.
- D. Special maintenance, outside the scope of this Agreement, if required, will be with written permission from the Public Works Director or designee.
- E. Irrigation.
1. The City is responsible for controller and irrigation scheduling, programming and repairs.
 2. The Contractor shall report over watering or lack of watering/plant water stress to the City.
 3. Contractor will report to the City any malfunction, poor system performance, or damage of the irrigation systems in any City maintenance area immediately including damaged done by Contractor.
- F. Replace any broken tree stakes and repair any loose tree ties as needed.
- G. Notification of Specialty Type Maintenance operations shall be given to the City 48 hours prior to each of these operations by the Contractor.
- H. Any maintenance vehicles regularly used by the Contractor, or those persons representing the Contractor's company, shall be in proper working order and in a good state of repair. Vehicles shall clearly present the Contractor's company sign on both front doors which include the company name and telephone number of the local office. Vehicles will also be equipped with traffic warning beacon lights per Title 13, Article 21 and CMUTCD. Vehicles shall be kept reasonably clean and professional in appearance.

Exhibit "A"

SECTION 22 – EXTRA WORK

- A. Extra work will not be performed without prior approval by the City unless a condition exists wherein it appears there is an immediate safety concern, danger of injury to Contractor, City staff, public, or damage to property.
- B. Extra work may be required by the City as a result of acts of God, vandalism, theft, civil disturbances, accidents, or special events.
- C. The following Extra Work may be required by the City:
 - 1. Removal of existing live landscaping
 - 2. Renovations to existing areas

Current Service Level Provided

Current Service Level		
Zone	Service Level A	Service Level B
1	\$685.56	
2	\$1,384.20	
3		\$49,006.32
4	\$4.92	
5	NA	NA
6	NA	NA
7		\$34,551.84
8		\$6,977.16
9		\$53,860.80
10	\$20,343.24	
11	NA	NA
12	\$8,266.44	
13	\$15,719.76	
14	\$12,785.40	
15		\$37,696.00
16	\$10,546.44	
17	\$25,036.80	
18		\$14,242.92
19	\$25,783.32	
20	\$4,052.76	
21		\$9,097.32
22	\$2,481.00	
23	\$3,105.84	
24	\$17,151.72	
25	NA	NA
26	\$46,964.16	
27	\$1,646.40	
28	\$4,515.00	
29	\$25,363.92	
30	\$6,938.28	
31	NA	NA
32	NA	NA
33	\$862.32	
34	\$4,481.28	
35	\$12,266.40	
36	NA	NA
37	NA	NA
38 - South	\$606.00	
38 - North	\$35,963.74	
40		\$174.84
41	\$239.88	
42	NA	NA
43	\$760.56	
Total	\$287,955.34	\$205,607.20
Channel Ways		
Zone	Service Level A	Service Level B
1	\$6,002.28	
3	\$18,345.12	
7	\$13,247.40	
8	\$10,993.32	
9	\$38,656.92	
10	\$30,439.80	
26	\$9,268.80	
Total	\$126,953.64	\$0.00
Summary Total	\$414,908.98	\$205,607.20
Grand Total	\$620,516.18	

Overall Proposal

North Tracy		
Zone	Service Level A	Service Level B
3	\$64,265.64	\$49,006.32
4	\$4.92	\$4.92
5	NA	NA
6	NA	NA
7	\$45,603.96	\$34,551.84
8	\$9,960.24	\$6,977.16
10	\$20,343.24	\$15,943.80
11	NA	NA
12	\$8,266.44	\$7,043.88
13	\$15,719.76	\$11,170.32
14	\$12,785.40	\$8,538.48
16	\$10,546.44	\$6,739.32
21	\$14,494.20	\$9,097.32
25	NA	NA
26	\$46,964.16	\$31,261.92
27	\$1,646.40	\$1,446.24
28	\$4,515.00	\$3,013.80
32	NA	NA
33	\$862.32	\$856.44
34	\$4,481.28	\$3,563.16
35	\$12,266.40	\$8,188.92
36	NA	NA
37	NA	NA
38	\$35,963.74	\$30,520.46
42	NA	NA
Total	\$308,689.54	\$227,924.30
Channel Ways		
Zone	Service Level A	Service Level B
3	\$18,345.12	\$18,284.64
7	\$13,247.40	\$13,247.40
8	\$10,993.32	\$10,993.32
10	\$30,439.80	\$30,439.80
26	\$9,268.80	\$9,268.80
Total	\$82,294.44	\$82,233.96
Summary Total	\$390,983.98	\$310,158.26

South Tracy		
Zone	Service Level A	Service Level B
1	\$685.56	\$396.60
2	\$1,384.20	\$1,013.28
9	\$74,355.60	\$53,860.80
15	\$61,536.84	\$37,696.00
17	\$25,036.80	\$18,055.92
18	\$19,018.80	\$14,242.92
19	\$25,783.32	\$22,752.96
20	\$4,052.76	\$3,715.80
22	\$2,481.00	\$2,087.16
23	\$3,105.84	\$2,384.04
24	\$17,151.72	\$16,535.80
29	\$25,363.92	\$20,500.00
30	\$6,938.28	\$6,305.40
31	NA	NA
38	\$606.00	\$467.88
40	\$242.64	\$174.84
41	\$239.88	\$155.64
43	\$760.56	\$617.88
Total	\$268,743.72	\$200,962.92
Channel Ways		
Zone	Service Level A	Service Level B
1	\$6,002.28	\$6,002.28
9	\$38,656.92	\$38,202.84
Total	\$44,659.20	\$44,205.12
Summary Total	\$313,402.92	\$245,168.04

Rates for Extra Work

Exhibit "B"

Rates for Extra Work			
Labor*	Regular	Overtime	Holidays Double Time
Supervisor	\$ 38.00	\$ 53.20	\$ 74.48
Leadman	\$ 32.00	\$ 44.80	\$ 62.72
Crew Leader	\$ 27.00	\$ 37.80	\$ 52.92
Laborer	\$ 21.50	\$ 30.10	\$ 42.14
Equipment	Cost/Hr		
Pickup	\$ 8.00		
Utility Bed	\$ 9.00		
Flatbed /Spray Rig	\$ 10.20		
Tractor	\$ 18.00		
Tractor Implement	\$ 8.40		
Large Trailer	\$ 2.50		
Small Trailer	\$ 1.50		
Large Mower	\$ 8.40		
60"/72" Mower	\$ 7.20		
36"/48" Mower	\$ 3.60		
21" Mower	\$ 1.40		
Weedeater, chainsaw, blower	\$ 1.40		
Markup on Subs, Materials or Rental	Cost + 10%		
<p>*Note: Extra work requiring the payment of trade type (not landscape maintenance) prevailing wages will be quoted specifically for the type of work requested and based on the Director of Industrial Relations (DIR) most recent determination (s).</p>			

RESOLUTION 2017-255

APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH MCE CORPORATION FOR LANDSCAPE, PARK AND CHANNELWAY MAINTENANCE SERVICES AND AUTHORIZING THE CITY MANAGER TO AMEND THE AGREEMENT TO INCREASE COMPENSATION UP TO THE CONTINGENCY AMOUNT AND TO EXECUTE EXTENSIONS AND ANY MINOR AMENDMENTS ASSOCIATED WITH THE AGREEMENT

WHEREAS, On August 31, 2017, the City of Tracy (City) issued a Request for Proposals for Landscape, Parks, and Channel ways Maintenance in the City's Landscape Maintenance District (LMD) zones and various arterial streets, and

WHEREAS, As the City accepts new development and landscaping, there will also be a need for MCE to serve those new areas, and

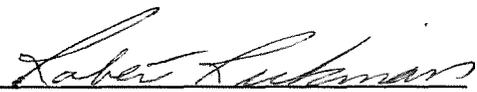
WHEREAS, Staff reviewed, discussed and rated all proposals submitted for LMD Landscape, Parks, and Channel ways Maintenance, selected MCE Corporation's (MCE) proposal, and negotiated a Professional Services Agreement with MCE;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City Council approves a two-year Professional Services Agreement (PSA) with MCE Corporation for services required for Landscape, Parks, and Channel ways Maintenance for an amount not to exceed \$705,000 per year for regular maintenance plus \$50,000 in potential extra work and an additional one-time expense not to exceed \$25,000 for initial clean-up work, and
2. The City Council authorizes the City Manager to amend the Agreement to increase compensation up to the contingency amount of 10% of the total agreement per year for landscape of newly developed areas and to execute extensions for up to five years and any minor amendments associated with the Agreement.

The foregoing Resolution 2017-255 was passed and adopted by the Tracy City Council on the 5th day of December, 2017, by the following vote:

AYES: COUNCIL MEMBERS: DEMENT, RANSOM, YOUNG, VARGAS, RICKMAN
 NOES: COUNCIL MEMBERS: NONE
 ABSENT: COUNCIL MEMBERS: NONE
 ABSTAIN: COUNCIL MEMBERS: NONE


 MAYOR

ATTEST:

 INTERIM CITY CLERK

RESOLUTION _____

APPROVE AMENDMENT NO. 4 TO THE PROFESSIONAL SERVICES AGREEMENT WITH MCE, INC. FOR LANDSCAPE MAINTENANCE SERVICE TO AMEND THE 'NOT TO EXCEED' AMOUNT TO \$900,000 ANNUALLY

WHEREAS, Per Resolution 2017-255, the City Council approved an initial two-year Professional Services Agreement (Agreement) not to exceed seven years with MCE, Inc. (MCE) for landscape maintenance services, and

WHEREAS, With the addition of the Tracy Hills and Ellis subdivisions, additional specially funded public landscaping are being added into the City's inventory, and

WHEREAS, These additional tracks of public landscaping were not included in the Agreement with MCE, Inc., as the City did not have any specifics on the amenities that would be installed nor estimates for the maintenance costs thereof;

NOW, THEREFORE, BE IT RESOLVED, That the Tracy City Council hereby approves Amendment No. 4 to the Professional Services Agreement with MCE, Inc. for landscape maintenance services to amend the 'not to exceed' amount to \$900,000 per year.

* * * * *

The foregoing Resolution _____ was passed and adopted by the Tracy City Council on the 19th day of May 2020, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Mayor

ATTEST:

City Clerk

AGENDA ITEM 1.C

REQUEST

APPROVE THE FINAL SUBDIVISION MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT 3958, TRACY HILLS VILLAGE 8B, AND AUTHORIZE THE CITY CLERK TO FILE THE SUBDIVISION IMPROVEMENT AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER

EXECUTIVE SUMMARY

City staff requests that the City Council approve the Final Subdivision Map for Tract 3958, Tracy Hills Village 8B, for subdivision into 68 lots for single-family residential purposes. Approval of the Final Subdivision Map will facilitate recordation of the Final Subdivision Map, the construction of in-tract improvements, and the issuance of the building permits to construct the residential houses. Lennar Homes of California, Inc., a California corporation (Subdivider), has signed the Subdivision Improvement Agreement (SIA) and posted the required security to guarantee completion of the improvements required as a condition of approval of the Final Subdivision Map.

DISCUSSION

On April 5, 2016, the City Council approved the Small-Lot Vesting Tentative Subdivision Map for Tracy Hills Phase 1A, Tract 3788 (VTSM), pursuant to Resolution No. 2016-066. The VTSM includes approximately 1,160 single-family residential lots, an approximately 50 acre mixed-use business park/commercial retail area, three public parks, school site, and numerous other Homeowners Association owned and maintained parcels. The Final Subdivision Map for Tract 3958, Tracy Hills Village 8B, consists of 68 single-family lots within the boundaries of the aforementioned approximately 1,160 lot Tracy Hills Phase 1A Project. Attachment A shows the overall Tracy Hills Phase 1A project area and the location of the Final Subdivision Map for Tract 3958, Tracy Hills Village 8B.

The Subdivider is requesting approval of the Final Subdivision Map for Tract 3958, Tracy Hills Village 8B, to create 68 single-family residential lots within the boundaries of, and in conformance with, the approved VTSM. The Final Subdivision Map for Tract 3958, Tracy Hills Village 8B (Attachment B) has been prepared on behalf of the Subdivider and reviewed by the Engineering Division.

The Conditions of Approval for the VTSM require the Subdivider to design and construct certain on-site improvements as a condition of approval of the Final Subdivision Map pursuant to the Subdivision Map Act, the Subdivision Ordinance, and applicable City Standards. Improvement Plans for the required improvements have been prepared on behalf of the Subdivider, and approved by the City Engineer.

The Subdivision Improvement Agreement (Attachment C) addresses construction of Prospect Drive, Zink House Drive, Wilkins Lane, Longview Street, Sanderson Avenue, Mantle Drive and Leeds Lane, and other in-tract improvements associated with the 68 lots that will be developed by the Subdivider as part of Village 8B.

The SIA is intended to replace and supersede the Inspection Improvement Agreement for Tract 3958, Tracy Hills Village 8B, that was approved by the City Council on March 19, 2019 pursuant to Resolution No. 2019-047, and subsequently executed by the City and Subdivider, which allowed the Subdivider to proceed with the construction and installation of the required public improvements at its own risk prior to the Engineering Division's completion of the review and approval of the appurtenant plans and specifications.

The Subdivider has executed the SIA and posted the required security to guarantee completion of the improvements.

The Final Subdivision Map has been reviewed as to its substantial compliance with approved Vesting Tentative Subdivision Map. The SIA, and Final Subdivision Map are attached, and the Improvement Plans are on file with the City Engineer and are available for review upon request.

Upon completion of all improvements, the City will accept the improvements for maintenance and will accept all offers of dedication of public right-of-way at that time.

FISCAL IMPACT

The Subdivider has paid the applicable engineering review fees, which include the cost of review of the Improvement Plans and processing the agreements.

STRATEGIC PLAN

This agenda item is consistent with the Council approved Economic Development Strategy to ensure physical infrastructure necessary for development.

RECOMMENDATION

Staff recommends that the Tracy City Council, by resolution, approve the Final Subdivision Map and Subdivision Improvement Agreement for Tract 3958, Tracy Hills Village 8B, and authorize the City Clerk to file the Subdivision Improvement Agreement with the Office of the San Joaquin County Recorder.

Prepared by: Nanda Gottiparthi, PE, SNG & Associates, Inc.

Reviewed by: Robert Armijo, PE, City Engineer / Assistant Development Services Director
Karin Schnaider, Finance Director
Andrew Malik, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

Attachment A – Location Map
Attachment B – Final Subdivision Map
Attachment C – Subdivision Improvement Agreement

OWNER'S STATEMENT

WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE ALL THE PARTIES HAVING RECORD TITLE INTEREST IN THE LANDS SUBDIVIDED AND SHOWN ON THIS FINAL MAP OF "TRACT NO. 3958, SUBDIVISIONS OF SAN JOAQUIN COUNTY, TRACY HILLS VILLAGE 8B", CITY OF TRACY, CALIFORNIA, AND WE HEREBY CONSENT TO THE PREPARATION AND FILING OF THIS FINAL MAP IN THE OFFICE OF THE COUNTY RECORDER OF SAN JOAQUIN COUNTY, CALIFORNIA.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED TO THE CITY OF TRACY, IN FEE, FOR PUBLIC PURPOSES: THE AREAS DESIGNATED AS "PROSPECT DRIVE", "ZINK HOUSE DRIVE", "WILKINS LANE", "LONGVIEW STREET", "SANDERSON AVENUE", "MANTLE DRIVE", AND "LEEDS LANE" WITHIN THE BOUNDARY OF THIS MAP ARE FOR THE PURPOSE OF PUBLIC STREETS.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED TO THE CITY OF TRACY AS AN EASEMENT FOR PUBLIC PURPOSES: THE AREAS DESIGNATED AS "PUBLIC UTILITY EASEMENT" OR "PUE" ARE FOR PUBLIC UTILITY PURPOSES, INCLUDING THE RIGHTS OF INGRESS, EGRESS, CONSTRUCTION, RECONSTRUCTION, ACCESS FOR MAINTENANCE OF WORKS, IMPROVEMENTS AND STRUCTURES, AND THE CLEARING OF OBSTRUCTIONS AND VEGETATION.

THE REAL PROPERTY DESCRIBED BELOW IS RESERVED AS AN EASEMENT FOR PRIVATE PURPOSES: THE AREAS DESIGNATED AS "LANDSCAPE MAINTENANCE EASEMENT" OR "LME" ARE FOR LANDSCAPING PURPOSES. SAID AREAS SHALL BE CONVEYED TO THE HOMEOWNERS ASSOCIATION OF THIS SUBDIVISION BY SEPARATE INSTRUMENT.

THE UNDERSIGNED HEREBY RELINQUISH TO THE PUBLIC FOREVER ALL ABUTTERS RIGHTS OF ACCESS FOR PEDESTRIAN AND VEHICLE INGRESS AND EGRESS ACROSS THE LOT LINES SHOWN THUSLY ////////// (LOTS 72, 85 AND 92 TO AND FROM PROSPECT DRIVE, LOTS 78, 79, 98 AND 99 TO AND FROM WILKINS LANE, LOT 105 TO AND FROM SANDERSON AVENUE, LOTS 107, 108 AND 132 TO AND FROM LONGVIEW STREET, LOT 117 TO AND FROM PARCEL PPP OF TRACT NO. 3878, LOT 118 TO AND FROM MANTLE DRIVE, LOTS 118, 119, 120, 121, 122, 123, 124, 125, 126 AND 127 TO AND FROM TRACY HILLS DRIVE OF TRACT NO. 3878, LOTS 91 AND 127 TO AND FROM PARCEL EE OF TRACT NO. 3878, LOTS 128 AND 136 TO AND FROM LEEDS LANE).

DATED THIS _____ DAY OF _____, 2019.

OWNER: LENNAR HOMES OF CALIFORNIA, INC., A CALIFORNIA CORPORATION
2603 CAMINO RAMON, SUITE 525
SAN RAMON, CA 94583

BY: _____ PRINT NAME: _____ TITLE: _____

OWNER'S ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
COUNTY OF _____) SS

ON _____, 2019, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF CALIFORNIA, PERSONALLY APPEARED _____ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/ SHE/ THEY EXECUTED THE SAME IN HIS/ HER/ THEIR AUTHORIZED CAPACITY(ES), AND THAT BY HIS /HER /THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY ON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND,

SIGNATURE: _____
PRINT NAME: _____
MY COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
PRINCIPAL COUNTY OF BUSINESS: _____

TRACT NO. 3958
SUBDIVISIONS OF SAN JOAQUIN COUNTY
TRACY HILLS VILLAGE 8B

BEING A SUBDIVISION OF LOT 25 AS SHOWN ON TRACT NO. 3878 RECORDED JANUARY 28, 2018 IN BOOK 43 OF MAPS AND PLATS AT PAGE 17 AND "LOT B" AS SHOWN ON TRACT NO. 3957 RECORDED DECEMBER 28, 2018 IN BOOK 43 OF MAPS AND PLATS AT PAGE 74
OFFICIAL RECORDS OF SAN JOAQUIN COUNTY,
BEING A PORTION OF SECTION 7, T. 3 S., R. 5 E.
MOUNT DIABLO MERIDIAN

CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

RUGGERI-JENSEN-AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA
JANUARY 2019

TRUSTEE'S STATEMENT

THE UNDERSIGNED, FIRST AMERICAN TITLE COMPANY, AS TRUSTEE UNDER THE DEED OF TRUST RECORDED SEPTEMBER 6, 2018 AS DOCUMENT NO. 2018-099760, SAN JOAQUIN COUNTY RECORDS DOES HEREBY JOIN IN AND CONSENT TO THE RECORDATION OF THIS FINAL MAP.

IN WITNESS WHEREOF, THE UNDERSIGNED HAVE EXECUTED THIS STATEMENT ON THE _____ DAY OF _____, 2019.

FIRST AMERICAN TITLE COMPANY

BY: _____
NAME: _____ TITLE: _____

TRUSTEE'S ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

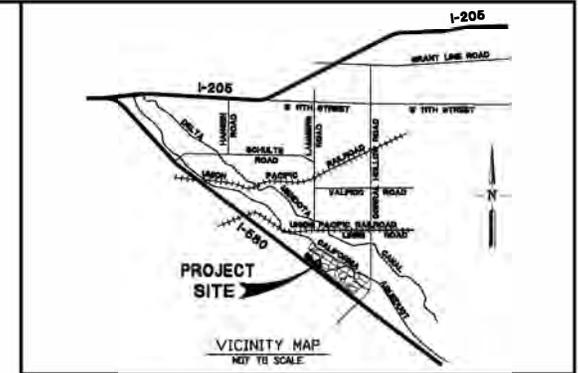
STATE OF CALIFORNIA)
COUNTY OF _____) SS

ON _____, 2019, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF CALIFORNIA, PERSONALLY APPEARED _____ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/ SHE/ THEY EXECUTED THE SAME IN HIS/ HER/ THEIR AUTHORIZED CAPACITY(ES), AND THAT BY HIS /HER /THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY ON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

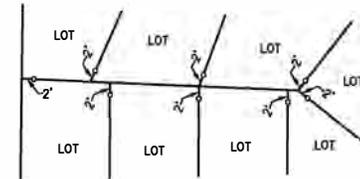
WITNESS MY HAND,

SIGNATURE: _____
PRINT NAME: _____
MY COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
PRINCIPAL COUNTY OF BUSINESS: _____



NOTES:

1. APPROVAL OF THIS FINAL TRACT MAP IS SUBJECT TO THE VESTING TENTATIVE MAP (APPLICATION NUMBER TSM13-0005) CONDITIONS OF APPROVAL DATED APRIL 5, 2016.
2. ALL FRONT CORNERS ARE TO BE REFERENCED WITH A NAIL AND TAG AT THE TOP OF CURB ON LOT LINE PROJECTIONS, UNLESS OTHERWISE NOTED.
3. ALL REAR CORNERS ARE TO BE REFERENCED WITH A 3/4" IRON PIPE AND CAP OR A NAIL AND TAG SET ON THE CORRESPONDING SIDE PROPERTY LINES ON A 2 FEET OFFSET AS TYPICALLY SHOWN BELOW, UNLESS OTHERWISE NOTED.



RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2019, AT _____ M., IN BOOK _____ OF MAPS AND PLATS, AT PAGE _____ RECORDER'S SERIES NO. _____ AT THE REQUEST OF FIRST AMERICAN TITLE COMPANY.

FEE: \$ _____ PAID

STEVE J. BESTOLARIDES
ASSESSOR/RECORDER/COUNTY CLERK

BY: _____
DEPUTY COUNTY RECORDER

TRACT NO. 3958
SUBDIVISIONS OF SAN JOAQUIN COUNTY
TRACY HILLS VILLAGE 8B

BEING A SUBDIVISION OF LOT 25 AS SHOWN ON TRACT NO. 3878
RECORDED JANUARY 26, 2018 IN BOOK 43 OF MAPS AND PLATS AT PAGE 17
AND "LOT B" AS SHOWN ON TRACT NO. 3957 RECORDED DECEMBER 28, 2018
IN BOOK 43 OF MAPS AND PLATS AT PAGE 74
OFFICIAL RECORDS OF SAN JOAQUIN COUNTY,
BEING A PORTION OF SECTION 7, T. 3 S., R. 5 E.
MOUNT DIABLO MERIDIAN

CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA
RUGGERI-JENSEN-AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA
JANUARY 2019

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF LENNAR HOMES OF CALIFORNIA, INC., ON JANUARY 1, 2018. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP (IF ANY), THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE DECEMBER 31, 2020, AND THAT SAID MONUMENTS ARE OR WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATED THIS _____ DAY OF _____, 2019.

SCOTT A. SHORTLIDGE, P.L.S. NO. 6441



CERTIFICATE OF DEDICATION

THE FOLLOWING REAL PROPERTY IS DEDICATED BY LENNAR HOMES OF CALIFORNIA, INC., 2603 CAMINO RAMON, SUITE 525, SAN RAMON, CA 945831, FOR THE PURPOSE OF PUBLIC STREET RIGHTS-OF-WAY:

"PROSPECT DRIVE", "ZINK HOUSE DRIVE", "WILKINS LANE", "LONGVIEW STREET", "SANDERSON AVENUE", "MANTLE DRIVE", AND "LEEDS LANE".

THE CITY OF TRACY SHALL RECONVEY THE PROPERTY TO THE SUBDIVIDER IF THE CITY OF TRACY MAKES A DETERMINATION PURSUANT TO GOVERNMENT CODE SECTION 66477.5 THAT THE SAME PUBLIC PURPOSE FOR WHICH THE PROPERTY WAS DEDICATED DOES NOT EXIST, OR THE PROPERTY OR ANY PORTION THEREOF IS NOT NEEDED FOR PUBLIC UTILITIES.

CITY ENGINEER'S STATEMENT

I, ROBERT ARMUJO, HEREBY STATE THAT I AM THE CITY ENGINEER OF THE CITY OF TRACY, CALIFORNIA AND THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT 3958, SUBDIVISIONS OF SAN JOAQUIN COUNTY, TRACY HILLS VILLAGE 8B", CITY OF TRACY, CALIFORNIA AND THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF. I FURTHER STATE THAT THIS FINAL MAP COMPLIES WITH ALL THE PROVISIONS OF TITLES 10 AND 12 OF THE TRACY MUNICIPAL CODE, AND ANY AMENDMENTS THERETO, APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP.

DATED THIS _____ DAY OF _____, 2019.

ROBERT ARMUJO, R.C.E. NO. 63173
CITY ENGINEER



SURVEYOR FOR THE CITY STATEMENT

I, DAVID W. ENKE, HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT 3958, SUBDIVISIONS OF SAN JOAQUIN COUNTY, TRACY HILLS VILLAGE 8B", CITY OF TRACY, CALIFORNIA AND THAT THE SUBDIVISION SHOWN HEREON COMPLIES WITH ALL THE PROVISIONS OF CHAPTER 2 OF THE CALIFORNIA SUBDIVISION MAP ACT, AS AMENDED, AND THAT THIS FINAL MAP IS TECHNICALLY CORRECT.

DATED THIS _____ DAY OF _____, 2019.

DAVID W. ENKE, L.S. NO. 4071



CITY CLERK'S STATEMENT

THIS IS TO STATE THAT AT ITS REGULARLY HELD MEETING ON THE _____ DAY OF _____, 2019, THE CITY COUNCIL OF THE CITY OF TRACY, CALIFORNIA PER COUNCIL RESOLUTION NO. _____, APPROVED THIS FINAL MAP OF "TRACT NO. 3958, SUBDIVISIONS OF SAN JOAQUIN COUNTY, TRACY HILLS VILLAGE 8B", CITY OF TRACY, CALIFORNIA, AND ACCEPTED ON BEHALF OF THE PUBLIC FOR PUBLIC USE THE OFFER OF DEDICATION OF ALL PUBLIC UTILITY EASEMENTS, ACCEPTED ON BEHALF OF THE CITY THE RELINQUISHMENT TO THE CITY OF TRACY ALL ACCESS RIGHTS OF LOTS 72, 85 AND 92 TO AND FROM PROSPECT DRIVE, LOTS 78, 79, 98 AND 99 TO AND FROM WILKINS LANE, LOT 105 TO AND FROM SANDERSON AVENUE, LOTS 107, 108 AND 132 TO AND FROM LONGVIEW STREET, LOT 117 TO AND FROM PARCEL PPP OF TRACT NO. 3878, LOT 118 TO AND FROM MANTLE DRIVE, LOTS 118, 119, 120, 121, 122, 123, 124, 125, 126 AND 127 TO AND FROM TRACY HILLS DRIVE OF TRACT NO. 3878, LOTS 91 AND 127 TO AND FROM PARCEL EE OF TRACT NO. 3878, LOTS 128 AND 136 TO AND FROM LEEDS LANE, ALL AS SHOWN ON THIS FINAL MAP, AND ACCEPTED THE OFFER OF DEDICATION OF ALL STREET RIGHTS-OF-WAY, SUBJECT TO SATISFACTORY COMPLETION OF IMPROVEMENTS THEREON OF SAID STREET RIGHTS-OF-WAY, IN ACCORDANCE WITH TITLES 10 AND 12 OF THE TRACY MUNICIPAL CODE, AND ANY AMENDMENTS THERETO, APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP.

I HEREBY FURTHER STATE PURSUANT TO SECTION 66477.5 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA; THE LOCAL AGENCY SHALL RECONVEY THE PROPERTY TO THE SUBDIVIDER IF THE LOCAL AGENCY MAKES A DETERMINATION PURSUANT TO SAID SECTION THAT THE SAME PUBLIC PURPOSE FOR WHICH THE PROPERTY WAS DEDICATED DOES NOT EXIST, OR THE PROPERTY OR ANY PORTION THEREOF IS NOT NEEDED FOR PUBLIC UTILITIES, AS SPECIFIED IN SUBDIVISION (C) OF SAID SECTION.

DATED THIS _____ DAY OF _____, 2019.

ADRIANNE RICHARDSON, CITY CLERK
AND CLERK OF THE CITY COUNCIL

BASIS OF BEARINGS

THE LINE TAKEN AS N44°38'35"W BETWEEN TWO FOUND MONUMENTS (STATION NUMBER 2060 AND STATION NUMBER 3022) OF THE CITY OF TRACY GEODETIC CONTROL NETWORK, WHICH IS BASED UPON THE CALIFORNIA STATE PLANE COORDINATE SYSTEM, ZONE 3, NAD 83 (EPOCH 2004.0), AS SHOWN ON THE RECORD OF SURVEY FILED JUNE 26, 2007, IN BOOK 36 OF SURVEYS AT PAGE 118, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, IS THE BASIS OF BEARINGS FOR THIS MAP.

REFERENCES:

- (1) DIVISION OF HIGHWAYS, DISTRICT 10, STATE HIGHWAY MAP 10 S.J. 580 11.0 SHEETS 9 TO 13 OF 21 SHEETS AND DEED 3095 O.R. 714 SAN JOAQUIN COUNTY RECORDS.
- (2) RECORD OF SURVEY, 33 RS 57
- (3) CITY OF TRACY GEODETIC CONTROL NETWORK RECORD OF SURVEY, 36 RS 118
- (4) PARCEL MAP, 25 PM 168
- (5) TRACT NO. 3878, 43 M & P 17
- (6) TRACT NO. 3955, 43 M & P 50
- (7) TRACT NO. 3957, 43 M & P 74

GRID NOTE:

THE DISTANCES SHOWN HEREON ARE GRID DISTANCES. MULTIPLY DISTANCES BY 1.0000612 TO OBTAIN GROUND LEVEL DISTANCES.

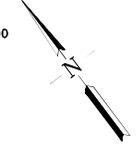
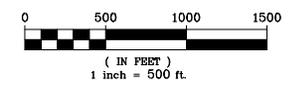
LEGEND

	TRACT MAP BOUNDARY LINE	PUE	PUBLIC UTILITY EASEMENT
	LOT LINE	LME	LANDSCAPE MAINTENANCE EASEMENT
	EXISTING EASEMENT LINE	EX.	EXISTING
	NEW EASEMENT LINE	(M-M)	MONUMENT TO MONUMENT
	MONUMENT LINE	(R)	RADIAL
	MONUMENT TIE LINE	(T)	TOTAL
	EXISTING PROPERTY LINE	O.R.	OFFICIAL RECORDS
		(DATA)(1)	RECORD DATA & REFERENCE
	FOUND MONUMENT AS NOTED		
	SET STANDARD MONUMENT, STAMPED LS 6441		
	3/4" IRON PIPE OR NAIL & TAG, STAMPED LS 6441		
	SET PER REFERENCE AS NOTED		
	3/4" IRON PIPE OR NAIL & TAG, STAMPED LS 6441		
	ABUTTERS RIGHTS OF ACCESS RELINQUISHED		

TRACT NO. 3958
SUBDIVISIONS OF SAN JOAQUIN COUNTY
TRACY HILLS VILLAGE 8B

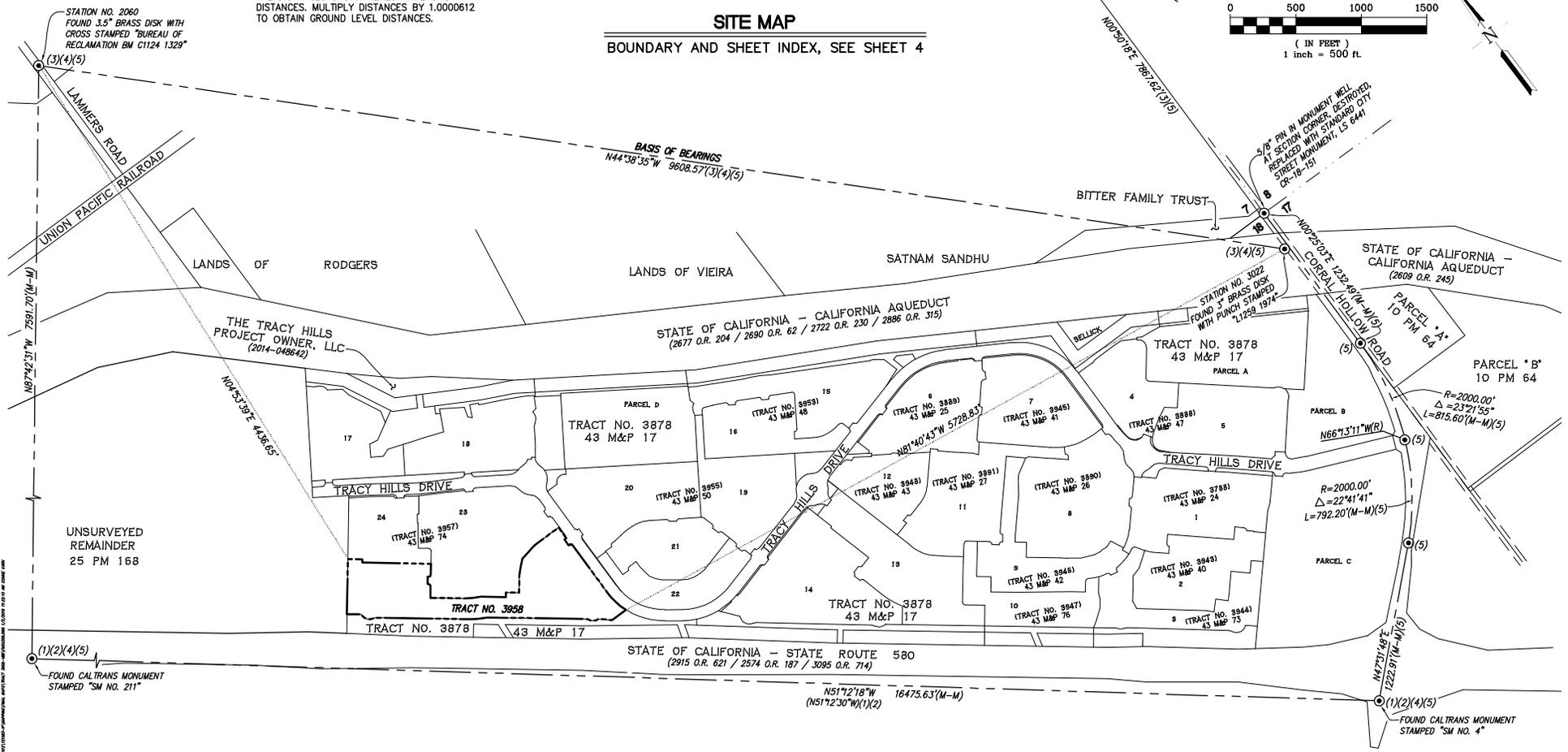
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CIVIL ENGINEERS, PLANNERS, SURVEYORS
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JANUARY 2019



SITE MAP

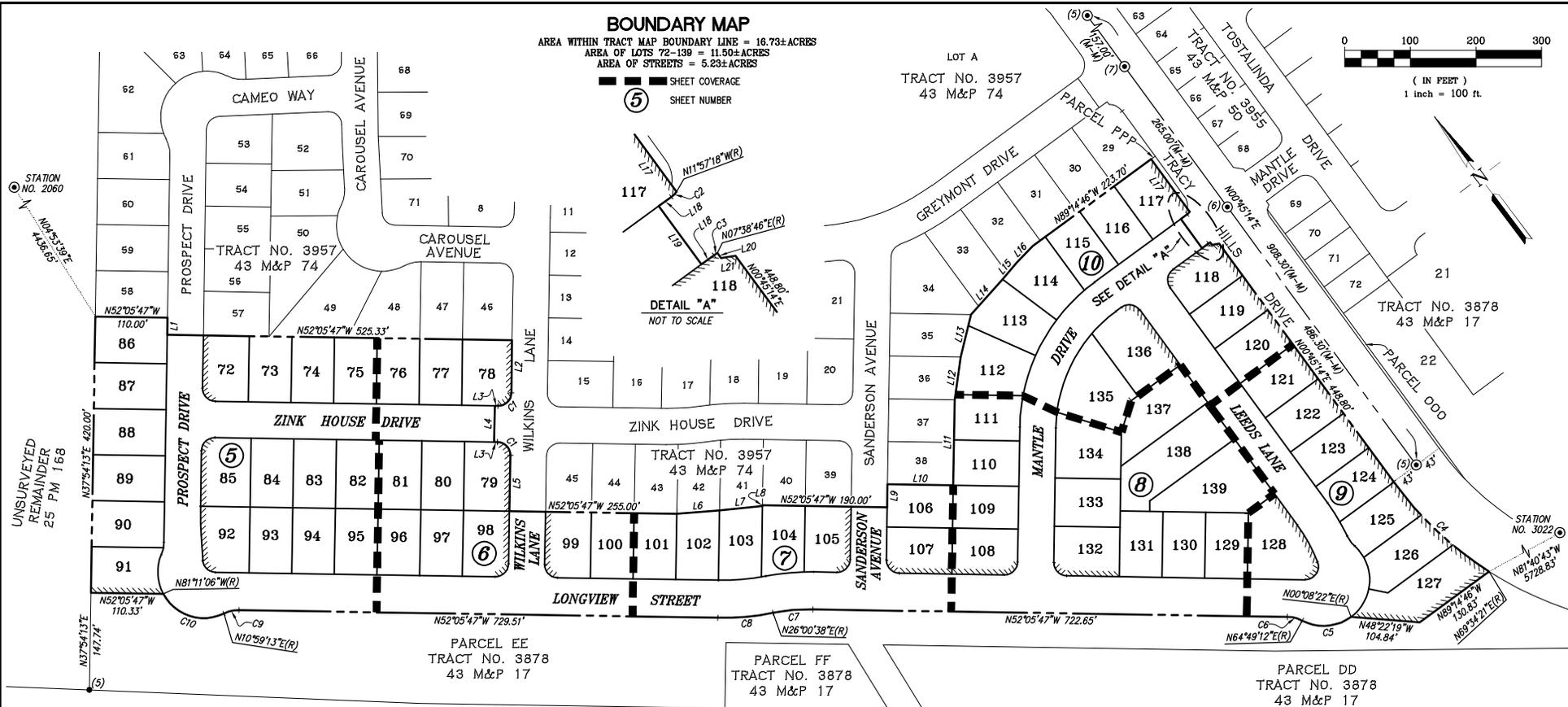
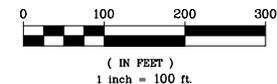
BOUNDARY AND SHEET INDEX, SEE SHEET 4



BOUNDARY MAP

AREA WITHIN TRACT MAP BOUNDARY LINE = 16.73±ACRES
 AREA OF LOTS 72-139 = 11.50±ACRES
 AREA OF STREETS = 5.23±ACRES

5 SHEET COVERAGE
 5 SHEET NUMBER



Line Table			Line Table			Line Table		
Line	Bearing	Distance	Line	Bearing	Distance	Line	Bearing	Distance
L1	N37°54'13"E	25.97'	L8	N37°54'13"E	1.00'	L15	N76°46'45"E	34.08'
L2	N37°54'13"E	80.00'	L9	N37°54'13"E	35.00'	L16	N81°20'04"E	34.26'
L3	N52°05'47"W	5.00'	L10	N52°05'47"W	100.00'	L17	N00°45'14"E	99.39'
L4	N37°54'13"E	55.00'	L11	N37°54'13"E	130.00'	L18	N89°44'46"W	12.00'
L5	N37°54'13"E	85.00'	L12	N45°06'10"E	65.52'	L19	N00°45'14"E	55.00'
L6	N57°26'52"W	65.28'	L13	N50°51'40"E	66.70'	L20	N00°45'14"E	4.82'
L7	N59°03'31"W	65.48'	L14	N78°54'59"E	71.96'	L21	N62°40'52"W	11.18'

Curve Table			Curve Table				
Curve	Radius	Delta	Length	Curve	Radius	Delta	Length
C1	20.00'	90°00'00"	31.42'	C6	50.00'	26°54'59"	23.49'
C2	25.00'	12°42'32"	5.55'	C7	293.00'	11°53'35"	60.82'
C3	25.00'	06°53'32"	3.01'	C8	407.00'	11°53'35"	84.48'
C4	543.00'	21°40'53"	200.74'	C9	50.00'	26°55'00"	23.49'
C5	70.00'	64°40'50"	79.02'	C10	70.00'	87°49'41"	107.30'

GRID NOTE:

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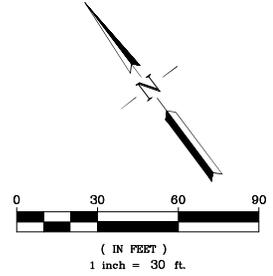
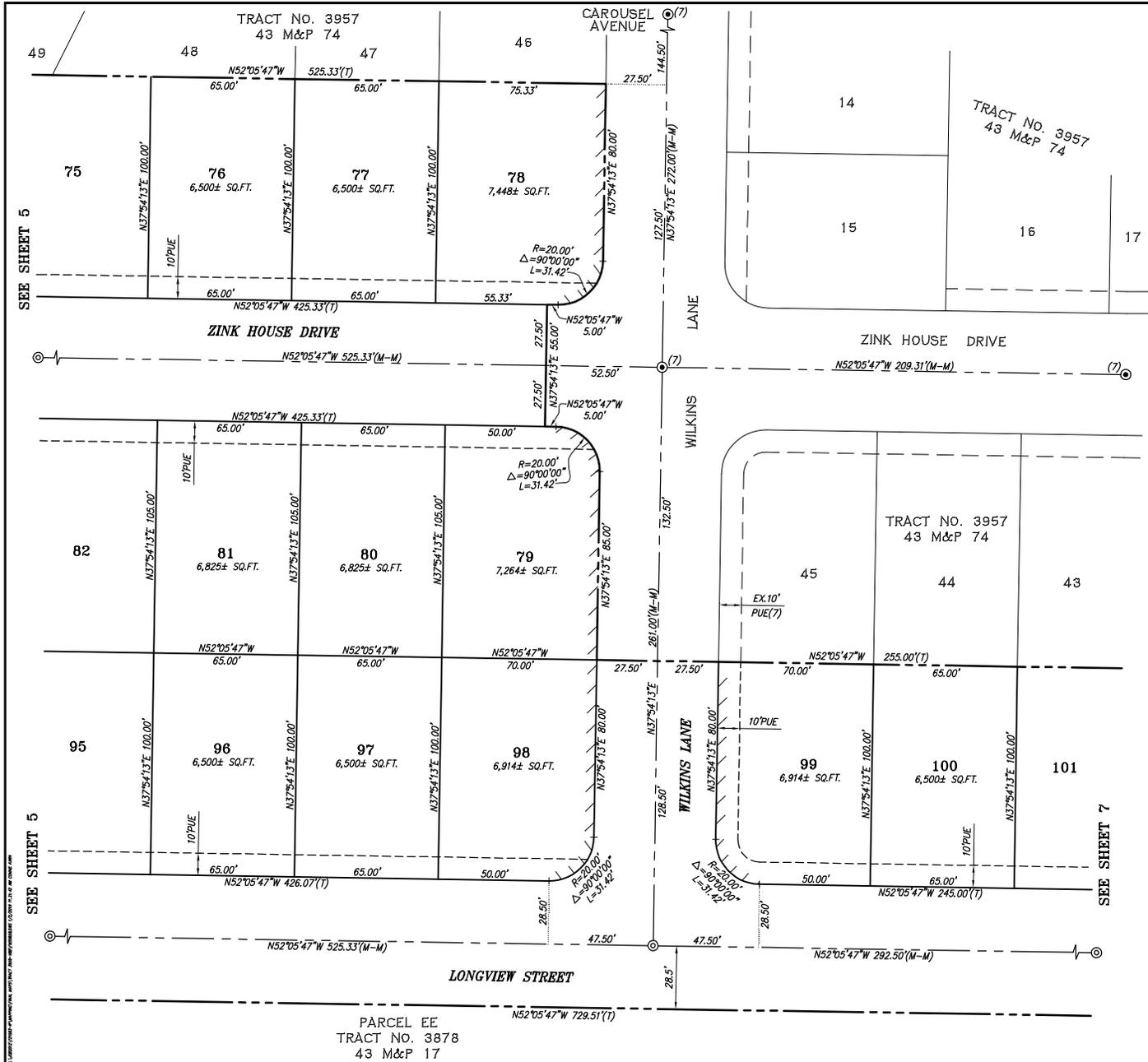
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LEGEND

- TRACT MAP BOUNDARY LINE
- LOT LINE
- EXISTING EASEMENT LINE
- NEW EASEMENT LINE
- MONUMENT LINE
- MONUMENT TIE LINE
- EXISTING PROPERTY LINE
- FOUND MONUMENT AS NOTED
- ⊙ SET STANDARD MONUMENT, STAMPED LS 6441
- 3/4" IRON PIPE OR NAIL & TAG, STAMPED LS 6441
- SET PER REFERENCE AS NOTED
- SET 3/4" IRON PIPE OR NAIL & TAG, STAMPED LS 6441
- PUE PUBLIC UTILITY EASEMENT
- LME LANDSCAPE MAINTENANCE EASEMENT
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- (M-M) MONUMENT TO MONUMENT
- (R) RADIAL
- (T) TOTAL
- () OFFICIAL RECORDS
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- ////// ABUTTERS RIGHTS OF ACCESS RELINQUISHED

TRACT NO. 3958
 SUBDIVISIONS OF SAN JOAQUIN COUNTY
TRACY HILLS VILLAGE 8B
 BEING A SUBDIVISION OF LOT 25 AS SHOWN ON TRACT NO. 3876 RECORDED JANUARY 28, 2018 IN BOOK 43 OF MAPS AND PLATS AT PAGE 17 AND "LOT B" AS SHOWN ON TRACT NO. 3957 RECORDED DECEMBER 28, 2018 IN BOOK 43 OF MAPS AND PLATS AT PAGE 74 OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, BEING A PORTION OF SECTION 7, T. 3 S., R. 5 E. MOUNT Diablo MERIDIAN
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 CIVIL ENGINEERS, PLANNERS, SURVEYORS
 PLEASANTON, CALIFORNIA
 JANUARY 2019



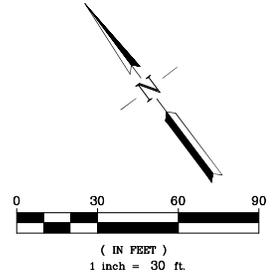
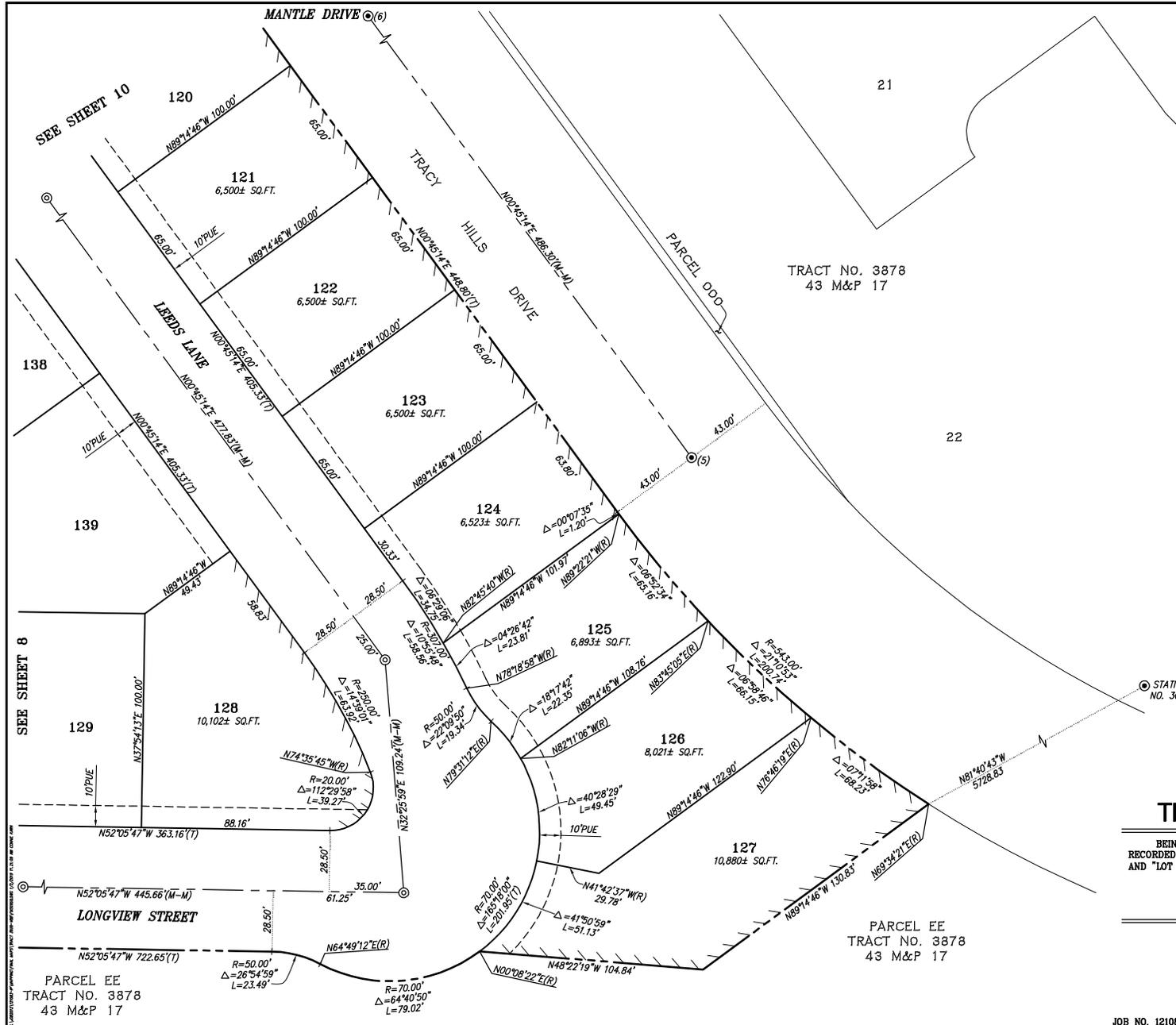
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CITY OF TRACY
 SAN JOAQUIN COUNTY, CALIFORNIA
 RUGGERI-JENSEN-AZAR
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LEGEND

	TRACT MAP BOUNDARY LINE
	LOT LINE
	EXISTING EASEMENT LINE
	NEW EASEMENT LINE
	MONUMENT LINE
	MONUMENT TIE LINE
	EXISTING PROPERTY LINE
	FOUND MONUMENT AS NOTED
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	3/4" IRON PIPE OR NAIL & TAG, STAMPED LS 6441 SET PER REFERENCE AS NOTED
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	LME LANDSCAPE MAINTENANCE EASEMENT
	EX. EXISTING
	(M-M) MONUMENT TO MONUMENT
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	(DATA) RECORD DATA & REFERENCE
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	ABUTTERS RIGHTS OF ACCESS RELINQUISHED

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CITY OF TRACY
 SAN JOAQUIN COUNTY, CALIFORNIA
 RUGGERI-JENSEN-AZAR
 CIVIL ENGINEERS, PLANNERS, SURVEYORS
 PLEASANTON, CALIFORNIA
 JANUARY 2019

PARCEL EE
 TRACT NO. 3878
 43 M&P 17

PARCEL EE
 TRACT NO. 3878
 43 M&P 17

Recording Requested By:

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

And When Recorded Mail To:

City of Tracy
Office of the City Clerk
333 Civic Center Plaza
Tracy, CA 95376
Attn: Adrienne Richardson

SPACE ABOVE THIS LINE FOR RECORDER'S INFORMATION

**CITY OF TRACY
SUBDIVISION IMPROVEMENT AGREEMENT
TRACT 3958, TRACY HILLS VILLAGE 8B**

This **SUBDIVISION IMPROVEMENT AGREEMENT** (hereinafter "Agreement") is made and entered into by and between the **CITY OF TRACY**, a municipal corporation (hereinafter "City"), and **LENNAR HOMES OF CALIFORNIA, INC.**, a California corporation (hereinafter, "Subdivider").

RECITALS

- A. The Subdivider is the owner of the real property more particularly described in Exhibit "A" attached hereto and incorporated herein by reference (hereinafter "**Property**"), said Property comprising the subject Final Subdivision Map for Tract 3958, Tracy Hills Village 8B.
- B. On April 5, 2016, the Tracy City Council ("**City Council**") adopted the Tracy Hills Specific Plan and approved various related land use entitlements, including that certain Small-Lot Vesting Tentative Subdivision Map for Tracy Hills Phase 1A, Tract 3788, processed under Application No. TSM13-0005 and approved by Resolution No. 2016-066 (the "**Tentative Subdivision Map**"). The Tentative Subdivision Map is on file with the City Clerk, and is incorporated herein by this reference.
- C. The approval of the Tentative Subdivision Map by the City Council was subject to specified conditions of approval ("**Conditions of Approval**"). The Conditions describe, among other things, improvements that are required for approval of the Final Map pursuant to the Subdivision Map Act, the Subdivision Ordinance, and applicable City Standards. The Conditions of Approval are attached hereto as Exhibit "B", and are incorporated herein by reference.
- D. The Tentative Subdivision Map includes approximately 1,160 single-family residential lots, an approximately 50 acre mixed-use business park/commercial retail area, three public parks, school site, and numerous other parcels owned and maintained by a Homeowners Association. The Final Subdivision Map for Tract 3958, Tracy Hills Village 8B, consists of 68 single-family lots within the boundaries of the aforementioned approximately 1,160 lot Tracy Hills Phase 1A project. Exhibit "C" shows the overall Tracy Hills Phase 1A project area and

the location of the Final Subdivision Map for Tract 3958, Tracy Hills Village 8B, hereinafter "**Project**" or "**Project site**".

- E. In accordance with the Conditions of Approval, the Subdivider has prepared and the City Engineer has approved certain improvement plans and specifications (which incorporate portions of the City's Standard Specifications), which describe the improvements which are required for approval of the Final Map and are incorporated herein by reference. The approved plans and specifications (the "**Plans and Specifications**") include sixteen (16) sheets of improvement plans titled "Improvement Plans Village 8B-Tract 3958-Tracy Hills Phase 1A" prepared by Ruggeri-Jensen-Azar, seven (7) sheets of joint trench plans entitled "Joint Trench, Integral Communities, LLC, Tracy Hills-Village 8B-Tract 3958" prepared by Giacalone Design Services, Inc., six (6) sheets of street light plans entitled "Public Street Lighting, Integral Communities, LLC Tracy Hills-Village 8B-Tract 3958" prepared by Giacalone Design Services, Inc., and twenty-eight (28) sheets of landscape construction plans, entitled "Tracy Hills Landscape Improvement Plans-Neighborhood 8B-Tract 3958 Phase 1A" prepared by FORMA. Collectively, these Plans and Specifications are referred to herein as the "**Scope of Work**" or "**Work**".
- F. Since the Work has not been completed in accordance with the Conditions of Approval, the Subdivider has requested to execute this Agreement as authorized by Government Code section 66462.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **SCOPE OF WORK.** The Subdivider shall perform, or cause to be performed, the Work to the satisfaction of the City Engineer. The Work shall be performed, and all materials and labor shall be provided, at the Subdivider's expense, in the manner described in the Plans and Specifications. No change shall be made to the Scope of Work unless authorized in writing by the City Engineer. The Subdivider may submit a written request to the City Engineer for a change in the Scope of Work, as required by Tracy Municipal Code section 12.36.060(f). Any portion(s) of the Work that are performed within existing City's right(s)-of-way and/or easement(s) are to be performed by the Subdivider in accordance with the requirements of the State prevailing wage laws, in the event and to the extent applicable.

2. **GRADING AND STREET MAINTENANCE.**
 - 2.1. Until all the Work is accepted by the City as complete, the Subdivider shall diligently perform the necessary maintenance of the entire Project site, including streets constructed within the Project, to the satisfaction of the City Engineer, at the Subdivider's own cost.
 - 2.2. All infrastructure constructed under this Agreement will be maintained by the Subdivider until accepted by the City.

3. **SUBDIVIDER'S AUTHORIZED REPRESENTATIVE.** At all times during the progress of the Work, Subdivider shall have a competent foreman or superintendent (hereinafter "Authorized Representative") on site or available by cell phone with authority to act on behalf of the Subdivider. The Subdivider shall, at all times, keep the City Engineer reasonably informed in writing of the name and telephone number of the Authorized Representative. The

Authorized Representative shall be on site approximately 60% of the time the Work is occurring. The Subdivider may designate an employee of its general contractor as the Authorized Representative. The Subdivider shall, at all times, keep the City Engineer reasonably informed in writing of the names and telephone numbers of all contractors and subcontractors performing the Work.

4. **LOCATION OF PERFORMANCE.** The Subdivider shall perform all Work at the locations and grades shown on the Plans and Specifications. The Subdivider shall acquire at the Subdivider's sole cost and expense, any easement or right-of-way necessary for the performance of the Work, with no credit or reimbursement from the City.
5. **IMPROVEMENT SECURITY.** Concurrently with the execution of this Agreement by the Subdivider, and prior to the commencement of any Work, the Subdivider shall furnish contract security, in a form authorized by the Subdivision Map Act (including Government Code sections 66499 *et seq.*) and Tracy Municipal Code Section 12.36.080, in the following amounts:
 - 5.1. **Faithful Performance** security in the amount of **\$1,777,625.00** in accordance with the cost estimates approved by City to secure faithful performance of this Agreement (until the date on which the City Council accepts the Work as complete).
 - 5.2. **Labor and Material** security in the amount of **\$1,777,625.00** in accordance with the cost estimates approved by City to secure payment by the Subdivider to laborers and materialmen (until the date on which claims are required to be made by laborers and materialmen).
 - 5.3. **Warranty** security in the amount of **\$177,763.00** in accordance with the cost estimates approved by City to secure faithful performance of this Agreement (from the date on which the City Council accepts the Work as complete until one year thereafter).
 - 5.4. **Monumentation** security in the amount of **\$18,250.00** to secure faithful performance of setting monuments as described in the Final Map within one year from the date this of Agreement pursuant to Government Code section 66496.
6. **INSURANCE.** Concurrently with the execution of this Agreement by the Subdivider, and prior to the commencement of any Work, the Subdivider shall furnish evidence to the City that all of the following insurance requirements have been satisfied.
 - 6.1. **General.** The Subdivider shall, throughout the duration of this Agreement, maintain insurance to cover Subdivider, its agents, representatives, contractors, subcontractors, and employees in connection with the performance of services under this Agreement at the minimum levels set forth herein.
 - 6.2. **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 \$1,000,000 per occurrence, and \$3,000,000 in the general aggregate for general liability, bodily injury, personal injury, and property damage, including completed operation coverage.
 - 6.3. **Automobile Liability** (with coverage at least as broad as ISO form CA 00 01 07 97, for "any auto" including "hired autos" and "non-owned autos") coverage in an amount not less than \$1,000,000 per accident for bodily injury and property damage. If Subdivider has no employees, or does not own automobiles, then "hired autos" and "non-owned

autos” coverage shall be maintained in an amount not less than \$1,000,000 per accident for bodily injury and property damage.

6.4. **Workers’ Compensation** coverage for employees shall be maintained as required by the State of California.

6.5. **Endorsements.** Subdivider shall obtain endorsements to the automobile and commercial general liability insurance policies with the following provisions:

6.5.1. The City (including its elected and appointed officials, officers, employees, agents, and volunteers) shall be named as an additional “insured.”

6.5.2. 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.

6.6. **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.

6.7. **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.

6.8. **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 Attorney.

6.9. **Substitute Certificates.** No later than thirty calendar (30) days prior to the policy expiration date of any insurance policy required by this Agreement, Subdivider shall provide a substitute certificate of insurance.

6.10. **Subdivider’s Obligation.** Maintenance of insurance by the Subdivider as specified in this Agreement shall in no way be interpreted as relieving the Subdivider of any responsibility whatsoever (including indemnity obligations under this Agreement), and the Subdivider may carry, at its own expense, such additional insurance as it deems necessary.

7. **PERMITS, LICENSES, AND COMPLIANCE WITH LAW.** The Subdivider shall, at the Subdivider’s expense, obtain and maintain all necessary permits and licenses for the performance of the Work. Prior to the commencement of the Work, the Subdivider shall obtain a City of Tracy Business License. The Subdivider shall comply with all local, state, and federal laws, whether or not said laws are expressly stated in this Agreement.

8. **TIME OF PERFORMANCE.** Time is of the essence in the performance of the Work, and the timing requirements set forth herein shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. The Subdivider shall submit all requests for extensions of time to the City, in writing, no later than ten (10) days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due.

- 8.1. Commencement of Work.** No later than fifteen (15) days prior to the commencement of Work, the Subdivider shall provide written notice to the City Engineer of the date on which the Subdivider shall commence Work. The Subdivider shall not commence Work until after the notice required by this section is properly provided, and the Subdivider shall not commence Work prior to the date specified in the written notice.
- 8.2. Schedule of Work.** Concurrently with the written notice of commencement of Work, the Subdivider shall provide the City with a written schedule of Work, which shall be updated in writing as necessary to accurately reflect the Subdivider's prosecution of the Work.
- 8.3. Completion of Work.** The Subdivider shall complete all Work by no later than three hundred sixty-five (365) days after the City's execution of this Agreement. If the Work is not completed and accepted by City Council by this date, City Engineer may grant an extension of time if (a) the Subdivider submits a written request for extension at least ten (10) days prior to expiring date of completion, (b) the City Engineer determines that Work is progressing satisfactorily and an extension is warranted, and (c) the Subdivider pays all processing fees for such time extension.
- 8.4. Reversion to Acreage.** In the event that the Subdivider fails to commence the Work prior to the date on which completion is due, the Subdivider shall, upon written request by the City, consent to the reversion to acreage of all real property described by the Final Map, and the Subdivider shall bear all costs thereof.
- 9. INSPECTION BY THE CITY.** In order to permit the City to inspect the Work, the Subdivider shall, at all times, provide to the City proper and safe access to the Project site, and all portions of the Work, and to all shops wherein portions of the Work are in preparation.
- 10. INSPECTION FEES AND FEE CREDITS.** Concurrently with the execution of this Agreement by the Subdivider, and prior to the commencement of any Work, the Subdivider shall pay the City Inspection Fees in the amount of three and one-half percent (3-1/2%) of the estimated Project costs (as approved by the City Engineer).

In the event that the City requires an independent inspection, the City may retain an independent inspector, Subdivider shall pay all costs associated with the independent inspection, and the independent inspector shall provide a report directly to the City.

The Subdivider shall be entitled to fee credits consistent with Section 3.3 of the Development Agreement (DA), adopted by Ordinance 1213 and as provided in greater detail in the Finance and Implementation Plan (FIP) for the Property pursuant to the DA and the Tracy Municipal Code Section 10.20.060(b)(3), as may be amended from time to time.

11. DEFAULT.

- 11.1.** In the event that the Subdivider is in default of this Agreement, as defined in this section, the City Engineer shall provide written notice to the Subdivider and the Subdivider's surety (if any) in which the default is described with appropriate specificity.

- 11.2. The Subdivider shall be in default of this Agreement if the City Engineer determines that any one of the following conditions exist:
- 11.2.1. The Subdivider is insolvent, bankrupt, or makes a general assignment for the benefit of its creditors.
 - 11.2.2. The Subdivider abandons the Project site.
 - 11.2.3. The Subdivider fails to perform one or more requirements of this Agreement.
 - 11.2.4. The Subdivider fails to replace or repair any damage caused by Subdivider or its agents, representatives, contractors, subcontractors, or employees in connection with performance of the Work.
 - 11.2.5. The Subdivider violates any legal requirement related to the Work.

- 11.3. In the event that the Subdivider fails to cure the default within thirty (30) days, or provide adequate written assurance to the satisfaction of the City Engineer that the cure will be promptly commenced and diligently prosecuted to its completion, the City may, in the discretion of the City Engineer, take any or all of the following actions:

11.3.1. Cure the default and charge the Subdivider for the costs therefore, including administrative costs and interest in an amount equal to seven percent (7%) per annum from the date of default.

11.3.2. Demand the Subdivider to complete performance of the Work.

11.3.3. Demand the Subdivider's surety (if any) to complete performance of the Work.

11.3.4. Commence a legal action to enforce the terms of this Agreement.

12. **ACCEPTANCE OF WORK.** Prior to acceptance of the Work by the City Council, the Subdivider shall be solely responsible for maintaining the quality of the Work, and maintaining safety at the Project site. The Subdivider's obligation to perform the Work shall not be satisfied until after the City Engineer has made a written determination that all obligations of the Agreement have been satisfied and all outstanding fees and charges have been paid, and the City Council has accepted the Work as complete.

13. **WARRANTY PERIOD.** The Subdivider shall warrant the quality of the Work, in accordance with the terms of the Plans and Specifications, for a period of one year after acceptance of the Work by the City Council. In the event that (during the one year warranty period) any portion of the Work is determined by the City Engineer to be defective as a result of an obligation of the Subdivider under this Agreement, the Subdivider shall be in default.

14. **INDEPENDENT CONTRACTOR STATUS.** Subdivider is an independent contractor and is solely responsible for all acts of its employees, agents, or subcontractors, including any negligent acts or omissions. Subdivider is not City's employee and Subdivider shall have no authority, express or implied, to act on behalf of the City as an agent, or to bind the City to any obligation whatsoever, unless the City provides prior written authorization to Subdivider.

15. **OWNERSHIP OF WORK.** All original documents prepared by Subdivider for this Agreement shall be given to City upon City's acceptance of the Work; provided, however,

ownership of said documents shall be determined in accordance with applicable laws. Prior to acceptance of the Work, the Subdivider shall submit the as-built drawings in Auto-CAD format Release-14 or higher in a compact disc (CD).

16. ASSIGNMENT AND DELEGATION. This Agreement and any portion thereof shall not be assigned or transferred, nor shall any of the Subdivider's duties be delegated, without the written consent of the City. Any attempt to assign or delegate this Agreement without the written consent of the City shall be void and of no force and effect. Consent by the City to one assignment shall not be deemed to be consent to any subsequent assignment.

17. NOTICES.

17.1 All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed to the respective party as follows:

To City:
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376
Attn: City Engineer

To Subdivider:
Lennar Homes of California, Inc.
2603 Camino Ramon, Suite 525
San Ramon, CA 94583
Attn: Bonnie Wasson

Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the address designated above, or (2) three working days following the deposit in the United States Mail of registered or certified mail, sent to the address designated above.

18. MODIFICATIONS. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.

19. WAIVERS. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

20. SEVERABILITY. In the event, any term of this Agreement is held invalid by a court of competent jurisdiction, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect.

21. JURISDICTION AND VENUE. The interpretation, validity, and enforcement of the Agreement shall be governed by and construed under the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of San Joaquin.

22. INDEMNIFICATION. Subdivider shall indemnify, defend and hold harmless the City (including its elected officials, officers, agents and employees) from and against any and all claims, demands, liabilities, costs and expenses (including court costs and attorney's fees) resulting from or arising out of the performance of the Work by Subdivider or Subdivider's agents, representatives, contractors, subcontractors or employees.

23. **ENTIRE AGREEMENT.** This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the parties concerning the improvements to be constructed for this Project. This Agreement supersedes all prior negotiations, representations, or agreements.
24. **SIGNATURES.** The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the Subdivider and the City. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the parties do hereby agree to the full performance of the terms set forth herein.

CITY OF TRACY,
a municipal corporation

By: Robert Rickman
Title: MAYOR
Date: _____

Attest:

By: Adrienne Richardson
Title: CITY CLERK
Date: _____

Approved As To Form:

By: Leticia Ramirez
Title: CITY ATTORNEY
Date: _____

SUBDIVIDER:
Lennar Homes of California, Inc.,
a California corporation

By: 
Print Name: BRIDGET KOWLER
Title: VP
Date: 2/10/2020

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF Contra Costa

On February 11, 2020, before me, Lauren Mary Morte, Notary Public
(here insert name and title of the officer)

personally appeared Bridgit Koller

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/~~she~~/~~they~~ executed the same in ~~his~~/~~her~~/~~their~~ authorized capacity(ies), and that by ~~his~~/~~her~~/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Lauren Mary Morte
Signature



(SEAL)

EXHIBIT "A"

All that real property situate in the City of Tracy, County of San Joaquin, State of California, described as follows:

Lots 25 as shown on the map of Tract No. 3878, filed January 26, 2018, in Book 43 of Maps and Plats, at Page 17, and Lot "B" as shown on the map of Tract No. 3957, filed December 28, 2018, in Book 43 of Maps and Plats, at Page 74, Official Records of San Joaquin County.

EXHIBIT "B"

**Conditions of Approval for Tracy Hills Phase 1A
Small-Lot Vesting Tentative Subdivision Map
Application Number TSM13-0005
April 5, 2016**

Project: These Conditions of Approval shall apply to the small-lot Vesting Tentative Subdivision Map for Tracy Hills Phase 1A, Application Number TSM13-0005, including approximately 1,160 single-family residential lots, three park sites, a school site, and approximately 50 acres of commercial property.

Property: The property consists of approximately 417.6 acres located in the Tracy Hills Specific Plan Area, west of Corral Hollow Road, south of the California Aqueduct, and north of Interstate 580, Application Number TSM13-0005.

Community Facilities Districts: Certain conditions of approval herein involve the establishment of one or more Community Facilities Districts (CFDs) to implement the Project. The imposition of conditions requiring or involving the establishment of CFDs on the Property shall not limit the City from establishing additional CFDs over the Property, subject to an affirmative vote of the Property owner(s).

A. Definitions; Abbreviations.

The definitions in the City's zoning regulations (Tracy Municipal Code, Title 10, Chapter 10.08) and subdivision ordinance (Tracy Municipal Code, Title 12, Chapter 12.08) apply, and in addition:

1. "Applicant" means any person, or other legal entity, defined as a "Subdivider" by Section 12.08.010 of the City of Tracy Municipal Code.
2. "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 here. (The Development Services Director is also referred to in the Tracy Municipal Code as the Development and Engineering Services Director.)
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 Hills Specific Plan, the Tracy Municipal Code, ordinances, resolutions, written policies, written procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
4. "Conditions of Approval" or "Conditions" means these conditions of approval.

The following abbreviations may be used in these Conditions:

EIR	Environmental Impact Report	PI&RA	Park Improvement and Reimbursement Agreement
DIA	Deferred Improvement Agreement	PUE	Public Utility Easement
OIA	Offsite Improvement Agreement	TMC	Tracy Municipal Code

B. Planning Division Conditions of Approval

1. Compliance with laws. The Subdivider shall comply with all laws (federal, state, and local) related to the development of real property within the Project boundaries, 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 the California Environmental Quality Act (California Administrative Code, title 14, sections 15000, et seq., "CEQA Guidelines").
2. City Regulations. Unless specifically modified by these Conditions of Approval, the Subdivider shall comply with all City Regulations.
3. Mitigation Measures. The Subdivider shall comply with all mitigation measures in the Final Subsequent Environmental Impact Report (EIR) for the Tracy Hills Specific Plan Project (State Clearinghouse No. 2013102053), which was certified by the City Council on April 5, 2016.
4. Notice of protest period. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Subdivider that the 90-day approval period (in which the Subdivider may protest the imposition of any fees, dedications, reservations, or other exactions that are within the purview of the Mitigation Fee Act [Government Code section 66000 et seq.] ("Exactions") and imposed on this Project by these Conditions of Approval) shall begin on the date of the conditional approval of this Project. If the Subdivider fails to file a protest of the Exactions complying with all of the requirements of Government Code Section 66020 within this 90-day period, the Subdivider will be legally barred from later challenging any of the Exactions. The terms of this paragraph shall not affect any other deadlines or statutes of limitations set forth in the Mitigation Fee Act or other applicable law, or constitute a waiver of any affirmative defenses available to the City.
5. Conformance with Vesting Tentative Subdivision Map. All Final Maps shall be in substantial conformance with the approved Vesting Tentative Subdivision Map (Application Number TSM13-0005), which was date stamped as received by the Development Services Department on February

24, 2016, and approved by the City Council on April 5, 2016, unless modified by these Conditions.

6. Maintenance for Project Public Landscaping. Before approval of the first Final Map, the Subdivider shall assure that there will be sufficient funding for the ongoing costs related to public landscaping maintenance. Subdivider shall prepare public landscaping improvement plans and a public landscaping budget analysis (to be reviewed and approved by the City Public Works Director) to establish the scope of and cost estimates for public landscaping maintenance.

As used in these Conditions of Approval:

"Public landscaping maintenance costs" include but are not limited to all costs associated with the maintenance, operation, repair and replacement of public landscaping included in the Project. Labor costs shall be based upon and be paid at "prevailing wages," as that term is used in Section 1771 of the California Labor Code.

"Public landscaping" includes but is not limited to the following public areas and public improvements within or adjacent to the Project: public walls, special public amenities, ground cover, turf, shrubs, trees, irrigation systems, drainage and electrical systems, masonry walls or other fencing, entryway monuments or other ornamental structures, furniture, recreation equipment, hardscape and any associated appurtenances within medians, parkways, dedicated easements, channel-ways, public parks and public open space areas. It does not include public streets and street sweeping, but may include street lights.

Before approval of the first Final Map, Subdivider shall enter into an agreement with the City, which shall be recorded against the entire Phase 1A property, which adopts and implements one or more of the following three options (a., b. or c.), subject to the approval of the Administrative Services Director:

- a. CFD or other funding mechanism. Before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), the Subdivider shall, at its expense, form a Community Facilities District (CFD) or establish another lawful funding mechanism that is reasonably acceptable to the City for the entire Project area for funding or performing the on-going maintenance of public landscaping. 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 Property will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment. If funds are needed to pay for such public landscaping maintenance costs before collection of the first Special Services Tax (the "deficit"), then before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), the Subdivider shall deposit to the CFD (by submittal to the City's Administrative Services Director) the amount of the deficit;

Or

- b. HOA and dormant CFD. If the HOA is the chosen funding mechanism, the Subdivider must do the following:
- (1) Form a Homeowner's Association (HOA) or other maintenance association, with CC&Rs reasonably acceptable to the City, to assume the obligation for the on-going maintenance of all public landscaping areas within the entire tentative subdivision map area;
 - (2) Cause the HOA to enter into an agreement with the City, in a form to be approved by the City and to be recorded concurrently with the first Final Map, setting forth, among other things, the required maintenance obligations, the standards of maintenance, and all other associated obligation(s) to ensure the long-term maintenance by the HOA of all public landscape areas within the entire tentative subdivision map area;
 - (3) For each Final Map, make and submit to the City, in a form reasonably acceptable to the City, an irrevocable offer of dedication of all public landscape areas within the Final Map area;
 - (4) Before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), annex into a CFD in a "dormant" capacity, to be triggered if the HOA fails (as determined by the City in its sole and exclusive discretion) to perform the required level of public landscape maintenance. The dormant tax or assessment shall be disclosed to all homebuyers and non-residential property owners, even during the dormant period.

Or

- c. Direct funding. Before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), the Subdivider shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the full costs of public landscaping maintenance as identified by the approved landscaping budget analysis.
7. Maintenance for Public Landscaping for Major Program Roadways. Before approval of the first Final Map, the Subdivider shall assure that there will be sufficient funding to pay the Subdivider's proportionate share of the ongoing public landscaping maintenance costs associated with major program roadways, by entering into an agreement with the City, which shall be recorded against the entire Phase 1A property, which adopts and implements one of the following two options (a. or b.), subject to the approval of the Administrative Services Director:

- a. CFD. Before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), Subdivider shall, at its sole expense, form a Community Facilities District (CFD) for the entire Project area, for funding the Subdivider's proportionate share of the ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan. 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 Property will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment. If funds are needed to pay for such public landscaping maintenance costs before collection of the first Special Services Tax (the "deficit"), then before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), the Subdivider shall deposit to the CFD (by submittal to the City's Administrative Services Director) the amount of the deficit;

Or

- b. Direct Funding. Before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), the Subdivider shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the full costs of funding the Subdivider's proportionate share of the ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan.
8. Land-Locked Parcels. No land-locked parcels shall result from this Vesting Tentative Subdivision Map, including but not limited to the parcels known as the Integral parcel (formerly the Ferry parcel) and the Sellick parcel.
 - a. With the approval of a Final Map that includes any lot or parcel adjacent to the Integral parcel (Assessor's Parcel Number 253-020-08, formerly the Ferry parcel), the Subdivider shall record an access easement between the public right-of-way and the Integral parcel, as shown on the Vesting Tentative Subdivision Map, to the satisfaction of the Development Services Director. The access easement shall have a minimum width of 20 feet and shall grant continuous access to and from the public right-of-way, across the Subdivider's property, for the benefit of the owner of the Integral parcel.
 - b. With the approval of a Final Map that includes any lot or parcel adjacent to the Sellick parcel (Assessor's Parcel Number 253-020-10), the Subdivider shall record an access easement between the public right-of-way and the Sellick parcel, as shown on the Vesting Tentative Subdivision Map, to the satisfaction of the Development Services Director. The access easement shall have a minimum width of 20 feet and shall grant continuous access to and from the public

right-of-way, across the Subdivider's property, for the benefit of the owner of the Sellick parcel.

9. Parks. Before approval of the first Final Map, the Subdivider shall enter into an agreement with the City, which shall be recorded against the property, which stipulates the following:
 - a. Within one year following final inspection or occupancy of the first dwelling (except for up to fifteen model homes), the first neighborhood park shall be completed and accepted by the City. If the first neighborhood park is not completed and accepted by the City within one year following final inspection or occupancy of the first dwelling, no further building permits shall be issued until the first neighborhood park is completed and accepted by the City; and
 - b. Before final inspection or occupancy of the 750th dwelling, the second neighborhood park shall be completed and accepted by the City; and
 - c. Before final inspection or occupancy of the 1,000th dwelling, the third neighborhood park shall be completed and accepted by the City.

10. Conservation Easement. Before approval of the first Final Map, the Subdivider shall enter into an agreement with the City, which shall be recorded against the property, which stipulates that before issuance of a building permit for the structure containing the 500th dwelling unit, the Subdivider shall plant trees in the 100-foot wide conservation easement adjacent to Interstate 580 and the Project, as described and depicted in Section 3.4.7 of the Tracy Hills Specific Plan (pages 3-49 to 3-54), to the satisfaction of the Development Services Director.

11. Community Gateway Icon. Before approval of the first Final Map, the Subdivider shall enter into an agreement with the City, which shall be recorded against the property, which stipulates that before issuance of a building permit for the structure containing the 500th dwelling unit, the Subdivider shall construct the Community Gateway Icon, which is conceptually described and depicted in Section 3.4.5 of the Tracy Hills Specific Plan (page 3-34), to the satisfaction of the Development Services Director, based on substantial conformance with the Development Review approval by City Council. The Community Gateway Icon shall be located on a privately-owned parcel and be privately maintained. Prior to issuance of a building permit for the Community Gateway Icon, the Community Gateway Icon shall be subject to Development Review approval by City Council, as specified in Section 5.1.2 of the Tracy Hills Specific Plan (page 5-1).

12. Schools. Before issuance of a building permit for each new dwelling, the Subdivider shall document compliance with all applicable school mitigation requirements and provide to the City a certificate of compliance for such requirements from the Jefferson School District and Tracy Unified School District.

13. Public Services. Before approval of the first Final Map, the Subdivider shall do one of the following, subject to the approval of the Administrative Services Director:
 - a. CFD or other funding mechanism. The Subdivider shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates that prior to issuance of a building permit (except for up to fifteen model homes), the Subdivider 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 and other City services within 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 which, at the time of formation of the CFD, shall not exceed \$325 per unit per month; provided, however, that the City reserves the right to provide for escalation of the maximum special tax rate to a commercially reasonable rate determined by the City.

Or

 - b. Direct funding. The Subdivider shall enter into an agreement with the City, which shall be recorded against the property, which stipulates that prior to issuance of a building permit (except for up to fifteen model homes), the Subdivider 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 and other City services within the Project area, and deposit with the City an amount necessary, as reasonably determined by the City, to fund the full costs of funding the provision of Police services, Fire services, Public Works and other City services within the Project area in perpetuity as identified by the approved study.
14. Utilities in Roundabouts. All three roundabouts shown on the approved Vesting Tentative Subdivision Map for Tracy Hills Phase 1A shall be designed and constructed in such a manner that no utility lines intersect a 30-foot radius from the center of each roundabout in order to allow sufficient space for the planting and mature growth of the oak trees (three per roundabout), which are conceptually depicted in the Tracy Hills Specific Plan. The Subdivider shall submit Improvement Plans that demonstrate compliance with this condition, to the satisfaction of the Development Services Director.
15. Building and Fire. Before approval of the first Final Map, the Subdivider shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates the following, to the satisfaction of the Chief Building & Fire Code Official:

- a. Before issuance of any building permits, the Subdivider shall provide Fire Department access to the Property in compliance with all provisions of Section 503 of the California Fire Code, to the satisfaction of the Chief Building & Fire Code Official.
- b. Before issuance of any building permits (except for up to fifteen model homes), the Subdivider shall provide a fire protection water supply in compliance with all provisions of Section 507 of the California Fire Code, to the satisfaction of the Chief Building & Fire Code Official.
- c. Before issuance of any building permits for model homes, the Subdivider shall comply with the following requirements:
 - (1) In lieu of active hydrants onsite, a static water storage supply shall be provided in compliance with NFPA 1142, to the satisfaction of the Chief Building & Fire Code Official. The volume of water shall be based on the total cubic footage of all structures plus a 1.5 exposure coefficient.
 - (2) A separate static water supply shall be provided for each group of model homes throughout the subdivision, to the satisfaction of the Chief Building & Fire Code Official.
 - (3) Fire Department access to and from the static water supplies shall be provided, to the satisfaction of the Chief Building & Fire Code Official.
- d. Before issuance of the first building permit (except for up to fifteen model homes), the Subdivider shall construct an all-weather, emergency vehicle access to the westerly terminus of the Phase 1A Spine Road. The emergency vehicle access shall be available to Police, Fire, and other necessary and relevant emergency responders. The design, location, and maintenance of the access shall meet City standards, to the satisfaction of the Fire Chief. The access shall be continuously maintained by the Subdivider until permanent access is developed and accepted for maintenance by the City.
- e. Whenever 50 or more homes are under construction at the same time, the Subdivider shall provide an onsite trailer for the exclusive use of City inspection staff. The inspection trailer shall have a minimum size of 8' x 20' and be equipped with HVAC and basic furnishings, to the satisfaction of the Chief Building & Fire Code Official.

16. Phillips 66 Pipeline Easement. A Phillips 66 pipeline easement intersects the project site. Before approval of the first Final Map, the Subdivider shall submit a copy of the Phillips 66 pipeline easement to the Development Services Director and enter into an agreement with the City, which shall be recorded against the Property, which stipulates that before issuance of each building permit, the Subdivider shall clearly mark and label each plot plan with the location of the 5-foot minimum setback line from the edge of the Phillips 66 pipeline easement, if applicable, to the satisfaction of the Development Services Director.

C. Engineering Division Conditions of Approval

C.1. General Conditions

C.1.1 Subdivider shall comply with the applicable requirements of the approved documents, technical analyses/reports prepared for the Project listed as follows:

- a) *Tracy Hills Specific Plan* approved by City Council by Resolution _____ dated _____ and any amendments thereto.
- b) *Tracy Hills Specific Plan Recirculated Draft Subsequent Environmental Impact Report*, Volume I; Section 4.13-Traffic and Circulation, prepared by Kimley-Horn Associates, dated October 2015, and
Traffic Analysis of Tracy Hills Specific Plan Area- Phase 1a Residential Units and School Only Analysis, prepared by Kimley-Horn, Associates, dated April 27 2015. ("*Traffic Analysis*")
- c) *Tracy Hills Phase 1A and 1B Sanitary Sewer Study Technical Memorandum* prepared by Ruggeri-Jensen-Azar, dated December 12, 2013 ("*Sanitary Sewer Study*") and reviewed by CH2M Hill.
- d) *Tracy Hills Water Study Technical Memorandum* prepared by Ruggeri-Jensen-Azar, dated December 5, 2014 ("*Water Study*") and reviewed by West Yost Associates.
- e) *Tracy Hills Storm Drainage Master Plan* prepared by Ruggeri-Jensen-Azar, dated November 2013 ("*Storm Drainage Master Plan*") and reviewed by Stormwater Consulting, Inc.
- f) *Tier 2 Storm Drainage Study for Tracy Hills Phase 1A*, prepared by Ruggeri-Jensen-Azar, dated July 2015 ("*Tier 2 Storm Drainage Study*") and reviewed by Stormwater Consulting, Inc.
- g) *Citywide Water System Master Plan* dated December 2012, prepared by West Yost Associates.
- h) *Plan Line Study – Corral Hollow Road* prepared by Ruggeri-Jensen-Azar ("*Corral Hollow Road Plan Line*") reviewed by the City Engineer.

- i) *Any Finance Implementation Plan ("FIP")*, as described in Section 10.20.060(b)(3)(B) of the Tracy Municipal Code, that is approved by the City Council for the property described in the Tracy Hills Phase 1A Vesting Tentative Subdivision Map, Application No. TSM13-0005.
 - j) *Liquid Petroleum Pipeline Risk and California Aqueduct Flood Risk for the Proposed Tracy Hills School Site, Jefferson School District, City of Tracy, San Joaquin County, California* prepared by Wilson Geosciences, Inc. dated May 2013.
 - k) *Pipeline Safety Hazard Assessment, Tracy Hills Specific Plan* prepared by Place Works dated September 2014.
- C.1.2 Subdivider shall comply with the requirements of the Development Agreement, approved by City Council on _____, 2016, by Ordinance No. _____ (hereafter, the "Development Agreement"),
- C.1.3 Timing of Compliance: The Applicant shall satisfy each of the following conditions prior to filing the first Final Map unless a different time for compliance is specifically stated in these Conditions of Approval. Any condition requiring an improvement that has already been designed and completed under a City-approved improvement agreement may be considered satisfied at the discretion of the City Engineer.
- C.1.4 Maintenance for Major Program Roadways. Before approval of the first Final Map, the Subdivider shall assure that there will be sufficient funding to pay the Subdivider's proportionate share of the ongoing costs for maintenance of public landscaping, including urban forest, on major program roadways by entering into an agreement with the City, which shall be recorded against the entire Phase 1A property, which adopts and implements one of the following two options (a. or b.), subject to the approval of the Administrative Services Director:
- a. CFD. Before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), Subdivider shall, at its sole expense, form a Community Facilities District (CFD) for the entire Project area, for funding the Subdivider's proportionate share of the ongoing maintenance costs of public landscaping, including urban forest, on major program roadways identified in the Citywide Roadway and Transportation Master Plan. 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 Property will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment. Before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), the Subdivider shall deposit to the CFD (by submittal to the City's Administrative Services Director) an amount equal to the first year's taxes, except for any portion of this

amount that has been previously collected by the special tax and already deposited in the CFD;

OR

- b. Direct Funding. Before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), the Subdivider shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the full costs of funding the Subdivider's proportionate share of the ongoing maintenance costs of public landscaping, including urban forest, on major program roadways identified in the Citywide Roadway and Transportation Master Plan.

C.2. Improvement Plans

C.2.1 General.

The Subdivider shall complete the Improvement Plans to comply with all applicable laws, including the City Regulations (defined above) and these Conditions of Approval. Improvement Plans shall contain the design, construction details and specifications of improvements that is/are required to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

C.2.2 Site Grading

C.2.2.1 Erosion Control

Improvement Plans shall specify the method of erosion control to be employed and materials to be used.

C.2.2.2 Grading and Drainage Plans

Submit a Grading and Drainage Plan prepared by a Registered Civil Engineer and accompanied by the Project's Geo-technical /Soils Engineering report. The report shall provide recommendations regarding adequacy of the site relative to the stability of soils such as soil types and classification, percolation rate, soil bearing capacity, highest observed ground water elevation, and others.

C.2.2.3

When the grade differential between the Project site and the adjacent property(s) exceeds 12 inches, a reinforced or masonry block wall, engineered slope, or engineered retaining wall is required for retaining soil. The Subdivider shall submit Retaining Wall Plans that includes the construction detail(s) and structural calculations of the

retaining wall or masonry wall for City's review and approval.

C.2.2.4 If an engineered slope is used to retain soil subject to approval by the City Engineer, 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.

C.2.2.5 If applicable, show all existing irrigation structure(s), channel(s) and pipe(s) that are to remain or relocated or to be removed, if any, after coordinating with the irrigation district or owner of the irrigation facilities. If there are irrigation facilities including tile drains, that are required to remain to serve existing adjacent agricultural uses, the Subdivider shall design, coordinate and construct required modifications to the facilities to the reasonable satisfaction of the owner of the irrigation facilities and the City.

C.2.3. Grading Permit

The City will not accept a grading permit application for the Project as complete until the Subdivider has provided all relevant documents related to the grading permit required by the City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer.

C.2.4. Storm Drainage

C.2.4.1 Site grading shall be designed such that the Project's storm drainage overland release point will be directed to an existing percolation retention pond, clean water pond, existing storm drainage easement or to public streets with a functional storm drainage system and that the storm drainage system within the public street has adequate capacity to drain storm water from the Property, proposed roadway, lot runoffs, landscaping, off-site flow-thru surface drainage, off-site Corral Hollow Road drainage improvements or private property subject to a drainage release.

C.2.4.2 All permanent underground storm drainage lines and structures to be maintained by the City shall be located within right-of-way to be dedicated to the City or within an easement. Interim facilities and storm drain lines and collection basins shall be maintained by the Subdivider.

Provide design and construction details for all storm water intercept points at Project boundary at I-580 showing adequate inlet structures, erosion control features, storm

drainage easements and connections to the proposed storm drainage facilities in Spine Road.

Prior to acceptance of storm drainage facilities for maintenance by the City, the Subdivider shall revise the locations of the 50' wide openings in the Conservation Easements to align with existing drainage routes and proposed storm drainage intercept points into the Project on-site storm drainage system.

C.2.4.3 Storm drainage plans are to be submitted with the required hydrologic and hydraulic calculations for the sizing of storm drainage pipe(s) and shall comply with Storm Drainage Master Plan, Tier 2 Storm Drainage Study and City Regulations.

C.2.4.4 Prior to acceptance of maintenance of any public facilities by the City, the Subdivider shall prepare and obtain approval from the Public Works Department of a maintenance plan for all temporary and permanent storm drainage facilities to be maintained by the Subdivider or the HOA. The maintenance plan shall show the phasing of roadway construction, mass grading, drainage facilities, including collection channels, erosion control and protection of the Phillips 66 pipeline during construction. A SWPPP may be used as the maintenance plan with approval by the City Engineer.

C.2.4.5 Storm water designs shall show facilities needed for the collection and channeling of surface water runoff, and off-site flow-thru surface water runoff to underground storm drainage facilities within Spine Road such as temporary drainage collection channels and sedimentation ponds. These improvements shall be shown on the Grading Plans and be approved by the City Engineer before the issuance of a Grading Permit.

C.2.4.6 Since the Project will construct a terminal retention basin, it has been determined that the Project will be exempt from the Post Construction Stormwater Quality Standards. However, should new Federal or State regulations come into effect during the buildout of the Project that would require future compliance, then the Project would not be exempted from those new requirements.

SWPPP's shall be implemented during project construction. In addition, the Project may implement stormwater control measures such as disconnected roof leaders, non-contiguous street sidewalks (providing landscape strips/parkways), tree planting in parkways and use of drought tolerant landscape with drip irrigation systems and "intelligent" controllers. Similarly, public

education measures regarding the damaging effects of pollutants to water quality may also be implemented.

- C.2.4.7 All Storm Water structural and construction details that are not part of the City Standard Plans or City Design Standards shall be provided by the Subdivider and submitted to the City for approval as part of the improvement plans.
- C.2.4.8 Subdivider shall dedicate appropriate easements and execute a maintenance agreement with the City to address maintenance, liability, permit compliance, and related items for Parcel E, to be owned and maintained by the HOA while the storm drainage system (72" pipe and associated facilities) will be owned and maintained by the City.
- C.2.4.9 Subdivider shall coordinate with Police and Fire departments for safety measures to be incorporated in the improvement plans for the back alley/corridor shown as Parcel VV and Parcel XX which may include alley lighting and other improvements. These measures will be part of the improvement plans that include construction of facilities within these parcels.
- C.2.4.10 All storm drainage retention basins/facilities, including Percolation Basin D, shall be contained within storm drainage parcels suitable for dedication to the City of Tracy. This basin shall be provided with appropriate fencing with warning signs as approved by the City Engineer, access roadways to and from public roadways and access roadways into the ponds for maintenance purposes. All storm drainage inlets into this basin shall have inlet structures with design acceptable to the City of Tracy.
- C.2.4.11 Install a forebay in the bottom of RET D to collect and accumulate sediments and pollutants and facilitate future maintenance activities. The forebay shall be sized to hold 0.25 inches of runoff per impervious acre of the contributing watershed. Based on data regarding the storage requirements for RET D provided in the Tracy Hills Storm Drainage Master Plan and the Tier 2 Storm Drainage Study, the recommended volume for the forebay shall be 5 ac-ft. The forebay shall be linear and connect all three proposed pipe discharges into the basin. The forebay may be created by providing a berm (20-foot top width recommended) in the bottom of the basin. A stabilized spillway shall be provided across the berm to allow runoff entering the forebay to spill into the larger bottom area of the basin when the forebay storage exceeds 5 ac-ft. The spillway shall be sized to pass the

- 100-year combined peak inflow into the basin with freeboard.
- C.2.4.12 Fixed vertical sediment depth markers shall be installed near discharge points into the forebay for RET D to assist with measurements of sediment deposition over time and future assessments of the need for maintenance activities.
- C.2.4.13 All storm drainage facilities that run along the northerly boundary of Project, as part of the project on-site storm drainage collection system not located within Spine Road shall be located within a 20' wide utility maintenance easement. Subdivider shall provide access points for City maintenance vehicles.
- C.2.4.14 Subdivider shall show adequate detail of the common storm drainage/sanitary sewer easement between Court 3M and Court 5L, between Court 3M and Spine Road, and easement between Street 6K and Parcel J. Details should show the dimensions of this easement, that this easement will be paved, show clearances to existing 16" oil line, and whether this easement will be gated or fenced off. This information shall be shown on the project Improvement plans for the respective neighborhood, and shall be approved by the City Engineer before Improvement Plan approval.

C.2.5. Sanitary Sewer

- C.2.5.1 All sanitary sewer lines and associated improvements shall be designed and installed per the Sanitary Sewer Study and City Regulations. Before approval of Final Map(s) for the Project, Subdivider shall submit improvement plans and obtain approval for the plans for all on-site sewer improvements.
- C.2.5.2 As referenced in Conditions C.2.5. and C.2.6, the terms "Program Funded City CIP Costs" and "Non-Program Funded Subdivider CIP Costs" shall mean the following:
- Program Funded City CIP Costs - Costs applicable to CIP project if constructed by the City shall include costs of design, project management, program management, construction, inspection, construction management, contingencies and construction change orders as approved by the City.
- Non-Program Funded Subdivider CIP Costs - Costs applicable to CIP project if constructed by the Subdivider shall include costs of design, project management, construction, inspection, construction oversight by City, contingencies and construction change orders as approved by the City.

- C.2.5.3 There is insufficient conveyance capacity in the City's wastewater conveyance system for Tracy Hills build-out ("Choke Points"). The Choke Points will be resolved in three phases of improvements. City is in the process of constructing Phase 1 Choke Points improvements. Upon completion of the Phase 1 Choke Points improvements, limited conveyance capacity will be available for the Project. The available capacity will be made available to new developments in the City including the Project as per the Development Agreement.
- The City does not currently have adequate program funding to construct Phase 2 & 3 Choke Points Improvements, but anticipates it will have adequate funding to construct the improvements by the time they are needed. If the City does not have adequate funding to construct the improvements by the time the improvements are needed to serve the Project, the Subdivider may pre-pay sewer fees in an amount equal to the funding needed to fund Phase 2 & 3 Choke Points improvements, subject to reimbursement from appropriate available program funds. The additional capacity available after completion of these improvements will be available to serve new developments including this Project, until the downstream capacity of the wastewater collection system is used and further improvements are triggered.
- C.2.5.4 The Subdivider shall pay for the design and construction of the Sanitary Sewer Pump Station (SSPS) with sufficient capacity to service the Project, Phase 1B, Phase 2-4 and Phase 5B. This Pump Station shall be constructed on Subdivider's land to be dedicated by Subdivider, as approved and required by the City, and shall convey sewage through underground force main sewer pipes from the SSPS to Corral Hollow Road. The Non-Program Funded Subdivider CIP Costs for construction of this pump station and force main, as determined by the City, shall be borne by the Subdivider. Upon satisfactory completion of the SSPS improvements, as determined by City, the City will accept the land dedication and SSPS improvements for maintenance.
- C.2.5.5 The Subdivider shall pay for all design costs incurred by the City and its consultant(s) for the sanitary sewer force main and the sanitary sewer gravity line from the SSPS to Node 1W near W. Linne Road (as shown in Wastewater Master Plan) per the improvement plans prepared by CH2M Hill and approved by the City ("Off-site Sewer Line Improvements"). After approval of the design by the City, the Subdivider shall pay for the City CIP Costs for the SSPS and Off-site Sewer Line Improvements (unless the

Subdivider opts to construct these improvements as described below). If the Subdivider does not elect to construct the Off-site Sewer Line Improvements in accordance with this condition of approval, the Subdivider shall pay to the City all related City CIP Costs either before approval of the first Final Map within the Project, or within 15 days from the date of written notice from the City that the project is ready for bid, whichever is earlier. Upon receipt of the funds, City will proceed with bidding of the project. In the event the responsive bid as determined by the City is higher than the funding provided by the Subdivider, the Subdivider shall promptly provide additional funding.

For the underground crossings of the sewer line at Delta Mendota Canal and California Aqueduct ("Crossing Improvements"), permits from appropriate regulating agencies will be required. The Subdivider may opt to construct the Crossing Improvements in full compliance with the permit requirements and subject to Subdivider's posting security as required by TMC section 12.36.080 and executing an Offsite Improvement Agreement approved by the City which, among other things, provides for Subdivider to fully indemnify City against any and all claims and liabilities that may arise from the construction of the Crossing Improvements.

In the event the Subdivider opts to construct the sanitary sewer improvements listed in Condition C.2.5.4 and C.2.5.5, the Subdivider shall enter into an improvement agreement (Offsite Improvement Agreement or OIA) and post improvement security in the amounts and form required by TMC section 12.36.080 and as required by these Conditions of Approval. The Subdivider shall submit the signed and notarized OIA with the necessary improvement security before approval of the first Final Map within the Project. These improvements are not included in the Fee Program and no fee credits or reimbursements will be applicable.

- C.2.5.6 Sanitary sewer improvements north of WWMP Node 1W up to the current terminus of the City's sanitary sewer line in Corral Hollow Road are required to be completed prior to final inspection or occupancy of first residential or commercial building within the Project, excluding Model Homes. These are program-funded improvements under a Capital improvement Project (CIP). However, City will not have collected sufficient program fees to construct this Project. As such, Subdivider shall deposit total Program Funded City CIP Costs of this CIP to the City at least 18

months prior to the occupancy of any residential or commercial buildings within the Project

Upon receipt of the funds, City will proceed with bidding of the project. In the event the responsive bid as determined by the City is higher than the funding provided by the Subdivider, the Subdivider shall promptly provide additional funding sufficient to make up the difference.

If Subdivider opts to construct this sewer line, the Subdivider shall enter into an Offsite Improvement Agreement and post improvement securities in accordance with TMC Section 12.36.080.

- C.2.5.7 No final inspection of any residential building will be performed or certificate of occupancy for commercial building will be issued, with the exception of Model Homes, until the improvements listed in Conditions C.2.5.4 through C.2.5.6 are completed and functional, as determined by the City Engineer.
- C.2.5.8 The Subdivider 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.2.5.9 Prior to the City's approval of the first Final Map within Project, the Subdivider shall dedicate to the City utility maintenance easements necessary for all sanitary sewer lines (gravity or force mains). All requirements relating to the access and maintenance by the Utilities Department and Public Works Department shall be incorporated into the improvement plans.
- C.2.5.10 Subdivider is to coordinate with Utilities Department and Public Works Department for providing access to Sanitary Sewer Pump Station during the initial phases of construction when public streets are in construction.

C.2.6. Water Distribution System

- C.2.6.1 All potable water lines and associated improvements as identified in the Water Study (Water Line Improvements)

shall be designed and installed per City Regulations.

- C.2.6.2 During the construction phases of the Project, the Subdivider shall be responsible for providing water infrastructure (temporary or permanent) capable of delivering adequate fire flows and pressure appropriate to the various stages of construction and as approved by the City of Tracy Fire Code Official.
- C.2.6.3 Prior to approval of each Final Map, the Subdivider shall submit calculations and improvement plans as required by the Fire Department and the City Engineer, and obtain a letter from the Fire Code Official that the fire flow parameters per Tracy Design Standards Section 6.02 are met for the phased construction of water lines to the satisfaction of the City of Tracy Fire Code Official.
- C.2.6.4 The Subdivider shall complete design and construction of an at-grade water storage tank with a holding capacity of at least 3.5 MG (million gallons) and a booster pump station equipped with pumps that meets required domestic water and fire demand pumping capacity. These improvements are required to be complete, in place and operational before the final inspection of the 301st residential building within the Project.

All costs related to the design and construction of the water tank are the responsibility of the Subdivider. Before approval of first Final Map within the Project, the Subdivider shall execute a Deferred Improvement Agreement (DIA) to address timing, scope of work and funding responsibilities.

- C.2.6.5 In order to serve the Project, prior to final building inspection of the 301st residential building, or prior to completion of the at-grade water storage tank, the Subdivider shall provide for the design and construction of a remote pressure sensing station to be located near the residential units to transmit pressure data from the distribution system back to the pump controls at the City's John Jones Water Treatment Plant ("JJWTP"). This temporary remote pressure sensing station shall be funded and maintained by the Subdivider.

The Subdivider shall enter into a DIA, to guarantee removal of the remote pressure sensing station when the at-grade storage tank, and pump station are constructed and operational. Costs of installation of the remote pressure sensing station are not eligible for fee credits or reimbursements. The DIA will also include any

modifications required at the JJWTP until the at-grade storage tank and pump station are constructed and operational.

This requirement shall not apply if the at-grade water tank and pump station are constructed prior to final building inspection or occupancy for the first residential or commercial building excluding model homes within the Project.

- C.2.6.6 The Project will require completion of construction of Tracy Hills Booster Pump Station at JJWTP before any water services can be provided by the City to serve the Project. This pump station and associated work ("JJWTP Improvements") shown in the approved improvement plans titled "Tracy Hills Booster Pump Station at JJWTP" prepared by West Yost Associates ("JJWTP Improvement Plans") is a Capital Improvement Project, and the entire cost of this CIP (except the cost of the 20-inch diameter City Side Zone 3 Water Line as shown in the JJWTP Improvement Plans) is the responsibility of the Subdivider.

The Subdivider has the option to pay to the City full cost of this CIP project (as provided above) or enter into an agreement with the City (which shall be approved by the City) for paying portions of the CIP cost at major milestones. Any overruns in costs as listed in Condition C.2.5.2 will be the responsibility of the Subdivider. The Subdivider shall be eligible to receive reimbursements for the cost of the 20-inch diameter City Side Zone 3 Water Line if the Subdivider pays for its installation. The timing of reimbursement, if from the City, will be addressed in the agreement specified above.

- C.2.6.7 If the at-grade storage tank and booster pump station is not completed before final inspection of the structure that is the subject of the 100th building permit and subsequently before final inspection of 150th, 200th, and 250th building permits, the Subdivider shall demonstrate to the satisfaction of the City Engineer and Fire Code Official that required domestic and fire flow and water pressure are met by performing flow and pressure field tests.
- C.2.6.8 The onsite Recycled Water Transmission mains are required to serve the Project. As part of the onsite improvements for the Project, the Subdivider shall install an 8-in Recycled Water main with the Spine Road improvements

Initially, the 8-in Recycled Water Main will be connected to a potable water supply (with a stub in place to future recycled water) as approved by the City until the program backbone Recycled Water facilities are in place. Once the Recycled Water system network is online the 8-in Recycled Water distribution main will be disconnected from the Potable Water system and connected to the Recycled Water System as part of the Recycled Water Project by the City.

- C.2.6.9 Prior to final inspection of the first residential building (excluding model homes), or issuance of certificate of occupancy for the first commercial building within the Project, the water line from the JJWTP to Corral Hollow Road and from Corral Hollow Road to the Project ("Offsite Water Line Improvements") per the approved improvement plans titled "Corral Hollow Road Utility Improvements – Water and Sewer Pipelines" prepared by CH2MHill ("Offsite Water Line Improvement Plans") must be constructed and operational.

The Subdivider can either have the City construct these improvements by depositing with the City an amount equaling the estimated Non-Program Subdivider CIP Costs or opt to construct the improvements.

For the crossings of the water line at Delta Mendota Canal and California Aqueduct ("Crossing Improvements"), permits from appropriate regulating agencies will be required. The City Subdivider may opt, to construct the Crossing Improvements in full compliance with the permit requirements and subject to Subdivider's posting improvement security as required by TMC section 12.36.080 and executing an Offsite Improvement Agreement approved by the City which, among other things, provides for Subdivider to fully indemnify City against any and all claims and liabilities that may arise from the construction of the Crossing Improvements.

If the City constructs the Crossing Improvements, the Subdivider shall pay to the City for City CIP Costs either before approval of the first Final Map within the Project, or within 15 days from the date of written notice from the City that the project is ready for bid, whichever is earlier. Upon receipt of the funds, City will proceed with bidding of the project. In the event the responsive bid as determined by the City is higher than the funding provided by the Subdivider, the Subdivider shall promptly provide additional funding sufficient to make up the difference.

If the Subdivider either constructs or pays for installation by the City, the 20-inch diameter City Side Zone 3 Water Line (shown as "Zone 3-C CL 20" Pipeline on the Offsite Water Line Improvement Plans), the Subdivider shall be eligible to receive reimbursements for the cost of the 20" City Side Zone 3 Water Line. The amount and timing of reimbursement, if from the City, will be addressed in the agreement specified above.

In the event a portion of the "Zone 3-TH" CL Pipeline as shown on the Offsite Water Line Improvement Plans will be installed by a third party other than the City, the Subdivider shall pay the party that will install the "Zone 3-TH" CL Pipeline the cost of the pipeline prior to beginning of construction. The Subdivider shall provide to the City documentation of payment in full for the cost of the "Zone 3-TH" CL Pipeline prior to final inspection of the first building constructed within the Project.

- C.2.6.10 In the event the Subdivider opts to construct the Off-site Water Line Improvements, the Subdivider shall enter into an OIA with the City and post improvement security in the amounts and form in accordance with section 12.36.080 of the TMC, and as required by these Conditions, prior to the approval of the first final map of any residential neighborhood, or issuance of building permit for the first commercial building, whichever occurs first. The Subdivider shall submit the signed and notarized OIA with the necessary improvement security, before starting the installation of water lines.
- C.2.6.11 Any public improvements required to be installed within the jurisdiction of the San Joaquin County (County) will require Subdivider to obtain an encroachment permit from the County. The Subdivider shall pay all permit and inspection fees associated with the construction of improvements within the County.
- C.2.6.12 For all program and non-program Off-site Water Line Improvements that the Subdivider opts to construct, the Subdivider shall be responsible for notifying residents, business owner(s) and users, regarding construction work that involves traffic re-routing or other traffic related and access impacts to the existing residents and businesses. The Subdivider shall deliver the written notice, after approval by the City Engineer, to the affected residents or business owner(s) at least 72 hours before start of work. Before starting the work described in this section, the

Subdivider shall submit a Work Plan acceptable to the City that demonstrates that there will be no interruptions to the water supply, and a Traffic Control Plan to be used during the installation of the offsite water mains and connections. These plans and their costs are the sole responsibility of the Subdivider.

- C.2.6.13 Domestic and Irrigation Water Services – The HOA will be responsible for the repair and maintenance of all valves, fittings on services related to all street right-of-way landscaping, and for all parcels to be owned by HOA and all HOA easements.
- C.2.6.14 Where pressures at individual water services will be 80 psi or more, the Subdivider shall provide pressure reducing valves at the location approved by the City Engineer. The design operation of the individual pressure reducing valves for services shall be subject to approval by the Building Official.
- C.2.6.15 Fire Service Line – The Subdivider shall design and install fire hydrants at the locations approved by the City's Fire Safety Officer and Chief Building Official. Before 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 design, location and construction details of the fire service connections to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.
- C.2.6.16 In the event any additional right-of-ways and easements (temporary and/or permanent) including construction easements are required for program and non-program water and sewer line improvements, the Subdivider shall acquire such right(s)-of-way and easement(s), at the sub divider's sole cost and expense, prior to start of construction whether the Subdivider opts to construct such improvements or not.

Costs of right(s)-of-way and easement(s) acquisition for non-program improvements are not eligible for fee credits or reimbursements. Subdivider shall be eligible for fee credits and reimbursement for program improvements as provided in the City Regulations.

If required, the Subdivider may request the City to exercise its condemnation/ eminent domain powers for acquisition of right-of-way and easements. All costs of any condemnation process shall be paid for by the Subdivider.

C.2.7. Street Improvements

C.2.7.1 Subdivider is required to design and construct roadway and underground utility improvements to serve the Project, as identified in the sections applicable to Phase 1A of the Final Subsequent EIR for the Tracy Hills Specific Plan Project ("EIR") and these Conditions of Approval. All improvements shall comply with City Regulations, and Tracy Hills Design Standards. Such improvements shall include, but are not limited to, roadways, water supply system, sewer system, storm drainage systems, curb and gutter, sidewalks, street lighting system, traffic signals, ITS systems, pavement and crosswalk striping, bicycle lanes and trails, roadway signage and street signs, median islands, turn lanes, landscaping, and all necessary related improvements as required by the City. Timing of completion of street improvements shall comply with these Conditions of Approval and as outlined in the Mitigation Measures listed in the EIR.

C.2.7.2 Corral Hollow Road Right of Way

Per the Citywide Roadway & Transportation Master Plan (CRTMP) that was adopted by City Council on November 26, 2012, pursuant to Resolution 2012-240, amended on November 19, 2013, Corral Hollow Road will be a 4-lane major arterial street with a raised median, sidewalks, bicycle facilities and landscaping, and depicted Corral Hollow Road Plan Line.

The Corral Hollow Road Plan Line established the amount of right-of-way to be dedicated from the Project along Corral Hollow Road. The Subdivider shall dedicate all rights-of-way necessary for the widening of Corral Hollow Road along the entire frontage of the Property on Corral Hollow Road to the project boundary along I-580. The dedication shall include Caltrans Right of Way and City of Tracy requirements that satisfies the roadway cross section shown on the Corral Hollow Road Plan Line, including a future westbound loop on-ramp at the interchange. The Subdivider shall also dedicate right-of-way for construction of intersection improvements with a traffic signal at Spine Road / Corral Hollow Road, for Phase 1A and project buildout requirements, including all turn lanes.

The Subdivider shall be eligible for fee Credits and/or reimbursements for right-of-way dedication beyond Project's frontage obligation per the CRTMP requirements.

C.2.7.3 Corral Hollow Road Improvements (Project Frontage)

The Subdivider shall design and construct the Corral Hollow Road Improvements in accordance with the Traffic Analysis, Corral Hollow Road Plan Line and City Regulations.

Prior to issuance of final inspection or occupancy of Model Homes and residential units the Subdivider shall complete substantial portion of the Corral Hollow Road Improvements to provide adequate and safe traffic conditions on Corral Hollow Road to the satisfaction of the City Engineer. The improvements will include, but are not limited to, construction of, at a minimum, one southbound through lane, one southbound right-turn lane at Spine Road, one northbound through lane, one northbound left-turn lane at Spine Road, temporary concrete median island, including tapers, asphalt concrete pavement, water main, fire hydrants, storm drain lines, catch basins, traffic signal, pavement markings and striping, traffic signage, street lighting, roadway section construction and/or replacement, asphalt concrete overlay (where required), pavement transitions and other street and utilities improvements that are required to serve the Project based on the phasing plan approved by the City Engineer. Roadway design shall conform to STAA truck traffic requirements and Caltrans requirements.

Subdivider shall prepare improvement plans for Corral Hollow Road Improvements and obtain approval by the City Engineer before approval of the first Final Map within the Project.

Fee Credits and/or reimbursements for eligible costs of improvements beyond Project's frontage obligation per the CRTMP, will be determined based on the improvement plans to be approved by the City Engineer. Interim improvements are not eligible for fee credits or reimbursements and are the sole responsibility of the Subdivider.

- C.2.7.4 In order to guarantee completion of the Corral Hollow Road Improvements, the Subdivider shall enter into an improvement agreement (SIA or OIA) and post an improvement security in the amounts and form in accordance with section 12.36.080 of the TMC and as required by these Conditions of Approval. The Subdivider shall submit the signed and notarized OIA with the necessary improvement security before approval of the first Final Map within the Project.
- C.2.7.5 For any Corral Hollow Road Improvements considered frontage improvements (such as Subdivider's Frontage Obligation per the CRMP and landscape improvements behind the curb) and improvements within Caltrans right-of-way at I-580/Corral Hollow Road interchange that are not constructed or security posted with OIA at the time of

approval of the first Final Map, the Subdivider shall enter into a DIA with the City.

The Subdivider shall submit the signed and notarized DIA before approval of the first Final Map within the Project. The Subdivider shall post improvement security in the amounts and form in accordance with TMC section 12.36.080 at the times specified in the DIA.

C.2.7.6 Traffic Control Plan - Before starting any work within City's right-of-way on Corral Hollow Road, the Subdivider shall submit a Traffic Control Plan for each phase of work, to show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California. Subdivider shall comply with Caltrans requirements and standards for any work conducted within Caltrans ROW.

C.2.7.7 The Subdivider shall design and construct Corral Hollow Road Improvements to meet the applicable requirements of the latest edition of the California Department of Transportation Highway Design Manual (CHDM) and the California Manual of Uniform Traffic Control Devices (MUTCD), the Applicable Law, and these Conditions of Approval.

C.2.7.8 The Tracy Hills Specific Plan EIR ("EIR") identifies the Project's traffic impacts that are to be mitigated by the Subdivider. The mitigation measures are summarized in Table 4.13-68, Transportation & Circulation EIR Mitigation Matrix, and are included herein by reference. Subdivider shall comply with the applicable mitigation measures as outlined in the EIR. Following is a list of traffic improvements for Phase 1A from the mitigation measures included with implementation requirements.

a) Corral Hollow Road/ I-580 EB Ramps (Mitigation Measure 4.13-14a, Intersection #1)

Prior to final inspection of the building that will generate 196 (cumulative) peak hour trips from the Project, the Subdivider shall install an all-way stop controlled intersection as an interim improvement. In order to guarantee timely installation of the stop signs, prior to final inspection of building generating 100 peak hour trips, the Subdivider shall obtain an encroachment permit from Caltrans. The installation of stop signs shall be included in the Deferred Improvement Agreement.

Prior to final inspection of a building that will generate 832 (cumulative) peak hour trips from the Project, the

Subdivider shall install a traffic signal at the intersection. In order to guarantee timely installation of the traffic signal, prior to final inspection of building generating 700 peak hour trips, the Subdivider shall obtain an encroachment permit from Caltrans. The installation of traffic signal shall be included in the Deferred Improvement Agreement.

The Subdivider shall, in collaboration with the City Engineer and Caltrans, commence with an encroachment permit application process to install the all-way stop sign and signal not later than ninety (90) calendar days following approval of the Vesting Tentative Map by the City of Tracy. If the Subdivider / City is unable to obtain required permits from Caltrans, City shall issue building permits beyond the above-mentioned limits, provided that the Subdivider has, to the reasonable satisfaction of the City Engineer, diligently pursued its efforts to obtain the required permits and collaborated closely with City staff in this effort.

The Subdivider shall submit a trip generation calculation with each building permit application or Final Map approval as directed by the City Engineer.

Any improvements installed that will be part of the Traffic Impact Fee Program (Fee Program) will be eligible for fee credits in accordance with City Regulations and the Development Agreement. The installation of traffic improvements at these locations will require Caltrans approval and an Encroachment permit from Caltrans.

b) Traffic Signal at Spine Road /Corral Hollow Road (Mitigation Measure 4.13-14a, Intersection #3)

A traffic signal at Spine Road / Corral Hollow Road shall be installed and made operational before final inspection of first building within the Project. The Subdivider shall provide improvement plans that show the design and construction details of the traffic signal and all associated intersection improvements such as turn lanes, signage and striping, traffic controller and power supply cabinet, traffic detecting loops and video camera for traffic monitoring, fiber optic traffic signal interconnect system and other improvements reasonably determined by the City Engineer to be necessary to operate a signalized intersection. The improvement plans shall be submitted prior to approval of the first final map (residential or commercial).

The traffic signal at Spine Road/ Corral Hollow Road is not included in the Fee Program, and hence the Subdivider shall pay for costs of design and construction of the traffic signal improvements.

c) Traffic Signal at Corral Hollow Road / Linne Road
(Mitigation Measure 4.13-14a, Intersection #4)

The Subdivider shall design and install a traffic signal at the intersection that will have interconnect with the railroad crossing controller. These improvements will require UPRR and CA PUC approval

Prior to final inspection of a building that will generate 396 (cumulative) peak hour trips from the Project, the Subdivider shall install a traffic signal at the intersection. In order to guarantee timely installation of the traffic signal, prior to final inspection of building generating 300 peak hour trips, the Subdivider shall obtain an encroachment permit / agreement from UPRR. The installation of the traffic signal shall be included in the Deferred Improvement Agreement.

The Subdivider shall, in collaboration with the City Engineer and UPRR / CA PUC, commence an engineering design process for the traffic signal improvements not later than ninety (90) calendar days following approval of this Vesting Tentative Map by the City of Tracy. If the Subdivider is unable to obtain required permits from UPRR / CA PUC, City shall issue building permits beyond the above-mentioned limits, provided that the Subdivider has, to the reasonable satisfaction of the City Engineer, diligently pursued its efforts to obtain the required permits and collaborated closely with City staff in this effort.

The Subdivider shall submit a trip generation calculation with each building permit application or Final Map approval as directed by the City Engineer.

Any improvements installed that will be part of the Traffic Impact Fee Program (Fee Program) will be eligible for fee credits in accordance with City Regulations and the Development Agreement.

d) Intersection Improvements at Tracy Boulevard /
Linne Road (Mitigation Measure 4.13-14a, Intersection #5):

The Subdivider shall reconstruct the eastbound approach to an eastbound left turn lane and eastbound through lane, and the westbound approach to a westbound right turn lane and a westbound through lane

Prior to final inspection of a building that will generate 469 (cumulative) peak hour trips from the Project, the Subdivider shall install intersection improvements as identified in the EIR. In order to guarantee timely installation of said improvements, prior to final inspection of building generating 400 peak hour trips, the Subdivider shall submit improvement plans and obtain approval by the City

Engineer. The Intersection Improvements shall be included in the Deferred Improvement Agreement.

The Subdivider shall, in collaboration with the City Engineer and UPRR / CA PUC (if required), commence with an engineering design process for the intersection not later than ninety (90) calendar days following approval of the Vesting Tentative Map by the City of Tracy. If the Subdivider is unable to obtain required permits from UPRR / CA PUC, City shall issue building permits beyond the above-mentioned limits, provided that the Subdivider has, to the reasonable satisfaction of the City Engineer, diligently pursued its efforts to obtain the required permits and collaborated closely with City staff in this effort. The Subdivider shall submit a trip generation calculation with each building permit application or Final Map approval as directed by the City Engineer.

Alternatively, with the approval of the City Engineer, the Subdivider may install a traffic signal interconnected with the controller at the railroad crossing, which installation would be subject to approval by the City Engineer.

Any improvements installed that will be part of the ultimate (program) improvements may be eligible for fee credits in accordance with City Regulations and the Development Agreement.

e) Overlay Corral Hollow Road between I-580 and Linne Road (Mitigation Measure 4.13-14b)

Before final inspection or occupancy of the first building (excluding the Model Homes) within the Project, the Subdivider shall overlay the existing two lanes on Corral Hollow Road between I-580 right-of-way and railroad right-of-way including 100 feet of the easterly leg of Linne Road. The Subdivider shall provide improvement plans that show the design and construction details of the overlay improvements and shall commence with the improvement plans following approval of the Vesting Tentative Map. The improvement plans shall be approved prior to approval of the first final map (residential or commercial). The Overlay Improvements shall be included in the Off-site Improvement Agreement.

No fee credits or reimbursements shall be applicable for these improvements.

f) Interim / Permanent School Site and roadways (Mitigation Measures 4.13-15d, 4.13-15e and 4.13-15f)

The Subdivider shall provide roadways to the school that meet acceptable on and off-site storage for drop-off/pickup queuing, safety considerations, vehicular circulation, and bike and pedestrian access, per the City Standard Plans and Vesting Tentative Map.

Prior to approval of the Vesting Tentative Map, or when the first student from Phase 1a attends either Tracy Hills Elementary School or Tom Hawkins Elementary School or the new school located within the Project (Phase 1a) commences design, the Subdivider shall demonstrate that the following planning and design considerations are addressed to the satisfaction of the City Engineer:

- School driveways are located directly opposite proposed streets entering the residential neighborhood to maximize traffic and student safety.
- 10' concrete Pedestrian and bicycle paths, sidewalks, and crosswalks are provided.
- A Safe Routes to School Program (SRTS) is initiated in coordination with the School District for the Phase 1a school site. The SRTS Program shall be funded and developed by the Subdivider. The SRTS Program shall be developed when the School District applies for an Encroachment Permit from the City.
- The Subdivider shall fund the development of a Traffic Management Plan to the satisfaction of the City Engineer, the Police Department, and the Jefferson School District for the interim conditions when additional traffic would be generated to the interim school adjacent to the Tracy Hills Elementary School. The Traffic Management Plan shall be implemented when the temporary school building opens up for attendance and the first student from Tracy Hills attends the school(s).

g) Traffic Signal at Lammers Road / Old Schulte Road (Mitigation Measure 4.13-5a, Intersection #10)

The City has established a CIP Project for this interim improvement and partial funds have already been collected from other development projects as fair share payments and these other development projects funded the addition of the northbound left-turn lane only. The Applicant shall pay a proportionate share for the interim capacity improvements. These fees will be payable at the final inspection of the first building for the Project.

h) Traffic Signal at Internal Intersection at Business Park Main Driveway and Spine Road (Mitigation Measure 4.14-5a, Intersection #23)

A traffic signal at the Business Park Main Driveway and Spine Road shall be installed and made operational before issuance of Certificate of Occupancy for the first commercial building permit for within the Project. The Subdivider shall provide improvement plans that show the design and construction details of the traffic signal and all associated intersection improvements such as turn lanes, signage and striping, traffic controller and power supply cabinet, traffic detecting loops and video camera for traffic monitoring, fiber optic traffic signal interconnect system and other improvements reasonably determined by the City Engineer to be necessary to operate a signalized intersection. The improvement plans shall be submitted prior to issuance of a building permit for the first commercial building within the Project. The installation of the traffic signal shall be included in the Deferred Improvement Agreement.

C.2.7.9 As the properties north of the Project along Corral Hollow Road develop, City will install fiber-optic lines to connect signals on Corral Hollow Road. In the interim, at the time of installation of traffic signals at Corral Hollow Road / Spine Road and other traffic signals with the Project, the Subdivider shall provide a functional communication system acceptable to the City Engineer, to connect the City's Traffic Control Management Center (TCMC) located at the City Hall to the traffic signals that will be constructed with this Project. Any required improvements at the TCMC to facilitate communications in the interim condition that is not part of the Master Plan Facilities, shall be installed at Subdivider's cost, and no fee credits or reimbursements will be applicable.

C.2.7.10 Bus shelter and turnout on Corral Hollow Road and Spine Road: The bus shelters and turnouts on Spine Road shall be constructed as part of the Spine Road Improvements. Bus turnouts and shelters on Spine Road shall be located at the two fire turnouts on Spine Road. The City will provide the construction details and materials specifications of the bus shelter. Timing of construction of bus shelters will be determined in the future based on the extension of TRACER's Fixed Route to serve the Project. In order to assure completion of construction of the bus shelters, the Subdivider may either enter into a DIA with security, or pay to the City the estimated cost for two bus shelters on Spine Road, and one bus shelter on Corral Hollow Road at the time of approval of the first Final Map within the Project.

C.2.7.11 Encroachment Permit. Before starting any work to be performed and improvements to be constructed within City's right-of-way, the Subdivider shall obtain an Encroachment Permit from the City. The Subdivider or its authorized representative shall submit all documents that are required to process the Encroachment Permit including but not limited to, approved Improvement Plans, Traffic Control Plan that is prepared by and signed and stamped by a Civil Engineer or Traffic Engineer registered to practice in the State of California, payment of engineering review fees, copy of the Contractor's license, Contractor's Tracy business license, and certificate of insurance naming the City of Tracy as additional insured or as a certificate holder.

C.2.7.12 Dead-End Streets. A standard barricade and guardrail with appropriate traffic sign will be required at street ends. Alternatively, turnarounds meeting the requirements of Fire Department shall be provided at these dead-end streets.

C.2.7.13 Spine Road and Other In-tract Streets. The Subdivider shall dedicate all rights-of-way that are necessary to construct Spine Road and all the in-tract streets based on their respective cross sections shown on the Vesting Tentative Subdivision Map with the Final Map for the respective phase. The width of travel lanes, street median, landscaping strip and sidewalk shall be in accordance with the Vesting Tentative Subdivision Map.

Design and construction details of the in-tract streets such as asphalt concrete pavement, curb, gutter, sidewalk, street light, water main, fire hydrant, landscaping with automatic irrigation system, storm drain, catch basin and drop inlets, sanitary sewer main and lateral, water main, individual water service and meter, pavement marking and striping, traffic sign, driveway, handicap ramp and other street improvements shall comply with City Regulations and shall be shown on the Improvement Plans.

C.2.7.14 The Subdivider shall construct an all-whether, emergency vehicle access as required in Planning Division's Conditions.

The Subdivider and City shall enter into an EVA Agreement prior to the start of construction. This agreement will address access across private properties and maintenance responsibilities. The Subdivider shall submit improvement plans for any improvements required by the Police and Fire Departments, and agencies having jurisdiction. The Subdivider shall obtain any permits and/or easements that may be required for construction

and use of the EVA. Required improvements may include but not limited to addition of gates with optical opening devices, turnouts, and gates at the California Aqueduct.

- C.2.7.15 The Subdivider shall execute Grant of Easement documents for the Emergency Vehicle Access Easement at the time of approval of the first Final Map.
- C.2.7.16 Prior to final inspection or certificate of occupancy for the 289th residential unit within the Project, a fire station and all related equipment shall be constructed and operational to serve Tracy Hills in accordance with the Citywide Public Safety Master Plan.
- C.2.7.17 All intersections shall be designed to accommodate fire truck movements as required by the Fire Department.
- C.2.7.18 Subdivider must provide and verify sight distances, where applicable, with regard to reverse lots and fence placements as required by the City Engineer.

C.2.8 Mini/Neighborhood and Community Parks

- C.2.8.1 The Subdivider shall offer for dedication Parcels "A", "B" and "C" for park purposes on the Final Map that corresponds to the timing of completion of respective parks as identified in Planning's Conditions. The Subdivider shall design and construct the neighborhood park improvements consistent with the Tracy Hills Specific Plan and City Regulations. The Subdivider shall be eligible for neighborhood/mini park fee credits in accordance with the PI&RA and Title 13 of the TMC.
- C.2.8.2 The Subdivider shall submit park improvement plans, signed and notarized improvement agreement ("Park Improvement and Reimbursement Agreement" or "PI&RA"), and Improvement Security in the amount and type specified in the City Regulations at the time of approval of the Final Map that corresponds to the timing of completion of the neighborhood park improvements specified in Planning Division's Conditions of Approval.
- C.2.8.3 Before issuance of the first residential building permit (excluding model homes), the Subdivider shall submit park design alternatives for review by the City to determine the Phillips 66 pipeline impacts and overall grading over the future construction and use of Parks 1 & 2. The Subdivider's design engineer will be responsible for providing grading designs that will demonstrate that the proposed mass grading will facilitate park improvements construction without the requirement of major regrading or retaining walls.

C.2.9. Public Utility Easements

C.2.9.1 Undergrounding of Overhead Utilities. The existing overhead lines and poles shall be removed from the Project specifically along the west side of Corral Hollow Road. The Subdivider shall abandon any easements associated with these overhead lines that are no longer needed.

C.2.9.2 All private utility services to serve the Project such as electric, telephone and cable TV to the building must be installed underground, within right-of-way or a dedicated Public Utility Easement (PUE) and at the location approved by the City and the respective owner(s) of the utilities.

The Subdivider shall submit improvement plans for the installation of electric, gas, telephone and TV cable lines that are to be installed under the sidewalk or within the PUE. Underground utility conduits may be installed under the sidewalks, and underground boxes and structures may be located in the landscaped parkway next to the curb. All above-ground boxes and facilities shall be behind the sidewalk and within the PUE. Pop-outs to provide additional width of PUE where required to accommodate larger above-ground structures will be permitted subject to review and approval by Public Works Director and the City Engineer. Before approval of the first Final Map, the Subdivider shall complete the necessary coordination work with the respective owner(s) of the utilities to for approval.

C.2.9.3 Public Utility Easements on sideyard lots shall be adjusted in final neighborhood designs based on actual joint trench design requirements.

C.2.10 Phillip 66 Oil Pipeline Easement and Facilities

C.2.10.1 Prior to beginning of grading operations that may impact the existing Phillips 66 underground facilities within the Project, the Subdivider shall obtain signatures on the improvement plans by Phillips 66. Grading and improvement plans affecting Phillips 66 facilities shall comply with the applicable version of Phillip 66 Pipeline Encroachment Design and Construction Specifications. The Improvement plans shall contain an approval block for Phillip 66 indicating their approval of such designs.

C.2.10.2 Before the approval of the park improvement plans, the Subdivider shall submit evidence of approval of the park

plans by Phillips 66 for the proposed park improvements consistent with the Parks Master Plan and as approved by the City. Subdivider shall provide a grading plan and profiles showing cut/fill sections over the Phillips 66 pipelines within proposed park areas.

The Subdivider shall be responsible for design and construction of surface water drainage facilities within the Phillip 66 Oil Line Easement. All surface water within this easement shall be collected and channeled to the public storm drainage system within public roadways.

- C.2.10.3 The Subdivider shall notify in writing the future buyers of lots about the existing Philips 66 easement and any requirements /restrictions relating to the existence of the easement. The Disclosure Statement(s) shall be made part of the Sale Deeds and recorded in compliance with the applicable law.

C.3. Final Map

The City will not approve any Final Map until the Subdivider demonstrates, to the satisfaction of the City Engineer, that all the requirements set forth in these Conditions of Approval are completed, including, but not limited to the following:

- C.3.1 Subdivider has submitted one reproducible (mylar) copy of the approved tentative subdivision map for the Project after Subdivider's receipt of a notification of approval of the Tentative Subdivision Map. The signature of the owner of the Property on the Tentative Subdivision Map shall indicate the owner's consent to the preparation of the Tentative Subdivision Map and the proposed subdivision of the Property.
- C.3.2 Each Final Map is prepared in accordance with the applicable requirements of the Tracy Municipal Code, these Conditions of Approval, all other applicable City Regulations, and in substantial conformance with the Tentative Subdivision Map.
- C.3.3 Each Final Map includes and shows offer(s) of dedication of all right(s)-of-way and/or temporary or permanent easement(s) required by the Improvement Plans and Final Map, in accordance with City Regulations and these Conditions. If construction easement(s) is/are shown, it/they shall indicate the termination date of the construction easement(s).
- C.3.4 Horizontal and vertical control for the Project shall be based upon the City of Tracy coordinate system and at least three 2nd order Class 1 control points establishing the "Basis of Bearing" and shown as such on the Final Map. The Final Map shall also identify surveyed ties from

two of the horizontal control points to a minimum of two separate points adjacent to or within the Property described by the Final Map.

C.3.5 Subdivider has submitted a signed and stamped Engineer's Estimate that show construction cost of subdivision improvements that are described in Conditions C.2 above plus 10% for construction contingencies.

C.3.6 Subdivision Improvement Agreement. Before the City's approval of any 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), and post all required improvement security in accordance with City Regulations.

Phasing Plan and Deferred Improvement Agreement- Prior to Subdivider's submittal to the City of the first Final Map for City approval, Subdivider shall submit for the City Engineer's review and reasonable approval a phasing plan for the submittal of all Final Maps to be filed for this Vesting Tentative Subdivision Map. The phasing plan may be subject to subsequent modifications based on market conditions, the rate of development, and Subdivider's disposition of the parcels created by the Final Maps. 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.

C.3.7 Improvement Security. The Subdivider shall provide improvement security for all public facilities, as required by Subdivision Improvement Agreement or Offsite 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:

C.3.7.1 Faithful Performance (100% of the estimated cost of constructing the public facilities),

C.3.7.2 Labor & Material (100% of the estimated cost of constructing the public facilities), and

C.3.7.3 Warranty (10% of the estimated cost of constructing the public facilities)

C.3.7.4 Monumentation (\$750 multiplied by the total number of street centerline monuments that are shown on the Final Map)

- C.3.8 Subdivider has paid engineering review fees including improvement plan checking, final map review, agreement processing, and all other fees required by these Conditions of Approval and City Regulations.
- C.3.9 Subdivider has submitted technical or materials specifications, cost estimate, and technical reports related to the design of improvements that are shown on the Improvement Plans and as required by these Conditions.
- C.3.10 Subdivider has submitted hydrologic and storm drainage calculations for the design and sizing of in-tract storm drainage pipes located within the Project.
- C.3.11 Subdivider has submitted signed and stamped Improvement Plans as required in Condition C.2 above.

C.4. Grading and Encroachment Permit

No applications for grading and encroachment permits will be accepted by the City as complete until the Subdivider has provided all documents required by these Conditions and City Regulations, to the reasonable satisfaction of the City Engineer, including, but not limited to, the following:

- C.4.1 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.4.2 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.4.3 Three sets of the Storm Water Pollution Prevention Plan (SWPPP) identical to the reports submitted to the State Water Quality Control Board (SWQCB) and any documentation or written approvals from the SWQCB including a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID). After the completion of the Project, the Subdivider is responsible for filing the Notice of Termination (NOT) required by SWQCB, and shall provide the City, a copy of the completed Notice of Termination.
- C.4.4 Cost of preparing the SWPPP, NOI and NOT including the annual storm drainage fees and the filing fees of the NOI and NOT shall be paid by the Subdivider. The Subdivider shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the Storm Water Regulations adopted by the City in 2008 and any subsequent amendment(s), and the City Regulations.

- C.4.5 Two sets of the Project's Geotechnical Report signed and stamped by a licensed Geo-technical 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, percolation rate, roadway section construction recommendations and elevation of the highest observed groundwater level.
- C.4.6 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 Monitoring and Reporting Program of the Tracy Hills Specific Plan Final Environmental Impact Report (TH-EIR).
- C.4.7 Two 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.4.8 Reasonable written permission from irrigation district or affected owner(s), if applicable as required in Condition C.2.2.5, above. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Subdivider.
- C.4.9 Written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), if applicable. 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.
- C.4.10 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.4.11 Two sets of structural calculations for drainage structures and retaining walls within street right-of-way and retention basins signed and stamped by a Structural Engineer licensed in the State of California.
- C.4.12 Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.
- C.4.13 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.
- C.4.14 Signed and notarized Deferred Improvement Agreement (DIA) and Improvement Security, to allow deferment of completion of

improvements as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with the DIA and Section 12.36.080 of the TMC, or pursuant to the terms of the Development Agreement, as appropriate.

- C.4.15 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.4.16 Traffic Control Plan for each phase signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California.
- C.4.17 As required per Mitigation Measure 4.8-2a of the EIR, the Subdivider shall submit, prior to issuance of grading permits, a Phase II ESA focused on soil sampling and/or soil vapor sampling conducted near the location of the underground crude oil pipelines, as determined by a qualified Phase II/Site Characterization specialist.
- C.4.18 As required per Mitigation Measure 4.8-2b of the EIR, prior to issuance of grading permits, the Subdivider shall work with Conoco Phillips to implement and observe a site damage prevention plan to the satisfaction of the City of Tracy Engineering Division.

C.5. Building Permit

The City will not approve any building permit within the Project boundaries until a Final Map is approved by the City Council and it is recorded at the San Joaquin County Recorder's Office, and the Subdivider demonstrates, to the reasonable satisfaction of the City Engineer, compliance with all the required Conditions including, but not limited to, the following, except that the timing of payment of fees shall be as approved in the Development Agreement:

- C.5.1 Check payment of the applicable City Wide Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park Development Impact Fees (adopted by Resolution 2014-010) as these relate to the Project and as required by these Conditions of Approval.
- C.5.2 Check payment of applicable Regional Transportation Impact Fees (RTIF) as required in the Mitigation Monitoring and Reporting Program of the Final Environmental Impact Report and these Conditions of Approval.
- C.5.3 Check payment of any applicable Agricultural Conversion or Mitigation Fee as required in Chapter 13.28 of the Tracy Municipal Code and the Mitigation Monitoring and Reporting Program of Tracy Hills Final Environmental Impact Report and these Conditions of Approval.

- C.5.4 Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC.
- C.5.6 The Project developer(s) shall be required to pay the Transportation Impact Fee established pursuant to the written Agreement by and between the City of Tracy, LTA, the Sierra Club, the County of Alameda, and the City of Livermore to the City of Tracy prior to issuance of building permits for any residential portion of the Project. Said condition shall be incorporated into any development agreement or similar agreement if entered into by the developer and the City of Tracy. Said condition shall constitute the only regional traffic impact fee charged against the Project.

C.6. Final Building Inspection

The City will not perform final building inspection until after the Subdivider provides documentation which demonstrates, to the reasonable satisfaction of the City Engineer, that:

- C.6.1 The Subdivider has completed construction of all public facilities required to serve the building for which a certificate of occupancy is requested or a final building inspection has to be performed unless otherwise defined herein. Unless specifically provided in these Conditions, or the City Regulations, the Subdivider shall take 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).
- C.6.2 The Subdivider shall pay a fair share towards the cost of constructing the interim improvements at the Lammers Road/Old Schulte Road intersection, as determined by the City Engineer.

C.7. Temporary or Final Building Certificate of Occupancy

No Final Building Inspection shall be performed or a Temporary or Final Building Certificate of Occupancy will be issued by the City until after the Subdivider provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:

- C.7.1 The Subdivider has satisfied all the requirements set forth in these Conditions of Approval.
- C.7.2 The Subdivider has completed construction of all required public facilities for the building for which a certificate of occupancy is requested, unless otherwise defined herein. 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).

C.8. Acceptance of Public Improvements

Public improvements will not be considered for City Council's acceptance until after the Subdivider demonstrates to the reasonable satisfaction of the City Engineer, completion of the following:

- C.8.1 All the public improvements shown on the Improvement Plans are completed and all the deficiencies listed in the deficiency report prepared by the assigned Engineering Inspector are all corrected.
- C.8.2 Subdivider has completed the 90-day public landscaping maintenance period.
- C.8.3 Subdivider has submitted Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Subdivider, the City shall temporarily release the originals of the Improvement Plans to the Subdivider so that the Subdivider will be able to document revisions to show the "As Built" configuration of all improvements.
- C.8.4 Signed and notarized Grant Deed(s) with legal description(s) and plat maps for the offer of dedication of right-of-way, and Grant of Easements as required per these Conditions of Approval and City Regulations, or dedications shown on the Final Map.

C.9. Release of Improvement Security

City will release Improvement Security(s) to the Subdivider after City Council's acceptance of public improvements, both on-site and off-site, in accordance with TMC section 12.36.080, upon written request and submittal of the recorded Notice of Completion.

C.10. Special Conditions

- C.10.1. All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Regulations, except as otherwise specifically approved in the Tracy Hills Specific Plan.
- C.10.2. When street cuts are made for installation of utilities, the Subdivider is required to install 2 inches thick asphalt concrete overlay with reinforcing fabric at least 25 feet from all sides and for the entire length of the utility trench. A 2 inches deep grind on the existing asphalt concrete pavement will be required where the asphalt concrete overlay will be applied and shall be uniform thickness in

order to maintain current pavement grades, cross and longitudinal slopes. If the utility trench extends beyond the median island, the limit of asphalt concrete overlay shall be up to the lip of existing gutter located along that side of the street.

- C.10.3. 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.10.4. Benefit District – The Subdivider may make a written request to the City for the formation of a Benefit District, before the approval of the final map and improvement plans for the public facility(s) considered to be oversized that benefits other property(s) or development(s). Reimbursement request(s) will be processed in accordance with TMC Chapter 12.60.
- C.10.5. Nothing contained in these Conditions shall be construed to permit any violation of City Regulations. Subject, however, to City Regulations, this Condition does not preclude the City from requiring pertinent revisions and additional requirements to the final map, improvement agreements, and improvement plans, before the City Engineer's signature on the final map and improvement plans, if the City Engineer finds it necessary due to public health and safety reasons. (Government Code section 66498.6.) 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.

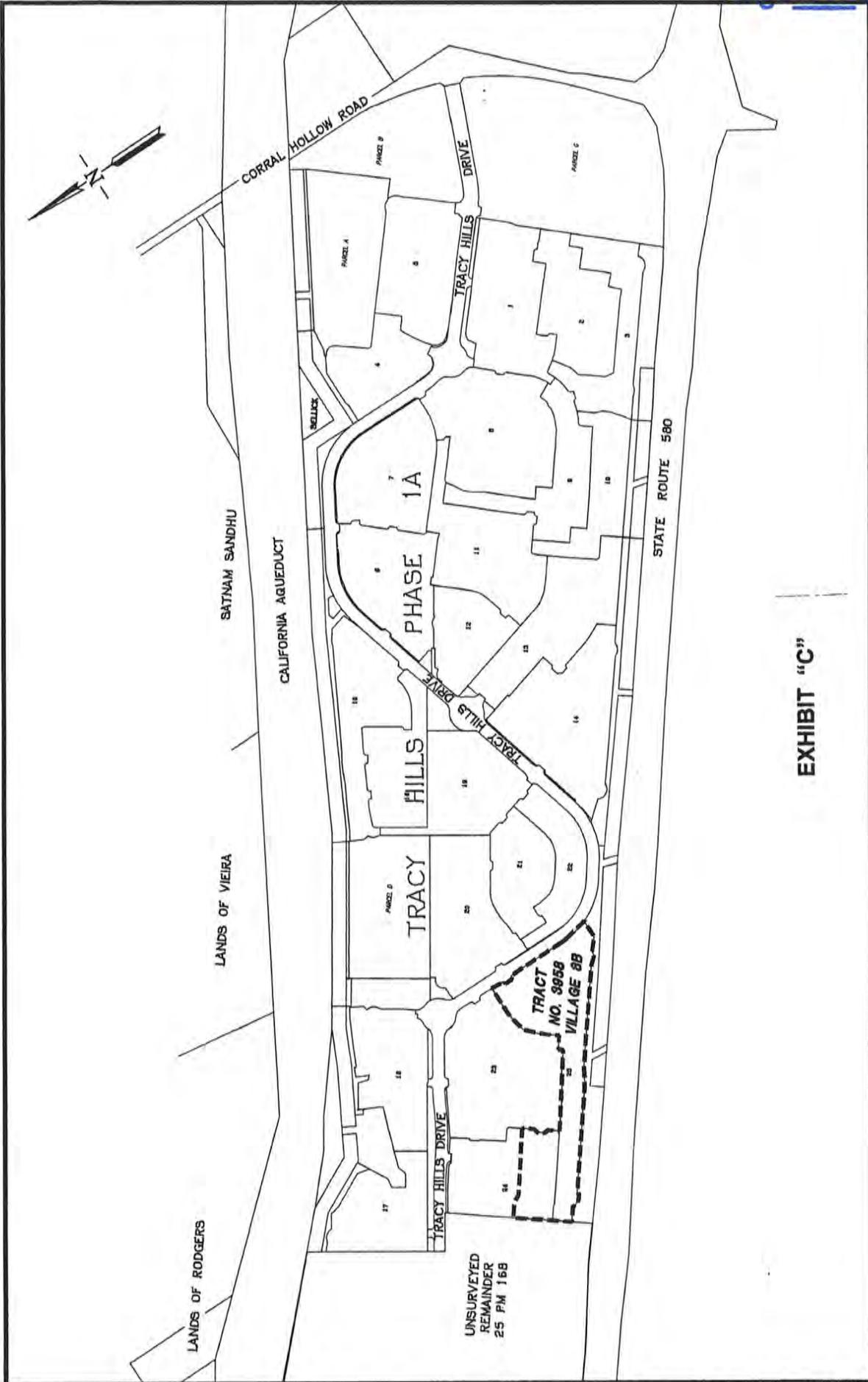


EXHIBIT "C"

RESOLUTION 2020-_____

APPROVING THE FINAL SUBDIVISION MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT 3958, TRACY HILLS VILLAGE 8B, AND AUTHORIZING THE CITY CLERK TO FILE THE AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER

WHEREAS, A Small-Lot Vesting Tentative Subdivision Map for Tracy Hills Phase 1A, Tract 3788 (VTSM), with approximately 1,160 single-family residential lots, an approximately 50 acre mixed-use business park/commercial retail area, three public parks, school site, and numerous other HOA owned and maintained parcels, was approved by Tracy City Council on April 5, 2016, pursuant to Resolution No. 2016-066, and

WHEREAS, The Final Subdivision Map for Tract 3958, Tracy Hills Village 8B, consists of 68 single-family residential lots within the boundaries of the aforementioned approximately 1,160 lot Tracy Hills Phase 1A Project, and

WHEREAS, The Conditions of Approval for the VTSM require the Subdivider to design and construct certain on-site improvements as a condition of approval of the Final Subdivision Map pursuant to the Subdivision Map Act, the Subdivision Ordinance, and applicable City Standards, and

WHEREAS, The Improvement Plans, Specifications, and Cost Estimates for the required improvements have been prepared on behalf of the Subdivider, and approved by the City Engineer, and

WHEREAS, The Subdivision Improvement Agreement (SIA) addresses construction of Prospect Drive, Zink House Drive, Wilkins Lane, Longview Street, Sanderson Avenue, Mantle Drive and Leeds Lane, and other in-tract improvements associated with the 68 lots that will be developed by the Subdivider as part of Tracy Hills Village 8B, and

WHEREAS, The SIA is intended to replace and supersede the Inspection Improvement Agreement for Tract 3958, Tracy Hills Village 8B, which was approved by the City Council on March 19, 2019 pursuant to Resolution No. 2019-047, and subsequently executed by the City and Subdivider, and

WHEREAS, The Subdivider has executed the SIA and has posted the required securities to guarantee completion of the improvements, and

WHEREAS, Upon completion of all improvements, the City will accept the improvements and will accept all offers of dedication of public right-of-way, and

WHEREAS, The Subdivider will pay for the cost of engineering inspection and processing the agreement;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves the Final Subdivision Map and Subdivision Improvement Agreement for Tract 3958, Tracy Hills Village 8B, and authorizes the City Clerk to file the Subdivision Improvement Agreement with the Office of the San Joaquin County Recorder.

* * * * *

The foregoing Resolution 2020-_____ was passed and adopted by the Tracy City Council on the 19th day of May 2020, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.D

REQUEST

APPROVE CITY OF TRACY TRANSIT DIVISION TITLE VI PROGRAM AND LANGUAGE ASSISTANCE PLAN FOR TRACER FIXED ROUTE AND PARATRANSIT SERVICES

EXECUTIVE SUMMARY

The City of Tracy receives funding from the Federal Transit Administration and is required to meet the regulations under Title VI of the Civil Rights Act of 1964. The Title VI program must be updated every three years and be approved by City Council.

DISCUSSION

The City of Tracy's Title VI Program for the Transit Division is a requirement for Federal Transit Administration (FTA) funding. Section 601, under Title VI of the Civil Rights Act of 1964, states the following: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

FTA Circular 4702.1B provides recipients of FTA financial assistance with guidance and instructions to carry out United States Department of Transportation Title VI regulations (49 CFR Part 21). City of Tracy is updating its Transit Division Title VI Program and Language Assistance Plan to be compliant with FTA's requirement that programs be updated every three years. One of the requirements to remain in compliance is to have the plan approved by the City Council.

The approved Transit Division Title VI Program and Language Assistance Plan will be on file at the Tracy Transit Station and available on the City's website.

Once approved by the City Council, the document will be submitted to FTA for review and final approval.

STRATEGIC PLAN

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

FISCAL IMPACT

Approval of the City of Tracy Transit Division Title VI Program and Language Assistance Plan is required for continued FTA funding.

Agenda Item 1.D
May 19, 2020
Page 2

RECOMMENDATION

That the City Council adopt a resolution approving the City of Tracy Transit Division Title VI Program and Language Assistance Plan for Tracer Fixed Route and Paratransit services.

Prepared by: Ed Lovell, Management Analyst II

Reviewed by: Brian MacDonald, Parks & Recreation Director
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS:

Exhibit A – City of Tracy Title VI Program & Limited English Proficiency Plan



City of Tracy TRACER
Title VI Plan
&
Limited English Proficiency Plan

TRACER Fixed Route & Paratransit Systems

2020

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**City of Tracy TRACER Title VI Plan
TRACER Fixed Route and Paratransit Systems**

I. Plan Statement

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance.

Section 601 under Title VI of the Civil Rights Act of 1964 states the following:

“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

City of Tracy TRACER is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1B.

This plan was developed to guide the City of Tracy TRACER in its administration and management of Title VI-related activities.

Title VI Coordinator Contact Information

Jayne Pramod, Transit Coordinator
50 E. 6th Street
Tracy, California 95376
Phone: (209)831-6214
E-mail: jayne.pramod@cityoftracy.org

II. Title VI Information Dissemination

Title VI information posters shall be prominently and publicly displayed in the City of Tracy’s transit facility and on revenue vehicles. The name of the Title VI coordinator is available on the City of Tracy’s website, at www.ridetracer.com. Additional information relating to nondiscrimination obligation can be obtained from the City of Tracy TRACER Title VI Coordinator. The City of Tracy provides transit service through a Contractor, MTM Inc. (“Contractor”).

Title VI information shall be disseminated to City of Tracy’s TRACER employees and Contractor’s employees annually via the Employee Education form (see [Appendix A](#)). This form reminds employees of the City of Tracy’s policy statement, and of their Title VI responsibilities in their daily work and duties.

During New Employee Orientation, new employees shall be informed of the provisions of Title VI, and the City of Tracy TRACER expectations to perform their duties accordingly.
City of Tracy Transportation Division Employees and Contractor's General Manager shall be provided a copy of the Title VI Plan.

III. Subcontracts, Vendors and Sub-recipient

All subcontractors and vendors who receive payments from City where funding originates from any federal assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended.

Written contracts shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

City of Tracy does not have any sub-recipients.

IV. Record Keeping:

The Title VI Coordinator will maintain permanent records, which include, but are not limited to copies of Title VI complaints or lawsuits and related documentation, records of correspondence to and from complainants, and Title VI investigations.

V. Title VI Complaint Procedures

How to file a Title VI Complaint?

The complainant may file a signed, written complaint up to one hundred and eighty (180) days from the date of the alleged discrimination. The complaint should include the following information:

- Your name, mailing address, and how to contact you (i.e., telephone number, email address, etc.)
- How, when, where and why you believe you were discriminated against. Include the location, names and contact information of any witnesses.
- Other information that you deem significant

Verbal complaints will be accepted and transcribed by the Title VI Coordinator for any complainant unable to complete the form. Verbal complaints may be filed in person at City of Tracy Transit Station, 50 E. Sixth Street or by phone 209-831-6214

A complainant may file a complaint directly with the United States Department of Transportation and/or the California Department of Transportation. If a complaint is filed with the City of Tracy TRACER and an external entity simultaneously, the external complaint may supersede the complaint to the City of Tracy and the internal complaint procedures will be suspended pending the external entity's findings.

Within 15 business days of receipt of a formal complaint, the Title VI Program Coordinator will send the complainant an acknowledgement letter and begin an investigation (unless the complaint is filed with an external entity first or simultaneously). The investigation will address complaints filed against transit service offered by the City of Tracy TRACER and will include discussion(s) of the complaint with all affected parties. City of Tracy TRACER will provide appropriate assistance to complainants who have difficulty with disabilities, or who are limited in their ability to communicate in English. Failure of the complainant to provide requested information within 15 business days of the date of the City of Tracy TRACER information request letter may result in the administrative closure of the complaint. The complainant may be represented by a representative of his or her choosing and may bring witnesses and present testimony and evidence in the course of the investigation.

The Title VI Complaint Form (see Appendix C) may be used to submit the complaint information. The complaint may be filed in writing with Jayne Pramod at the following address:

City of Tracy
Attn: Title VI Coordinator
Jayne Pramod, Transit Coordinator
50 E. 6th Street
Tracy, California, 95376

NOTE: City of Tracy TRACER encourages all complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily. For complaints originally submitted by facsimile, an original, signed copy of the complaint must be mailed to the Title VI Coordinator as soon as possible, but no later than 180 days from the alleged date of discrimination.

What happens to the complaint after it is submitted?

All complaints alleging discrimination based on race, color or national origin in a service or benefit provided by City of Tracy TRACER will be directly addressed by City. City of Tracy TRACER shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, City of Tracy TRACER shall make every effort to address all complaints in an expeditious and thorough manner.

A letter acknowledging receipt of complaint will be mailed within seven calendar days (Appendix D). Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

How will the complainant be notified of the outcome of the complaint?

City of Tracy TRACER will send a final written response letter (see Appendix E or F) to the complainant. In the letter notifying complainant that the complaint is not substantiated (Appendix F), the complainant is also advised of his or her right to 1) appeal within seven calendar days of receipt of the final written decision from City of Tracy, and/or 2) file a complaint externally with the appropriate federal agency. Every effort will be made to respond to Title VI complaints within 60 working days of receipt of such complaints, if not sooner.

Once sufficient information for investigating the complaint is received by City of Tracy, a written response will be drafted subject to review by the City attorney. If appropriate, City of Tracy attorney may administratively close the complaint. In this case, City of Tracy TRACER will notify the complainant of the action as soon as possible.

In addition to the complaint process described above, a complainant may file a Title VI complaint with the following office:

Federal Transit Administration (FTA)
Region IX
Attention: Title VI Coordinator
201 Mission Street, Suite 1650
San Francisco, CA 94105

VI. Limited English Proficiency (LEP) Plan

Please see 'City of Tracy TRACER Limited English Proficiency Plan'.



Appendix A: Employee Annual Education Form

Title VI Policy

Policy:

City of Tracy TRACER is committed to ensuring that no person, on the basis of race, color, national origin, will be excluded from participation in or subjected to discrimination in the level and quality of transit services or related benefits provided by the City of Tracy TRACER employees, affiliates, and contractors.

No person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

All employees of the City of Tracy TRACER and its affiliates are expected to consider, respect, and observe this policy. Citizen questions or complaints shall be directed to City of Tracy Title VI Coordinator.



Appendix B: Acknowledgement of Receipt of Title VI Plan

I hereby acknowledge receipt of the City of Tracy TRACER Title VI Plan. I have read the plan and am committed to ensuring that no person is excluded from participation in, or denied the benefits or services delivered by the City on the basis of race, color, or national origin, as protected by Title VI.

Your signature

Print your name

Date



City of Tracy TRACER

SECTION 1

Name of Complainant: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone: (_____) _____ E-mail: _____

What is the most convenient time for us to contact you about this complaint? _____

Citizen Employee Applicant Vendor

Accessible format requirements? Large print Audio tape Other: _____

SECTION 2

Are you filing this complaint on your own behalf? Yes/ No

If you answered yes to this question, go to Section 3.

If not, please supply your name and your relationship to the person for whom you are complaining:

Name: _____ Relationship: _____

Please explain why you have filed for a third party:

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of the third party: Yes/ No

SECTION 3

I believe the discrimination I experienced was based on (check all that apply):

Race Color National Origin: _____

Date of Occurrence: _____

Location of Occurrence: _____

Please include the earliest and most recent dates of discrimination.

Name(s) & Title(s) of the person(s) I believe discriminated against me:

The action or decision which caused me to believe I was discriminated against is as follows:
(Please explain as clearly as possible what happened and why you believe your benefits were denied, delayed, or affected. Include how other persons were treated differently from you. Attach additional page(s), if necessary)

Please list any and all witness names and phone numbers:

Please state the remedy or action you are seeking for the alleged discrimination:

The law prohibits retaliation against anyone because he/she has taken action, or participated in an action, to secure rights protected by these laws. If you feel you have been retaliated against (separate from the discrimination alleged above), please explain the circumstances below:

SECTION 4

Have you previously filed a Title VI & Related Statutes complaint with this agency?

Yes No

SECTION 5

Have you filed, or intend to file, this complaint with any other Federal, State, or local agency, or with any Federal or State Court?

Yes No

If yes, check all that apply:

- U.S. Equal Employment Opportunity Commission
- Dept. of Fair Employment & Housing
- Federal Highway Administration/ U.S. Dept. of Transportation (USDOT)
- Federal Transit Administration/USDOT
- Federal or State
- Court Local Agency

Please provide information about a contact person at the agency/court where the complaint was filed:

Name: _____ Title: _____

Agency/Court: _____

Address: _____

Telephone Number: _____

Date Filed: _____ Case Number: _____ Date of Trial/Hearing _____

You may attach additional written materials or other information you think is relevant to your complaint. Note: The use of the complaint form is not mandatory. You may submit your complaint in any form that includes your signature. Please sign and date the complaint form below.

I certify that the above information is true and correct to the best of my knowledge.

Signature: _____ **Printed Name:** _____ **Date:** _____

Please return to:
Jayne Pramod
City of Tracy Title VI Coordinator
50 E. Sixth Street
Tracy, CA 95376

ADA Notice: Upon request, reasonable accommodation will be provided in completing this form, or copies of the form will be provided in alternative formats. Contact the ADA / Section 504 Coordinator at the address listed above, via telephone (209) 831- 6214 or via fax (209) 836 – 8955 or via e-mail at Jayne.pramod@cityoftracy.org



Ciudad de Tracy
Formulario de Queja de Título VI Estatutos Relacionados

AVISO DE INFORMACIÓN PERSONAL

De acuerdo con la Ley de Información Confidencial Federal (P.L. 93-579) y el Acto de Prácticas de Información de 1977 (Secciones de Código daes Civiles 1798, y seq.), el aviso es por este medio dado para la petición de la información personal por esta forma. La información personal solicita voluntaria. El objetivo principal de la información voluntaria es facilitar el procesamiento de esta forma. La falta de proporcionar toda o cualquier parte de la información solicitada puede retrasar el procesamiento de esta forma. Ninguna revelación de la información personal será hecha a menos que no permisible bajo el Artículo 6, la Seccion 1798.24 del IPA de 1977. Cada individuo tiene el derecho sobre petición e identificación apropiada, inspeccionar toda la información personal en cualquier registro mantenido en el individuo por una identificación particular.

SECCIÓN 1

Nombre de

Demandante: _____

Domicilio: _____

Ciudad: _____ Estado: _____ Código postal:

 Teléfono: (_____) _____

E-mail: _____

Ciudadano Empleado Solicitante Vendedor

¿Requisitos de formato accesible? Letra grande Cinta de audio Otros:

SECCIÓN 2

¿Está presentando esta queja por si mismo? Sí No

Si respondió sí a esta pregunta, vaya a la sección 3.

Si no es así, por favor proporciones el nombre y el parentesco con la persona por la cual presenta su queja:

Nombre: _____

Parentesco: _____

Por favor explique por qué está declarando por un tercero:

Por favor confirme que ha obtenido la autorización de la parte perjudicada si está presentando en nombre de un tercero: Sí No

SECCIÓN 3

Yo creo que la discriminación que experimenté fue basado en (marque todo lo que corresponda):

Raza Color Origen nacional: _____

Fecha del hecho: _____

Lugar del hecho: _____

Por favor, incluya las fechas más tempranas y más recientes de discriminación.

Nombre(s) y oficio(s) de la(s) persona(s) que creo me discriminaban:

La acción o decisión que me llevó a creer que fui discriminado es lo siguiente:

(Por favor explica tan claramente como posible lo que ocurrió y la razón que usted cree que sus beneficios fueron negados, diferidos o afectados. Incluya información sobre como otras personas fueron tratada en una manera diferente de usted. Puede adjuntar páginas adicionales, si es necesario.)

Por favor escriba los nombres y los números de teléfono de cualquier o todos los testigos:

Por favor indique lo que usted piensa ave debería hacerse para resolver la queja:

Las leyes prohíben represalias contra cualquier persona porque él/ella ha tomado medidas, o participado en una acción, para garantizar los derechos protegidos por estas leyes. Si usted siente que ha sido víctima de represalias (separada de la discriminación alegada arriba), explique las circunstancias siguientes:

SECCIÓN 4

¿Ha presentado previamente una queja de Título VI y Estatutos Relacionados con esta agencia?
 Sí No

SECCIÓN 5

¿Ha presentado esta queja con otra agencia Federal, Estatal o Local o con cualquier Corte Federal o Estatal? Yes No

En caso que sí, marque lo que corresponda:

- Comisión de Igualdad de Oportunidades en el Empleo Dept. de Empleado y Alojamiento Justo
 Administración de Carretera Federal/Departamento de Transportación de EE.UU. (USDOT)
 Administración de Tránsito Federal de EE.UU. /USDOT Corte Federal o Estatal Agencia Local

Por favor proporcione información sobre una persona de contacto en la agencia/tribunal donde se presentó la queja:

Nombre: _____

Título: _____

Agencia/Corte: _____

Domicilio: _____

Número de teléfono: _____

Fecha archivado: _____ Número de caso: _____

Fecha de juicio: _____

Puede agregar materiales escritos adicionales o otra información que considere relativa a su queja.

Nota: El uso de la forma de queja no es obligatorio. Usted puede presentar su queja en cualquier forma que incluya su firma. Por favor, firma y fecha el formulario de queja a continuación.

Certifico que la información mencionada es verdadera y correcta a mi conocimiento.

Firma: _____ **Nombre escrito:** _____

Fecha: _____

Por favor enviar a:

Jayne Pramod, City of Tracy Title VI Coordinator

50 E. Sixth Street

Tracy, CA 95376

A petición, ajustes razonables serán proporcionados para completar este formulario, o se proporcionará copias del formulario en formatos alternativos. Póngase en contacto con el Coordinador del ADA/Sección 504 en la dirección mencionada anteriormente, a través del teléfono (209) 831 -6214 o por correo electrónico Jayne.pramod@cityoftracy.org



Appendix D: Letter Acknowledging Receipt of Complaint

Today's Date

Ms. Jane Doe
1234 Main St.
Tracy, CA 95376

Dear Ms. Doe:

This letter is to acknowledge receipt of your complaint against the City of Tracy TRACER alleging

An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office by telephoning (209) 831-6214, or write to me at this address.

Sincerely,

Jayne Pramod, Transit Coordinator
Title VI Coordinator

Appendix E: Letter Notifying Complainant that the Complaint Is Substantiated



Today's Date

Ms. Jane Doe
1234 Main St.
Tracy, CA 95376

Dear Ms. Doe:

The matter referenced in your letter of _____ (date) against the City of Tracy TRACER alleging Title VI violation has been investigated.

(An/Several) apparent violation(s) of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter (was/were) identified. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. You were extremely helpful during our review of this matter. *(If a hearing is requested, the following sentence may be appropriate.)* You may be hearing from this office, or from Federal authorities, if your services should be needed during the administrative hearing process.

Sincerely,

Jayne Pramod, Transit Coordinator
Title VI Coordinator

Appendix F: Letter Notifying Complainant that the Complaint Is Not Substantiated



Today's Date

Ms. Jane Doe
1234 Main St.
Tracy, CA 95376

Dear Ms. Doe:

The matter referenced in your complaint of _____ (date) against the City of Tracy alleging _____ has been investigated.

The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964, have in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any program receiving Federal financial assistance.

The City has analyzed the materials and facts pertaining to your case for evidence of the City's failure to comply with any of the civil rights laws. There was no evidence found that any of these laws have been violated.

I therefore advise you that your complaint has not been substantiated, and that I am closing this matter in our files.

You have the right to appeal this decision within seven calendar days of receipt of this final written decision from the City to the appropriate Federal agency.

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to contact me.

Sincerely,

Jayne Pramod, Transit Coordinator
Title VI Coordinator



Appendix G: Notice to Beneficiaries

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

The City of Tracy is committed to ensuring that no person is excluded from participation in, or denied the benefits of services it provides on the basis of race, color, or national origin.

If you feel you are being denied participation in or being denied services provided by the City of Tracy, or otherwise being discriminated against because of your race, color, national origin, you may contact:

City of Tracy
Jayne Pramod, Transit Coordinator
50 E. 6th Street
Tracy, California 95376
Phone: (209)831-6214

For more information, visit our website at www.ridetracer.com



City of Tracy TRACER Public Participation Plan

PUBLIC PARTICIPATION

City of Tracy Transit System, TRACER, has Public Participation Plan for ensuring compliance with FTA requirements for a locally developed public participation process to allow, encourage and monitor citizen participation in transit decision-making process, with special attention paid to soliciting input from low-income, minority, and Limited English Proficient (LEP) populations that are traditionally under-represented. In addition, the City will ensure that all citizens are afforded the right to be involved in the public participation process regardless of race, color, national origin, as required by Title VI of the Civil Rights of 1964 and Related Statutes, or any other criteria prohibited by law.

City of Tracy recognizes the importance of participating in a wide variety of public meetings and workshops to share information about transit programs, activities, and services in order to collect information from users of TRACER bus services. A summary of Outreach Activities performed in this reporting is attached as **Appendix H**

It is through these conversations that transit staff receives input regarding transit issues and concerns from disadvantaged citizens, including senior citizens, minorities, low-income, and persons with physical or cognitive disabilities. All transit-sponsored meetings or activities are conducted in ADA accessible locations and have ready access to public transit services (fixed-route and paratransit).

Information on public outreach meetings is widely disseminated on City of Tracy website, at the Transit Station, on the buses, and through social service agencies to maximize awareness that all transit users and interested citizens are welcomed as part of the decision making process.

Procedures for City of Tracy TRACER

City of Tracy Transit System, TRACER, services follow the public participation procedures outlined below to ensure that minority and Limited English Proficient (LEP) Populations are included in Transit service decisions related to major service changes, fare increases and Program of Projects (POP).

A major change in service includes:

- Reduction in total system vehicle hours of 25% or more;
- Elimination of service in an area with population of 2,000 or more;
- Elimination of service on one or more days of the week; or
- Changing the type of transit service in an area with population of 2,000 or more.

A fare increase includes:

- Increase in single ride fare for any transit service including other fare categories; or
- Decrease in the discounts offered for fare categories.

Process

For any major service change or any fare increase as defined above, the City of Tracy will schedule a public hearing to present the proposed change(s) and obtain public comment. In addition, the City will present the proposed changes and request comments at the Social Services Transportation Advisory Committee (SSTAC) public meeting and Transportation Advisory Commission (TAC) public meeting. All public comments received will be addressed at the respective meeting to the extent possible. If it is not possible to address the comment at the meeting in which it is given, staff will give further evaluation to the comment and provide a recommendation.

The **Social Service Transportation Advisory Council (SSTAC)**, created by Senate Bill (SB) 498 to meet requirements in state law, advises the Board on transit related issues for traditionally under-represented and underserved populations such as the elderly, disabled, low-income, and minority (i.e. Black, Hispanic, Asian American, Native American/ Alaskan Native, and Pacific Islander) community groups. It annually participates in the identification of transit needs in the region via the Unmet Transit Needs process and makes recommendations to the Board in their annual unmet transit needs determination and finding. The SSTAC meets jointly with the ITC on a monthly basis. The meetings are generally scheduled for 3:00 PM on the Monday following the Board meeting. The meetings are open to the public. Meeting agendas can be found on SJCOG website <https://www.sjco.org/> Membership of this committee is comprised of residents of San Joaquin County who are seniors, social service providers, transit users, and disabled. Members of SSTAC are appointed by the SJCOG Board.

Transportation Advisory Commission (TAC) appointed by City Council, to be advisors to the City Council, review or comment upon, address various public transportation issues, advise on service levels and routes. Recommend rules and procedures governing public transportation service programs, equipment and facilities considering regulatory guidelines, service improvements, coordination, efficiencies, protection of property, service improvements and activities of persons utilizing transportation service and facilities. Recommend rates, fares, user fees, charges and deposits for the use of transportation service programs and facilities. Review surveys and facilitate public input on public transportation programming and facility usage. Identify transportation infrastructure needs and recommend allocation of funds for capital expenditures related to transportation improvements. Review grants, budgets, facility developments and designs, and transportation programs. Advise the Council on the subject of comprehensive citywide public transportation master planning and development. Review, monitor, and make long-range recommendations concerning public transportation and connectivity sections of related environmental impact reports of development projects during the public review period and other similar documents. Recommend and promote marketing strategies for community outreach programs in order to strengthen the transportation image, increase usage, and integrate its role within the community. Recommend to the Council, after public input, the adoption, amendment or repeal of ordinances, resolutions, or requirements pertaining to public transportation within the City. Meetings are held on the second Thursday of each month, at the Tracy Transit Station, 50 E. Sixth Street, Tracy, California. The agendas for the advisory committees are posted at City Hall, Tracy Transit Station and Tracy Library at least 72 hours before the meeting. Also, the agenda and the staff report package is posted on our website at www.cityoftracy.org and copies are made available at the

Tracy Transit Station office during typical business hours. TAC meetings are held outside of typical business hours to provide the greatest opportunity for members of the public to participate. Time is available at the beginning of each TAC meeting for public to address issues not on the agenda. In addition, the public is provided the opportunity to address the Commission on each agenda item after staff has provided the staff report. A list of the TAC members is provided on the City website (www.cityoftracy.org)

TRANSPORTATION ADVISORY COMMISSION MEMBERS

Rajnish Khanna
Appointed: November 5, 2018
Term Expires: April 30, 2021
Race: East Indian

Alvin D. Vaughn
Appointed: May 1, 2018
Term Expires: April 30, 2022
Race: African American

Jacob Hunter
Appointed: May 1, 2019
Term Expires: April 30, 2023
Race: Caucasian

Roderick Stevenson
Appointed: May 1, 2018
Term Expires: April 30, 2022
Race: African American

Tim Silva
Appointed: December 3, 2013
Term Expires: April 30, 2018
Race: Caucasian

Alice English
Appointed: September 5, 2017
Term Expires: April 30, 2021
Race: Hispanic

Garry Cooper
Appointed: April 17, 2019
Term Expires: April 30, 2021
Race: African American

Brown Act (Government Code sections 54950-54962)

Transportation Advisory Commission meetings must comply with the Ralph M. Brown Act (Brown Act), which governs all public meetings and actions of governing boards or local and regional public agencies and their created bodies. Requirements of the Brown Act also apply to any committee or other subsidiary body of a local or regional agency, whether permanent or temporary, decision making or advisory, which is created by such a governing board. The Brown Act sets minimum standards for open meetings relative to access to the public, location of meetings, notice posting, agenda distribution, and public input. It is City of Tracy's aim to achieve and exceed these minimum requirements.

The primary source of service and fare changes will be the Short Range Transit Plan and its approval will fulfill these requirements. Consistent with all City public hearings, legal notice of public hearings will be published in a local newspaper of general distribution at least 14 days prior to the public hearing. Additional notices will be placed at City Hall, City of Tracy Transit Station, on transit vehicles, and on the City's Transit webpage (www.ridetracer.com). The public hearing will be scheduled at a time and place accessible to and convenient for the general public to attend. A staff person will record and prepare formal minutes of the public hearing.

Program of Projects

San Joaquin Council of Governments (SJCOG) is the Metropolitan Planning Organization for San Joaquin County. The City of Tracy relies on SJCOG's public participation process to satisfy its public participation requirements for the Program of Projects (POP). SJCOG has a Public Participation Plan that was adopted by the SJCOG Board on April 24, 2014. SJCOG provides outreach to a number of minority and Limited English Proficient organizations, including but not limited to:

African American Chamber of Commerce of San Joaquin County
Asian Pacific Self-Development Residential Association
California Miwok Tribe
California Tribal Partnership
Candelaria American Indian Council
Central Valley Asia-American Chamber of Commerce
El Concilio (Council for the Spanish-Speaking)
Lao Family Community of Stockton, Inc.
Lao Khmu Association, Inc.
NAACP, Stockton Branch
San Joaquin Hispanic Chamber of Commerce
United Cambodian Families
Vietnamese Voluntary Foundation (VIVO)

The City of Tracy will work with these organizations, as well, as part of its outreach.

Outreach to Engage Minority and Limited English Proficient Populations

The City of Tracy will continue assessing the language needs of citizens in its service area through its Language Assistance Plan (LAP), which is described in greater detail in a subsequent section of this Title VI program. To the greatest extent possible, to elicit public participation from minority and Limited English Proficient (LEP) populations, the City will engage in one or more of the following outreach activities:

Public outreach may include attending already existing community meetings and gatherings, such as school meetings, faith-based events, and other community activities in order to invite participation from LEP populations who may not attend hosted public events.

The City will ensure that non-English language interpretation will be available at any public meeting or workshop, as is appropriate and necessary.

Notices will be bilingual, or Spanish language notices will be developed and posted concurrently with English notices, as deemed necessary.

The City will distribute event information to community groups and agencies that work with LEP populations, if such contacts exist.

The City will contract to provide language assistance or interpretation services for customers that are non-English speaking, as deemed necessary.

Outreach techniques

Engaging minority and Limited English Proficiency (LEP) populations can be challenging. Below is a list of outreach techniques that the City of Tracy TRACER will use to actively solicit public input in the planning process of a project.

Public Meetings, Public Hearings, Open Houses & Focus Groups:

The City will host public meetings, public hearings, open houses and/or focus groups to discuss topics/projects of interest with the public. When hosting public meetings, the City will provide adequate notice to the public and follow all federally and state prescribed guidelines regarding public comment periods. At meetings, the City will utilize visualization aides such as power points and maps to assist the public in understanding the topics addressed.

City of Tracy TRACER public meetings, public hearings, open houses and focus groups will be scheduled at a time and place accessible to and convenient for the general public to attend. A staff person will record and prepare formal minutes of the public hearing.

Notices to the Public:

The City will include notations in public notices in appropriate non-English languages that provide a contact through which the individual can be informed in their language of the process/project, and the individual will have the opportunity to provide input.

Legal notice of TRACER public hearings will be published in a local newspaper of general distribution at least 14 days prior to the public hearing. Additional notices will be placed at City Hall, posted at Tracy Transit Station and on the City's webpage (www.cityoftracy.org & www.ridetracer.com)

Website: The City of Tracy and TRACER website offers a user-friendly structure and linguistic style understandable to lay people interested in projects and the planning process.

Google T

Language Identification Cards: Members of the public may identify their language needs to staff by pointing to their language on the City's language identification cards. These cards will be available at public meetings and with reservationists at Tracy Transit Station.

Since the City of Tracy's submission of its last Title VI Program, the City has not had a major service change or fare increase. However, the City has provided outreach to Limited English Proficient populations by providing the following:

- "Language Identification Flash cards" at public meetings and with reservationists at Tracy Transit Station;
- Google Translate services on the City's transit website (www.cityoftracy.org or www.ridetracer.com)
- Google Translate tool on reservationist computers.

<p>Farmers Market: Open House - Transit Commission (TAC) hosted a drop in open house at the City booth ,Downtown Farmer’s Market Event on Saturdays.</p>	<p>Annual April 2018 to October 2018 April 2019 to October 2019</p>	<p>All local groups and ethnicities represented in this large community event.</p>	<p>Primary topics are basic transit use topics - how to plan a ride, how to locate stops, how to ride the bus. Last year, TAC also handed out Schedule brochures information on TAC and Unmet Transit Needs Public Hearing info</p>	<p>TAC members handed out Bus Ride Guides and guided members of the public in how to get questions answered, and how to participate TAC public meetings.</p>
<p>Senior Resource Fair</p>	<p>Annual May 4, 2018 May 3, 2019</p>	<p>Attendees included representatives of Transit agencies, local groups and seniors</p>	<p>Included topics on how to use public transportation and door to door paratransit service.</p>	
<p>Short Reach Transit Plan</p>	<p>May 16 2018 Aug 22, 2018 Nov 8, 2018 May 21, 2019 July 11, 2019 Aug 20, 2019</p>	<p>Attendees included representatives of local groups, residents, seniors, disabled passengers, and low income passengers</p>	<p>Meeting topics included fixed route and paratransit service route design, local versus regional service, regional coordination, fare policy and rates, and technological enhancements</p>	



System-Wide Service Standards

Chapter IV of FTA Circular 4702.1B discusses the additional reporting requirements for recipients of FTA funding that operate fixed route transit service, in order to ensure that the agency complies with DOT Title VI regulations. The requirements only apply to fixed route service, not Paratransit Service. Per Circular 4702.1B definitions, “Fixed route refers to public transportation service provided in vehicles operated along pre-determined routes according to a fixed schedule.”

City of Tracy TRACER qualifies for a reduced level of Chapter IV reporting. If a fixed route transit provider does not operate 50 or more fixed route vehicles in peak service, the transit provider is only required to set system-wide standards and policies.

Outlined below are the system-wide service standards for TRACER.

1. Vehicle Load for Fixed Route Service

Vehicle Load is expressed as the ratio of passengers to the number of seats on a vehicle, relative to the vehicle’s maximum load point.

The City of Tracy will strive to have vehicle loads not exceed vehicles’ achievable capacities, which are 17 seats for 24-foot buses, 27 seats for 30-foot buses and 33 seats for the 35 foot Gillig. Standing passenger capacity can range for each type of vehicle. Regular weekday and weekend routes historically had very few standing passengers. During peak times, routes may require a small number of standees due to higher ridership numbers.

The City’s transit fleet consists of five (5) Gillig Low floor Diesel buses, one (1) MST II Freightliners, eight (8) cut-away vehicles. All are wheelchair accessible in compliance with the Americans with Disabilities Act (ADA) and all are equipped with bike racks. TRACER rarely turns passengers away due to overcapacity.

1. Weekday Route peak and off peak load= 1.0 (33 passengers for 33 seats on 35 foot Gillig; 13 passengers for 13 seats on 24 foot cutaway vehicles; no standees)
2. Commuter Route peak load= 1.0 (Average of 26 passengers for 26 seats on Freightliner buses= no standees)
3. Commuter Route off-peak load= 1.0 (13 passengers for 13 seats on cutaway buses; no standees)
4. Weekend Route peak and off-peak load= 1.0 (33 passengers for 33 seats On 35 foot Gillig; no standees)

The chart below identifies the make and model of the vehicles used to provide fixed route service and their maximum load factor:

Bus #	Bus Length	Year	Model	Make	Seat Capacity
1701	35 feet	2017	GILLIG	LOW FLOOR	33
1702	35 feet	2017	GILLIG	LOW FLOOR	33
1703	35 feet	2017	GILLIG	LOW FLOOR	33
1704	35 feet	2017	GILLIG	LOW FLOOR	33
1705	35 feet	2017	GILLIG	LOW FLOOR	33
45	30 feet	2006	Freightliner 30 Ft'r	MST II	27
47	24 feet	2010	Chevy cutaway	ARBOCK	17
48	24 feet	2010	Chevy cutaway	ARBOCK	17
49	24 feet	2010	Chevy cutaway	ARBOCK	17
1250	24 feet	2016	Cutaway	ELDORADO	14
1251	24 feet	2016	Cutaway	ELDORADO	14
1252	24 feet	2016	Cutaway	ELDORADO	14
1253	24 feet	2016	Cutaway	ELDORADO	14

2. Vehicle headways for each mode

Vehicle headway is the amount of time between two vehicles traveling in the same direction on a given line or combination of lines. Vehicle headways are measured in minutes; service frequency is measured in vehicles per hour. Headways and frequency of service are general indications of service provided along a route.

City of Tracy's fixed routes A and B vehicle headways are approximately 40 minutes for regular weekday Service; therefore vehicle frequency per route during weekdays is 2 vehicles per hour. Routes C and D on weekdays are 1.0 hour; therefore vehicle frequency per route during weekdays and is 1 vehicle per hour.

Routes A, B, C and D vehicle headways on weekends are every 1.0 hour; therefore vehicle frequency per route during weekends is 1 vehicle per hour.

Weekday Commuter routes, which run in the morning and afternoon, operate during the busiest times of the day and serve work and school commuters. Morning times are from 5:00am to 8:30am; afternoon times are from 3:15pm to 5:10pm.

Commuter Routes E, F and G: 1 hour headway; 2 runs per route; therefore vehicle frequency is 3 vehicles per hour.

City of Tracy will look at increasing frequency and shortening headway times in the future on routes that have higher loads.

3. On-time performance for each mode: On-time performance is a measure of runs completed as scheduled. Below are City of Tracy performance standards for all fixed routes, per the transit operations contract:

On-Time Departures:

City buses shall depart no more than 5 minutes late from any scheduled and published departure time. Contractor shall strive to meet a minimum of 95% of bus departures within zero to 5 minutes after published or scheduled time points.

Operating Ahead of Schedule:

No bus shall depart a designated time point prior to its scheduled departure time.

Missed Trips:

Contractor shall, at a minimum, complete 100% of all scheduled trips on a monthly basis. Any fixed route trip operating 15 minutes or more behind the scheduled time shall be considered a “missed trip”.
Failure to Pick up Passenger: Contractor shall not fail to pick up any passenger waiting at a designated bus stop.

4. Service availability for each mode

Service availability is a general measure of the distribution of routes within a transit provider’s service area.

Eighty (80) percent of all residents in the service area are within a one-quarter mile walk of all regular Weekday, Express and Weekend transit bus stops.



System-Wide Service Policies

The Federal Transit Administration (FTA) requires that all fixed route public transit providers develop *qualitative* standards for the following indicators that are applicable specifically to the transit provider's system. They apply agency-wide rather than industry-wide.

Transit Amenities Policy

Transit amenities refer to items of comfort, convenience, and safety that are available to the general riding public. Fixed route transit providers must set a policy to ensure equitable distribution of transit amenities across the system. This requirement applies after a transit provider has decided to fund an amenity. Transit amenities may include: seating (benches, seats at stops/stations); bus shelters; printed information (signs, system maps, schedules; digital equipment ie: Waste receptacles including trash and recycling

City of Tracy determines equitable locations of all transit amenities throughout the City. Locations of bus stop improvements including benches, bus shelters, trash cans, recycling containers, etc. are distributed equitably throughout all routes. Bus stop improvements will be given priority at locations that receive higher numbers of boarding and alighting or may need ADA improvements, but these will be made on a variety of routes throughout the City during each improvement cycle. In addition, transit amenities such as current Intelligent Transportation System (Automatic Vehicle Location) project will benefit all passengers regardless of fixed routes used.

Title VI Equity Analysis. The City of Tracy has not built and does not have a transit related facility in the planning stages and that would soon be under construction using Federal Transit Administration funding. A separate Title VI Equity Analysis would be prepared by a third-party consultant and will be submitted separate cover if applicable. Therefore, this section does not apply.

Vehicle Assignment Policy

Vehicle assignment refers to the process by which transit vehicles are placed into service and on routes throughout the transit provider's system.

Transit vehicles in Tracy will be assigned to routes based on ridership, type of route, and operating characteristics of buses, including bus length and turning radius.

Routes with lower ridership or that require tight turns on narrow streets may be assigned cutaway (24 foot) buses rather than the larger 35-foot buses, while Routes A B C will frequently be assigned a large bus to accommodate ridership.

City of Tracy will maintain its fleet and replace vehicles as required by FTA's minimum service life policy (10 years or 350,000 miles for 32 foot buses; 5 years or 150,000 miles for cutaway/24 foot) buses. Distribution of vehicles throughout the fixed route system will not be based on Age/condition but rather the needs for that particular route. All large buses and smaller cutaways are equipped with wheelchair ramps. In addition, all buses have bike racks and air conditioning.



City of Tracy TRACER Limited English Proficiency Plan

Introduction

The purpose of this limited English proficiency policy guidance is to clarify the responsibilities of the City of Tracy TRACER, as a recipient of federal financial assistance from the U.S. Department of Transportation (DOT), of responsibilities to limited English proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. It was prepared in accordance with **Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq.**, and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance, and;

Executive Order 13166

Executive Order 13166 "Improving Access to Services for Persons With Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice's (DOJ's) Policy Guidance entitled "Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons With Limited English Proficiency." (See 65 FR 50123, August 16, 2000 DOJ's General LEP Guidance). Different treatment based upon a person's inability to speak, read, write, or understand English may be a type of national origin discrimination.

Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies (such as the City of Tracy TRACER) and governments, private and non-profit entities, and sub recipients.

Plan Summary

The City of Tracy TRACER has developed this Limited English Proficiency Plan (LEP) to help identify reasonable steps to provide language assistance for LEP persons who seek meaningful access to City of Tracy TRACER services as required by Executive Order 13166. As defined by this order, a Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.

This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training, how to notify LEP persons that assistance is available, and information for future plan updates.

In developing the plan, the City of Tracy TRACER undertook a U.S. Department of Transportation four factor LEP analysis which considers the following factors:

- 1) The number or proportion of LEP persons in the City of Tracy TRACER service area who may be served by or are likely to encounter a City of Tracy TRACER program, activity, or service;
- 2) the frequency with which LEP individuals come in contact with City of Tracy TRACER programs, activities, or services;
- 3) the nature and importance of the program, activity or service provided by the City of Tracy TRACER to the LEP population; and
- 4) the resources available to the City of Tracy TRACER and overall costs to provide LEP assistance.

A summation of these considerations is provided in the following section.

Four Factor Analysis

1. The number or proportion of LEP persons in the City of Tracy TRACER service area who may be served by or are likely to encounter a City Tracy TRACER program, activity, or service.

The City of Tracy TRACER examined the US Census *Selected Social Characteristics: 2018 American Community Survey 5-Year Estimates*. According to the 2018 data, the population of Tracy household was 88, 806. The population 5 years and over was 83,312 in 2018, or 93.8% of the household population. Using the percentages in Languages Spoken At Home from the *2018 American Community Survey 5-Year Estimates*, the City of Tracy TRACER has determined the following about the City's population over age 5 in the service area:

- 58% or 48,282 people speak English only.
- Approximately 42% or 35,030 people speak a language other than English. 15.9% or an estimated 13,219 people speak English less than “very well”.
- The largest proportion of non-English speaking language groups is Spanish: 23.2% or an estimated 19,315 people speak Spanish, and 8.89% or 7,312 of this language group speak English less than “very well”.
- 9% or an estimated 8,227 people speak Other Indo-European languages, of this language group 3.7% or 3,118 people speak English less than “very well”.
- 7.8% or an estimated 6,470 people speak Asian and Pacific Island languages, and of this language group 3.0% or 2,526 people speak English less than “very well”.
- 1.2% or an estimated 1,018 people speak other languages, and of this language group, 0.3% or 263 people speak English less than “very well”.

(See Appendix 1: Selected Social Characteristics: 2018 American Community Survey 5-Year Estimates, Tracy, CA)

2. The frequency with which LEP individuals come in contact with City of Tracy TRACER program, activity, or service.

The City of Tracy TRACER assesses the frequency at which staff and drivers have or could possibly have contact with LEP persons. This includes documenting phone inquiries and verbally surveying drivers. The City of Tracy TRACER staff and drivers have frequently had interactions with Spanish speaking passengers on all fixed routes. There have been requests for Spanish interpretation in the past, and the City of Tracy TRACER has accommodated these requests by posting all notices to passengers in both English and Spanish, providing bilingual fixed route and Paratransit information Guides, and ensuring that all phone recordings have a Spanish option. The Contractor (MTM, Inc.) has bilingual capabilities to accommodate any requests. Other language accommodations are being looked into, including Urdu. This is a less common language, but one that has been requested.

3. The nature and importance of the program, activity, or service provided by the City of Tracy TRACER to LEP community.

The largest geographic concentration of LEP individuals in the City of Tracy TRACER service area are Spanish-speaking. This population is 23.2% of the population over 5 years of age, or an estimated population of 19,315 of this group. Those that speak English less than “very well” are 8.8% of the population or an estimated 7,312 people.

There are several social, service, professional and leadership organizations within the City of Tracy TRACER service area that focus on outreach or membership of these LEP individuals. The organizations include but are not limited to, El Concilio "Council for the Spanish Speaking" which serves San Joaquin and Stanislaus Counties; San Joaquin Hispanic Chamber of Commerce; Nueva Vida-New Life medical support program.

Of the other LEP populations, ‘Other Indo-European’ and ‘Asian and Pacific Island’ languages, the proportion of speakers who speak Spanish less than “very well” is much smaller than that of Spanish speakers. The City of Tracy Transit Division is looking into identifying the precise types of languages spoken so that it may provide translated materials to these populations as well.

4. The resources available to the City of Tracy TRACER and overall costs to provide LEP assistance.

The City of Tracy TRACER has assessed its available resources that could be used for providing LEP assistance. Because a large percentage of the riders have been identified as Spanish speaking, the City of Tracy uses a service to translate rider guides, posted flyers, and policies, among other necessary materials. The City of Tracy TRACER also requires that a Spanish-speaking reservationist be available at Tracy Transit Station during business hours. This individual handles reservations and assists customers at the customer service window. Either the City Staff or the Spanish-speaking Contract employee hired by the Contractor updates materials as necessary.

The City of Tracy TRACER has also analyzed other types of translations that may be necessary, but has not had any requests for language translation other than Spanish.

After analyzing the four factors, the City of Tracy TRACER developed the plan outlined in the following section for assisting persons of limited English proficiency.

LIMITED ENGLISH PROFICIENCY PLAN OUTLINE

How the City of Tracy TRACER Staff may identify an LEP person who needs language assistance:

Examine records of requests for language assistance from past meetings and events to determine the possible need for assistance at future events;

When City of Tracy TRACER sponsored workshops or conferences are held, set up a sign-in sheet table, have a staff member greet and speak to each attendee to informally gauge their ability to speak and understand English. The staff member will ask a question that requires a full sentence reply to verify proficiency;

Have the Census Bureau's "Language Identification Flashcards" at City of Tracy TRACER events so that individuals can self-identify as needing translation assistance when the language is other than Spanish (which will be automatically provided). Although staff may not be able to assist at the meeting, they will be able to provide translated materials after the event, and the cards will be a tool to identify language needs for future meetings. Language Identification cards will also be available at the Tracy Transit Station lobby at the reception desk and will be used by reservationists;

Survey drivers and other first-line staff, such as dispatchers, on an annual basis at the beginning of each fiscal year regarding their experience on having any direct or indirect contact with LEP individuals.

Language Assistance Measures

The City of Tracy TRACER will implement the following LEP procedures:

- Census Bureau's "Language Identification Flashcards" will be located at the Customer Service window in Tracy Transit Station at all times.
- The computer(s) located at the Customer Service window in the lobby of Tracy Transit Station have an online translation tool added to the favorites listing for easy access via Microsoft Internet Explorer. Blocks of text can be translated and printed for the LEP customer to read. This will aid the staff in the interpretation of services on a one on one basis for LEP individuals visiting the Tracy Transit Station.

- If an individual is a Spanish-speaker, the City of Tracy TRACER has a Spanish-speaking Reservationist available at the Tracy Transit Station. This individual handles reservations and assists customers at the customer service window.
- When an interpreter is needed, in person or on the telephone, and the City of Tracy TRACER staff has exhausted the above options, staff will first attempt to determine what language is required. Staff will utilize the telephone interpreter service - Language Line Services at <http://www.language.com>. On the Language Line home page the staff will select the 'Need an Interpreter Now?' link and follow the directions to receive an access code.

City of Tracy TRACER Staff Training

All City of Tracy TRACER staff will be provided with the LEP Plan and will be educated on the following procedures. This information will also be part of the staff orientation process for new hires. Training topics are listed below:

- Understanding the Title VI policy and LEP responsibilities;
- Language assistance services the City of Tracy TRACER offers;
- Use of LEP “Language Identification Cards” for the Census Bureau;
- How to access the online Translation tool via the Customer Service computer in the Tracy Transit Station;
- How to use the "Language Line" interpretation and translation services;
- Documentation of language assistance requests;
- How to handle a Title VI and/or LEP complaint

Outreach Techniques

Since first draft of the City of Tracy TRACER LEP Plan, City of Tracy TRACER has a formal practice of outreach techniques. These include the following:

- When staff will be hosting a meeting or workshop, or will be presenting a pertinent topics, all meeting notices, flyers, advertisements, and agendas will be printed in Spanish, and an alternative language if it is determined that such language is necessary.

- When running a general public meeting notice, staff will state that a translator will be available in Spanish, or in another language as determined to be necessary. The included clause will be similar to, “A (insert alternative Language) translator will be available”. For example: “Un traductor del idioma español estará disponible”, or “A Spanish translator will be available”.
- In addition to the existing Spanish language translations of key print materials, the City of Tracy TRACER also provides translation of schedules and maps, and notices in languages other determined to be necessary, and made available at the Tracy Transit Station, and on board vehicles.

Monitoring and Updating the LEP Plan

This City of Tracy Transit System LEP Plan is designed to be easily updated. At a minimum, the City of Tracy TRACER will follow the Title VI Program update schedule for the LEP Plan of submission every 3 years.

Each update of the LEP Plan will examine plan components including:

- How many LEP persons were encountered annually?;
- Were the needs of these LEP persons met?;
- What is the current LEP population in the City of Tracy TRACER service area?;
- Is a change needed in the types of language translation services provided?;
- Is there still a need for continued language assistance for previously identified City of Tracy Transit System programs? Are there other programs that should be included?;
- Have the City of Tracy TRACER 's available resources, such as technology, staff, and financial costs changed?;
- Has the City of Tracy TRACER fulfilled the goals of the LEP Plan?; and
- Were any complaints received?

Dissemination of the City of Tracy TRACER Limited English Proficiency Plan

The City of Tracy TRACER will include the LEP plan on the City of Tracy website (www.ridetracer.com) together with its Title VI Policy and Complaint Procedures. The City of Tracy TRACER Notice of Rights under Title VI to the public will be posted in the Tracy Transit Station, on all City of Tracy TRACER vehicles, and in selected printed materials also refers to the LEP Plan's availability.

Any person, including social service, non-profit, and law enforcement agencies and other community partners with internet access will be able to access the plan.

Copies of the LEP Plan will be provided, on request, to any person(s) requesting the document via phone, in person, by mail or email. LEP persons may obtain copies/translations of the plan upon request.

Any questions or comments regarding this plan should be directed to the City of Tracy TRACER Title VI Coordinator, as follows:

Jayne Pramod, City of Tracy Title VI Coordinator
50 E. 6th Street
Tracy, California 95376
Phone: (209) 831-6214
E-mail: jayne.pramod@cityoftracy.org

Appendix 1

Selected Social Characteristics: 2018 American Community Survey 5-Year Estimates, Tracy, CA		
Estimated Total Household Population: 88,806		
Language Spoken at Home	Estimate	Percent
Population 5 years and over	83,312	93%
English only	48,282	58%
Language other than English	35,030	42%
<i>Speak English less than "very well"</i>	13,219	15.9%
Spanish	19,315	23%
<i>Speak English less than "very well"</i>	7,312	8.8%
Other Indo-European languages	8,227	9%
<i>Speak English less than "very well"</i>	3,118	3.7%
Asian and Pacific Islander languages	6,470	7.8%
<i>Speak English less than "very well"</i>	2,526	3.0%
Other languages	1,018	1.2%
<i>Speak English less than "very well"</i>	263	0.3%

Source: US CENSUS DATA City of Tracy California 2018 ACS 5-Year Estimates Data Pro

Weblink: <https://data.census.gov/>

RESOLUTION 2020-_____

APPROVING CITY OF TRACY TRANSIT DIVISION TITLE VI PROGRAM AND LANGUAGE ASSISTANCE PLAN FOR TRACER FIXED ROUTE AND PARATRANSIT SERVICES

WHEREAS, The City of Tracy receives funding from the Federal Transit Administration (FTA) funding, and

WHEREAS, The City of Tracy's Title VI Program for the Transit Division is a requirement for FTA funding, and

WHEREAS, The City of Tracy is updating its Title VI Program and Language Assistance Plan to be compliant with FTA's requirement that programs be updated every three years, and

WHEREAS, Staff recommends that the City Council approve the updated City of Tracy Transit Division Title VI Program and Language Assistance Plan for Tracer Fixed Route and Paratransit Services;

NOW, THEREFORE, BE IT RESOLVED, That City Council approves the updated City of Tracy Transit Division Title VI Program and Language Assistance Plan for Tracer Fixed Route and Paratransit Services.

* * * * *

The foregoing Resolution 2020-_____ was adopted by the Tracy City Council on the 19th day of May, 2020, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.E

REQUEST

GRANT LEAVE TO FILE LATE CLAIM AND REJECT CLAIM FILED BY NANCY LUNETTA

EXECUTIVE SUMMARY

Nancy Lunetta (“Claimant”) filed a claim against the City of Tracy for damage to her vehicle allegedly caused by a City owned tree. The claim was denied as untimely. Thereafter, Claimant requested the City’s permission to file a late claim. Staff recommends the City Council grant the request to file a late claim, but reject the claim itself.

DISCUSSION

Under the Government Claims Act, individuals seeking money or damages against the City must generally file an administrative claim with the City before filing any court action. Claims for damages arising from personal injury or property damage are required to be submitted to the City within six (6) months from the date the event giving rise to the claim occurred. Other types of claims are required to be submitted within one (1) year. Claims not submitted within the required time are generally barred. However, the claimant may also request permission from the City to file a claim late. The City may choose to grant or deny the request, but the City must grant this request if the claim was not presented in a timely fashion due to mistake and the late claim will not prejudice the City’s defense of the claim.

The City has forty-five (45) days to respond once receiving a claim. If the City does not respond within that time, the claim is deemed rejected. Once the City takes action on a claim, or the claim is deemed rejected, the claimant may file a lawsuit in superior court if he or she is not satisfied with the City’s actions. The City Council has previously delegated authority to the City Manager to take certain actions regarding the handling of claims.

Claimant submitted a claim to the City on January 30, 2020 alleging that a City tree fell and caused damage to her vehicle on July 17, 2019. Because the claim was submitted more than 6 months after the alleged event occurred, it was rejected as untimely on February 5, 2020. Thereafter, Claimant filed a request to submit an untimely claim and explained that the claim was filed late because it had initially been sent to the wrong address. Because allowing the claim to be filed late will not prejudice the City’s defense of the claim, the City should grant Claimant permission to file the claim late in accordance with the requirements of the Government Code.

Although the request to file a late claim should be granted, the claim itself should be rejected. A public entity is only liable for injuries or damages caused by a dangerous condition of its property if the claimant establishes, among other thing, that either: (a) a negligent or wrongful act of the public entity created the dangerous condition, or (b) the public entity had actual or constructive notice of the dangerous condition. Because the

claimant has not established the City is liable for the damages she alleges, the claim should be rejected.

STRATEGIC PLAN

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

FISCAL IMPACT

There is no direct fiscal impact of adopting a resolution to reject the claim.

RECOMMENDATION

Staff recommends that the City Council adopt the resolution rejecting the claim filed by Nancy Lunetta.

Prepared by: Leticia Ramirez, City Attorney

Reviewed by: Kimberly Murdaugh, Human Resources Director
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

RESOLUTION 2020-_____

GRANTING LEAVE TO FILE LATE CLAIM AND REJECTING CLAIM FILED BY NANCY LUNETTA

WHEREAS, Nancy Lunetta submitted a claim to the City of Tracy on January 30, 2020 alleging that a City tree fell and caused damage to her vehicle on July 17, 2019; and

WHEREAS, The City rejected the claim as untimely on February 5, 2020; and

WHEREAS, Claimant submitted a request for leave to present a late claim which was received by the City on February 21, 2020; and

WHEREAS, The City Council desires to grant Claimant's request for leave to present a late claim; and

WHEREAS, Claimant's claim does not reveal any liability on the part of the City; and

WHEREAS, The City Council desires to reject Claimant's claim once filed.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby declares as follows:

1. The above Recitals are true and correct and incorporated herein by reference.
2. The request for leave to present a late claim submitted by Nancy Lunetta to the City on February 21, 2020 is granted.
3. The claim filed by Nancy Lunetta on January 30, 2020 is rejected.
4. The City Manager and City Attorney are authorized and directed to take any actions necessary to carry out the intent of this Resolution and notify claimant of the same.

* * * * *

The foregoing Resolution 2020-_____ was passed and adopted by the Tracy City Council on the 19th day of May, 2020, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.F

REQUEST

EXTEND THE YEAR 2020 DEADLINE TO OBTAIN A BUILDING PERMIT UNDER SECTION D.3.(c) OF THE CITY OF TRACY GROWTH MANAGEMENT ORDINANCE GUIDELINES FOR FORTY-FIVE (45) CALENDAR DAYS DUE TO COVID-19 PUBLIC HEALTH EMERGENCY

EXECUTIVE SUMMARY

City staff requests that the City Council approve a one-time, temporary extension of the deadline for obtaining a building permit for parcels for which a Residential Growth Allotment (RGA) has been issued, to provide partial relief from potential hardships created by the COVID-19 public health emergency. The requested action would extend the deadline by forty-five (45) calendar days, from September 30 to November 14, and would be a one-time extension that expires on November 14, 2020.

DISCUSSION

On November 20, 2019, consistent with the City's Growth Management Ordinance (Tracy Municipal Code Chapter 10.12), the City's Growth Management Board (the "Board") met and determined the City's allocation of Residential Growth Allotments (RGAs) for calendar year 2020. Pursuant to and consistent with the City's Growth Management Ordinance Guidelines (the "GMO Guidelines") (Resolution No. 2014-145), the Board allocated 750 RGAs to six (6) different residential development projects.

Under Section D.3.(c) of the GMO Guidelines, for each RGA issued by the Board last November, the property owner has until September 30, 2020, to pull a building permit for the parcel that is the subject of the RGA. If the property owner does not pull a building permit for a parcel that is the subject of an RGA issued last November, then that RGA will revert back to the City and may be re-allocated by the Board to a different project that meets the GMO Guidelines requirements.

Several property owners that received RGA allocations last November have asked Planning Staff whether the City will be extending the September 30 building permit deadline to help alleviate development application processing difficulties and construction delays caused by the COVID-19 public health emergency and associated sheltering-in-place orders. The City Council previously extended various land use, zoning and subdivision deadlines pursuant to its Urgency Ordinance No. 1285, to provide similar relief from difficulties arising from the COVID-19 emergency and public health and safety orders.

City staff believes that a one-time extension of the Section D.3.(c) building permit deadline is appropriate in these unusual circumstances. The state-wide stay-at-home order issued by the Governor has resulted in the closing to the public of City Hall and, although most City staff are working remotely, the City's processing of applications for building permits and other types of development applications has been affected by the restrictions associated with social distancing. In addition, the stay-at-home order has

resulted in temporary work stoppages and delays in residential construction projects. As a result, the recipients of the RGAs issued last November have had to adjust their operations and schedules, making it more difficult to meet the September 30 deadline. Staff believes that a forty-five (45) calendar day extension of that deadline is a reasonable accommodation that will not adversely affect the City's administration and implementation of its Growth Management Ordinance.

Attached to this Report is a proposed Resolution, which would extend the September 30 building permit deadline, for this calendar year only, for 45 days to November 14, 2020. As proposed, the extension would expire on November 14, 2020, and the September 30 deadline would be restored for all future RGA allocations.

FISCAL IMPACT

The fiscal impacts of this decision are unknown. However, it is assumed that the fiscal impact will be neutral, as it is not anticipated to affect the number of actual permits pulled by developers.

STRATEGIC PLAN

The requested action is consistent with the Council-approved Quality of Life Strategy to engage in efforts to increase the inventory of affordable and workforce housing in Tracy.

RECOMMENDATION

Staff recommends that the Tracy City Council approve, by resolution, a one-time extension of the building permit deadline in Section D.3.(c) of the GMO Guidelines for RGAs allocated in 2019.

Prepared by: William Dean, Assistant Director, Development Services Department

Reviewed by: Karin Schnaider, Finance Director
Andrew Malik, Assistant City Attorney

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

Attachment A – Resolution No. 2014-145

Attachment A

RESOLUTION 2014-145

ADOPTING REVISED GROWTH MANAGEMENT ORDINANCE GUIDELINES

WHEREAS, On June 16, 1987, City Council adopted by ordinance a Residential Growth Management Plan, (commonly referred to as the Growth Management Ordinance "GMO"), which has been amended from time to time and which is codified in Tracy Municipal Code Chapter 10.12, and

WHEREAS, On February 20, 2001, the City Council adopted Resolution 2001-067, GMO Guidelines to aid in the implementation of the Growth Management Ordinance, and

WHEREAS, Measure A, which became effective December 22, 2000, caused a change in the growth rate and patterns of the City, thus creating a need to review and update the GMO and GMO Guidelines to most effectively implement the intentions of the Residential Growth Management Plan, and

WHEREAS, On April 5, 2005, City Council adopted Resolution 2005-092 which amended the GMO Guidelines, and

WHEREAS, It is the intent of the City Council to substantially modify the GMO Guidelines from time-to-time to implement the General Plan, and

WHEREAS, On May 19, 2009, City Council adopted Resolution 2009-084 which amended the Growth Management Ordinance Guidelines, and

WHEREAS, On October 16, 2012, City Council adopted Resolution 2012-214, which amended the Growth Management Ordinance Guidelines, and

WHEREAS, On September 2, 2014, City Council held a regular meeting to consider revisions to the Growth Management Ordinance Guidelines, and

WHEREAS, The revised GMO Guidelines, which implement the requirements of the GMO, are set forth below;

NOW, THEREFORE, BE IT RESOLVED, by the Tracy City Council as follows:

SECTION 1. Resolution 2012-214 is hereby repealed.

SECTION 2. In accordance with the Growth Management Ordinance ("GMO"), Tracy Municipal Code Chapter 10.12, specifically section 10.12.050, the Tracy City Council hereby adopts the "Growth Management Ordinance Guidelines," as set forth below.

Growth Management Ordinance ("GMO") Guidelines

A. Overview; Purpose of Guidelines.

The Guidelines are intended to contemporize the City's residential growth management program by addressing the following components:

- Residential Growth Allotment and Building Permit activities including tracking and forecasting of all RGAs and Building Permits
- RGA Exemptions
- RGA Issuance including application requirements, deadlines, expirations
- System for Allocation of RGAs/Building Permits

B. Annual Report on Residential Building Activity and Projections/Forecast.

An Annual Report, and a preliminary, and final RGA allocation, shall be prepared by staff and presented to the Growth Management Board ("GMB"). This Annual Report shall serve as the official tracking system for the GMO and shall include historic information as well as update the annual average/maximums of the GMO. In addition, the Annual Report shall serve as the official forecast for the purposes of planning the next calendar year's RGA allocation by identifying various residential projects in process.

C. Applications. All applications for RGAs shall meet all requirements of the GMO, and these Guidelines.

1. Applicability; Application Contents. Every project is subject to these Guidelines unless specifically exempted by the GMO. Each application shall identify, at a minimum, (1) the project which is the subject of the application; (2) the applicant; (3) all property owners; (4) the purpose of the application; (5) each development project which is the subject of the application; (6) the total number of dwelling units included in the project which is the subject of the application for which: (i) the City has previously allocated RGAs, (ii) the applicant has received building permits, (iii) the applicant has received certificates of occupancy or approved final building inspection, (iv) the applicant's RGA has expired; and (7) compliance with all requirements of the GMO and the GMO Guidelines relevant to the application.

2. Application and Eligibility Requirements.

(a) In order to apply for an RGA a project must demonstrate *all of the following components*:

- (i) be within the City limits,
- (ii) be identified in the City's General Plan ("GP") as an area for residential growth consistent with all GP growth policies set forth in Object LU 1.4,
- (iii) be within an approved specific plan/PUD, or within a zoning district that permits residential uses,
- (iv) be subject to an approved Finance and Implementation Plan (FIP) based on approved infrastructure master plans,

- (v) have an approved Tentative Subdivision Map, Vesting Tentative Subdivision Map, or if no map is required, Development Review approval in accordance with Tracy Municipal Code ("TMC") Section 10.08.3920 et seq., or a Final Development Plan in accordance with Tracy Municipal Code ("TMC") Section 10.08.1760, et seq.
3. Application due dates. The term "application date" shall mean the deadline for filing any complete application pursuant to the GMO (including applications for RGAs, exceptions, and residential building permits). Unless otherwise established in these Guidelines, the application for RGAs, other than Affordable Housing Project RGAs, shall be the first Thursday in September each year for RGAs to be used to obtain building permits in the following calendar year. See Section D below for Timeframes for Allocations.
 4. Application dates for Affordable Housing Project exception applications. In accordance with the GMO, the application date for filing Affordable Housing Project exception applications shall be at any time during normal City working hours. (Also see GMO section 10.12.100(d)).
 5. Affordable Housing Project exceptions. The GMB shall determine, and allocate, the number of RGAs which are subject to the Affordable Housing Project exception set forth in the GMO. The allocation of RGAs for Affordable Housing Project exceptions may occur at any time, regardless of the allocation cycles established in the GMO. These applications will be processed as they are received, and RGAs shall be allocated to the qualifying applicants in accordance with the GMO. Affordable housing exceptions count against the GMO average/maximum for affordable housing but not against GMO average of 600 for market rate. Affordable housing exceptions do count against the GMO maximum of 750 per calendar year.
- D. Timeframes for RGA allocations; expirations.
1. Allocations timeframes. The following timeframes shall apply to the allocations of RGAs:
 - 1st Thursday in September: Application date per C 3 above
 - October-November: GMB Public hearing to allocate RGAs
 - December: Appeals (if any) to City Council
 - October-March: Staff verification of submitted or approved project Final Map
 - No later than March 31: GMB verifies number of RGAs allocated against number of lots on submitted or approved Final Map
 2. Calendar years 2013 through 2016. The application date for an RGA application in calendar years 2013 through 2016 shall be at any point during this period. The GMB shall meet as needed in response to complete RGA applications in calendar years 2013 through 2016 to allocate RGAs. However, the application date for an RGA application for RGAs described in subsection F 6 shall be no earlier than April 1st of each of those years.

3. Expirations.

(a) RGAs shall be valid only for the calendar year for which they are allocated, and shall expire concurrently with issuance of the building permit, or pursuant to this subsection.

(b) No later than March 31st the GMB shall verify that a Final Map and improvement plans have been submitted and/or approved for the number of lots for which RGAs were awarded. Any RGAs for the number of lots that do not have submitted or approved Final Maps or improvement plans as of March 31st shall automatically revert back to the City and shall be available for the GMB to allocate to projects with complete applications in accordance with the criteria in Section F.

(c) RGAs must be used to obtain a building permit no later than September 30th of the year following the allocation in accordance with GMB action. For RGAs allocated in years 2013 through 2016, the RGA must be used by September 30th in the year for which it was allocated. In the event an RGA has not been used to obtain a building permit by September 30th, then such RGAs automatically revert back to the City and shall be available for the GMB to allocate to projects with complete applications in accordance with the criteria set forth in Section F. The GMB shall meet as needed to address such RGA allocations.

E. Evaluation of RGA Applications and Final RGA Allocations.

1. In order to obtain an RGA allocation, the applicant shall provide documentation to the satisfaction of the Board, that the public facilities and services required to serve the development project are available to the project, including each of the elements set forth below. A project with an approved Vesting Tentative Subdivision Map, Tentative Subdivision Map, Development Review approval, or Finance and Implementation Plan is deemed to have complied with the public facilities obligations of this section. The public facilities and services to be analyzed by the Board for each RGA application shall include, at a minimum: (1) the water system (including supply, storage, treatment, distribution); and (2) the wastewater system (including conveyance and treatment); and (3) the storm drainage system (including permanent facilities and interim ponds prior to construction of the permanent facilities); and (4) the roadway system (including regional streets and interchanges, transit, bikeways, local streets, traffic signals, and other public right-of-way improvements); and (5) the parks system (including mini parks, neighborhood parks, and community parks); and (6) public buildings (including but not limited to buildings for city hall, police, fire, public works maintenance, community meeting facilities, libraries, and aquatics); and (7) police protection services and facilities; and (8) fire protection services and facilities. Any application which does not meet all of the minimum requirements shall not receive any RGA allocations.
2. In accordance with the preparation and process for the Annual Report, as described in Section B above, the GMB shall issue a recommendation of preliminary allocations, hold a public hearing for input on the proposed allocations, and issue final allocations. At the public hearing, the Board shall address written and oral comments regarding the Annual Report and the proposed RGA allocation. The purpose of the Board's consideration of written and oral comments at the public hearing shall be for applicants to provide information which was not included in the

application. The public hearing may be continued by the Board, as necessary, to obtain additional information. After the conclusion of the public hearing, the Board shall provide written notice to each applicant of the Board's final RGA allocations. After the appeal period has expired pursuant to Tracy Municipal Section 10.12.160, and after the City Council has acted on any relevant appeals, the Board shall issue a final determination of RGA allocations. The allocations of the GMB shall be final unless appealed to the City Council in accordance with the GMO. Allocations shall be project-specific.

F. RGA allocation criteria, order of priority for allocations of RGAs; proportionate allocation of previously unallocated RGAs.

The GMB shall evaluate RGA applications, and allocate RGAs, in accordance with these criteria. A project may not receive more RGAs than on its approved Tentative Subdivision Map or Development Review Approval, or Final Development Plan. In any year, the GMB shall not allocate more RGAs than the anticipated number of available building permits for that same year. RGAs shall be issued on a first come first serve basis based when the City receives a complete application and in accordance with the following order of priority:

1. Vested Projects: RGA applications from projects vested under a previous GMO Guidelines shall be process in accordance with such guidelines.
2. Primary Growth Areas. Primary Growth Areas are defined in Exhibit "A", attached hereto and incorporated herein by this reference. Subject to the requirements of the GMO and these Guidelines, including criteria in subsection F 8 below, Primary Area projects shall be entitled to receive, at the beginning of each allocation cycle:
 - (a) In years where 750 RGAs may be allocated, the Primary Growth Areas shall be entitled to receive 100 RGAs;
 - (b) In years where 600 RGAs may be allocated, the Primary Growth Areas shall be entitled to receive 80 RGAs
3. Development Agreements. Notwithstanding subsection 4 below, Development Agreement projects may receive allocations as specifically set forth in the applicable development agreement subject to the provisions in these Guidelines. In any conflict between the development agreement and these Guidelines, the development agreement provisions shall control.
4. Tracy Hills and Ellis Specific Plan Projects. The following specific plan projects, more fully described in the General Plan and subject to the requirements of the GMO and these Guidelines, shall be entitled to receive, at the beginning of each allocation cycle:
 - (a) In years where 750 RGAs may be allocated, Tracy Hills shall be eligible to receive 406 RGAs and Ellis shall be eligible to receive 194 RGAs
 - (b) In years where 600 RGAs may be allocated, Tracy Hills shall be entitled to receive 325 RGAs and Ellis shall be entitled to receive 155 RGAs
 - (c) If either Tracy Hills or Ellis receives less than the number of RGAs described above, the difference between the numbers of RGAs allocated and the numbers

- of RGAs described above shall be reserved. Either Tracy Hills or Ellis may apply for such RGAs no later than the March GMB meeting described in Section D. If Tracy Hills or Ellis do not apply for RGAs prior to the March GMB meeting, the RGAs shall be available in accordance with this Section F.
5. Other Projects. "Other Projects" is defined as initially beginning with the Kagehiro Phase III project (Assessor's Parcel Number 242-040-360) and then commencing with development sites identified in the General Plan Objective LU 1.4 that are not within the Primary Areas as defined in these GMO Guidelines. Subject to the requirements of the GMO and these Guidelines, the Other Projects shall be entitled to receive, at the beginning of each allocation cycle:
 - (a) In years where 750 RGAs may be allocated, Other Projects shall be entitled to receive 50 RGAs per year
 - (b) In years where 600 RGAs may be allocated, Other Projects shall be entitled to receive 40 RGAs per year
 6. If the number of RGAs allocated does not meet or exceed the number of RGAs available, the remaining RGAs shall then be made available on a proportionate basis in accordance with the criteria set forth in subsections F 1-5 to the projects identified in subsections F 1-5, for which a complete application has been submitted. Any RGAs then allocated would be in addition to the RGAs identified in subsections 1-5 of this Section F. The GMB can meet as needed to allocate such RGAs.
 7. During years when a number of RGAs other than 600 or 750 are available, the RGAs shall be issued in proportionate amounts as established in section F 1-5.
 8. Additional Primary Areas Criteria. These Primary Areas criteria will apply to all Primary Areas Projects in competition for RGAs. The following criteria can be used to determine which projects will have priority to receive RGAs in the event that the number of RGAs requested exceeds the number available in any allocation cycle for the Primary Areas numeric parameters established in section F 2 above. Within these categories, projects that meet more of the criteria listed are considered preferred to receive RGAs. Based on the following criteria, staff will make a recommendation to the Board as to which proposed projects have best achieved the criteria.
 - (a) Housing Type, in order of importance
 - (i) High Density—12.1 dwelling units per gross acre or more
 - (ii) Medium Density—5.9-12 dwelling units per gross acre
 - (iii) Low Density—5.8 dwelling units per gross acre or less
 - (iv) Projects with an affordable component, including moderate and low to very low income categories (RGAs for the affordable component come from the "Affordable Housing Exception" category in the GMO)
 - (v) Innovative housing types—Mixing products in a single project, cluster housing, mixed-use developments
 - (b) Geographic Area, in order of importance
 - (i) In a Village Center, as established in the General Plan
 - (ii) Connects incomplete infrastructure (streets, water, sewer, etc.)
 - (iii) Projects that combine several smaller parcels

- (iv) Fit and compatibility with the surrounding area
- (c) Project Size and Proximity to Existing Development, in order of importance
 - (i) Small infill (less than 5 acres surrounded by development on 3 sides)
 - (ii) Large infill (over 5 acres surrounded by development on 3 sides)
 - (iii) Project in progress that needs additional RGAs to complete construction
- (d) Project Design
 - (i) High level of connectivity, vehicular and pedestrian, both internally and externally to the project
 - (ii) Amenities—public or private, parks, schools, etc.
 - (iii) Architecture—compatible with, enhances, and/or improves neighborhood
 - (iv) Energy efficient design, using recycled or green/sustainable materials
 - (v) Walkability and high intersection density
 - (vi) Building type and building frontage type variation
- G. Processing Fees. The fees for processing all applications pursuant to the GMO shall be as set forth in a separate Resolution of the City Council.
- H. 1994 GMO Guidelines for Pre-Measure A Projects. The Board shall award RGAs to any applications for Pre-Measure A Vested Projects in accordance with the provisions of the 1994 GMO.
- I. Building Permit Issuance. The City shall evaluate applications for residential building permits (and, for each approved application, issue the building permit) in the order in which the City receives them. The City shall not issue any building permits in excess of the limitations set forth in the GMO, except the limit Measure A and the GMO impose on the average number of building permits issued each year does not, by its terms, apply to affordable housing projects.

SECTION 3. Pursuant to Section 15183 of the California Environmental Quality Act this amendment to the GMO Guidelines is exempt because there will be no significant on or off-site impacts as a result of the amended GMO Guidelines (CEQA Guidelines, 14 Cal. Code of Regs. §15061(b)(3).) All development projects are required to comply with CEQA as a part of their project approvals, and all of the potential environmental impacts are studied and mitigated through the development process, not through the administration of the GMO. These GMO Guidelines simply provide procedures related to future land use applications, which must first undergo CEQA review.

Furthermore, in accordance with CEQA Guidelines Section 15162, no further environmental assessment of the GMO Guidelines is required. An analysis of the project shows that no substantial changes are proposed that would require major changes to any existing environmental documentation, including the General Plan EIR SCH #2008092006, or cause any increase in severity of previously identified significant effects or any new significant effects. Also, no new information of substantial importance shows that there will be additional significant effects not discussed in the previous environmental documentation of the General Plan EIR, or that any previously identified significant effects will be substantially more severe, or that any potential mitigation measures are now considered feasible that weren't previously, nor are any new mitigation measures identified but not implemented. The GMO Guidelines add no new development areas, remove no new development areas, or modify any development areas. The GMO Guidelines provide procedures for future land use applications.

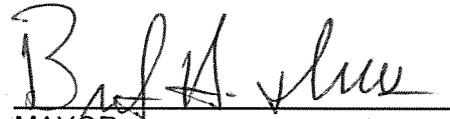
SECTION 4. In the event any provision of the Guidelines is held invalid by a court of competent jurisdiction, the Guidelines shall be construed as not containing that provision, and the remainder of the Guidelines shall remain in full force and effect.

SECTION 5. The City Council finds that these GMO Guidelines will not be detrimental to the health safety and welfare of the residents of Tracy because they aid only in the administration (i.e. timing and distribution of RGAs) of the existing regulations within the GMO.

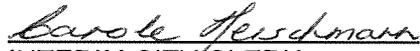
This resolution shall be effective upon adoption.

The foregoing Resolution 2014-145 was adopted by the Tracy City Council on the 2nd day of September 2014, by the following vote:

AYES: COUNCIL MEMBERS: MACIEL, MANNE, RICKMAN, YOUNG, IVES
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: NONE
ABSTAIN: COUNCIL MEMBERS: NONE


MAYOR

ATTEST:


INTERIM CITY CLERK

RESOLUTION 2020-_____

EXTENDING THE YEAR 2020 DEADLINE TO OBTAIN A BUILDING PERMIT UNDER SECTION D.3.(c) OF THE CITY OF TRACY GROWTH MANAGEMENT ORDINANCE GUIDELINES FOR FORTY-FIVE (45) CALENDAR DAYS DUE TO COVID-19 PUBLIC HEALTH EMERGENCY

WHEREAS, In response to the public health emergency caused by the SARS-CoV-2 coronavirus ("COVID-19"), the City Manager of the City of Tracy, in her authority as the Director of Emergency Services, proclaimed a local emergency in Tracy on March 12, 2020, and

WHEREAS, On March 17, 2020, the City Council of the City of Tracy ratified the City Manager's proclamation pursuant to Tracy Municipal Code Chapter 3.24, and

WHEREAS, On March 19, 2020, the Governor of California issued Executive Order N-33-20 ordering all individuals within the State of California to stay home or at their place of residence, except as needed to maintain operations of federal critical infrastructure sectors, critical government services, schools, childcare, and construction, and

WHEREAS, On March 30, 2020, the City Council adopted Ordinance No. 1285 which, among other things, extended certain deadlines established by the City of Tracy Municipal Code, including deadlines relating to the processing of land use, subdivision and zoning applications, and

WHEREAS, City Hall remains closed to the public and most City employees are working remotely, and the Governor's Executive Order N-33-20 remains in effect, and these conditions have impacted the ability of homebuilders and applicants for residential building permits to process their development applications and required them to adjust their development schedules and operations in response to the COVID-19 public health emergency, and

WHEREAS, The State Legislature recently declared that the State of California was already experiencing a housing supply crisis, and the COVID-19 public health emergency is currently having an adverse impact on the State's efforts to address its critical housing shortage by siphoning public resources away from the processing of applications for and delaying the construction of residential housing projects, and

WHEREAS, The City's Growth Management Ordinance (Tracy Municipal Code Chapter 10.12) and its implementing guidelines (the "GMO Guidelines") (City Council Resolution No. 2014-145) require all recipients of Residential Growth Allotments ("RGAs") to obtain a building permit for the parcel for which the RGA was issued not later than September 30 of the year following the issuance of the RGA, and if no building permit is obtained by September 30 of the following year, the RGA automatically reverts back to the City for re-allocation consistent with the Growth Management Ordinance and GMO Guidelines, and

WHEREAS, To help mitigate the adverse impacts of the COVID-19 public health emergency on the development of new housing in the City of Tracy, the City Council desires to extend by forty-five (45) calendar days, from September 30 to November 14, the GMO Guidelines deadline for calendar year 2020 for obtaining a building permit to avoid reversion of

RGAs to the City, and

WHEREAS, The proposed extension of the deadline is intended to apply only to RGAs issued by the Growth Management Board in calendar year 2019, and only to the September 30 deadline in the calendar year 2020.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Tracy, as follows:

SECTION 1. The City Council of the City of Tracy finds that all of the above Recitals are true and correct and incorporated herein by reference.

SECTION 2. Effective immediately, Section D.3.(c) of the City of Tracy Growth Management Ordinance Guidelines, adopted by Resolution No. 2014-145 on September 2, 2014, shall be amended in its entirety to read as follows:

“(c) RGAs must be used to obtain a building permit no later than September 30th of the year following the allocation in accordance with GMB action, unless otherwise stated in this section. For RGAs allocated in years 2013 through 2016, the RGA must be used by September 30th in the year for which it was allocated. For RGAs allocated in 2019, the RGA must be used by November 14, 2020. In the event an RGA allocated has not been used to obtain a building permit by the dates stated in this section, then such RGAs automatically revert back to the City and shall be available for the GMB to allocate to projects with complete applications in accordance with the criteria set forth in Section F. The GMB shall meet as needed to address such allocations.”

SECTION 3. The amendment to Section D.3.(c) of the GMO Guidelines described in the preceding Section 2 of this Resolution shall be temporary, and shall expire on November 14, 2020, at which time the original text of Section D.3.(c) of the GMO Guidelines as set forth in Resolution No. 2014-145 shall be restored in its entirety.

This Resolution shall be effective upon adoption.

The foregoing Resolution 2020-_____ was adopted by the City Council of the City of Tracy on the 19th day of May, 2020, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.G

REQUEST

AMEND THE TRACY STATION 95 FIRE STATION FIRST IMPLEMENTATION AGREEMENT BY AND BETWEEN THE CITY OF TRACY AND THE TRACY HILLS PROJECT OWNER, LLC, AND TRACY PHASE I, LLC, TO CLARIFY THE CONSTRUCTION SCHEDULE FOR FIRE STATION 95

EXECUTIVE SUMMARY

The City and the Tracy Hills Project Owner, LLC, and Tracy Phase I, LLC (together, “Developer”) are parties to a Development Agreement (the “DA”) that provides for the construction of a fire station (“Fire Station 95”) within the Tracy Hills project. Pursuant to the DA, the City and Developer entered into a Fire Station First Implementation Agreement (the “Fire Station Agreement”) that, among other things, established a schedule for the preparation of designs and construction drawings, the City’s review thereof, and Developer’s construction of Fire Station 95. Since executing the Fire Station Agreement, the City and Developer have modified the schedule and completed various steps towards construction and completion of Fire Station 95. The City and Developer now wish to amend the Fire Station Agreement to clarify the remainder of the schedule for construction and completion of Fire Station 95 by the targeted date of September 1, 2021.

DISCUSSION

Since the City and Developer executed the Fire Station Implementation Agreement (Attachment A), they have met many times to ensure that the timing of construction is coordinated with the construction of homes. Under the original schedule, the fire station would have been completed before residential and non-residential structures were ready for occupancy in the project. This would have placed substantial fire protection resources in a location in southwest Tracy that is distant from most of the community and presented the City with two undesirable choices: either incur the costs of staffing the station at an inconvenient and inefficient location that did not substantially improve fire safety and response times in the City, or leave the completed fire station unoccupied creating significant maintenance and security problems. To avoid this dilemma, Developer and Staff have monitored the timing of Tracy Hills project buildout and continued to adjust the design and construction schedule to provide for construction and completion of Fire Station 95 at a time when homes are built and occupied in the project.

The original schedule for design and construction of Fire Station 95 was set forth in the DA, which was executed in May of 2016. In August of 2016, the City and Developer adopted a slightly modified schedule through the first Fire Station 95 Agreement (the Tracy Station 95 Fire Station Acquisition Agreement). In May 2017, the City and Developer further adjusted the schedule through the existing Fire Station Agreement, and in November 2017, the City and Developer agreed to extend the time for Developer to submit construction documents to the City under that Agreement (Attachment A).

On March 20, 2020, the City approved the construction drawings and issued a building permit for Fire Station 95. Given the multiple adjustments to the design and construction schedule described above, and given the recent disruptions to City processing activities and construction activities due to the COVID-19 pandemic, the City and Developer now wish to clarify the construction schedule through a minor amendment to the Fire Station Agreement.

The proposed amendment would amend the existing construction schedule as follows:

Developer submits construction documents to City Building Department for Plan Check	Completed
City approval of construction documents	Completed
Developer begins construction	September 1, 2020
City approval of submittals during construction	Within 7 business days of each submittal
Completion of construction	September 1, 2021

The proposed amendment would also stipulate that if the City does not approve the construction documents submitted during construction within the time period provided, the period for completion of construction shall be extended by one day for each day after the designated time period that the City withholds approval.

The Tracy Hills DA requires the Developer to pay the first \$5.5M (Master Plan Public Safety Fees) of costs associated with the site acquisition design and construction of the fire station. The total cost of constructing and outfitting Station 95 is estimated at \$6.6M, however, the construction of the fire station is currently out for bid and the Developer and City will have more information regarding actual construction costs once bids are received. As approved by Council Resolution No. 2018-225, the purchase of the apparatus will be funded through an advance (loan) from the City's Equipment fund and repaid from future Master Plan Public Safety Fees from development.

Station 95 will be owned and operated by the Tracy Rural Fire Protection District (Tracy Rural). In the event Tracy Rural ceases to operate Station 95, the station will revert back to the City at no cost, in accordance with Section 4.b of the South County Fire Authority Dissolution Agreement between City and Tracy Rural.

FISCAL IMPACT

The Developer's obligation towards this Fire Station is \$5.5M under their DA. The Council-approved Fire Station Financing Plan (Resolution No. 2018-225) allows for the advancing of \$1.1M in City Equipment Fees to cover equipment costs for this Fire Station. Depending on construction costs, additional funds may be needed.

STRATEGIC PLAN

The requested action is consistent with the Council-approved Economic Development Strategy to ensure physical infrastructure necessary for development.

RECOMMENDATION

Staff recommends that the City Council approve, by resolution, the Amendment to the Tracy Station 95 Fire Station First Implementation Agreement to clarify the construction schedule for Fire Station 95.

Prepared by: Randy Bradley, Fire Chief

Reviewed by: Andrew Malik, Assistant City Manager
Karin Schnaider, Finance Director

Approved by: Jenny Haruyama, City Manager

Attachment A: Fire Station First Implementation Agreement

**TRACY STATION 95
AMENDMENT TO FIRE STATION FIRST IMPLEMENTATION AGREEMENT**

By and Between the

CITY OF TRACY,
a municipal corporation

and

THE TRACY HILLS PROJECT OWNER, LLC
and TRACY PHASE I, LLC

Effective Date: May____, 2020

TRACY STATION 95

AMENDMENT TO FIRE STATION FIRST IMPLEMENTATION AGREEMENT

This Tracy Fire Station 95 Amendment to First Implementation Agreement (“Amendment”) is made by and between the CITY OF TRACY, a municipal corporation (“City”), and THE TRACY HILLS PROJECT OWNER, LLC and TRACY PHASE I, LLC (together, “Developer”)(City and Developer are collectively referred to as “Parties” and may each be individually referred to as a “Party”) and is effective as of May ____, 2020.

RECITALS

- A. On May 19, 2016, the City and Developer entered into that certain Development Agreement By and Between the City of Tracy and The Tracy Hills Project Owner, LLC and Tracy Phase I, LLC (“DA”).
- B. Section 4.8(a) of the DA requires Developer to design and construct a fire station (“Fire Station”) on the Property within 24 months of the Effective Date of the DA, unless otherwise agreed to in writing by the City and Developer.
- C. On May 31, 2017, the City and Developer entered into that certain Tracy Station 95 Fire Station First Implementation Agreement (“Implementation Agreement”), which set forth a schedule for the preparation of designs, City review and approval of designs and construction drawings, and construction of the Fire Station. Unless otherwise defined herein, all capitalized terms used in this Amendment shall have the same meaning as ascribed to such terms in the Implementation Agreement.
- D. Since the execution of the Implementation Agreement, the Parties have made certain adjustments to the design and construction schedule and have completed various steps in the Fire Station construction process.
- E. On March 20, 2020, the City approved the construction drawings and issued a building permit for the Fire Station.
- F. With this Amendment, the Parties now wish to clarify the remainder of the schedule for the construction and completion of the Fire Station.

AGREEMENT

Based upon the foregoing Recitals, which are incorporated herein as provisions of this Amendment by reference, and in consideration of the covenants and promises of the City and Developer contained in this Amendment and the Implementation Agreement, the Parties hereby amend the Implementation Agreement as follows:

1. **Amendment.** Section 1 of the Implementation Agreement is deleted and replaced in its entirety with the following:

SECTION 1 – Schedule

The schedule for City review and approval of construction documents and construction and completion of Fire Station 95 shall be:

Developer submits construction documents to City Building Department for Plan Check	Completed
City approval of construction documents	Completed
Developer begins construction	September 1, 2020
City approval of submittals during construction	Within 7 business days of each submittal
Completion of construction	September 1, 2021

In the event City does not approve the construction documents (including design approvals submitted during construction) within the time period provided, the period for completion of construction shall be extended by one day for each day after the designated time period or part thereof that City withholds approval.

2. Signatures

The individuals executing this Amendment represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Amendment on behalf of the respective legal entities of the Developer and the City. This Amendment shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

3. Effect of Amendment and Agreement

The Parties hereby acknowledge and agree that each Party is in compliance with and in good standing under the terms of the Implementation Agreement and the DA, there have not been and there currently are not any defaults under the Implementation Agreement or the DA, and except as expressly provided in Section 1 hereof, nothing herein is intended to otherwise modify the Implementation Agreement or any other agreement between the parties.

4. Counterparts

This Amendment may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument. The parties may also deliver executed copies of this Amendment to each other by electronic mail (including pdf or any electronic signature complying with the U.S. federal ESIGN Act of 2000, e.g., www.docusign.com) or other transmission method and any counterpart so delivered shall be deemed to have been duly and validly delivered and be valid and effective for all purposes. No party may raise the use of any image transmission device or method or the fact that any signature was transmitted as an image

as a defense to the enforcement of this Amendment. At the request of either party, the parties will confirm signatures by signing and delivering an original document.

5. Conflict.

In case of any inconsistency between this Amendment and the Implementation Agreement, the provisions containing such inconsistency shall first be reconciled with one another to the maximum extent possible, and then to the extent of any remaining inconsistency, the terms of this Amendment shall control.

6. Entire Agreement.

The Implementation Agreement, together with this Amendment, embodies the entire understanding between the parties with respect to its subject matter and can be changed only by an instrument in writing signed by the parties.

[SIGNATURE PAGE FOLLOWS]

THE PARTIES AGREE to this Amendment as witnessed by the signatures below:

CITY:

Approved as to form:

Mayor Robert Rickman

Leticia Ramirez, City Attorney

Date: _____

Date: _____

DEVELOPER:

THE TRACY HILLS PROJECT OWNER, LLC,
a Delaware limited liability company

By: Tracy Hills Operator, LLC,
a Delaware limited liability company,
its Managing Member

By: Tracy Hills Communities Manager, LLC,
a California limited liability company,
its Manager

By: KPMW Integral, LLC,
a California limited liability company,
its Managing Member

By: 
Name: John Stanek
Title: Authorized Representative

TRACY PHASE I, LLC,
a Delaware limited liability company

By: 
Name: John Stanek
Title: Authorized Representative

RESOLUTION 2020-_____

AMENDING THE TRACY STATION 95 FIRE STATION FIRST IMPLEMENTATION AGREEMENT BY AND BETWEEN THE CITY OF TRACY AND THE TRACY HILLS PROJECT OWNER, LLC, AND TRACY PHASE I, LLC, TO CLARIFY THE REMAINDER OF THE CONSTRUCTION SCHEDULE FOR FIRE STATION 95

WHEREAS, On May 19, 2016, the City, on one hand, and The Tracy Hills Project Owner, LLC, and Tracy Phase I, LLC (together, "Developer"), on the other hand, entered into that certain Development Agreement By and Between the City of Tracy and The Tracy Hills Project Owner, LLC and Tracy Phase I, LLC (the "DA"); and

WHEREAS, Section 4.8(a) of the DA requires Developer to design and construct a fire station ("Fire Station") on the Property within 24 months of the Effective Date of the DA, unless otherwise agreed to in writing by the City and Developer; and

WHEREAS, On May 31, 2017, the City and Developer entered into that certain Tracy Station 95 Fire Station First Implementation Agreement ("Implementation Agreement"), which set forth a schedule for the preparation of designs, City review and approval of designs and construction drawings, and construction of the Fire Station; and

WHEREAS, Since the execution of the Implementation Agreement, the Parties have made certain adjustments to the design and construction schedule and have completed various steps in the Fire Station construction process; and

WHEREAS, On March 20, 2020, the City approved the construction drawings and issued a building permit for the Fire Station; and

WHEREAS, The City and Developer now wish to amend the Implementation Agreement to clarify the remainder of the schedule for the construction and completion of the Fire Station.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves Tracy Station 95 Amendment to Fire Station First Implementation Agreement in the form of Exhibit A hereto.

* * * * *

The foregoing Resolution 2020-_____ was adopted by the City Council of the City of Tracy on the 19th day of May, 2020, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 3.A

REQUEST

PUBLIC HEARING TO CONSIDER APPROVAL OF THE TRACY HILLS KT PROJECT, WHICH INVOLVES APPROVING A GENERAL PLAN AMENDMENT, INTRODUCING AN ORDINANCE APPROVING A TRACY HILLS SPECIFIC PLAN AMENDMENT, AND APPROVING A VESTING TENTATIVE SUBDIVISION MAP TO CREATE APPROXIMATELY 185 SINGLE-FAMILY RESIDENTIAL LOTS, TWO COMMERCIAL PARCELS, AND VARIOUS OTHER PARCELS, INCLUDING A LINEAR PARK AND AN HOA RECREATION AREA, CONSISTING OF APPROXIMATELY 45 ACRES, LOCATED EAST OF CORRAL HOLLOW ROAD IN THE VICINITY OF TRACY HILLS DRIVE

EXECUTIVE SUMMARY

This agenda item is a public hearing to consider approving the Tracy Hills KT Project, which involves approving a General Plan Amendment, introducing an ordinance approving a Tracy Hills Specific Plan Amendment, and approving a Vesting Tentative Subdivision Map to create approximately 185 single-family residential lots, two commercial parcels, and various other parcels, including a linear park and an HOA recreation area, consisting of approximately 45 acres, located east of Corral Hollow Road in the vicinity of Tracy Hills Drive. The Specific Plan Amendment also results in approval of a second Community Gateway Icon located adjacent to I-580.

DISCUSSION

For this agenda item, the City Council will be asked to consider the following actions regarding the Tracy Hills KT Project:

- Approval of a General Plan Amendment (Application Number GPA19-0003)
- Approval of a Tracy Hills Specific Plan Amendment (Application Number SPA19-0004)
- Approval of a Vesting Tentative Subdivision Map (TSM19-0005)

Background

On April 5, 2016, City Council certified an Environmental Impact Report and approved a General Plan Amendment and a comprehensive update to the Tracy Hills Specific Plan. The Tracy Hills Specific Plan consists of approximately 2,732 acres located in the vicinity of the existing Corral Hollow Road interchange and the proposed Lammers Road interchange on Interstate 580. On April 5, 2016, City Council also approved a Vesting Tentative Subdivision Map for approximately 1,160 single-family residential lots in Phase 1A. The Phase 1A area is currently under construction by Integral Communities, Lennar Homes, Shea Homes, and Meritage Homes. Similar to other master-planned developments, implementation often involves evaluating changes to development standards, land uses, and phasing.

Overview of the General Plan Amendment

The Tracy Hills KT Project area consists of approximately 45 acres located east of Corral Hollow Road in the vicinity of Tracy Hills Drive. The existing General Plan land use designation for the KT Project area is Commercial. The proposed General Plan Amendment includes changing the General Plan land use designation on approximately 27 acres within the KT Project area from Commercial to Residential Medium. This is a proposed change to the General Plan Land Use Designations Map, Figure 2-2. The Residential Medium designation has a density range of 5.9 to 12.0 dwelling units per gross acre. The proposed General Plan Amendment also includes updating descriptive text for the Tracy Hills Specific Plan to include the KT Project. The updated text would state that the estimated number of residential units in Tracy Hills would be approximately 5,700, which is a revision from the currently stated maximum of 5,499 residential units (Attachment A – General Plan Amendment).

The proposed General Plan Amendment also includes adding language to the Tracy Hills section under Areas of Special Consideration. The proposed language states that a portion of the Tracy Hills Specific Plan area with a General Plan land use designation of Commercial may be developed as Medium or High Density Residential, if permitted by the Tracy Hills Specific Plan. The need for this proposed language relates to a Medium Density Residential Overlay Zone that is described in the section below regarding the proposed Tracy Hills Specific Plan Amendment. The proposed language is consistent with language in the Commercial designation of the General Plan, which states that appropriately scaled and designed residential development in the density ranges permitted in Residential High (RH) may be allowed, and other residential densities may be allowed in Commercial districts in Areas of Special Consideration.

Staff supports the proposed amendment because Medium Density Residential would be a good land use for the site and past economic studies, such as those conducted for the General Plan and the recent Gateway study, have indicated that the City has an abundance of Commercial designated property. In the general vicinity surrounding the KT Project area, the remaining Commercial designated property after the proposed amendment would be approximately 25 acres on the east side of Corral Hollow Road and 50 acres on the west side of Corral Hollow Road. A retail shopping center for a supermarket or similar development typically only needs 8 to 12 acres. Additionally, retail development typically prefers to locate near street frontages with high visibility on major roads, whereas a large portion of the KT Project area is setback far from Corral Hollow Road and would have low visibility.

Overview of the Tracy Hills Specific Plan Amendment

The Tracy Hills Specific Plan currently zones the KT Project area as General Highway Commercial. The proposed Tracy Hills Specific Plan Amendment (SPA) includes rezoning approximately 21.3 acres within the KT Project area from General Highway Commercial (GHC-TH) to Medium Density Residential (MDR-TH) and approximately 5.6 acres of GHC-TH to Tracy Hills Conservation (C-TH). The C-TH designation is for the 100-foot wide conservation easement corridor adjacent to the California Aqueduct. The proposed SPA also includes a series of updates to the development standards for the

MDR-TH zoning district to allow for small-lot residential development, such as lot sizes of less than 3,000 square feet, maximum lot coverage of 70%, and 3-foot minimum side setbacks (Attachment B – Tracy Hills Specific Plan Amendment).

Additionally, the proposed SPA includes establishing a Medium Density Residential Overlay Zone, which would be applied to approximately 8.9 acres in the KT Project area. The Medium Density Residential Overlay Zone would allow the subject property to develop in accordance with the permitted uses and development standards of either the MDR-TH zoning district or the underlying zoning district of GHC-TH. This overlay zone is being proposed to address a request from the current property owner, who may want to develop or sell the property as commercial if the proponents of the KT Project do not move forward with the land purchase.

The proposed SPA also includes the addition of Appendix A, KT Project Landscape Design Guidelines. The landscape design guidelines contained in Section 3.4 of the Tracy Hills Specific Plan apply Specific Plan-wide; however, implementation details are only shown for Phase 1A. The purpose of Appendix A is to provide landscape design guidelines and implementation details for the KT Project Phase.

Appendix A includes the following components for KT Project landscape design guidelines:

- Community Monumentation
- Circulation
- Streetscape and Trails
- Edge Conditions/Easements
- Conceptual Overall Illustrative Parks and Landscape Plan
- Lighting
- Walls and Fences
- Landscape Master Tree Plan

The proposed SPA also includes the addition of Appendix B, Community Gateway Icon, which is unrelated to the KT Project site. The purpose of Appendix B is to expand the number of Community Gateway Icons in the Tracy Hills Specific Plan area from one to two. The existing Community Gateway Icon is located near the eastern edge of the Specific Plan boundary, adjacent to the I-580 Interchange with Corral Hollow Road, and was approved by City Council through a Development Review Permit on July 17, 2018. The existing icon has a height of 40 feet. The proposed second Community Gateway Icon would match the height and design of the first icon and be located along the western edge of the Specific Plan boundary, adjacent to I-580. The distance between the two icons would be approximately three miles. This amendment would provide sufficient detail in terms of location and design of the icon, such that the second icon could be erected, foregoing the Development Review process, as stated in the proposed SPA. In other words, the SPA would approve the second icon, as shown, at this location. Location and design details for the Community Gateway Icons are shown in Appendix B.

Overview of the Vesting Tentative Subdivision Map

The proposed Vesting Tentative Subdivision Map for the Tracy Hills KT Project consists of approximately 185 single-family residential lots, two commercial parcels, and various other parcels, such as a linear park and an HOA recreation area, consisting of approximately 45 acres located east of Corral Hollow Road in the vicinity of Tracy Hills Drive (Attachment C – Vesting Tentative Subdivision Map).

As stated above, the KT Project features residential neighborhoods with small-lot design. Typical lot sizes range from 2,700 square feet to 3,300 square feet. According to the applicant, this small-lot design is intended to expand the diversity of lot sizes and house types in the Tracy Hills area.

A linear park is proposed along the eastern edge of the KT Project, adjacent to a 100-foot wide conservation easement corridor that runs along the California Aqueduct. The linear park would include a trail that connects to a comprehensive Class 1 bikeway and pedestrian system within Tracy Hills. This linear park would be a public park dedicated to the City. The proposed KT Project also includes a private HOA park and recreation facility, which may include a swimming pool and other amenities.

Planning Commission Discussion

The Planning Commission held a public hearing to consider the Project on February 26, 2020 and recommended that the City Council approve the General Plan Amendment, Tracy Hills Specific Plan Amendment, and Vesting Tentative Subdivision Map for the Tracy Hills KT Project.

Environmental Document

An Environmental Impact Report (EIR) was certified by the City Council on April 5, 2016 for the Tracy Hills Specific Plan. An Addendum to the EIR has been prepared for the Tracy Hills KT Project consistent with the requirements of California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164 to address the proposed General Plan Amendment, Tracy Hills Specific Plan Amendment, and the Vesting Tentative Subdivision Map for the Tracy Hills KT Project (Attachment D – Addendum to the EIR / Attachment E – Traffic Analysis). No new significant environmental impacts were identified for the Tracy Hills KT Project. No further environmental review is necessary.

Staff evaluated the traffic impacts of this project against City standards. This Project will meet City standards for traffic congestion with required mitigations. The Project and its mitigations were evaluated in a February 25, 2020 memorandum authored by the City Traffic consultant Kimley Horn and Associates. The following is a summary of the mitigations (which is fully described in the aforementioned study):

1. Various Intersection Improvements to Tracy Hills Blvd. / Corral Hollow (summarized as follows*):
 - a. SB Left Turn Lane

- b. NB Right Turn Lane
 - c. WB Left Turn Lane and WB Thru/Right Turn Lane
 - d. EB Thru Lane and EB Right Turn Lane
 - e. Signal Poles (to ultimate condition)
 - f. Sidewalks and curb ramps
2. Fair Share payment of repaving of Corral Hollow south of I-580 (i.e. \$50k)
 3. Frontage Improvements to the subdivision (e.g. sidewalks, landscaping, etc.)
 4. Payment of Traffic Impact Fees (could be used for the CH/Linne Project)
 5. Raised Median on CH (i.e. to prevent left turning movements into and out of Street B)
 6. Right-in and Right-Out auxiliary lanes on Street B
 7. Requirement for an easement across commercial properties for the use of the AKT property to the south. This is for planned AKT property use of this intersection for its full turn movements.

STRATEGIC PLAN

This agenda item is not related to the City Council's Strategic Plans.

FISCAL IMPACT

The costs of these development applications were funded by application fees and a Cost Recovery Agreement.

RECOMMENDATION

Staff and the Planning Commission recommend that the City Council approve the Tracy Hills KT Project by taking the following actions:

- Approve a General Plan Amendment (Application Number GPA19-0003), and
- Introduce an Ordinance approving a Tracy Hills Specific Plan Amendment (Application Number SPA19-0004), and
- Approve a Vesting Tentative Subdivision Map for the Tracy Hills KT Project (Application Number TSM19-0005), to create approximately 185 single-family residential lots, two commercial parcels, and various other parcels, including a linear park and an HOA recreation area, consisting of approximately 45 acres, located east of Corral Hollow Road in the vicinity of Tracy Hills Drive.

Prepared by: Scott Claar, Senior Planner

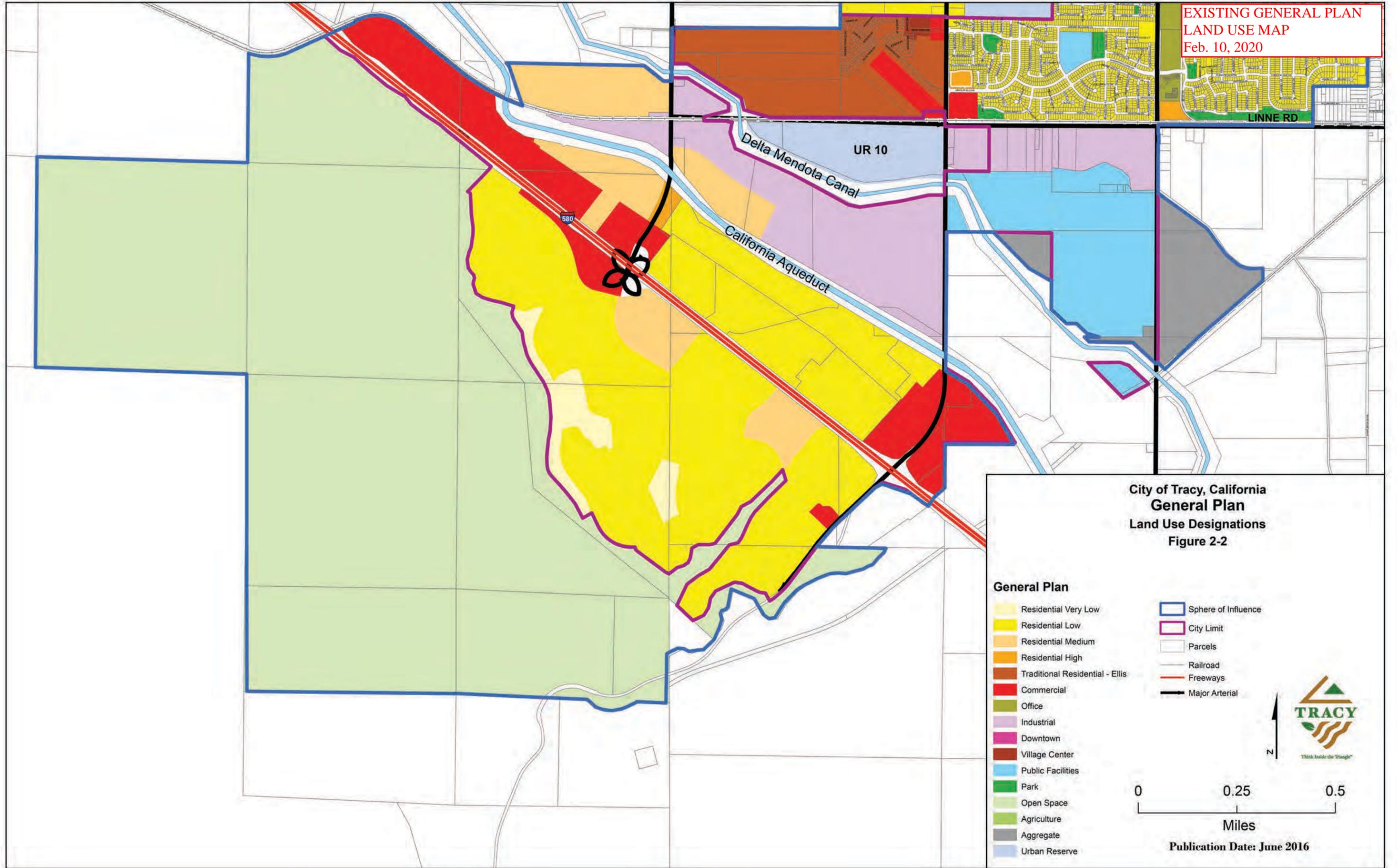
Reviewed by: Bill Dean, Assistant Development Services Director
Robert Armijo, PE, City Engineer / Assistant Development Services Director
Karin Schnaider, Finance Director
Andrew Malik, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

- Attachment A – General Plan Amendment
- Attachment B – Tracy Hills Specific Plan Amendment
- Attachment C – Vesting Tentative Subdivision Map
- Attachment D – Addendum to the EIR
- Attachment E – Traffic Analysis

EXISTING GENERAL PLAN
LAND USE MAP
Feb. 10, 2020

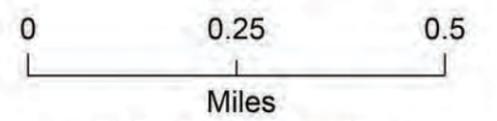


City of Tracy, California
General Plan
Land Use Designations
Figure 2-2

General Plan

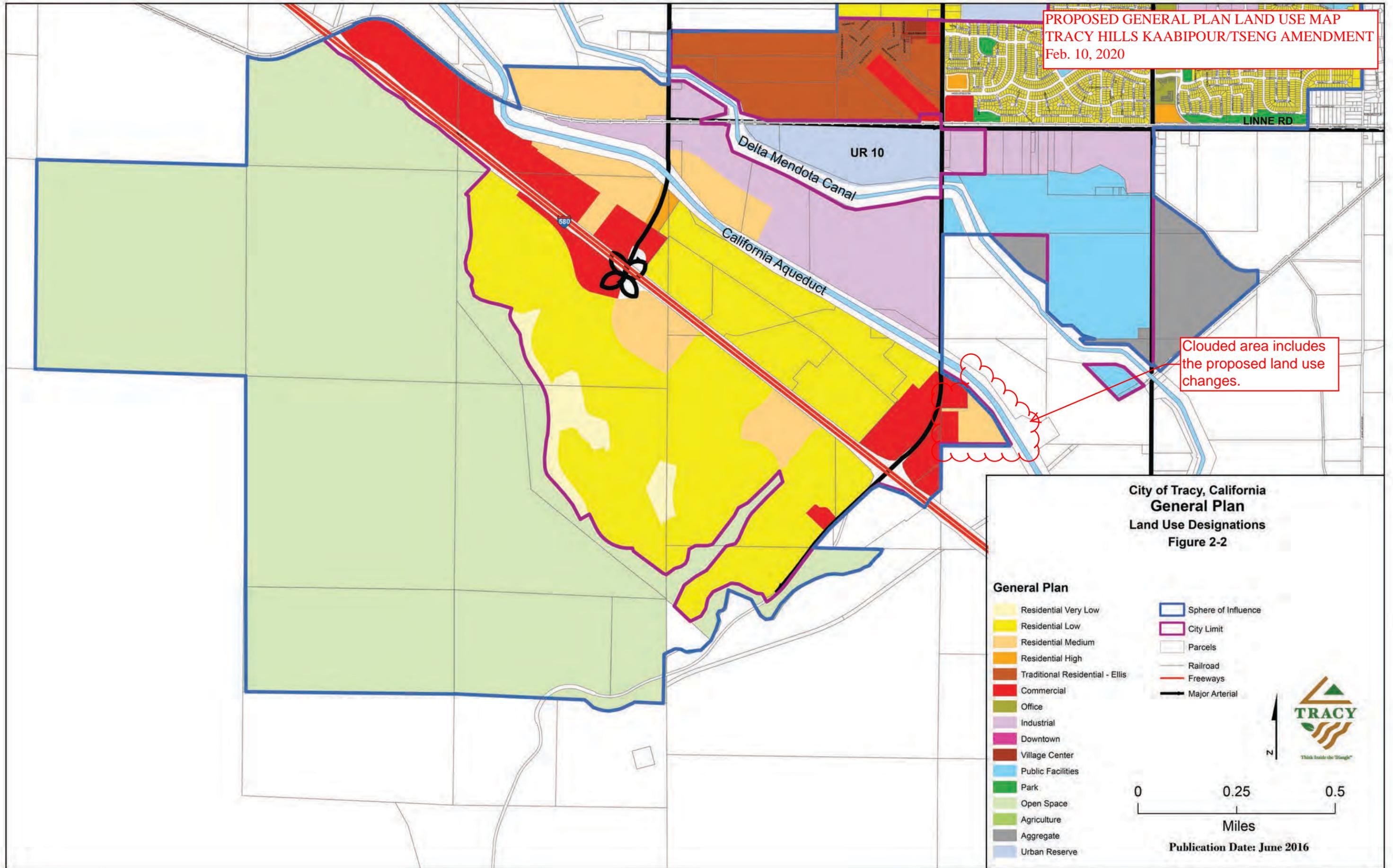
- Residential Very Low
- Residential Low
- Residential Medium
- Residential High
- Traditional Residential - Ellis
- Commercial
- Office
- Industrial
- Downtown
- Village Center
- Public Facilities
- Park
- Open Space
- Agriculture
- Aggregate
- Urban Reserve

- Sphere of Influence
- City Limit
- Parcels
- Railroad
- Freeways
- Major Arterial



Publication Date: June 2016

**PROPOSED GENERAL PLAN LAND USE MAP
TRACY HILLS KAABIPOUR/TSENG AMENDMENT
Feb. 10, 2020**



Clouded area includes the proposed land use changes.

- ◆ **Tracy Hills Specific Plan.** The Tracy Hills Specific Plan area, located on the southwest side of the City, covers 6,175 acres, approximately 2,700 acres of which falls within the City limits and is planned with residential, commercial, office, industrial and recreational land uses, and approximately 3,550 acres located outside the City limits and within the Sphere of Influence planned as permanent open space for habitat conservation and managed grazing. Of the 2,700 acres within the City limits, proposed land uses include approximately 1,300 acres at a mixture of densities with approximately 5,700 residential units based on estimated average densities which may differ from the built out densities. ~~a maximum of 5,499 residential units.~~ Approximately 600 acres with up to 6 million square feet of space are planned for commercial, office and industrial uses. Roughly half of the remaining 800 acres of the Specific Plan area within the City limits is designated to accommodate neighborhood parks, schools, recreational uses and other open space, while the other half is devoted to roads and canals.
- ◆ **Ellis Specific Plan.** The Ellis Specific Plan, located at the northwest corner of Corral Hollow and Linne Roads, consists of 321 acres of Traditional Residential and Commercial land uses, allowing for up to 2,250 residential units and a Village Center commercial site. The proposed project also includes parks and a family-oriented swim center.

4. Sustainability Action Plan

The City of Tracy adopted a Sustainability Action Plan in 2011 as part of the City's on-going efforts to transform Tracy into a leader for environmental, economic, and social sustainability. The Sustainability Action Plan is a detailed, long-range strategy to achieve sustainability in the sectors of greenhouse gas (GHG) emissions, energy, transportation and land use, solid waste, water, agriculture and open space, biological resources, air quality, public health, and economic

- 7b. The other approximately 900 acres are designated as Agriculture with provisions to allow for the land application of treated effluent, effluent cooling, and public facilities uses.
- 7c. The portion of the site with existing structures may be used for public facilities uses such as service yards.
- 7d. The City shall consider using part of this site as a publicly-accessible open space area, or as a City park, as long as public access does not negatively affect adjacent properties, such as levees that support farming operations.
- 7e. This site shall not be developed with commercial or residential uses.

8. Tracy Hills Specific Plan Area

As described in section A.3 above, the Tracy Hills Specific Plan area, located on the southwest side of the City, covers 6,175 acres with approximately 2,700 acres falling within the City limits, which are planned with residential, commercial, office, and industrial and recreational land uses. Approximately 3,550 acres located outside the City limits and within the Sphere of Influence planned as permanent open space for habitat conservation and managed grazing.

- 8a. Of the 2,700 acres falling within the City limits, the Tracy Hills development shall include approximately 185 acres of land for open space.
- 8b. The land use designations shown on Figure 2-2 represent the current land use designations within the Tracy Hills Specific Plan area. At the time of updating the Tracy Hills Specific Plan, the exact location of General Plan land use designations within the Specific Plan area shall be established in such a way as to achieve the goals, objectives, and policies of
- 8c. A portion of the Tracy Hills Specific Plan area with a General Plan land use designation of Commercial may be developed as Medium or High Density Residential, if permitted by the Tracy Hills Specific Plan



Tracy Hills Specific Plan

Approved April 5, 2016 (Tracy Resolution 2016-063)
Amended June 18, 2019, incorporated herein (Tracy Ordinance 1270)
Draft Amendment February 10, 2020



KT PROJECT AMENDMENT DRAFT
Feb. 10, 2020



Legend

- Specific Plan Boundary
- Single Family Homes: Large Lot
- Single Family Homes: Medium Lot
- Single Family Homes: Small Lot
- Multi-Family Homes
- Mixed Use
- Commercial
- Light Industrial
- Neighborhood Park
- Community Park
- Recreation Open Space
- Conservation Easements/Open Space
- Roads
- Elementary School
- Retention Basin
- Pipeline Easement Multi-Use Trail

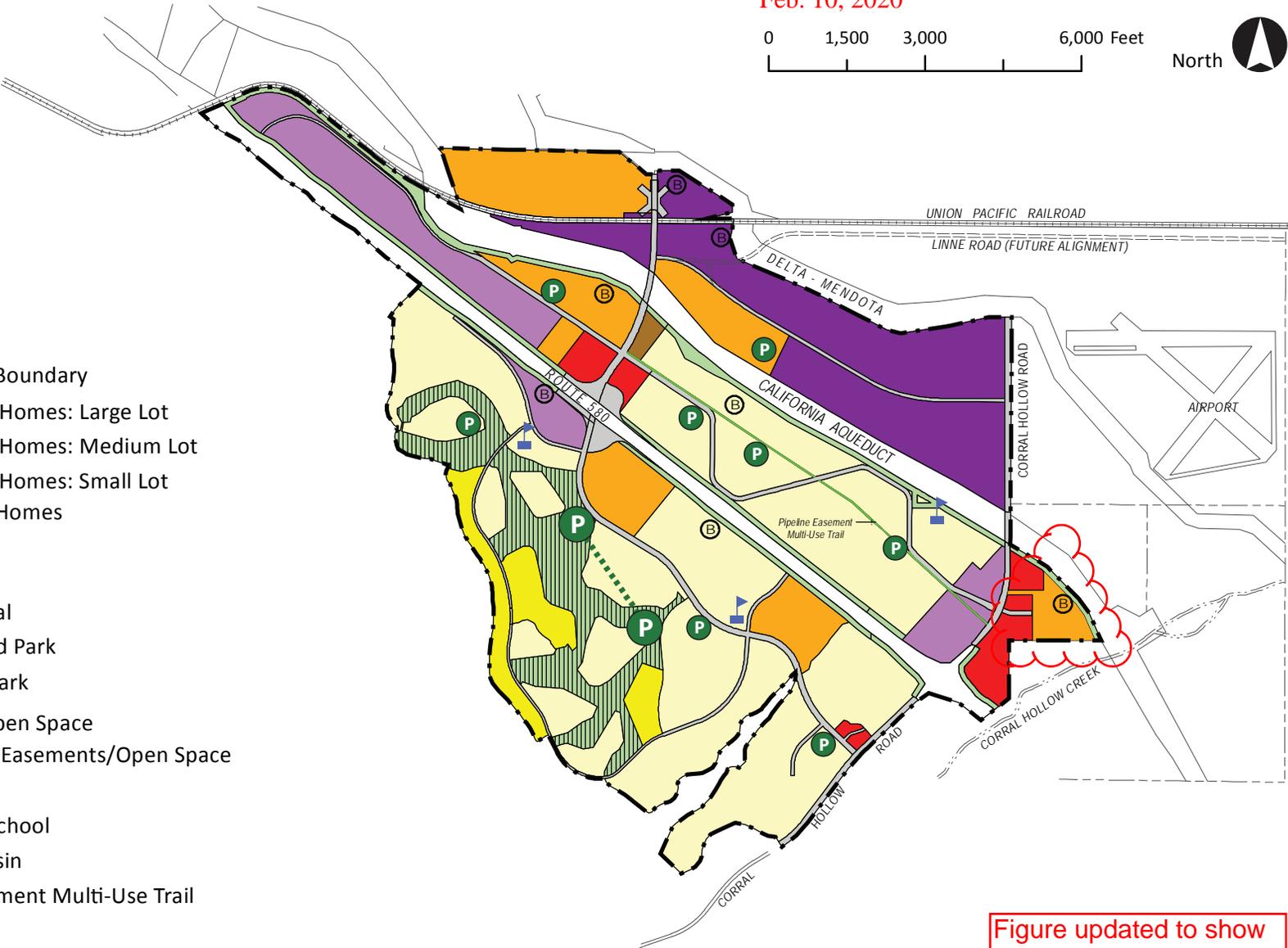


Figure updated to show Small Lot land use at KT Project Area.

NOTES:
 1. The locations, numbers, and configurations of public schools, park sites, and public utilities are conceptual and subject to change.
 2. This exhibit is for conceptual purposes to show approximate locations.





Tracy Hills Specific Plan
1. INTRODUCTION

TABLE 1-1
LAND USE PLAN BUILDOUT EXAMPLE

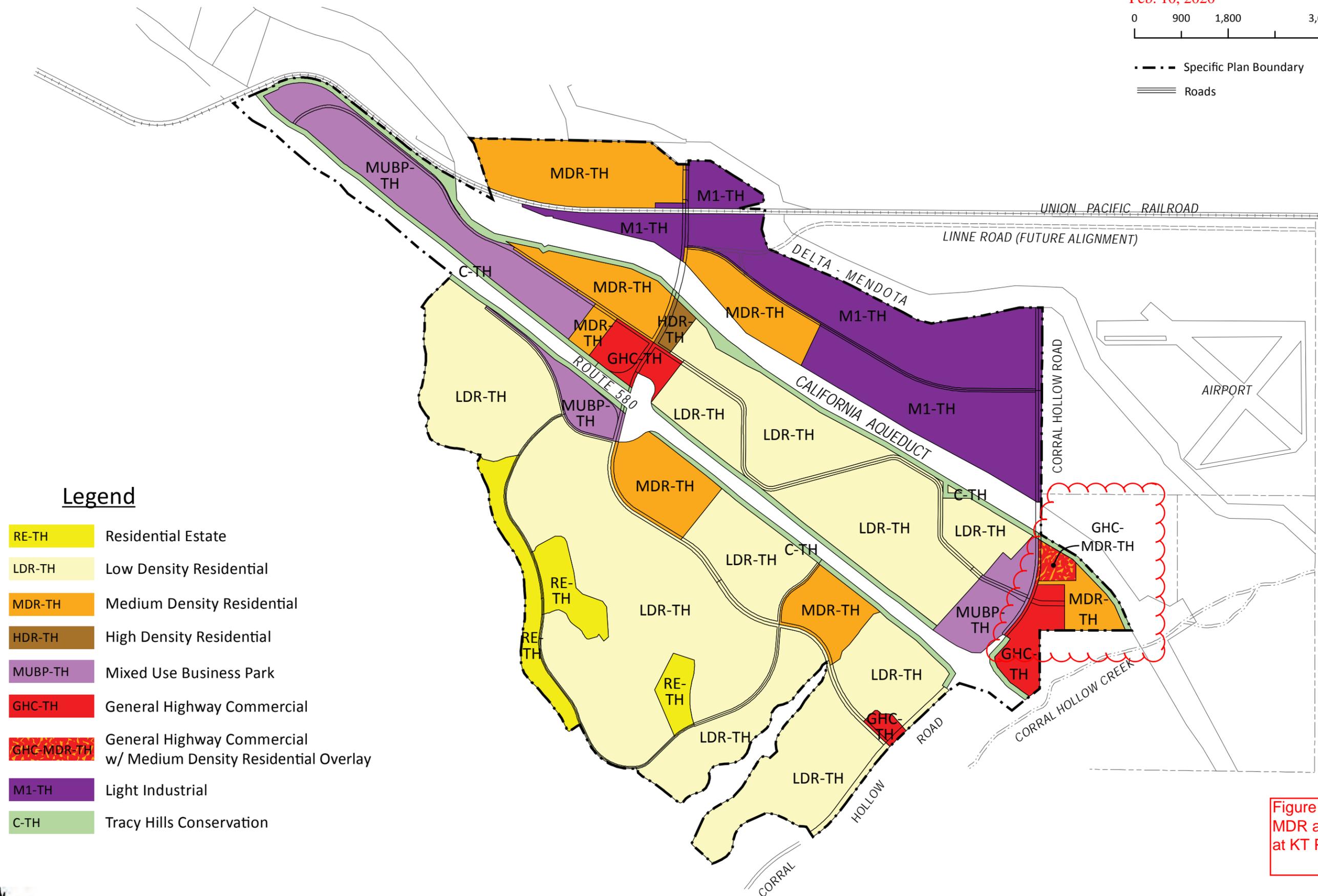
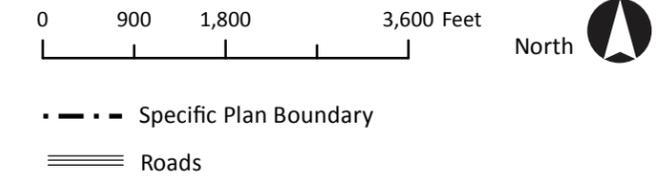
Zoning District or Land Use	Approximate Gross Acres ¹	Approximate Adjusted Developable Acres ^{1, 2, 3}	Target Density Range or F.A.R.	Projected Dwelling Units or Square Feet ¹
Residential Estate	95.6	81.3	(0.5-2.0 DU's/ac.)	122 DU's
Low Density Residential	1,216.0	876.3	(2.1-5.8 DU's/ac.)	3,238 DU's
Medium Density Residential	318.1 1348.1 ⁴	270.4 295.9	(5.9-12.0 DU's/ac.)	2,014 2,204 DU's
High Density Residential	9.2	7.8	(12.1-25.0 DU's/ac.)	125 DU's
Mixed Use Business Park	211.1	179.4	0.20 F.A.R.	1,562,933 s.f.
General Highway Commercial	102.4 72.4 ⁴	87.0 61.5	0.20 F.A.R.	758,944 535,788 s.f.
Light Industrial	363.1	308.6	0.25 F.A.R.	3,360,654 s.f.
Conservation Easements	123.3		n/a	
Subtotal:	2,438.8	1,810.8		
Interstate 580 Interchange and ROW	137.5			
California Aqueduct ROW	143.1			
Union Pacific Rail Road	12.2			
TOTAL:	2,731.6	1,810.8		5,499 5,689 DU's 5.7 5.5 mil s.f.

1 All Acreages, dwelling units, and square footage examples shown herein are approximate.

2 Adjusted Developable Acres - Residential, Mixed Use Business Park, General Highway Commercial, and Light Industrial acreages have been adjusted to show that an estimated 15% of the land area is used for infrastructure such as roads and utilities, and/or public facilities such as neighborhood parks/amenities, schools, and/or public facilities such as retention basins as noted in the General Plan. Actual numbers will vary depending on site specific characteristics.

3 180 to 185 acres of General Plan mandated Open Space taken out of Low Density Residential land use category.

4 8.7 acres of General Highway Commercial will be zoned with a Medium Density Residential Overlay and is anticipated to be developed with residential uses. As such this acreage is accounted for in the Medium Density Residential zoning district.



Legend

- RE-TH Residential Estate
- LDR-TH Low Density Residential
- MDR-TH Medium Density Residential
- HDR-TH High Density Residential
- MUBP-TH Mixed Use Business Park
- GHC-TH General Highway Commercial
- GHC-MDR-TH General Highway Commercial w/ Medium Density Residential Overlay
- M1-TH Light Industrial
- C-TH Tracy Hills Conservation

Figure updated to show MDR and MDR Overlay at KT Project Area.

2. ZONING AND DEVELOPMENT STANDARDS



2.1 RESIDENTIAL ZONING DISTRICTS

2.1.1 Purpose

Tracy Hills will provide a variety of housing types that accommodate a range of housing objectives, buyer needs, and affordability. It is expected that, once fully developed, Tracy Hills will accommodate ~~approximately 5,689~~ ~~a maximum of 5,499~~ dwelling units and an estimated population of approximately ~~17,650~~ ~~18,260~~ (the California State Department of Finance estimates an average of 3.21 persons per household, as cited in the City’s General Plan).

Figure 2-1, Zoning Districts, identifies four residential zoning districts. These zoning districts are Residential Estate (RE-TH, 0.5 to 2.0 dwelling units per acre), Low Density Residential (LDR-TH, 2.1 to 5.8 dwelling units per acre), Medium Density Residential (MDR-TH, 5.9 to 12.0 dwelling units per acre), and High Density Residential (HDR-TH, 12.1 to 25.0 dwelling units per acre).

The land use and development standards for the residential zoning districts of the Tracy Hills Specific Plan shall comply with all requirements that apply to the corresponding residential zoning districts in the Tracy Municipal Code, except as modified within this Specific Plan. (Refer to **Table 2-2, Residential Zoning Districts**).

**TABLE 2-2
RESIDENTIAL ZONING DISTRICTS**

Tracy Hills Specific Plan Residential Zoning Districts	Tracy Municipal Code Corresponding Zoning Districts
RE-TH	RE
LDR-TH	LDR
MDR-TH	MDR
HDR-TH	HDR

2.1.2 Permitted and Conditionally Permitted Uses Within Residential Zoning Districts

Table 2-1, Permitted and Conditionally Permitted Uses, indicates uses permitted within each residential zoning district of the Tracy Hills Specific Plan. The table also lists conditional uses that are subject to the granting of a Conditional Use Permit.



2. ZONING AND DEVELOPMENT STANDARDS

2.1.3 Development Standards for RE-TH, LDR-TH, MDR-TH, and HDR-TH

2.1.3

TABLE 2-3
DEVELOPMENT STANDARDS - RESIDENTIAL ZONING DISTRICTS

Development Standard	RE-TH	LDR-TH	MDR-TH ⁽¹²⁾	HDR-TH
Allowable Density Range	0.5 to 2.0 DU/AC	2.1 to 5.8 DU/AC	5.9 to 12.0 DU/AC	12.1 to 25.0 DU/AC
Maximum Lot Coverage ⁽⁸⁾	45%	45% ⁽⁸⁾	45 ⁷⁰ %	45%
Minimum Lot Size	15,000 s.f.	3,900 s.f.	⁽¹⁾ 2,500 s.f.	⁽¹⁾
Minimum Lot Width	45' minimum at street frontage	45' minimum at street frontage	⁽¹⁾ 45' minimum at street frontage	⁽¹⁾
Minimum Front Yard Setback ⁽²⁾⁽³⁾⁽⁴⁾	30 feet	10 feet	10 feet ⁽¹¹⁾	15 feet
Minimum Front Yard Setback ⁽²⁾⁽³⁾⁽⁴⁾ Garage	30 feet	20 feet ⁽¹⁰⁾	20-18 feet ⁽¹⁰⁾	
Minimum Side Yard Setback ⁽²⁾⁽³⁾⁽⁶⁾⁽⁹⁾	10 feet	5 feet	5-3 feet	15 feet, street side; 10 feet interior side
Minimum Rear Yard Setback ⁽²⁾⁽³⁾	30 feet	10 feet	10-7 feet	10 feet
Maximum Building Height ⁽⁷⁾	35 feet	35 feet	35 feet	35 feet

(1) To be determined upon approval of the Tentative Subdivision Map: The developer shall demonstrate that every lot has size and dimensions capable of meeting the land use, public utilities, and development standards of this Specific Plan.

(2) Any building / structure shall maintain minimum setbacks from the following pipelines: (refer to figure 1-4, Existing Conditions, for general location of pipeline easements)

- Phillips 66: minimum 16.25 feet from the edge of the pipeline easement
- Shell: minimum 10 feet from the edge of the pipeline easement
- PG&E and Chevron: minimum 15 feet from the edge of northeast side the pipeline easement and minimum 20 feet from the edge of the southwest side of the pipeline easement.

(3) All setbacks measured from property line.

(4) There shall be no parking in the front yard between the house and the public right-of-way, except in the driveway.

(5) For rear yard, minimum setback is 5 feet for detached garage.

(6) For all corner lots, the minimum street side yard setback is 10 feet.

(7) Detached accessory structures that encroach into the rear or side yard setbacks shall have a maximum height of 10 feet.

(8) Maximum Lot Coverate up to 55% shall be permitted for single story elevation.

(9) AC condenser units may encroach into the minimum rear or side yard setback. At least one side yard of the lot shall maintain the minimum setback.

(10) The minimum front yard setback to a side swing garage is 10 feet, if the garage door does not face a street.

(11) Front porches, balconies, and bay windows may encroach up to 5 feet into the minimum front setback

(12) In the MDR-TH zoning district, lots may be created with access provided by a private court or lane, as shown by the examples in Figure 2-6. For such cases where the front of a house faces a private court or lane, the property line dividing the lot from the private court or lane shall be the front lot line.

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2. ZONING AND DEVELOPMENT STANDARDS



2.2 GENERAL HIGHWAY COMMERCIAL ZONING DISTRICT

2.2.1 Purpose

The purpose of the General Highway Commercial (GHC-TH) Zone is to provide a mix of retail and services for local residents and travelers.

2.2.2 Permitted and Conditionally Permitted Uses Within GHC-TH

Table 2-1, Permitted and Conditionally Permitted Uses, indicates uses permitted within the General Highway Commercial zoning district of the Tracy Hills Specific Plan. The table also lists conditional uses that are subject to the granting of a Conditional Use Permit.

2.2.3 Development Standards for GHC-TH

Development Standards shall be in accordance with the Tracy Municipal Code Chapter 10.08, Zoning Regulations, Article 19, General Highway Commercial Zone (GHC), except as modified within this Specific Plan.

[Site design for commercial development shall ensure vehicular and pedestrian connectivity between adjacent commercial parcels and a reciprocal parking and access agreement shall be recorded at the County Recorder’s Office prior to issuance of a building permit.](#)

**TABLE 2-4
DEVELOPMENT STANDARDS – GENERAL HIGHWAY COMMERCIAL ZONING DISTRICT**

Development Standard	General Highway Commercial Zoning District
Maximum Lot Coverage	No Requirement
Minimum Lot Size	(1)
Minimum Lot Width	(1)
Minimum Front Yard Setback ⁽²⁾	No Requirement
Minimum Interior Side Yard Setback ⁽²⁾⁽³⁾	No Requirement
Minimum Street Side Yard Setback ⁽²⁾	No Requirement
Minimum Rear Yard Setback ⁽²⁾⁽³⁾	No Requirement
Maximum Building Height	45 feet

(1) No subdivision or lot line adjustment shall be approved or lots otherwise created with size or dimensions rendering it incapable of meeting the land use, public utilities, or development standards of this Specific Plan.

(2) Any building / structure shall maintain minimum setbacks from the following pipelines:
(refer to figure 1-4, Existing Conditions, for general location of pipeline easements)

- Phillips 66: minimum 16.25feet from the edge of the pipeline easement
- Shell: minimum 10 feet from the edge of the pipeline easement
- PG&E and Chevron: minimum 15 feet from the edge of northeast side the pipeline easement and minimum 20 feet from the edge of the southwest side of the pipeline easement.

(3) No Requirement, except when adjacent to a residential zoning district, in which case 15 feet shall be required. Such yards shall be increased by 4 feet for every story above the ground floor or 10 feet in height above 25 feet, whichever is less.



2. ZONING AND DEVELOPMENT STANDARDS

2.6.3 Public Infrastructure

Public infrastructure includes such items as water tanks, pump stations, drainage basins, and/or dry utility facilities, both interim and permanent. Final locations, numbers, size and configurations of these facilities will be constructed pursuant to the master infrastructure plans. Refer to **Figure 2-4, Public Facilities Plan** for conceptual locations and to Chapter 4, Infrastructure and Services, for more detailed discussion.

2.7 OTHER STANDARDS

2.7.1 Noise

Residential land uses may be sited where noise from I-580 falls within the Conditionally Acceptable range, identified in Figure 9-3 of the City of Tracy General Plan. Such determination shall be made by the City at the time of Tentative Map (or other discretionary application) approval. In making such determination, the City shall take into account the effect of feasible noise reduction measures on the anticipated noise levels at the proposed residential uses, as well as the project's conformance with other General Plan goals, objectives, and policies.

2.8 AIRPORT LAND USE COMPATIBILITY

The Tracy Municipal Airport is located to the east of the Specific Plan area. A portion of the Specific Plan area is located within the Tracy Municipal Airport's Area of Influence (AIA). Land uses within certain zones in the vicinity of the airport are regulated by the San Joaquin County Airport Land Use Commission (ALUC). The San Joaquin Council of Governments serves as the ALUC and has adopted the San Joaquin County Airport Land Use Commission Plan (ALUCP) in 2009. The area of the Specific Plan located along Corral Hollow Road directly south of the Delta-Mendota Canal is designated as Light Industrial (M-1) and lies in the Inner Approach/Departure Zone and Inner Turning Zone as specified in the 2009 ALUCP for the Tracy Municipal Airport (Refer to Figure 2-5, Tracy Municipal Airport Land Use Compatibility Zones). Land uses in these zones are regulated by the ALUC and shall comply with the adopted ALUCP.

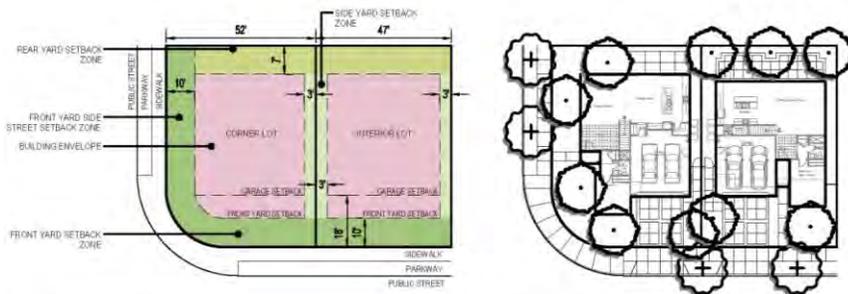
2.9 MEDIUM DENSITY RESIDENTIAL OVERLAY ZONE

[The Medium Density Residential Overlay Zone allows the subject property to develop in accordance with the permitted uses and development standards of either the underlying zoning district or the Medium Density Residential Zoning District.](#)

Tracy Hills Specific Plan
2. ZONING AND DEVELOPMENT STANDARDS



FIGURE 2-6
MEDIUM DENSITY RESIDENTIAL SETBACK EXHIBITS

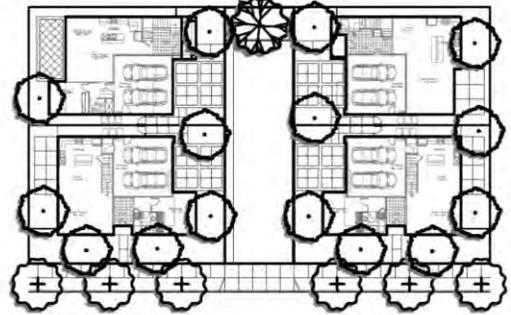


MEDIUM DENSITY RESIDENTIAL TRADITIONAL LOTS EXAMPLE PLAN OF SETBACKS & ZONES

MEDIUM DENSITY RESIDENTIAL TRADITIONAL LOTS EXAMPLE ILLUSTRATIVE PLAN



MEDIUM DENSITY RESIDENTIAL COURT LOTS EXAMPLE PLAN OF SETBACKS & ZONES



MEDIUM DENSITY RESIDENTIAL COURT LOTS EXAMPLE ILLUSTRATIVE PLAN



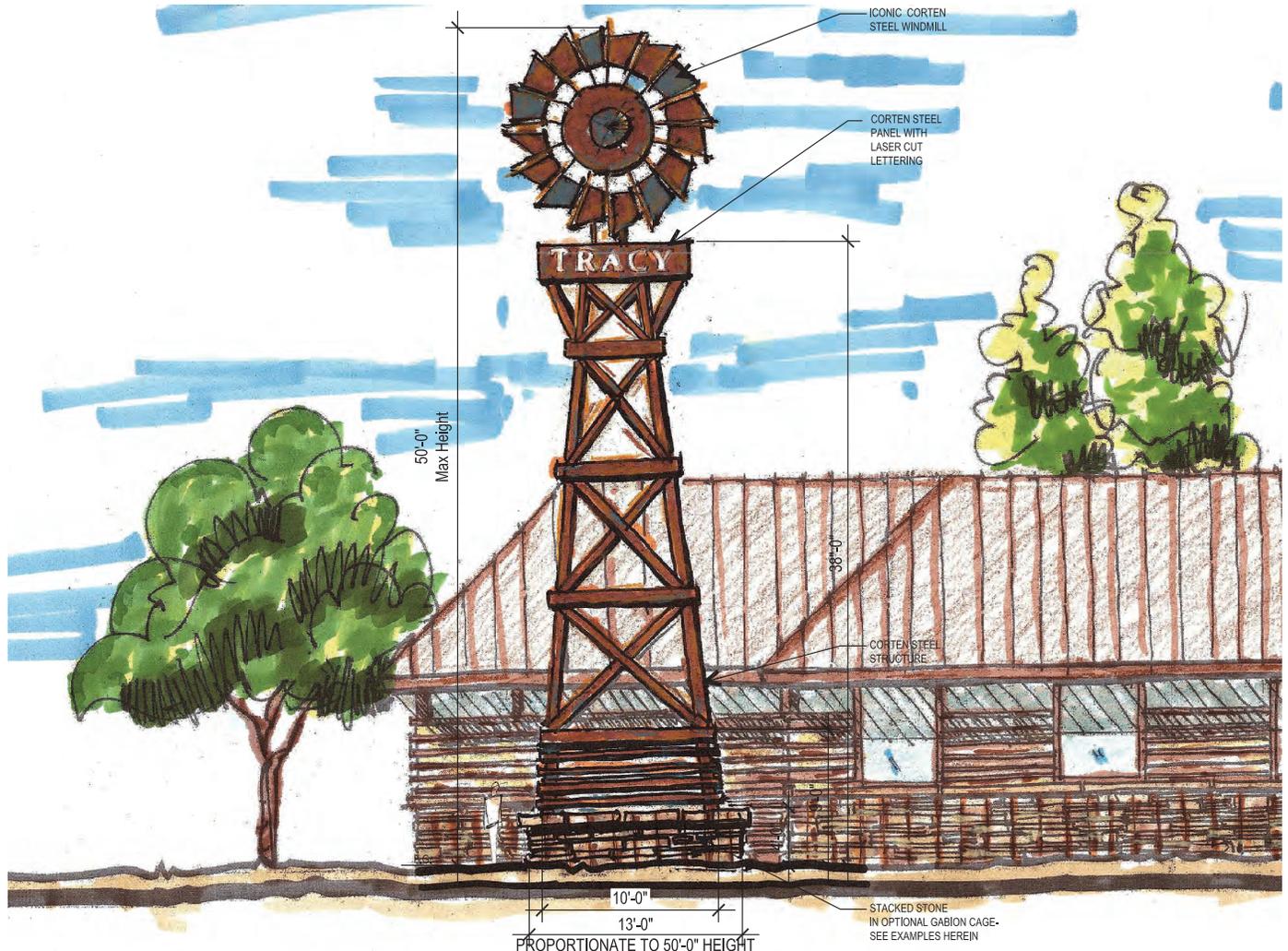
3.4.5 Community Monumentation

1. Community Gateway Icon

The Community Gateway Icon will be the landmark of the new community and establish a unifying community identity while providing a strong statement of community, commitment, and quality. A potential idea is proposed for a modern barn-like building coupled with an updated windmill sculpture that will comprise the Community Gateway Icon, conveying the agricultural heritage of the project site and serve as a “Welcome Home” center. Following use by the developer for marketing purposes, this building can serve as a potential neighborhood market and mail center for the community, or be used for any other community use that is permitted by this Specific Plan. The Community Gateway Icon shall be privately maintained. The Community Gateway Icon shall be subject to Development Review approval by City Council, as specified in Section 5.1.2 of this Tracy Hills Specific Plan. *The design and location of the Community Gateway Icon or second Community Gateway Icon may be approved as part of this Specific Plan, without requiring a Development Review permit, if the proposal matches design and location details shown in the Specific Plan or Appendix to the Specific Plan.*

All public right-of-way landscaping and other improvements, such as monumentation, walls and fences, furniture and accessories, and lighting, shall be reviewed by the City through the Improvement Plans.

All landscaping and other improvements which are located on private property shall be subject to Development Review, as specified in the Tracy Municipal Code.



**Conceptual sign design provided for thematic purposes. Dimensions provided for proportion scale only.*



5 ADMINISTRATION

5.1 THE PERMIT PROCESS

The permit process described below applies to all development proposed within the Specific Plan area. **Figure 5-1, Specific Plan Permit Process**, is a graphic illustration of this process. Each element of the permit process is described in greater detail in State law, the Tracy Municipal Code, and applicable City standards. The review process for each type of development application shall be as specified in the Tracy Municipal Code, except as modified herein.

5.1.1 Tracy Hills Design Guidelines

The purpose of the Tracy Hills Design Guidelines is to ensure that all development achieves and maintains a high standard of aesthetic quality, appearance, and sustainability throughout the development lifetime of Tracy Hills. The Design Guidelines will establish the overall aesthetic standards for community design, landscape design, and architectural design, and will apply to all projects within the Specific Plan area (refer to Chapter 3, Design Guidelines) that are subject to Development Review.

5.1.2 Development Review

The Development Review processing procedures are set forth in the Tracy Municipal Code, Chapter 10.08, except as modified herein. The regulations contained in this Specific Plan shall apply to all development. If the Specific Plan development regulations conflict with the Tracy Municipal Code, the regulations set forth herein shall prevail.

Construction of any new single-family or two-family dwelling is subject to Development Review. Additions, improvements or repairs to a single-family or two-family dwelling are not subject to Development Review. Development Review shall be required for any other improvements as specified by the Tracy Municipal Code.

For Development Review of a residential subdivision, or a portion of a residential subdivision, an exhibit showing the distribution of house types (i.e., floor plan type and elevation type) throughout the subdivision is required as part of the Development Review process.

The Community Gateway Icon, which is conceptually described and depicted in Section 3.4.5, Community Monumentation, shall be subject to Development Review approval by City Council, with a recommendation by Planning Commission.

[The design and location of the Community Gateway Icon or second Community Gateway Icon may be approved as part of this Specific Plan, without requiring a Development Review permit, if the proposal matches design and location details shown in the Specific Plan or Appendix to the Specific Plan.](#)

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5.1.3 Conditional Use Permits

Land uses and densities permissible for each parcel within the Specific Plan area zoning districts are identified in Chapter 2, Zoning and Development Standards, Sections 2.1 through 2.5. Specified conditional uses shall be permitted subject to the approval of a Conditional Use Permit. Because these uses have potentially incompatible characteristics, conditional uses require special consideration and may necessitate imposition of certain conditions on the development.

The process for applications is described in the City of Tracy Municipal Code, Section 10.08.42.50, et seq.

5.1.4 Tentative Maps

Tentative Subdivision Maps shall be submitted to the Development Services Department in accordance with State law, the Tracy Municipal Code, applicable City standards, and Subdivision Map Act.

The submittal requirement of conceptual architectural elevations for Vesting Tentative Subdivision Maps has been satisfied by the Tracy Hills Specific Plan, and Section 3.2, Residential Design Guidelines. Review of the architectural elevations for specific development proposals will be addressed through the Development Review process.

The form and content of the Final Map shall conform to the requirements of the Tracy Municipal Code and State law.



APPENDIX A

KT LANDSCAPE DESIGN GUIDELINES

1. PURPOSE AND SCOPE

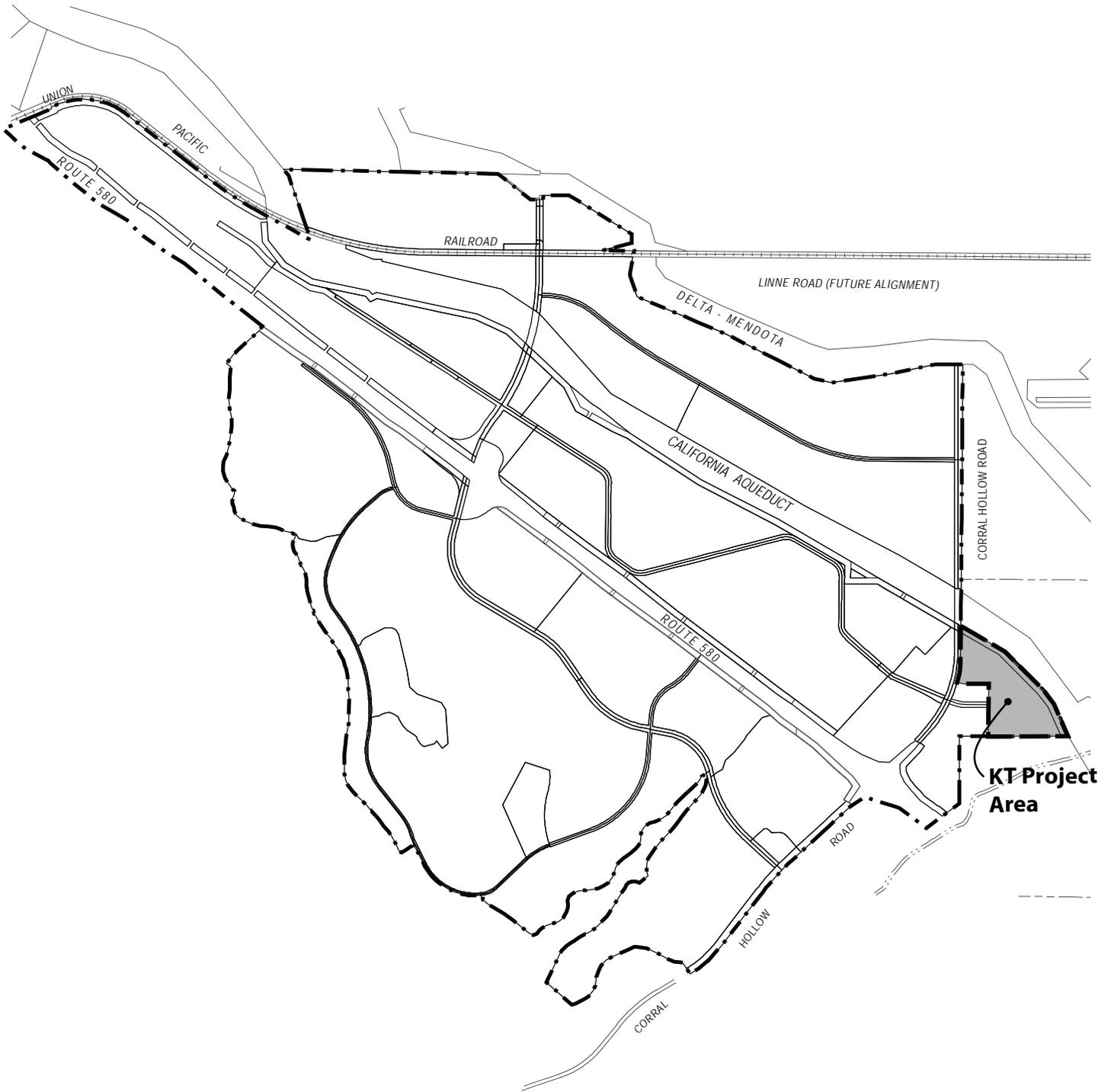
The landscape design guidelines contained in Section 3.4 of the Tracy Hills Specific Plan apply Specific Plan-wide; however, implementation details are only shown for Phase 1A. The purpose of Appendix A is to provide landscape design guidelines and implementation details for the KT Project Phase. The KT landscape design guidelines include the following components:

- Community Monumentation
- Circulation
- Streetscape and Trails
- Edge conditions/ Easements
- Conceptual Overall Illustrative Parks and Landscape Plan
- Lighting
- Walls and Fences
- Landscape Master Tree Plan

2. LOCATION

The KT Project phase of the Specific Plan Area encompasses approximately 36 acres located east of Corral Hollow Road, southwest of the California Aqueduct and north of Interstate 580. Refer to Figure A-1, Location Map - KT Project for additional information.

0 1,500 3,000 6,000 Feet





3. COMMUNITY MONUMENTATION

The KT Project shall continue the Tracy Hills themes established in Phase 1A through the consistent application and use of monument signage. Monumentation will be consistent with the character of the project, but flexible enough to respond to individual project context. Logos, type styles, color schemes, and architectural features should be consistent throughout the area being identified. Monumentation may vary in size and detail in a manner that reflects their relative importance within the signage hierarchy, but will incorporate a consistent material palette. Refer to Figure A-2 Community Identity Signage/Monumentation Key Map - KT Project for preliminary signage locations.

3.1. Community Monumentation Detail Reference

Community monumentation utilized in the KT Project were originally used and detailed in Phase 1A. Monumentation shall reference the details used in Phase 1A to ensure consistency throughout the Tracy Hills Specific Plan area. Refer to the list below for detail references to the monumentation shown in Figure A-2 Community Identity Signage/Monumentation Key Map - KT Project.



Primary Community Monumentation - Refer to Figure 3-2a



Primary Neighborhood Entry Signage - Refer to Figure 3-3



Park Signage - Refer to Figure 3-4



Trailhead Marker - Refer to Figure 3-5



TRACY HILLS Specific Plan

Community Identity Signage/Monumentation Key Map - KT Project

Figure A-2



Tracy Hills
Phase 1A



Legend

Symbol	Description/Location
--------	----------------------

-  Primary Community Monumentation- Identifies overall community of Tracy Hills for current and future phases.
-  Primary Neighborhood Entry Signage- entries of the neighborhoods off main arterial roads (one sign per symbol)
-  Park Signage- Similar to Neighborhood Entries but at a smaller scale and identifies main park entry.
-  Trailhead Marker- Signage at a smaller scale to blend into surroundings. It identifies location of a trail access where it connects to a roadway.

NOTE: These are 'proposed' locations and will be modified based on actual builder entries and necessity for entry identification. A detail plan for each phase shall be reviewed and approved by the City of Tracy prior to installation of any signs. Monument design and application will be consistent with monument design and location shown herein for the KT Project area.



4. CIRCULATION

A hierarchy of streets and trails are proposed within the KT Project which provide separate facilities for vehicles and pedestrians. Primary access is provided from Corral Hollow Road at an intersection with the spine road from Phase 1A. The spine road is extended to the KT Project boundary where it transitions to a residential street. Refer to Figure A-4 for a typical section of the spine road extension through the commercial area. Secondary access from Corral Hollow Road is provided north of the aforementioned intersection with a right-in/right-out only connection. The remainder of the public vehicular circulation throughout the KT Project is provided through residential streets. Refer to Figure A-5 for a typical section of the public residential street. In addition to the public streets, certain homes front on private lanes with a 24' roadway section which serves both vehicles and pedestrians. Refer to Figure A-6 for a typical section of the private lane.

Pedestrian circulation is provided with separated sidewalks along public streets and walkways located within open space and park areas. A multi-use trail located within a linear park feature provides access between the park and Corral Hollow Road along the Conservation Easement. A multi-use trail is also located around the retention basin which provides for passive recreation opportunities.

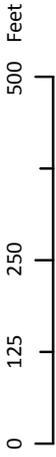
Refer to Figure A-3 Circulation Map - KT Project for additional information on the proposed circulation for this phase of Tracy Hills.

4.1. Streetscape and Trails

The following figures illustrate a hierarchy of streetscapes and circulation which provide distinctive landscape treatments for each planned roadway and trail. Landscape and hardscape treatments include elements such as landscaped medians, sidewalks, enhanced paving at pedestrian crossings and primary/secondary entries, trails and parkway trees. Consistent with Phase 1A, enhanced paving used is defined as any paving other than natural gray concrete or asphaltic concrete and the use of enhanced paving is strongly encouraged. Streetscapes and trails are shown in Figures A-4 to A-7 depict conceptual landscape application. Street trees shall be consistent with those shown in Figure A-14. Shrub and groundcover plant material shall be consistent with the species in the Landscape Plant Matrix in Section 3.4.15 of the Specific Plan.



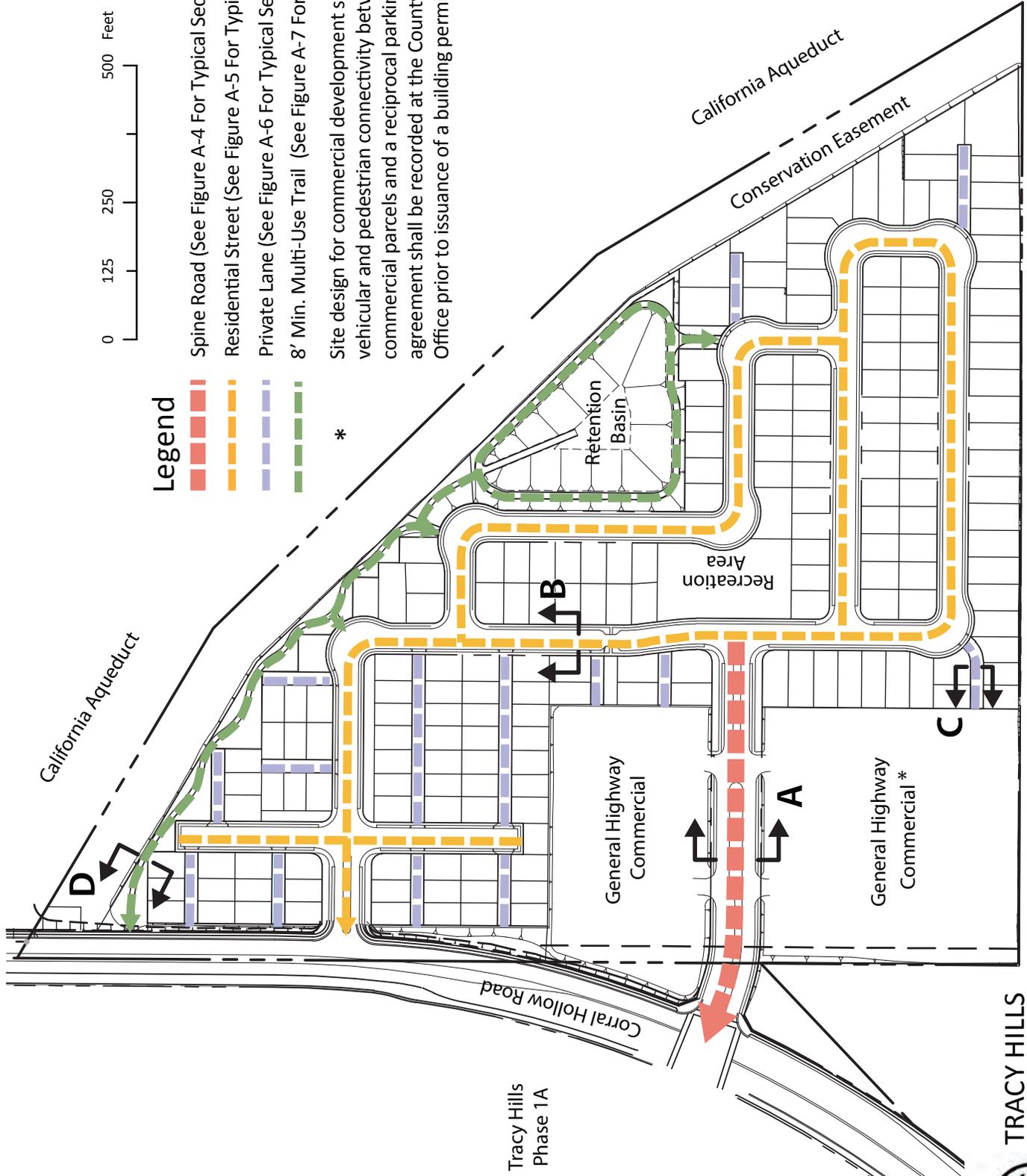
North



Legend

-  Spine Road (See Figure A-4 For Typical Section)
-  Residential Street (See Figure A-5 For Typical Section)
-  Private Lane (See Figure A-6 For Typical Section)
-  8' Min. Multi-Use Trail (See Figure A-7 For Typical Section)

* Site design for commercial development shall ensure vehicular and pedestrian connectivity between adjacent commercial parcels and a reciprocal parking and access agreement shall be recorded at the County Recorder's Office prior to issuance of a building permit.



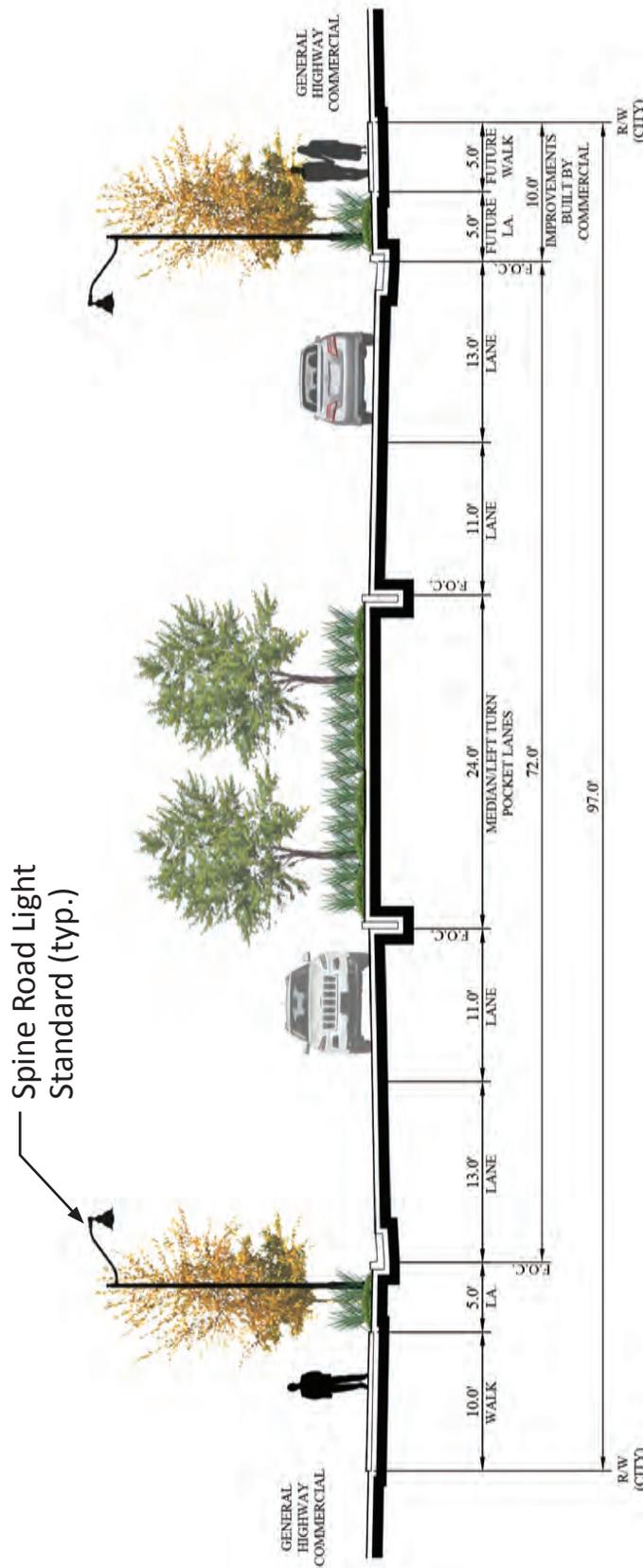
Tracy Hills Phase 1A



TRACY HILLS
Specific Plan

Figure A-3

Circulation Map - KT Project



Spine Road Light Standard (typ.)

Figure A-4
Section A, Spine Road

- Notes:
- Landscape shown for illustrative purposes only. Refer to Figure A-14 for specified street trees.
 - Rolled curbs may be utilized along public streets within the KT Project phase.

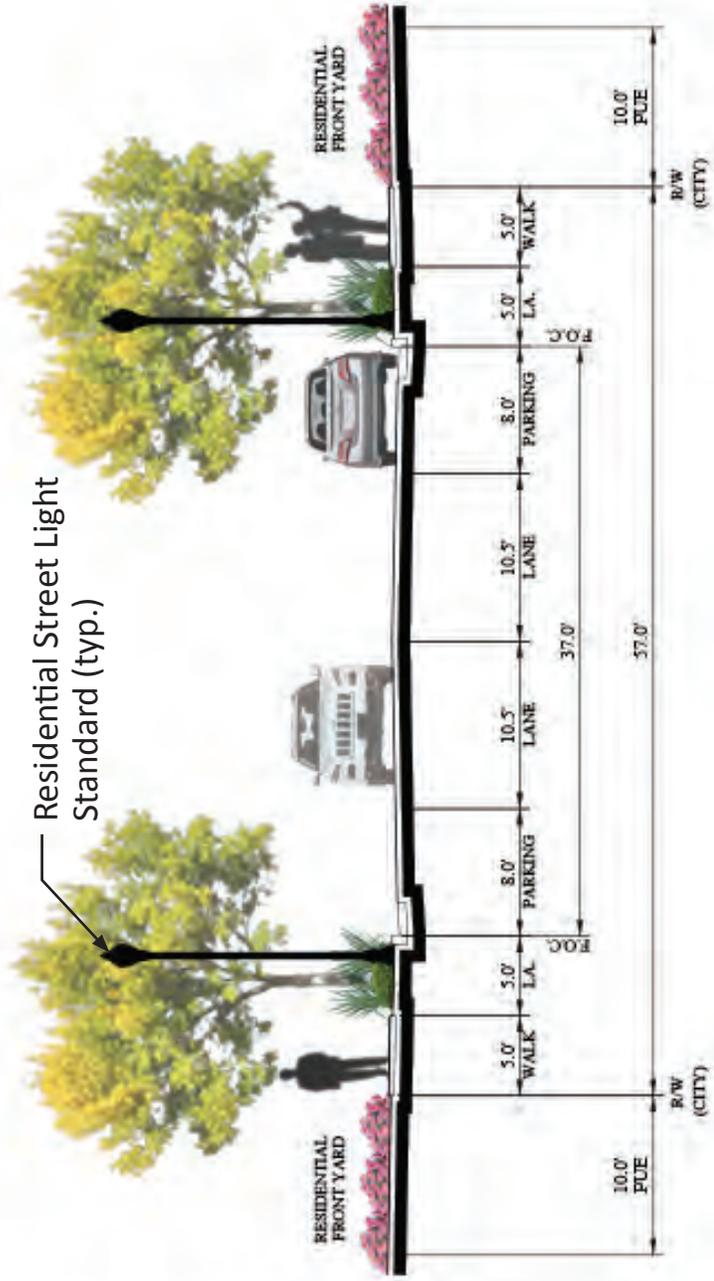


Figure A-5
Section B, Residential Street

- Notes:
- Landscape shown for illustrative purposes only. Refer to Figure A-14 for specified street trees.
 - Rolled curbs may be utilized along public streets within the KT Project phase.

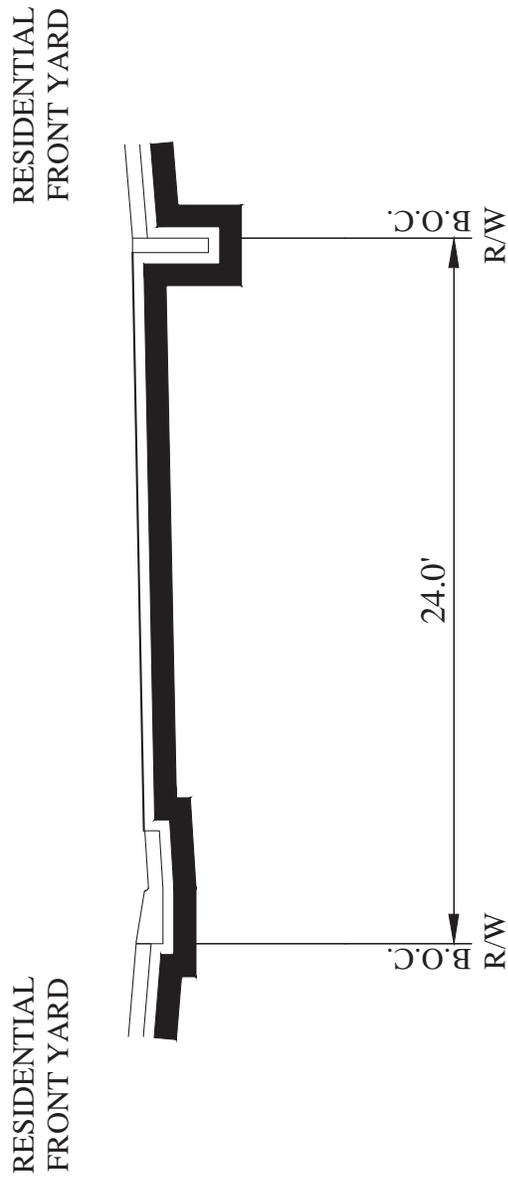


Figure A-6
Section C, Private Lane

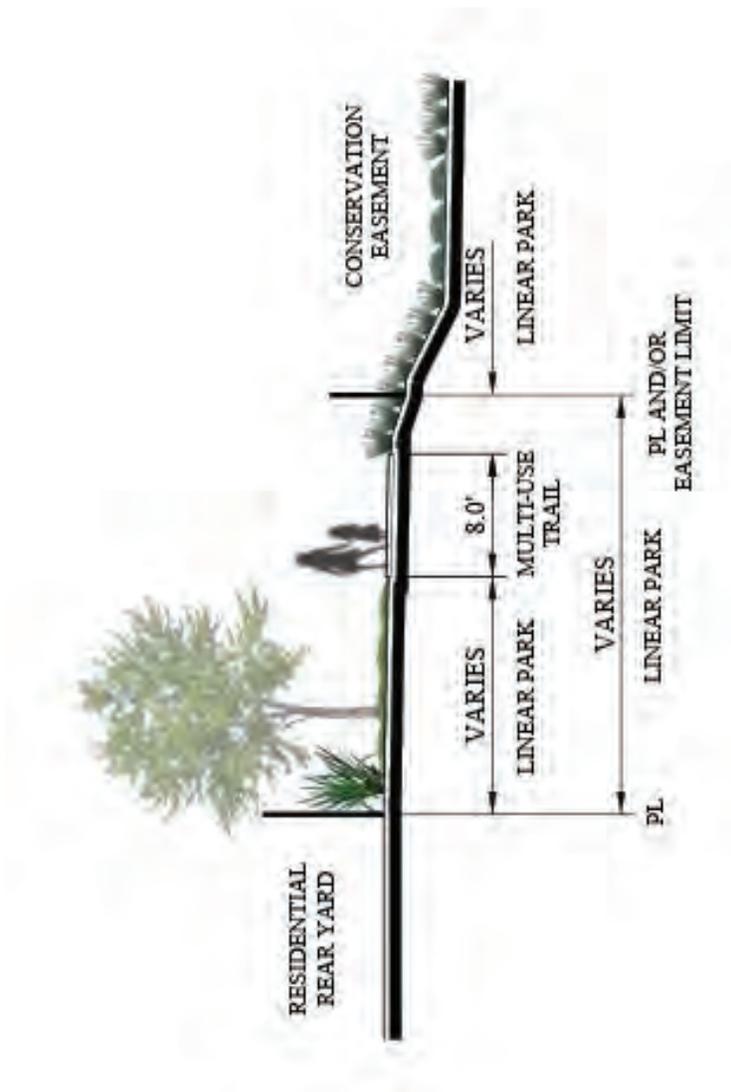


Figure A-7
Section D, 8' Multi-Use Trail & Linear Park



5. EDGE CONDITIONS/EASEMENTS

A one hundred foot wide conservation easement will be recorded within the KT Project along east boundary adjacent to the California Aqueduct. The easement will include approximately 5.5 acres of area. The purpose of the conservation easement is to provide permanent wildlife habitat. The conservation easement will be owned and maintained by the project's HOA and zoned Tracy Hills Conservation (C-TH). No development within this area will be allowed except for installation of protective fencing. Signs will be attached to the fencing advising the public to "stay out of the conservation easement areas."

The Conservation Easement within the KT Project will have the existing native landscape "protected-in-place" and no additional landscape or irrigation improvements are proposed.

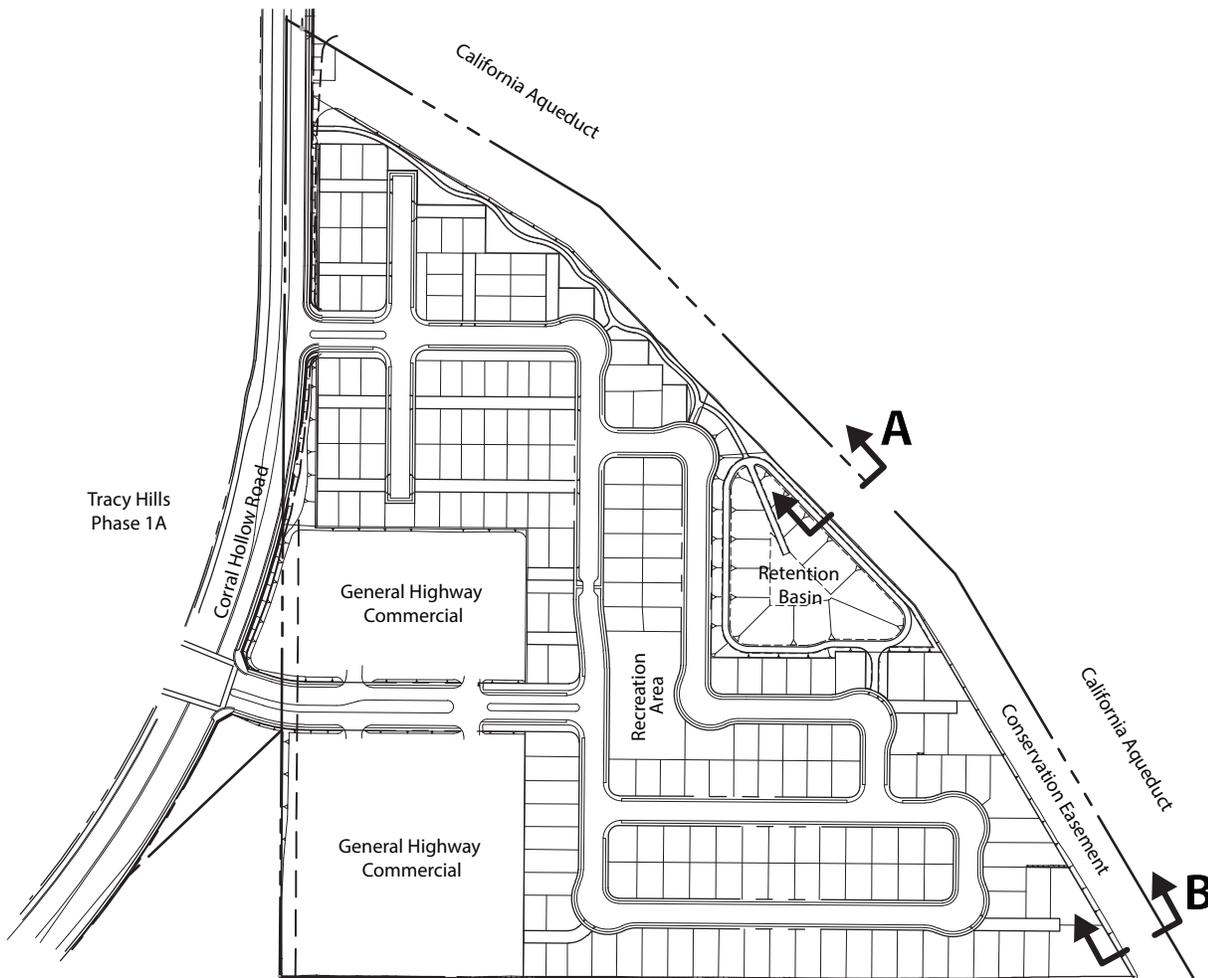


Figure A-8
Edge Conditions/Easements Key Map

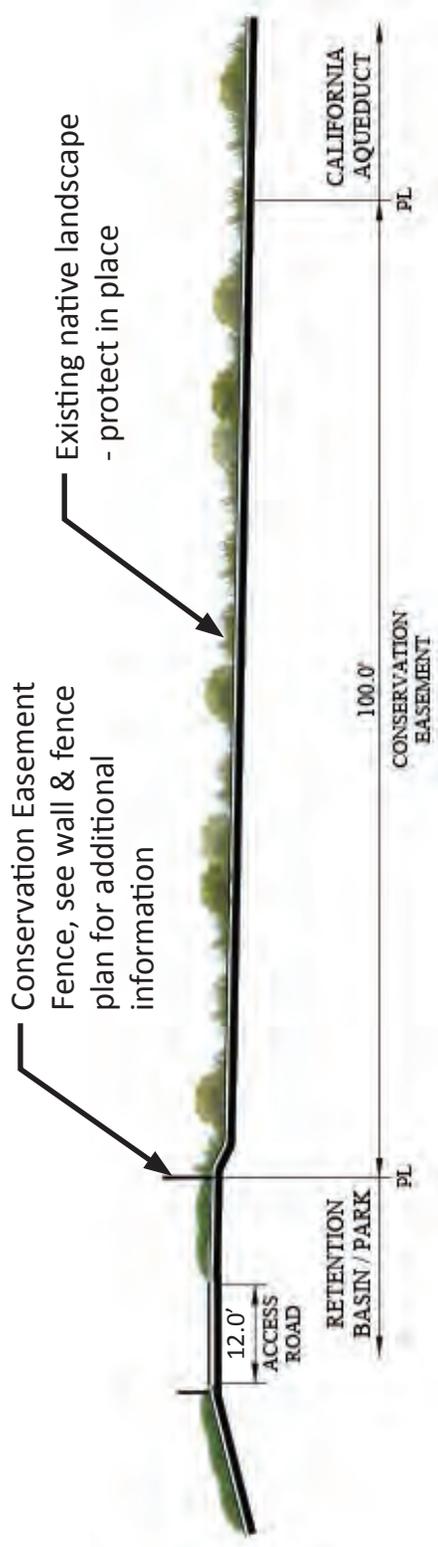


Figure A-9
Section A

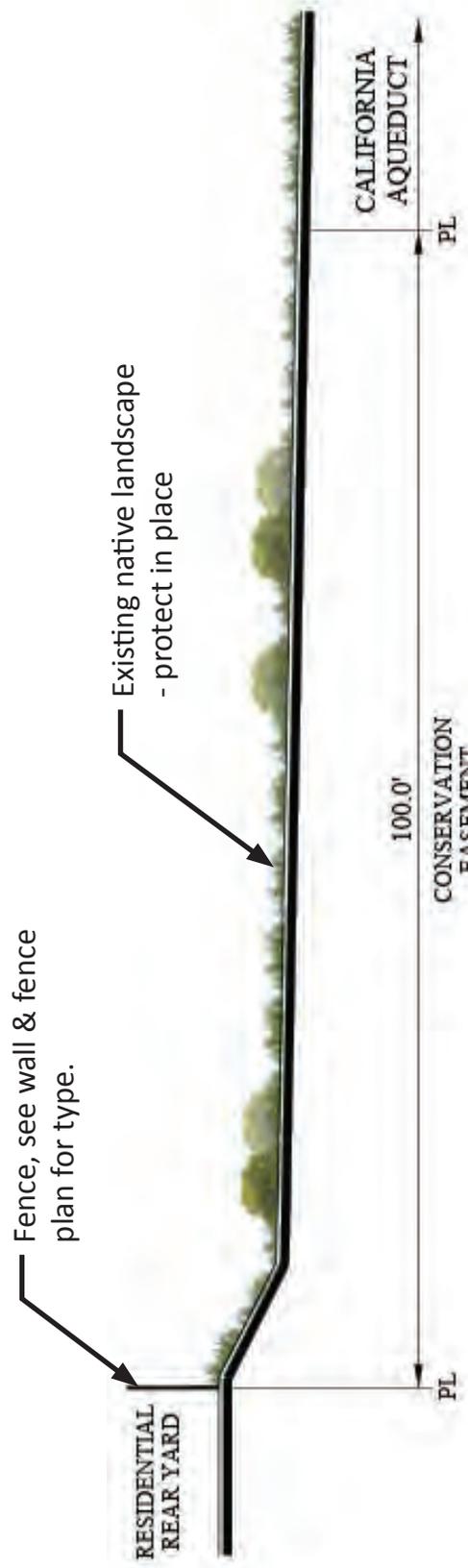


Figure A-10
Section B



6. CONCEPTUAL OVERALL ILLUSTRATIVE PARKS AND LANDSCAPE PLAN

The KT Project implements a linear park concept that provides an off-road trail corridor including pedestrian and bike pathways. These pathways connect to a comprehensive Class I bikeway and pedestrian system within Tracy Hills. The Tracy Hills Class I bikeway and pedestrian system, as built and planned in future phases, provides connectivity to neighborhood parks, HOA parks and recreational facilities, schools, retail and services, open space features and trail system, and a future community park. The KT Project linear park is part of a vision to provide a diversity of recreational opportunities in Tracy Hills comprised of an integrated and connected park and trail system. The park and trail system network not only promotes connectivity within the development, but also to the entire City.

As described in the 2013 Parks Master Plan (New Developments), the City may consider partial credits (up to 30% of the park acreage requirement) for linear parks in lieu of neighborhood park requirements. The proposed linear park is eligible to satisfy the park land requirement for the KT Project as it is part of the overall park system network for Tracy Hills. Once completed, the park will be dedicated to the City. Linear parks within the development that are dedicated to the City, and available for public use, may be maintained by the HOA. The design of the linear park, including amenity components, will be finalized through the preparation of improvement plans that will be reviewed and approved by the City Engineer.

The KT Project also include a private HOA park and recreational facility that may include but not limited to active and passive recreational features such as playground equipment, pool including deck/lounge area, BBQ area, open turf, restroom and shower facilities, and shade structure. The HOA park and recreational facilities will be sized appropriately to serve the KT Project.

The parks within the community shall incorporate the following design elements:

- Landscaping should consider the use of drought tolerate species and be planted to conserve water and reduce irrigation needs. Use of reclaimed water or other water conserving strategies is encouraged.
- Use appropriate lighting in high use areas for safety purposes.
- The use of drought-tolerant landscaping and hydrozoning irrigation systems should be designed effectively.



Figure A-11
Conceptual Overall Illustrative, Parks and Landscape Plan - KT Project

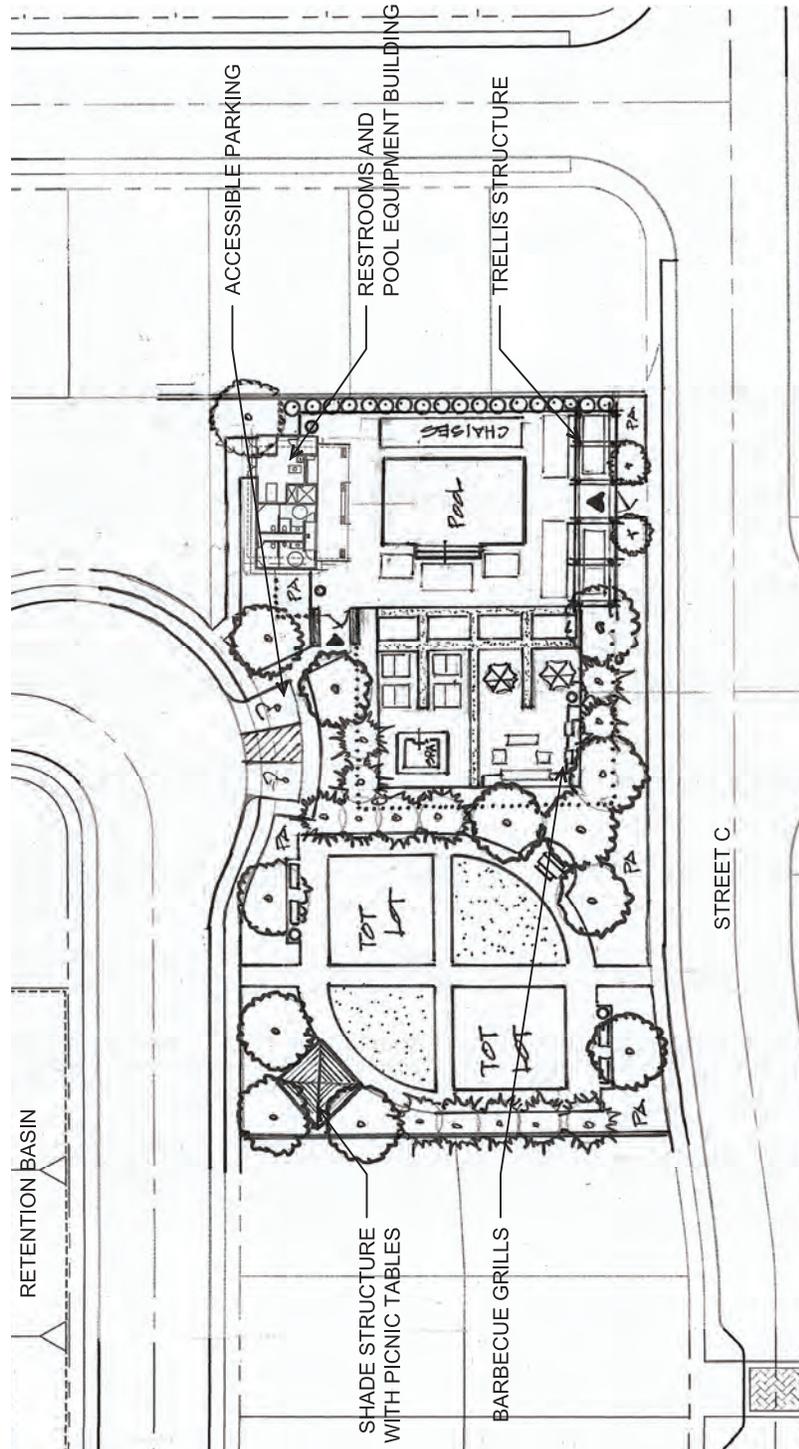


Figure A-12
Conceptual Recreation Area
(Figure above is a conceptual illustrative and subject to change and design refinement)



7. LIGHTING

The site furnishings and lighting design for the residential villages located within the KT Project shall be consistent with the themes and standards established in Phase 1A of Tracy Hills. Refer to section 3.4.9 the Specific Plan for the site furnishings and lighting standards which shall be applied to this phase of the Specific Plan.

8. WALLS AND FENCES

Consistent with Phase 1A, walls and fences within this phase of the Specific Plan are intended to maintain the quality and character of the public realm. Wall and fence materials shall provide variety, privacy, and consistency within the community.

The following types of walls and view fences were selected for use within different areas of the project site, consistent with their application in Phase 1A. All wall and fence heights are measured from the higher grade elevation on either side of the wall or fence. Refer to Figure A-13 Master Wall and Fence Plan KT Project for general wall and fence locations. Wall and fence policies below as established in Phase 1A shall be applicable to the KT Project.

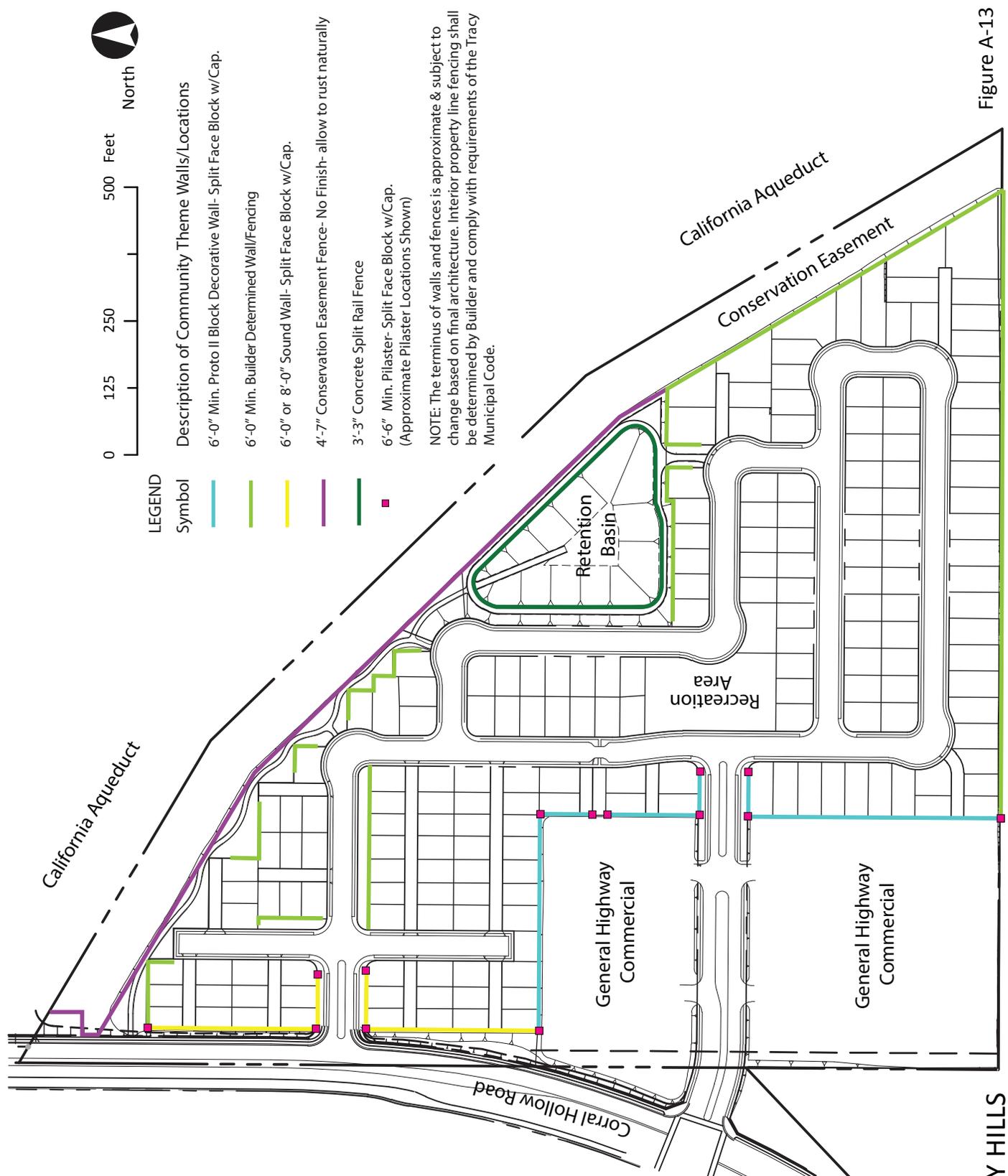
- Decorative walls and/or screen walls shall be integrated with the community design intent, as well as the overall landscape design.
- All community theme walls and fences shall be consistent in design as outlined herein.
- View fencing of full height tubular steel may be used and pilasters incorporated into steel fencing.
- Shrubs are encouraged to be planted along community walls to soften the visual character.
- Continuous fencing or walls shall have pilasters located at corners, at change in wall/fencing materials and significant redirections in the fence line.

*All Wall and Fencing materials and colors specified are for design intent. Should materials and/or colors not be available at time of installation, alternative materials and/or colors shall be substituted as specified "or equal" and shall be approved by City staff. Design intent is for Walls and Fences to be consistent community-wide.

8.1. Wall and Fence Detail References

Majority of the wall and fence types utilized in the KT Project were originally used and detailed in Phase 1A. Such fencing shall reference the details used in Phase 1A to ensure consistency throughout the Tracy Hills Specific Plan area. Please refer to the list below for detail references to the fencing shown in Figure A-13 Master Wall and Fence Plan - KT Project.

-  6'-0" Min. Proto II Block Decorative Wall- Split Face Block w/Cap - Refer to Figure 3-34
-  6'-0" Min. Builder Determined Wall/Fencing. Fencing may be Split Face Block, Tubular Steel or Wood.
-  6'-0" or 8'-0" Sound Wall- Split Face Block w/Cap - Refer to Figure 3-35
-  4'-7" Conservation Easement Fence - No Finish- allow to rust naturally - Refer to Figure 3-31
-  3'-3" Concrete Split Rail Fence - Refer to Figure 3-33
-  6'-6" Min. Pilaster - Split Face Block w/ Cap -Refer to Figures 3-34 & 3-35



0 125 250 500 Feet

LEGEND

Description of Community Theme Walls/Locations

- Symbol — 6'-0" Min. Proto II Block Decorative Wall- Split Face Block w/Cap.
- 6'-0" Min. Builder Determined Wall/Fencing
- 6'-0" or 8'-0" Sound Wall- Split Face Block w/Cap.
- 4'-7" Conservation Easement Fence- No Finish- allow to rust naturally
- 3'-3" Concrete Split Rail Fence
- 6'-6" Min. Pillaster- Split Face Block w/Cap. (Approximate Pillaster Locations Shown)

NOTE: The terminus of walls and fences is approximate & subject to change based on final architecture. Interior property line fencing shall be determined by Builder and comply with requirements of the Tracy Municipal Code.

Figure A-13
Master Wall and Fence Plan - KT Project



9. LANDSCAPE MASTER TREE PLAN

The plant list for this project was developed to reinforce the community theme and to create some seasonal change with a mixture of deciduous and evergreen plants while maintaining a well-balanced landscape. Many plants on this list are considered low water and drought tolerant species and were chosen based on their specific growth characteristics, including flowering and foliage color, texture and form. Refer to Figure A-14 Master Tree Plan - KT Project for the street tree plan for this Phase of Tracy Hills.

The following items should be considered in the community landscape design process:

- Consistent street tree themes should be related to the hierarchy of the street system.
- Extensive use of trees, vines and shrubs to soften community theme wall and fencing.
- Recognition of existing natural conditions and situations.
- Use of both “formal” and “informal” planting arrangements, depending upon the particular condition.
- “Layering” or the shrub understory to create depth, variety and interest.
- Refer to local codes for spacing distance from utilities, light poles, etc.

9.1. Landscape Irrigation

All landscaped areas will be permanently irrigated using an automatic, underground irrigation system or bubbler low-flow systems. Please refer to Section 3.4.13 of the Specific Plan for additional information.

9.2. Utility and Equipment Screening

All utilities above/below ground providing service to the residential villages and commercial areas shall be screened to prevent unsightly conditions that detract from the overall aesthetics. Refer to Section 3.4.14. of the Specific Plan for utility screening guidelines.

9.3. Landscape Plant Matrix

Refer to Section 3.4.15 of the Specific Plan for the Landscape Plant Matrix.

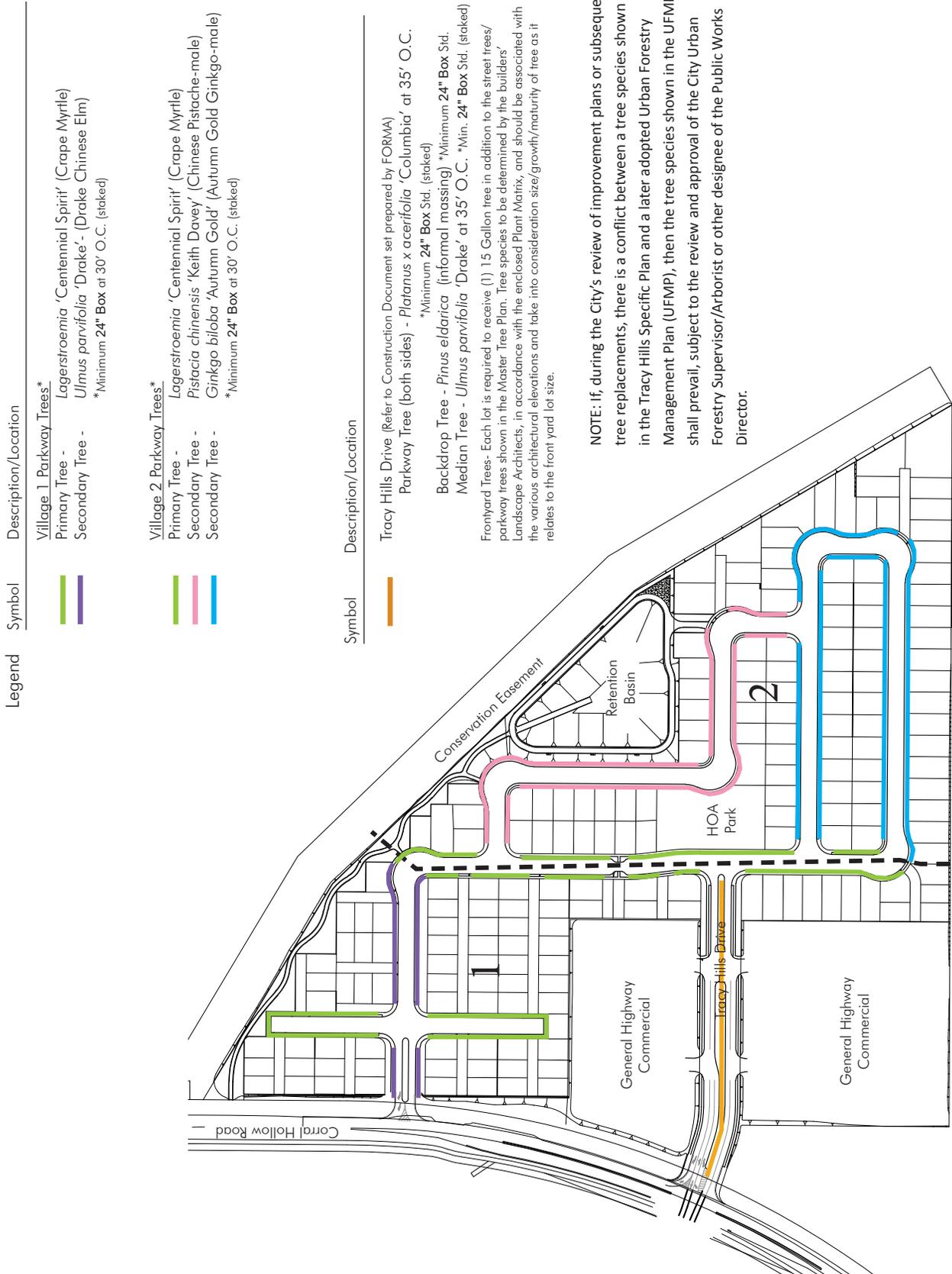


Figure A-14
Master Tree Plan - KT Project



APPENDIX B

COMMUNITY GATEWAY ICON DESIGN GUIDELINES

1. PURPOSE AND SCOPE

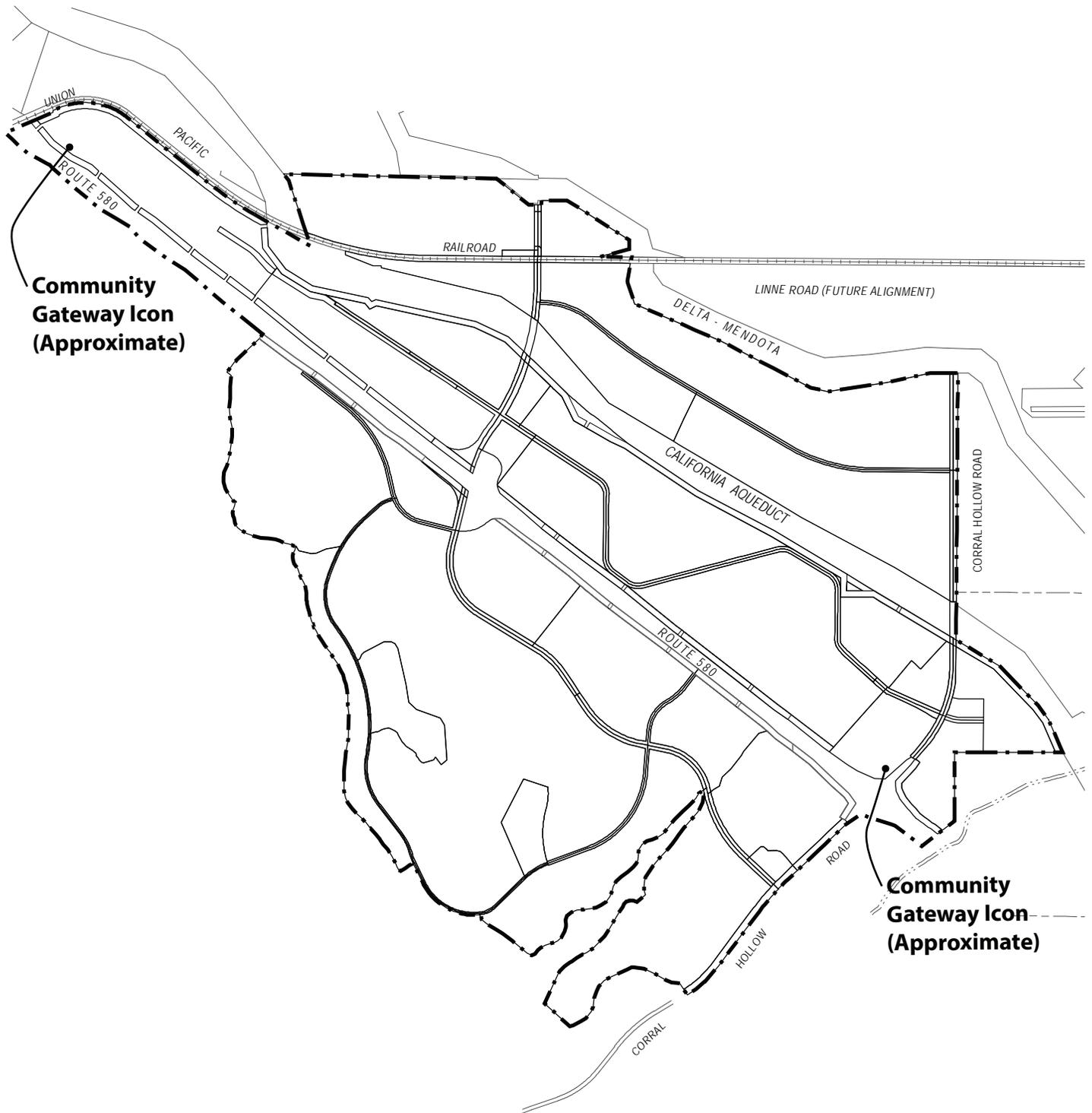
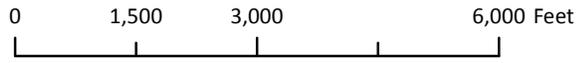
The Community Gateway Icon will be the landmark of the Tracy Hills community and establish a unifying community identity while providing a strong statement of community, commitment, and quality. At time of initial Specific Plan preparation, design details had not been developed for the Community Gateway Icon. This Appendix incorporates the Community Gateway Icon design and locations into the Specific Plan. The design and location of the Community Gateway Icon or second Community Gateway Icon may be approved as part of this Specific Plan or Appendix to the Specific Plan, without requiring a Development Review permit, if the proposal matches the design and location details shown in this Appendix.

2. LOCATION

The Tracy Hills Specific Plan Area includes two Community Gateway Icons. A Community Gateway Icon is located adjacent to the Corral Hollow Road and Interstate 580 interchange within Phase 1A. The second Community Gateway Icon is located at the western end of the Specific Plan Area along Interstate 580. Refer to Figure B-1, Location Map - Community Gateway Icon for additional information.

3. COMMUNITY GATEWAY ICON DETAIL

The Community Gateway Icon will incorporate materials and elements consistent with the other community monuments established in Section 3.4.5 of the Specific Plan. The Community Gateway Icon is approximately 40-feet high and has an approximate base dimension of 13-feet by 5-feet. The Icon's base shall have a stacked stone veneer consistent with that used on the other community monuments. The sign portion of the Icon will be a large vertical corten steel or similar material laser-cut/water-cut panel which will identify the Tracy Hills community and include the community's logo. Refer to Figure B-2 for an illustrative of the Community Gateway Icon and Figure B-3 for a detail of the Community Gateway Icon.



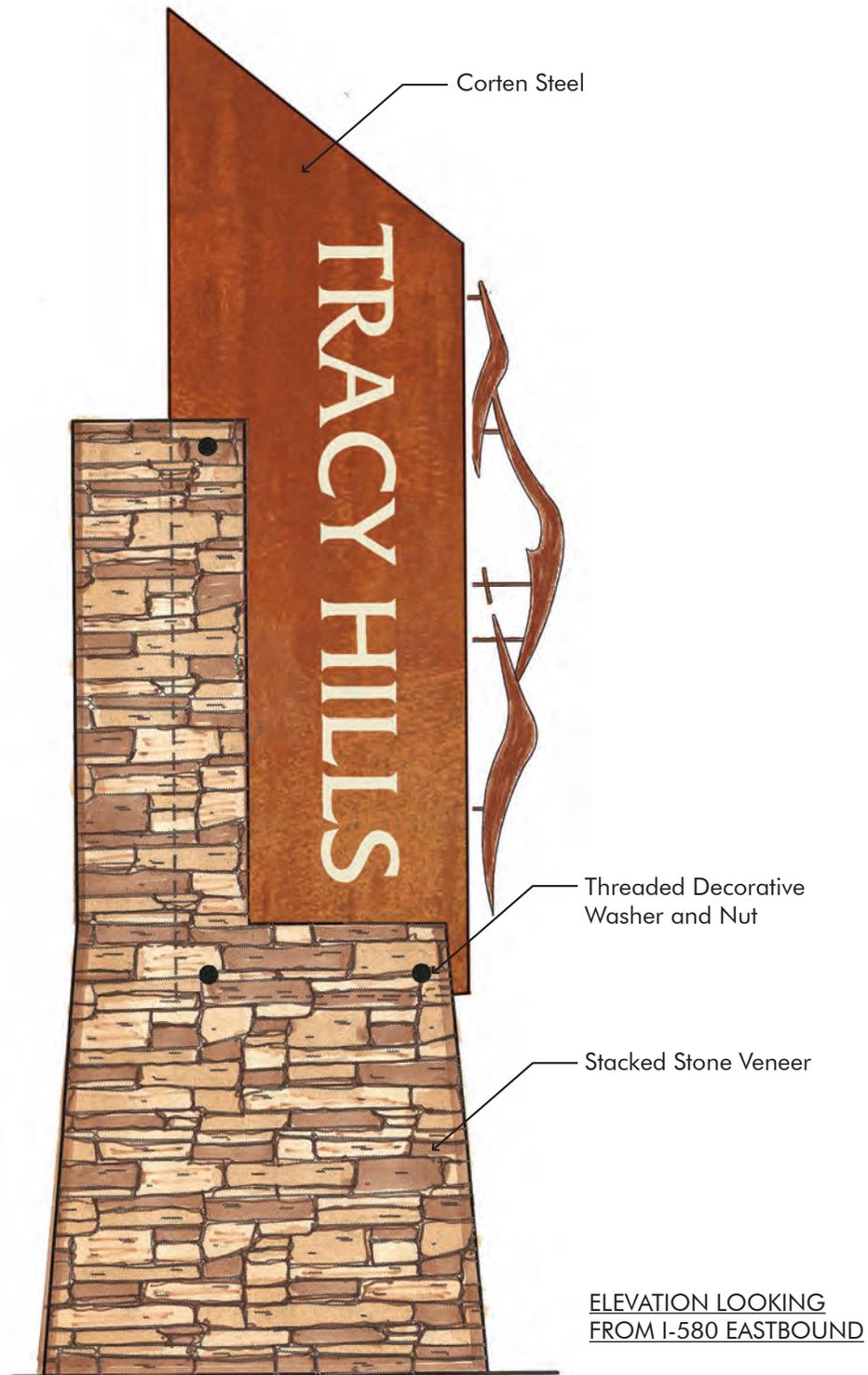
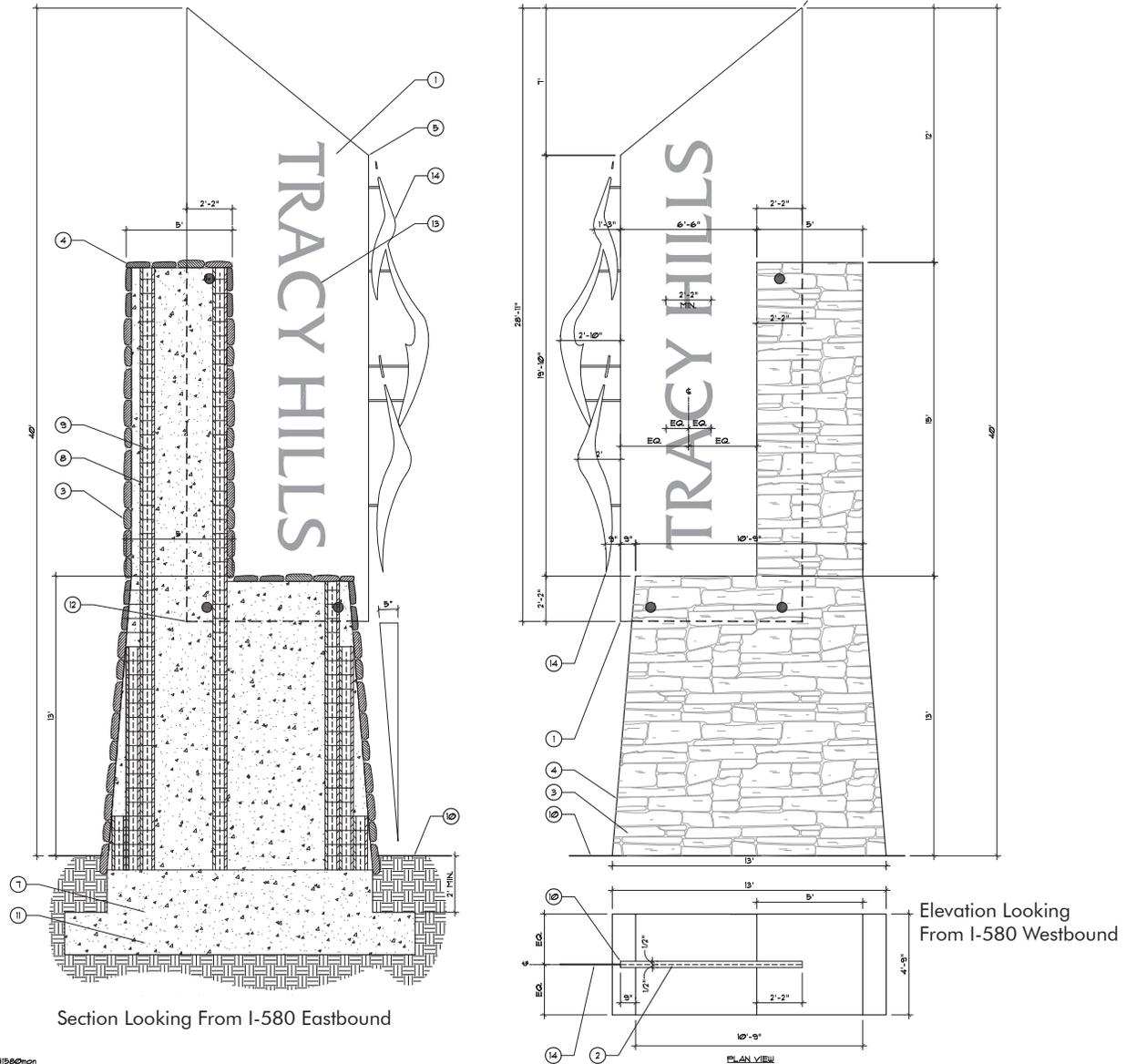


Figure B-2
Community Gateway Icon - Illustrative Elevation



Section Looking From I-580 Eastbound

Elevation Looking From I-580 Westbound

d1580mon

- ① TWO (2) 1/2" THICK CORTEN STEEL PANELS WITH LASER-CUT/WATER-CUT LETTERING TO READ FROM BOTH DIRECTIONS. ATTACH TO CMU BLOCK BASE PER STRUCTURAL ENGINEER'S DETAILS. REFER TO LC-0 FOR FINISH.
- ② 1/16" THICK ALUMINUM SKIN PANEL EXTEND TO ALL EDGES. POWDERCOAT BOTH SIDES. SANDWICH AND BOLT BETWEEN (2) CORTEN STEEL PANELS. SEAL ALL EDGES WITH CLEAR WATERPROOF CAULKING OR OTHER AS RECOMMENDED BY SIGNAGE CONTRACTOR. REFER TO SHEET LC-0 FOR COLOR.
- ③ STACKED STONE VENEER, MORTAR INTO PLACE. EXTEND 6" BELOW FINISH GRADE.
- ④ MITER CORNERS OR STAGGER AND ALTERNATE STONE AT CORNERS FOR NATURAL LOOK
- ⑤ 1/8" RADIUS AT CORTEN PANEL CORNERS
- ⑥ NOT USED
- ⑦ CONCRETE FOOTING AND REINFORCING PER STRUCTURAL ENGINEER'S DETAILS AND CALCS.
- ⑧ CMU BLOCK. GROUT SOLID ALL CELLS.
- ⑨ REINFORCING PER STRUCTURAL DETAILS AND CALCS.
- ⑩ FINISH GRADE
- ⑪ COMPACTED SUBGRADE PER GEOTECHNICAL REPORT.
- ⑫ EPOXY BED
- ⑬ COMMUNITY LOGO BY CLIENT'S MARKETING/BRANDING CONSULTANT. TYPEFACE/ FONT STYLE SHALL BE DESIGNED BY MARKETING/BRANDING CONSULTANT AND SUBMITTED VIA SHOP DRAWING FOR APPROVAL PRIOR TO CONSTRUCTION BASED ON BRANDING CONSULTANT'S LOGO DESIGN. MONUMENTATION CONFIGURATION MAY BE ALTERED TO ACCEPT LOGO.
- ⑭ TRACY HILLS LOGO GRAPHIC PER CLIENT'S MARKETING/BRANDING CONSULTANT. ATTACH LASER CUT/ WATER CUT 1/2" THICK CORTEN PANEL OF HILLS GRAPHIC TO 'FLOAT' ABOVE CORTEN 'BLADE'. SEE NOTE 15.
- ⑮ LOGO/GRAPHIC PINS TO ATTACH CORTEN SIGNAGE. SIGNAGE CONTRACTOR TO SUBMIT SHOP DRAWINGS TO LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL PRIOR TO MANUFACTURING.

CONTRACTOR TO SUBMIT SHOP DRAWINGS TO OWNER AND LANDSCAPE ARCHITECT FOR REVIEW PRIOR TO FABRICATION.

NOTES
 1. REINFORCING, CONNECTION AND FOOTING DESIGN PER STRUCTURAL ENGINEER.
 2. REFER TO PRODUCT AND MATERIAL SCHEDULE ON SHEET LC-0 FOR ALL MATERIALS, COLORS AND FINISHES.

Figure B-3
 Community Gateway Icon - Detail

BASIS OF BEARING:

THE BEARING BETWEEN THE FOUND MONUMENTS IN CORRAL HOLLOW ROAD AT THE NORTHWEST CORNER AND THE WEST 1/4 CORNER OF SECTION 17, T. 3 S., R. 5 E., TAKEN AS NORTH 00°25'03" EAST.

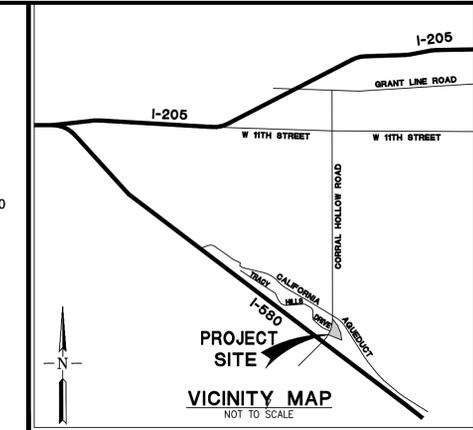
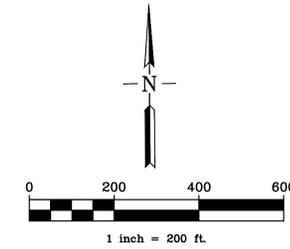
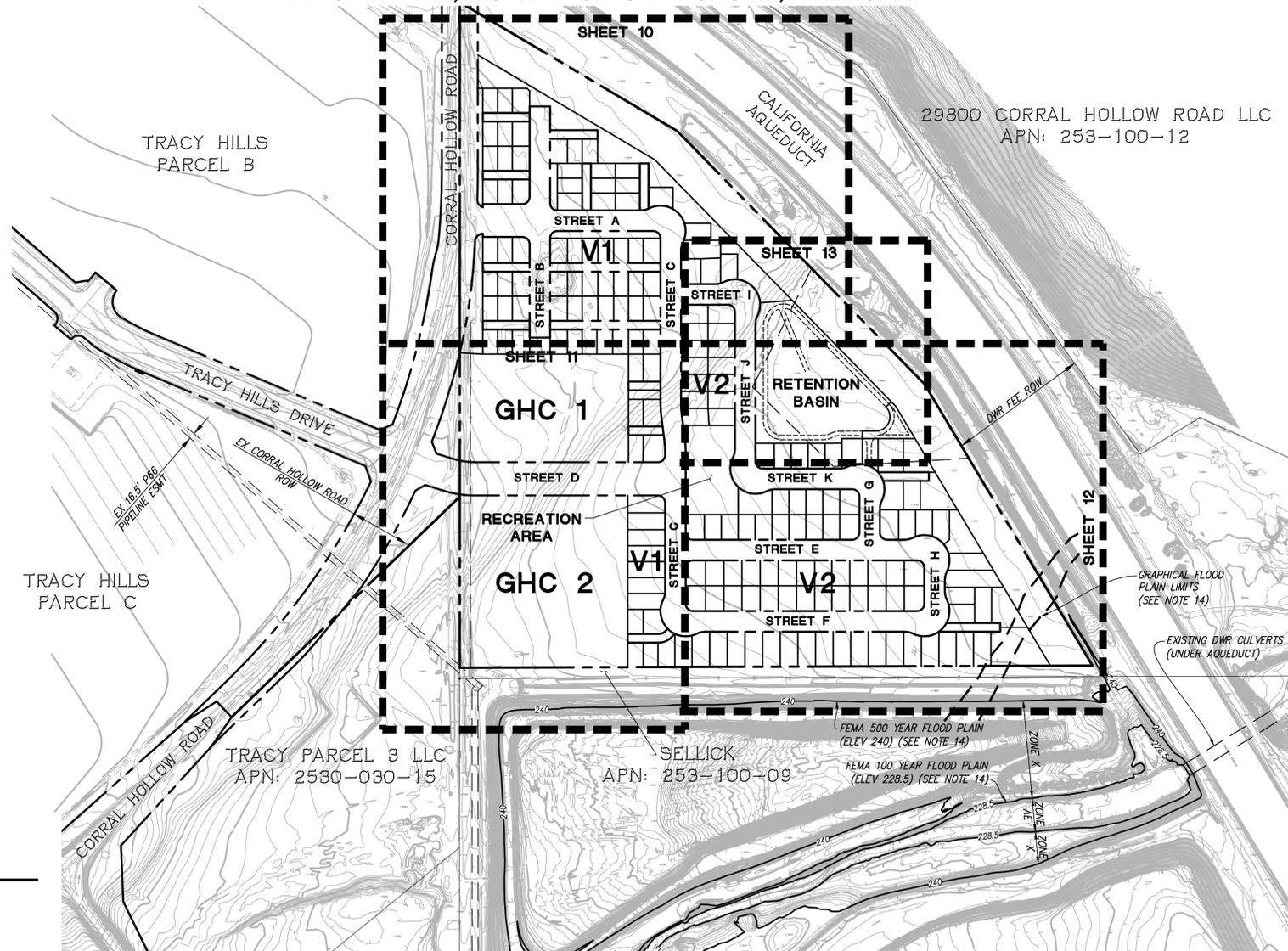
BENCHMARK:

BASIS OF ELEVATIONS:
PER GEOLOGIC CONTROL NETWORK RECORD OF SURVEY FOR CITY OF TRACY. RECORDED BOOK 36 PAGE 118 ELEVATION SHOWN ARE IN TERMS OF NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). BASED LOCALLY UPON ELEVATION FOR THE FOLLOWING BENCHMARKS AS PUBLISHED BY THE NATIONAL GEOLOGIC SURVEY:
PT. 3022 "L1259 1974" ELEV. 250.25'

VESTING TENTATIVE MAP - TRACT 4013

KT PROPERTY

CITY OF TRACY, COUNTY OF SAN JOAQUIN, CALIFORNIA



GENERAL NOTES:

- OWNER/DEVELOPER: KPMW INTEGRAL, LLC
672 W. 11TH STREET, SUITE 104
TRACY, CA 95376
CONTACT: JOHN PALMER
- CIVIL ENGINEER: RUGGERI-JENSEN-AZAR
2541 WARREN DRIVE, SUITE 100
ROCKLIN, CA 95677
(916) 630-8900
CONTACT: CHRIS RUGGERI, RCE 60901
- GEOTECHNICAL ENGINEER: ENGO INCORPORATED
580 N. WILMA AVENUE, SUITE A
RIPON, CA 95366
(209) 835-0610
CONTACT: STEVE HARRIS, GE
- ASSESSOR'S PARCEL NUMBERS: 253-100-150 & 253-100-16
- LEGAL DESCRIPTION: PER FIRST AMERICAN TITLE PRELIMINARY REPORT ORDER NUMBER 0131-623114a DATED: OCTOBER 3, 2018

REAL PROPERTY IN THE CITY OF TRACY, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THAT CERTAIN PARCEL BEING A PORTION OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 5 EAST, MOUNT DIABLO BASE AND MERIDAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 17; THENCE NORTH 0°24'05" EAST ALONG WESTERLY LINE OF SAID NORTHWEST 1/4, BEING ALSO THE CENTER LINE OF CORRAL HOLLOW ROAD (60 FEET WIDE), 30.00 FEET TO THE POINT OF BEGINNING; THE FROM SAID POINT OF BEGINNING; NORTH 0°24'05" EAST ALONG THE AFOREMENTIONED WESTERLY LINE AND CENTER LINE, 1840.75 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID STATE OF CALIFORNIA AQUEDUCT; THENCE ALONG SAID SOUTHWESTERLY LINE OF SAID STATE OF CALIFORNIA AQUEDUCT THE FOLLOWING COURSES AND DISTANCES:

SOUTH 59°04'11" EAST, 702.86 FEET; SOUTH 44°03'00" EAST, 980.90 FEET; SOUTH 30°30'00" EAST, 907.37 FEET TO A POINT ON THE NORTHERLY LINE OF A 30 FOOT WIDE STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES RIGHT OF WAY, THE SOUTHERLY LINE OF SAID RIGHT OF WAY BEING THE SOUTHERLY LINE OF THE NORTHWEST 1/4 OF SAID SECTION 17; THENCE NORTH 89°45'34" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, 1758.35 FEET TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION OF SAID LAND SHOWN AS:

PARCEL "A", AS DESIGNATED ON THAT CERTAIN PARCEL MAP FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN JOAQUIN COUNTY, CALIFORNIA ON JUNE 5, 1981, IN VOL. 10 OF PARCEL MAPS, PAGE 64, BEING A PORTION OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 5 EAST, MOUNT DIABLO BASE AND MERIDAN.

- CURRENT USE: AGRICULTURAL/GRAZING
- ZONING: TRACY HILLS SPECIFIC PLAN
- GENERAL PLAN LAND USE DESIGNATION: GENERAL HIGHWAY COMMERCIAL (GHC-TH)
- GROSS AREA: 45.1± ACRES
- TOTAL PROPOSED RESIDENTIAL LOTS: 185 LOTS
- UTILITIES:
WATER: CITY OF TRACY
GAS & ELECTRIC: PACIFIC GAS & ELECTRIC
SANITARY SEWER: CITY OF TRACY
STORM DRAIN: CITY OF TRACY
FIRE: CITY OF TRACY
TELEPHONE: AT&T
CABLE TV: COMCAST
- TOPOGRAPHY SHOWN IS BASED ON AN AERIAL TOPOGRAPHIC MAP PREPARED BY TETRATECH IN JANUARY 2013.
- BOUNDARY AS SHOWN IS BASED ON A RESOLVED BOUNDARY PREPARED BY RUGGERI-JENSEN-AZAR IN JULY 2019.
- PER FLOOD INSURANCE RATE (FIRM) MAP NUMBER 06077C0740F, EFFECTIVE DATE, OCTOBER 20, 2016, THE 100 YEAR FLOOD ELEVATION IS DEFINED AS 228.5. ALTHOUGH THE FIRM MAP SHOWS A GRAPHICAL ENCROACHMENT ONTO THE CORNER OF THIS PROJECT, ACTUAL ELEVATIONS SHOW NO SPECIAL FLOOD HAZARDS WITHIN THE PROPOSED DEVELOPMENT BASED ON ABOVE PUBLISHED ELEVATIONS AND EXISTING SITE TOPOGRAPHY.
- THE DEVELOPER MAY FILE MULTIPLE FINAL MAPS AFTER TENTATIVE MAP APPROVAL.
- IMPROVEMENTS SHOWN ON THIS VTM ARE SUBJECT TO REVISION IN FINAL DESIGN.

LOCATION/INDEX MAP
SCALE: 1"=200'

ABBREVIATIONS

(#)	DENOTES SHEET NOTE NUMBER	JUT	JOINT UTILITY TRENCH
AB	AGGREGATE BASE	LP	LOW POINT
AC	ASPHALT CONCRETE	P	PAD ELEVATION
BLDG	BUILDING	PAE	PRIVATE ACCESS EASEMENT
C & G	CURB & GUTTER	PUE	PUBLIC UTILITY EASEMENT
CMP	CORRUGATED METAL PIPE	R	RADIUS
DC	DECOMPOSED GRANITE	RCW	RECLAIMED WATER
DRN	DRAINAGE OPEN SPACE	REC	RECREATIONAL
EX	EXISTING	RET	RETAINING WALL
FSW	FACE OF CURB	ROW	RIGHT OF WAY
GB	GRADE BREAK	SD	STORM DRAIN
HP	HIGH POINT	SS	SANITARY SEWER
		SSFM	SANITARY SEWER FORCE MAIN
		TC	TOP OF CURB
		W	WATER

LEGEND

PROPOSED	DESCRIPTION	EXISTING
---	TRACT BOUNDARY	---
---	EASEMENT LINE	---
---	LOT LINE	---
---	RIGHT OF WAY	---
---	CENTER LINE	---
---	FLOW LINE	---
---	STORM DRAIN	---
---	SANITARY SEWER	---
---	WATER	---
---	RECLAIMED WATER	---
---	RETAINING WALL	---
---	SOUND WALL	---
---	DRAINAGE DITCH/SWALE	---
---	CURB & GUTTER	---
---	SIDEWALK	---
---	PAVED ACCESS ROAD/EVA	---
---	TRAIL	---
---	STORM WATER INLET	---
---	FIELD INLET	---
---	MANHOLE	---
---	FIRE HYDRANT	---
---	BLOWOFF RISER	---
---	GATE VALVE	---
---	FENCE	---
---	SLOPE	---
---	CONTOUR ELEVATIONS	---
---	SPOT ELEVATION	---
---	MONUMENT	---

SHEET INDEX

SHEET NO.	DESCRIPTION
1	TITLE SHEET
2	EXISTING CONDITION PLAN
3A	STREET SECTIONS AND DETAILS
3B	GRADING DETAILS
4	STORM DRAIN DETAILS
5	RESIDENTIAL LOT AREA SUMMARY
6	OWNERSHIP EXHIBIT
7	OVERALL SANITARY SEWER PLAN
8	OVERALL STORM DRAIN SYSTEM PLAN
9	OVERALL WATER SYSTEM & HYDRANT PLAN
10	VILLAGE 1
11	VILLAGE 1, GHC PARCEL 1 & GHC PARCEL 2
12	VILLAGE 2
13	RETENTION BASIN, RECREATION CENTER & PARK

CITY ENGINEER'S STATEMENT

I HEREBY CERTIFY THAT THIS MAP HAS BEEN REVIEWED FOR COMPLIANCE WITH THE REQUIREMENTS OF THE TRACY MUNICIPAL CODE AND THE SUBDIVISION MAP ACT AS TO FORM AND CONTENT.

CITY ENGINEER _____ DATE _____

PLANNING COMMISSION FILING CERTIFICATE

TENTATIVE MAP FILED THIS ____ DAY OF ____ 20__ IN THE OFFICE OF THE TRACY PLANNING COMMISSION, TRACY, CALIFORNIA. ACCOMPANIED WITH APPROPRIATE FILING FEES. THIS CERTIFICATE DOES NOT DEEM THIS APPLICATION COMPLETE.

CITY COUNCIL CERTIFICATE

I HEREBY CERTIFY THAT THE CITY COUNCIL OF TRACY HAS CONDITIONALLY APPROVED THIS TENTATIVE MAP ____ BY RESOLUTION NO. ____

CITY CLERK _____ DATE _____

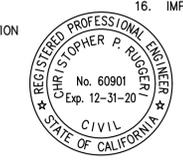
ENGINEER'S STATEMENT

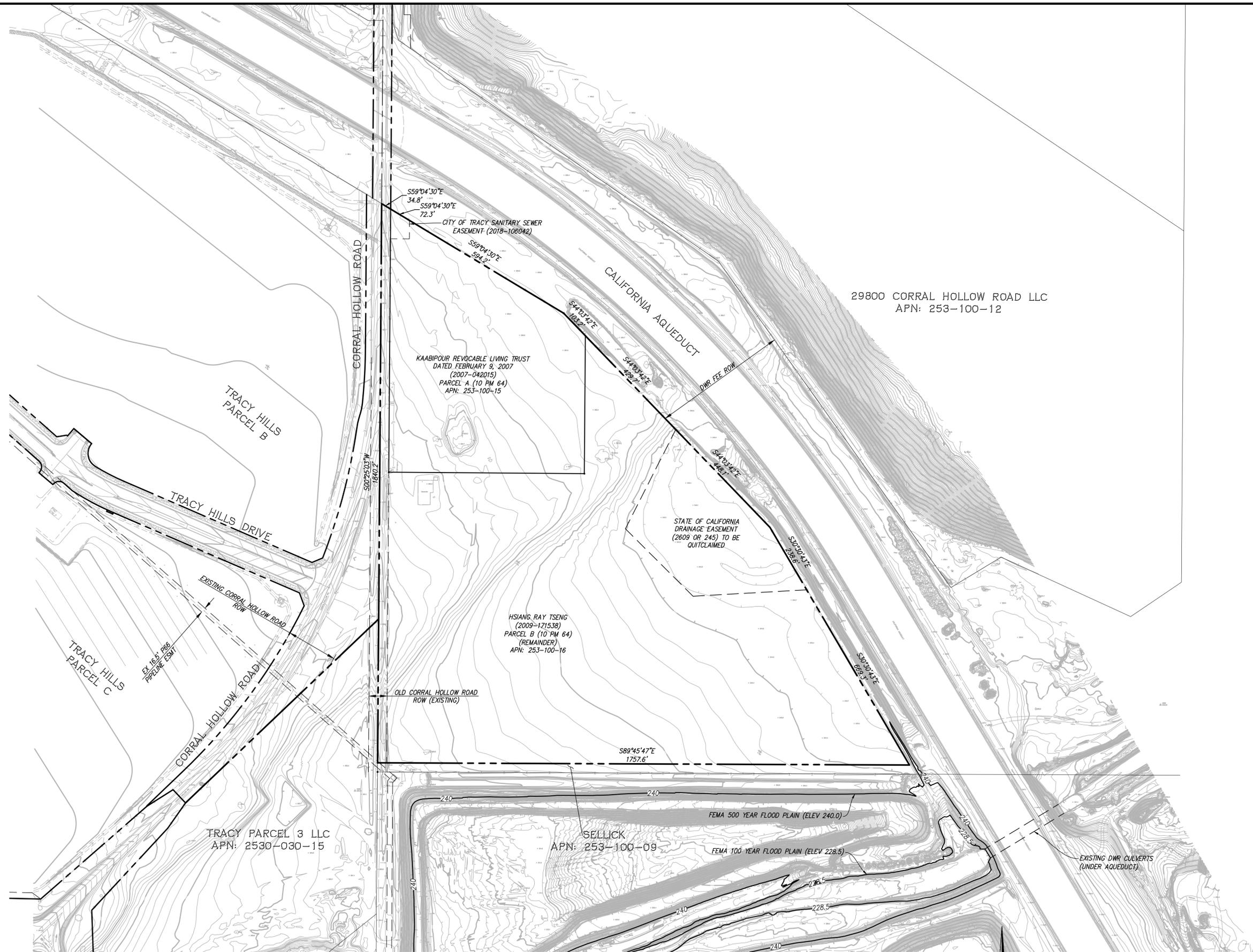
THIS MAP WAS PREPARED BY RUGGERI-JENSEN-AZAR UNDER MY DIRECTION

CHRISTOPHER P. RUGGERI, RCE 60901 _____ DATE _____

OWNER/DEVELOPER

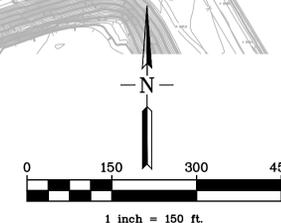
JOHN STANEK, TRACY PHASE 1B, LLC _____ DATE _____



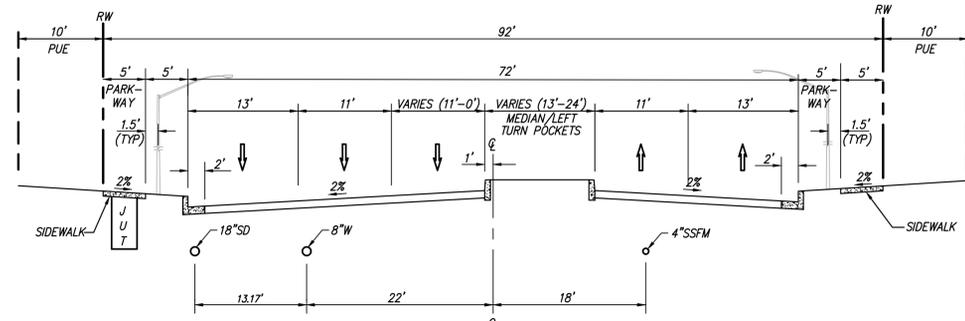


VESTING TENTATIVE MAP - TRACT 4013
EXISTING CONDITION PLAN

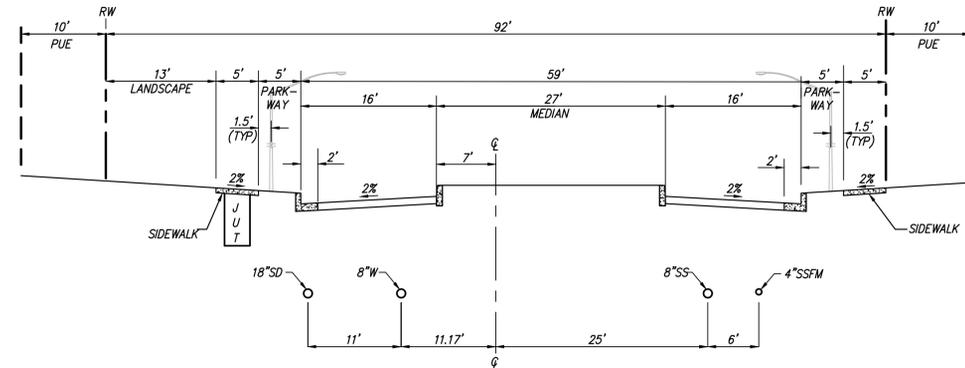
CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
 FOR: INTEGRAL COMMUNITIES



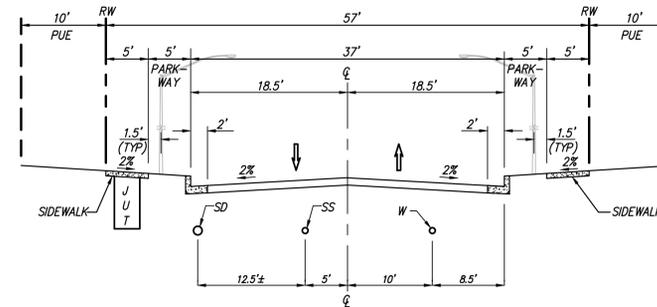
RJA
RUGGERI-JENSEN-AZAR
 ENGINEERS • PLANNERS • SURVEYORS
 2541 WARREN DRIVE, SUITE 200, ROCKLIN, CA 95677
 PHONE: (916) 630-8900 FAX: (916) 630-8909



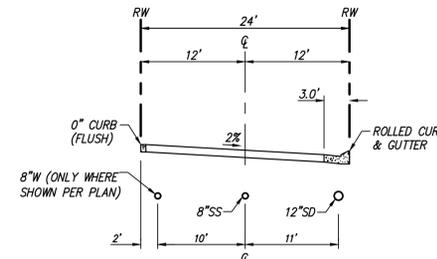
STREET D
NO SCALE
STATION: 2+75 - 7+00



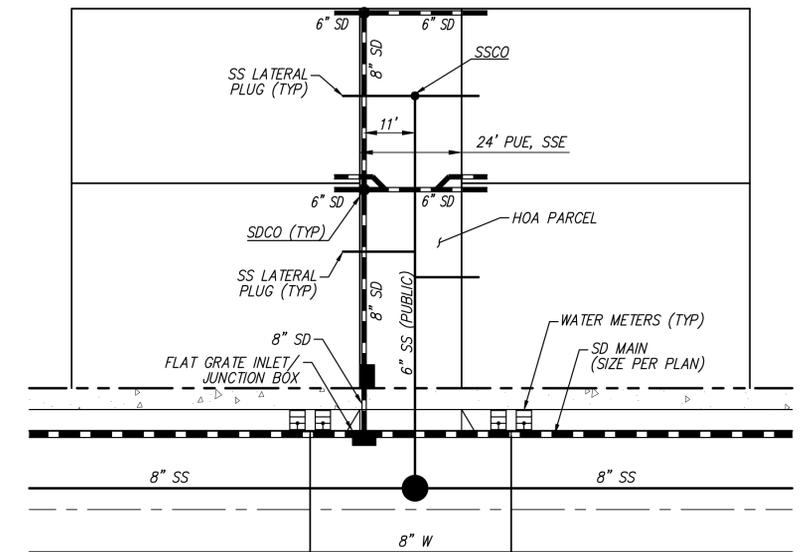
STREET D
NO SCALE
STATION: 7+00 - 9+50



INTERNAL RESIDENTIAL STREET
NO SCALE



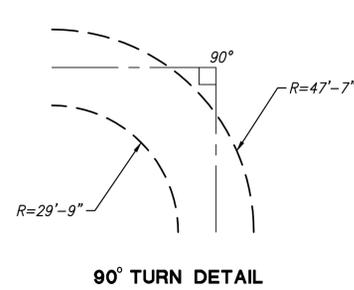
MOTORCOURT DETAIL
NO SCALE



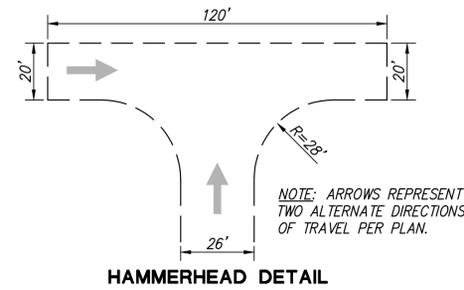
- NOTES:**
- UTILITY CONFIGURATION IS CONSISTENT FOR LONGER MOTORCOURTS (WITH MORE LOTS)
 - WATER MAIN DOES NOT EXTEND INTO MOTORCOURTS THAT HAVE DEAD ENDS.

TYPICAL MOTORCOURT UTILITY LAYOUT

SCALE: 1"=20'



90° TURN DETAIL



HAMMERHEAD DETAIL

NOTE: ARROWS REPRESENT TWO ALTERNATE DIRECTIONS OF TRAVEL PER PLAN.

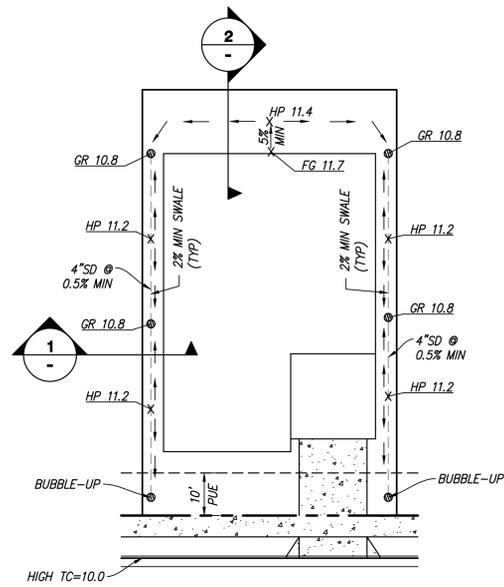
FIRE TRUCK TURN TEMPLATES

VESTING TENTATIVE MAP - TRACT 4013

STREET SECTIONS AND DETAILS

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

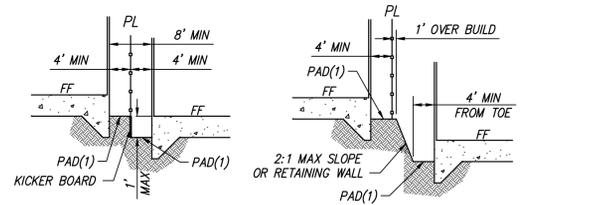
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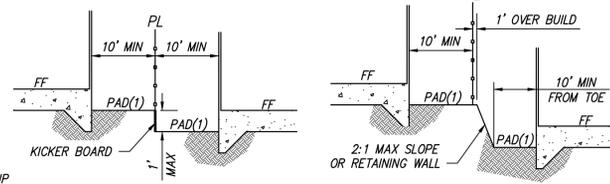
47'x70' TYPICAL LOT GRADING DETAIL

SCALE: 1"=20'

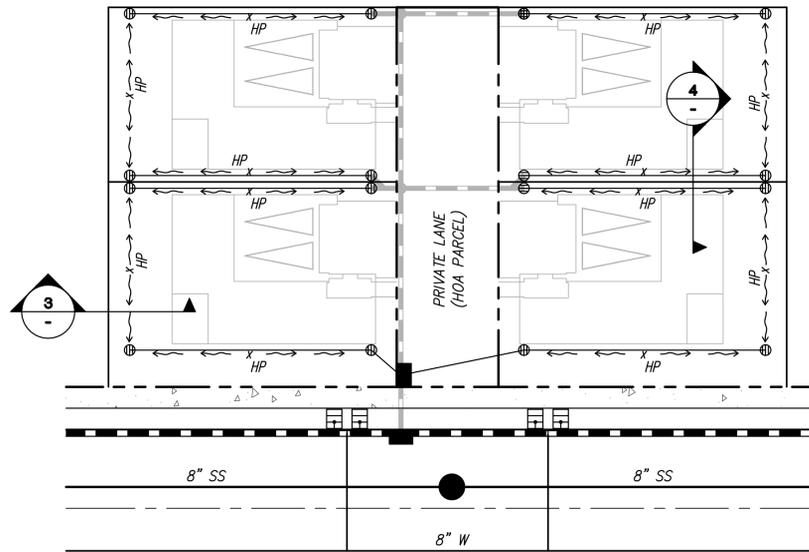
(1) SEE SWALE DETAIL HEREON



SECTION 1



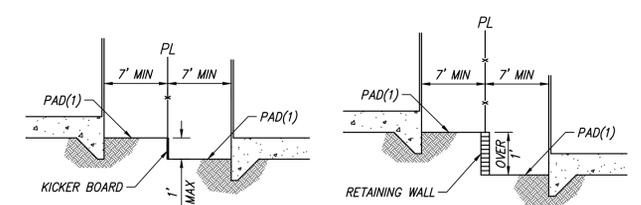
SECTION 2



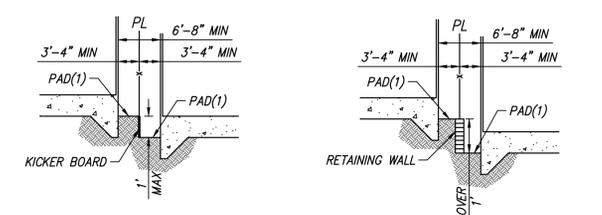
41'x68' TYPICAL PRIVATE LANE GRADING DETAIL

SCALE: 1"=20'

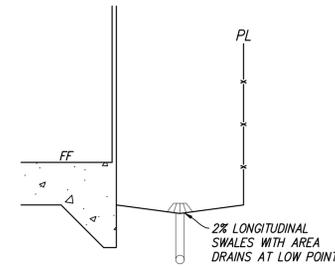
(1) SEE SWALE DETAIL HEREON



SECTION 3



SECTION 4



SWALE DETAIL

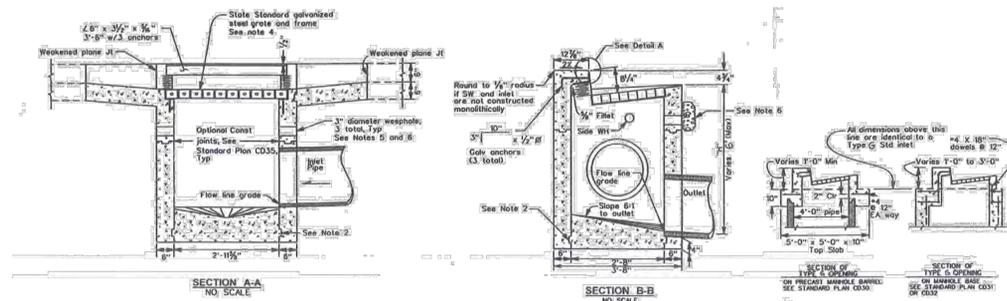
NOT TO SCALE

NOTE: SWALES TO BE SHOWN ON PLOT PLANS

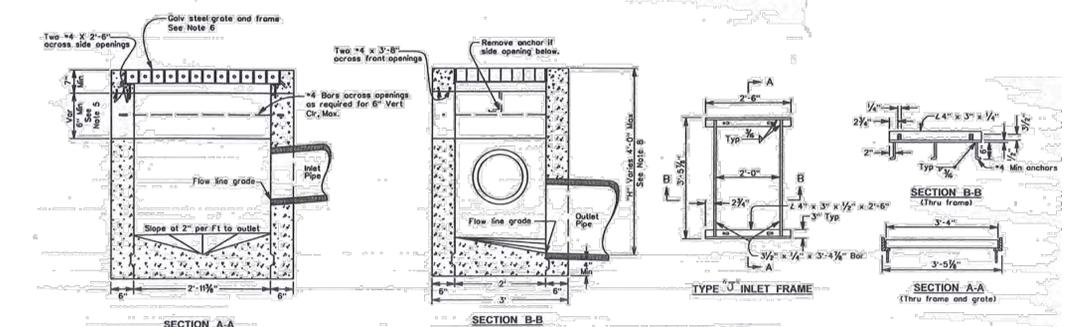
VESTING TENTATIVE MAP - TRACT 4013
STREET SECTIONS AND DETAILS

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
 FOR: INTEGRAL COMMUNITIES

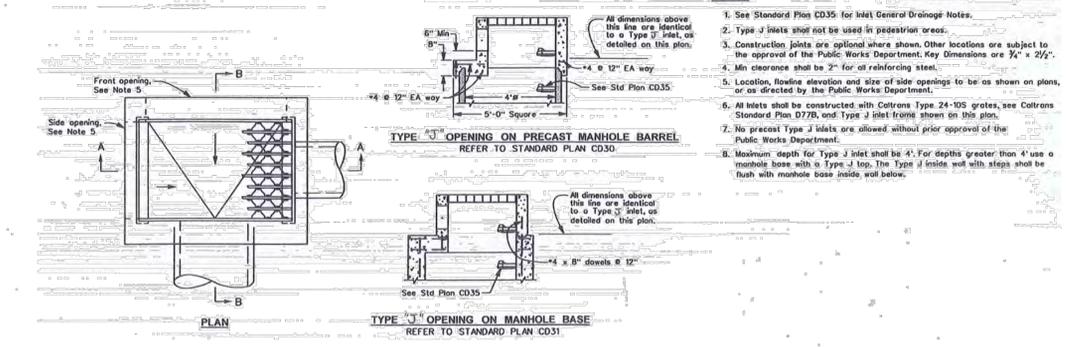
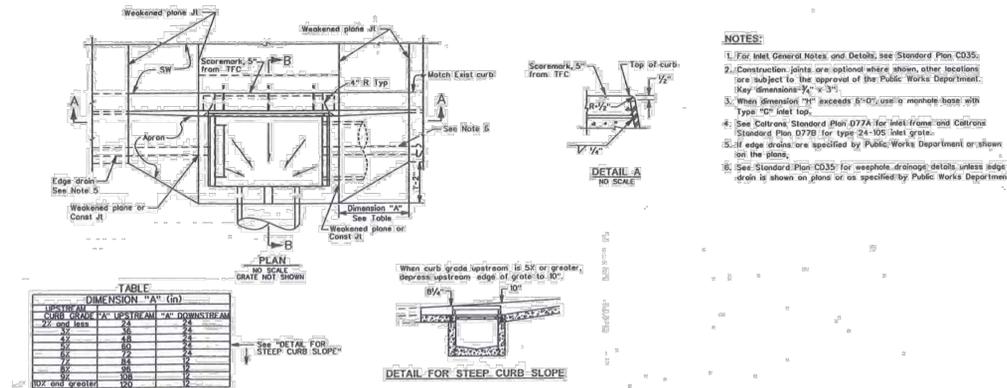
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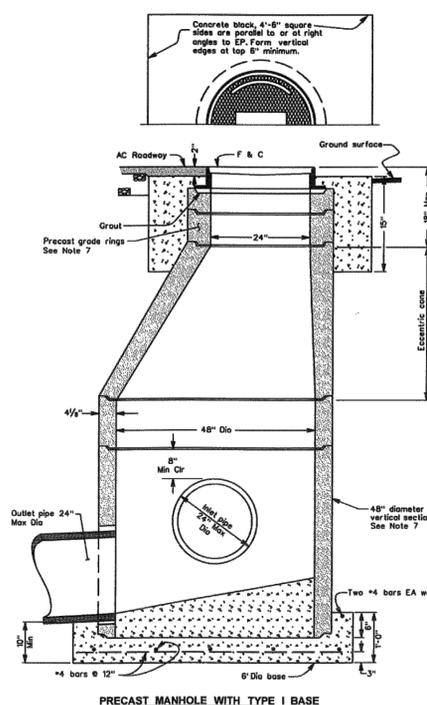
CD 27 - TYPE "G" INLET
NO SCALE



CD 29 - TYPE "J" INLET
NO SCALE

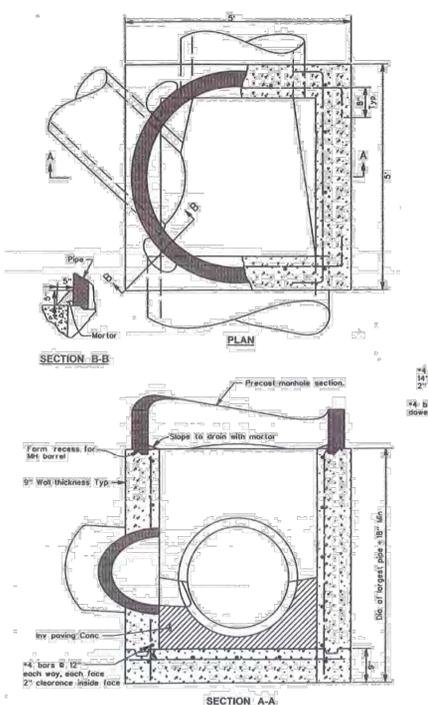


STORM DRAIN DETAILS SHOWN FOR REFERENCE ONLY - SEE TRACY HILLS DESIGN GUIDELINES



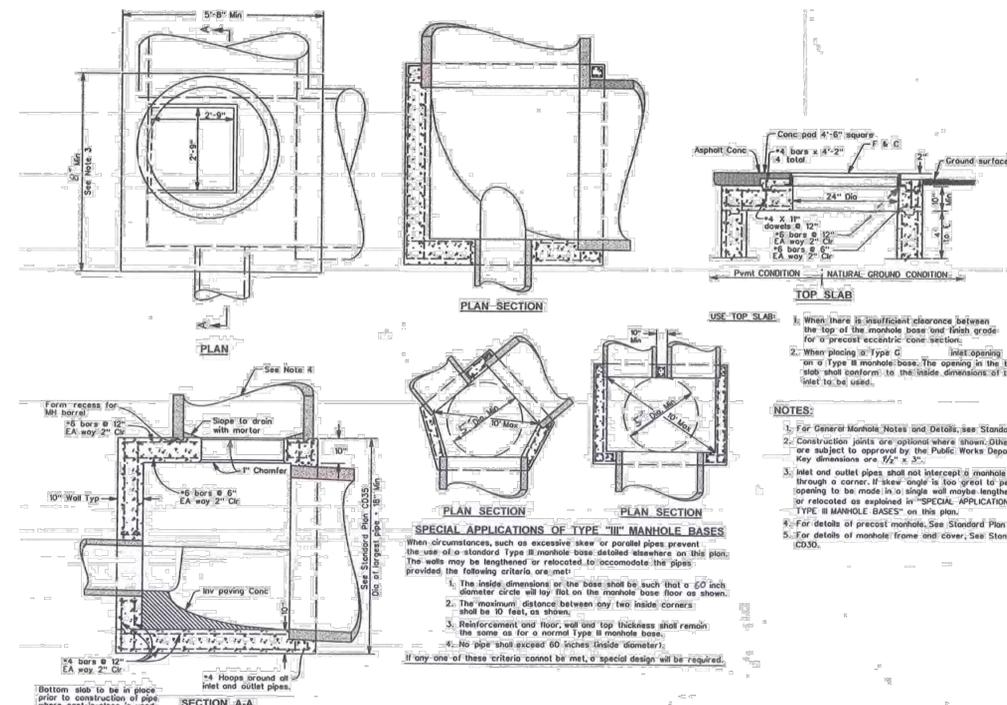
CD 30 - TYPE I MANHOLE BASE
NO SCALE

- NOTES:**
- For General Manhole Notes and Details, see Standard Plan CD35.
 - All concrete joints shall be cleaned, wetted, and mortared prior to setting next section. Joints shall then be patched, troweled, and brushed smooth.
 - Frame and extension rings must be secured by concrete block, unless approved otherwise by the Public Works Department.
 - Manhole cover frame shall be adjusted to conform to grade and cross slope of pavement.
 - Manhole frame and cover shall be Phoenix Iron (Oakland Model P-1090 or South Bay Foundry No. 1900 CPH or approved equivalent).
 - Use of precast grade rings are limited by 18\"/>



CD 31 - TYPE II MANHOLE BASE
NO SCALE

- USE TOP SLAB:**
- When there is insufficient depth between the top of the manhole base and finish grade for precast manhole eccentric cone section per Standard Plan CD35.
 - When placing a Type C inlet opening on a Type II manhole base, the opening in the slab shall conform to the inside dimensions of the inlet to be used.
- NOTES:**
- For Manhole General Notes and Details, see Standard Plan CD35.
 - Construction joints are optional where shown. Other locations are subject to approval by the Public Works Department. Key dimensions are 1/2\"/>



CD 32 - TYPE III MANHOLE BASE
NO SCALE

- NOTES:**
- For General Manhole Notes and Details, see Standard Plan CD35.
 - Construction joints are optional where shown. Other locations are subject to approval by the Public Works Department. Key dimensions are 1/2\"/>
- SPECIAL APPLICATIONS OF TYPE "III" MANHOLE BASES:**
- When circumstances, such as excessive skew or parallel pipes prevent the use of a standard Type III manhole base detailed elsewhere on this plan, the wells may be lengthened or relocated to accommodate the pipes, provided the following criteria are met:
- The inside dimension of the base shall be such that a 60 inch diameter circle will lay flat on the manhole base floor as shown.
 - The maximum distance between any two inside corners shall be 10 feet, as shown.
 - Reinforcement and floor, wall and top thickness shall remain the same as for a normal Type III manhole base.
 - No pipe shall exceed 60 inches inside diameter.
- If any one of these criteria cannot be met, a special design will be required.

VESTING TENTATIVE MAP - TRACT 4013

STORM DRAIN DETAILS

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES



VILLAGE 1 41'X68'	
LOT #	AREA (SF)
1	3,663
2	3,264
3	2,788
4	2,788
5	2,788
6	2,788
7	3,264
8	3,326
9	2,836
10	2,831
11	3,264
12	2,788
13	2,924
14	3,240
15	2,788
16	2,788
17	2,788
18	2,788
19	3,264
20	3,264
21	2,788
22	2,788
23	2,788
24	2,788
25	3,178
26	3,370
27	2,952
28	2,952
29	2,788
30	2,788
31	3,264
32	3,264
33	2,788
34	2,788
35	2,788
36	2,788
37	3,264
38	3,288
39	2,808
40	2,808
41	3,003
42	3,003

VILLAGE 1 41'X68'	
LOT #	AREA (SF)
43	2,808
44	3,288
45	3,263
46	2,789
47	2,981
48	2,981
49	2,788
50	2,788
51	3,264
52	3,264
53	2,788
54	2,788
55	2,981
56	2,981
57	2,789
58	3,263
59	3,264
60	2,788
61	2,788
62	3,006
63	2,957
64	2,788
65	3,264
66	3,648
67	3,116
68	3,075
69	3,741
70	4,424
71	3,075
72	4,906
73	4,864
74	4,576
75	4,576
76	4,576
77	4,575
78	4,264
79	2,935
80	3,733
81	3,511
82	2,780
83	2,921

VILLAGE 2 47'X70'	
LOT #	AREA (SF)
1	3,355
2	5,470
3	3,764
4	3,903
5	3,447
6	3,814
7	3,814
8	3,525
9	3,525
10	3,525
11	3,525
12	3,525
13	3,525
14	3,525
15	3,525
16	3,525
17	3,523
18	3,454
19	3,454
20	3,554
21	3,290
22	3,290
23	3,290
24	3,297
25	4,261
26	6,522
27	5,634
28	6,967
29	3,760
30	4,557
31	4,230
32	3,809
33	3,353
34	3,984
35	7,352
36	5,162
37	6,959
38	3,754
39	3,720
40	4,637
41	7,091
42	13,987
43	4,582
44	4,589
45	4,596
46	4,221
47	4,429
48	4,702
49	4,710
50	4,717
51	4,725

VILLAGE 2 47'X70'	
LOT #	AREA (SF)
52	4,732
53	4,740
54	4,747
55	4,755
56	4,762
57	4,770
58	4,777
59	4,626
60	4,122
61	3,799
62	3,535
63	3,535
64	3,535
65	3,535
66	3,535
67	3,535
68	3,320
69	3,500
70	3,535
71	3,535
72	3,535
73	3,799
74	3,799
75	3,535
76	3,535
77	3,535
78	3,500
79	3,320
80	3,535
81	3,535
82	3,535
83	3,535
84	3,535
85	3,535
86	3,799
87	3,554
88	3,290
89	3,290
90	3,290
91	3,290
92	3,290
93	3,290
94	3,290
95	3,290
96	3,735
97	3,735
98	3,290
99	3,290
100	3,290
101	3,288
102	5,870

VESTING TENTATIVE MAP - TRACT 4013 RESIDENTIAL LOT AREA SUMMARY - 185 UNITS

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES



LOT SUMMARY			
VILLAGE	ACRES	LOT COUNT	TYPICAL LOT SIZE
1	11.53	83	41' X 68'
2	13.45	102	47' X 70'
TOTAL	24.98	185	--

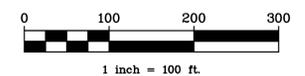
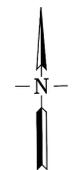
PARCEL SUMMARY		
PARCEL	OWNER	ACRES
A	HOA	1.13
B	HOA	0.11
C	CITY	0.15
D	HOA	0.28
E	HOA	0.78
F	CITY	2.41
G	DEVELOPER	3.49
H	DEVELOPER	5.10
I	HOA	0.08
J	HOA	5.62
K	CITY	0.92
L	HOA	0.06
M	HOA	0.14
N	HOA	0.06
P	HOA	0.05
TOTAL		20.38

OTHER LAND USES		
PARCEL	USE	ACRES
C	LIFT STATION	0.15
F	RETENTION BASIN	2.41
G	COMMERCIAL	3.49
H	COMMERCIAL	5.10
I	UTILITY CORRIDOR	0.08
J	CONSERVATION EASEMENT	5.62
K	CORRAL HOLLOW ROAD ULTIMATE ROW	0.92
AA-NN	PRIVATE LANE	N/A

PARK SUMMARY		
PARCEL	OWNER	ACRES
A (LINEAR PARK)	HOA	1.13
E (HOA REC AREA)	HOA	0.78
P (LINEAR PARK)	HOA	0.05
TOTAL		1.96

LEGEND

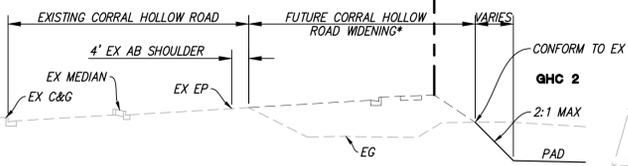
-  LINEAR PARK (HOA OWNED & MAINTAINED)
-  PROPOSED 100' CONSERVATION EASEMENT (HOA OWNED & MAINTAINED)
-  IN TRACT OPEN SPACE (HOA OWNED & MAINTAINED)
-  RETENTION BASIN (CITY OWNED & MAINTAINED)
-  EXISTING CORRAL HOLLOW ROAD ROW TO BE VACATED



VESTING TENTATIVE MAP - TRACT 4013 OWNERSHIP EXHIBIT

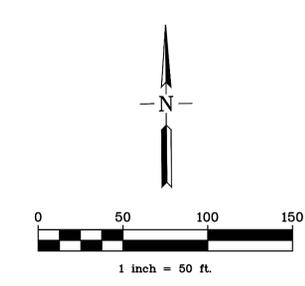
CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

SEE SHEET 10

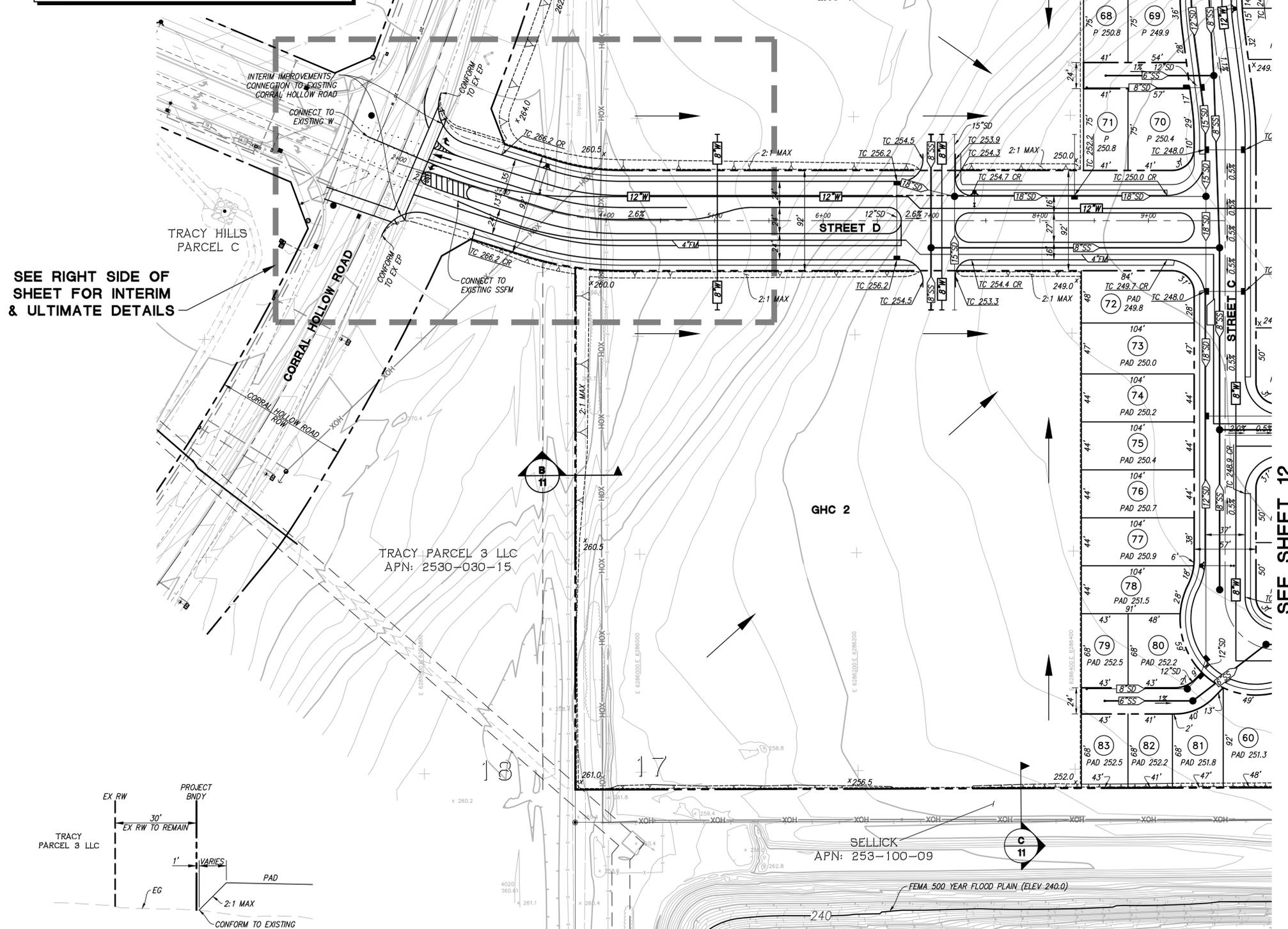


SECTION A
NOT TO SCALE

*PROJECT CONDITIONS WILL ADDRESS THE REQUIREMENTS FOR CONSTRUCTION OF CORRAL HOLLOW ROAD IMPROVEMENTS RELATIVE TO SCOPE & TIMING WITH RESPECT TO THE DEVELOPMENT OF THE KT PROPERTY



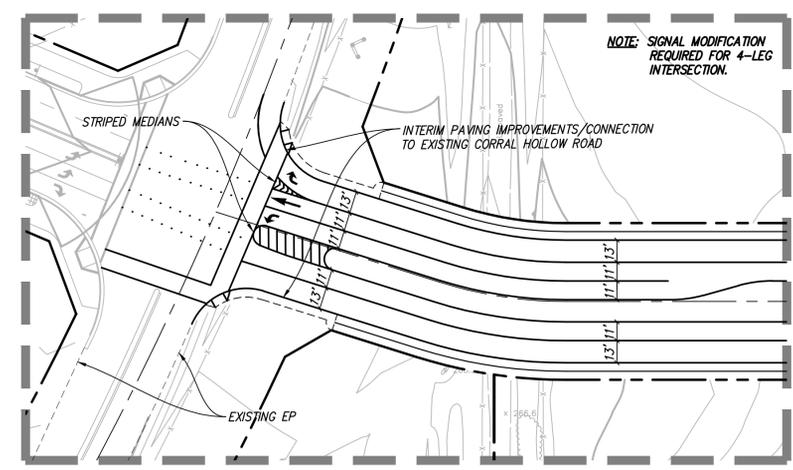
KEYMAP
NOT TO SCALE



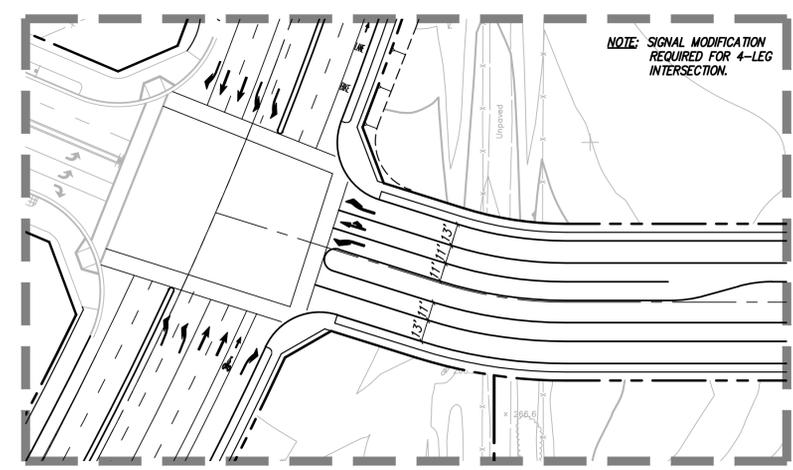
SEE RIGHT SIDE OF SHEET FOR INTERIM & ULTIMATE DETAILS

SEE SHEET 13

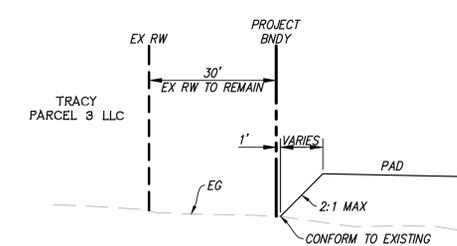
SEE SHEET 12



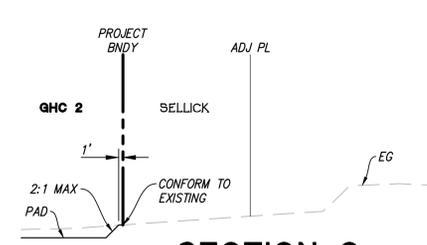
INTERIM CORRAL HOLLOW ROAD / STREET D INTERSECTION
NOT TO SCALE



ULTIMATE CORRAL HOLLOW ROAD / STREET D INTERSECTION
NOT TO SCALE



SECTION B
NOT TO SCALE



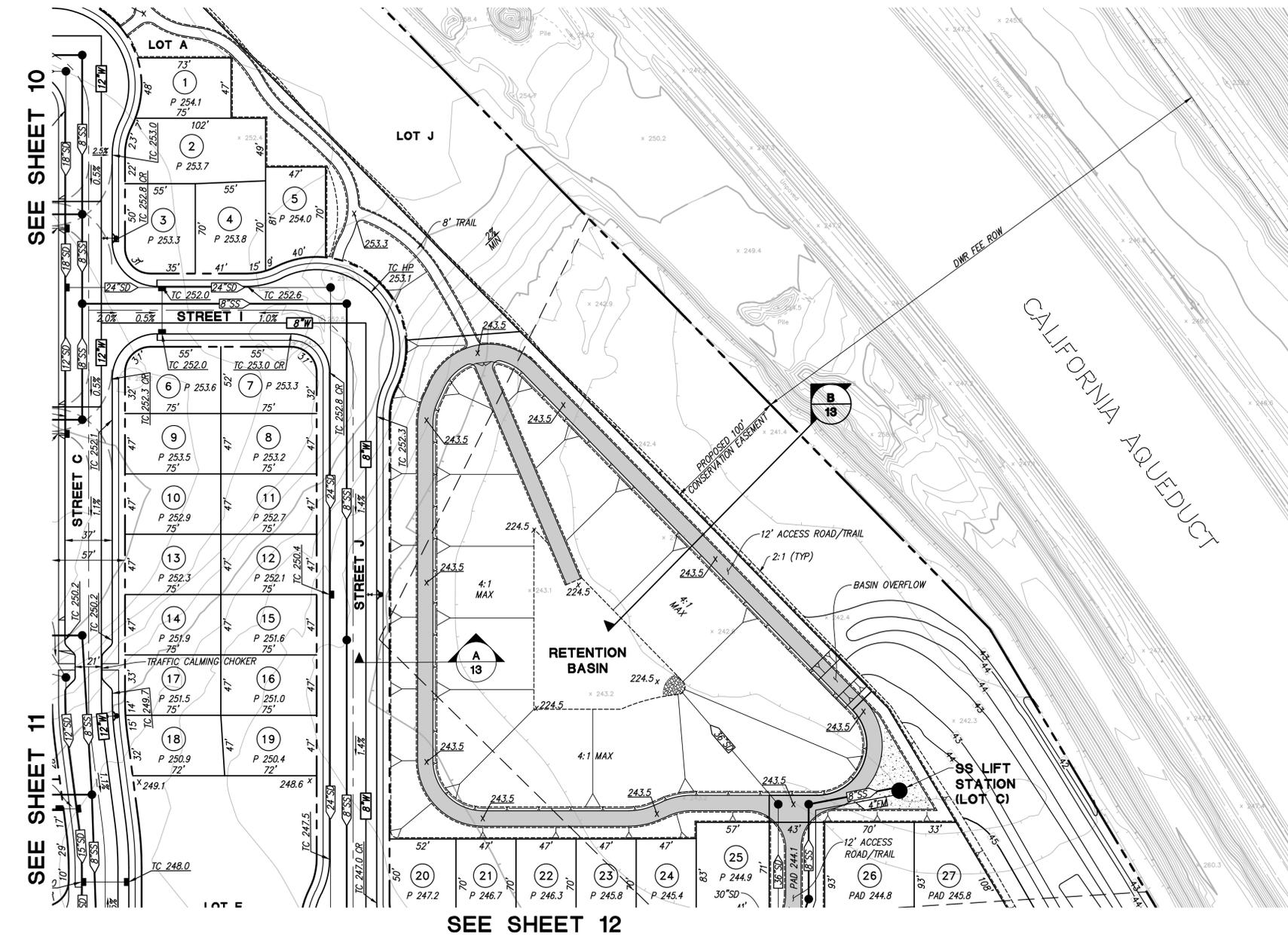
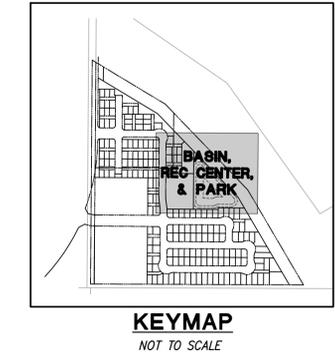
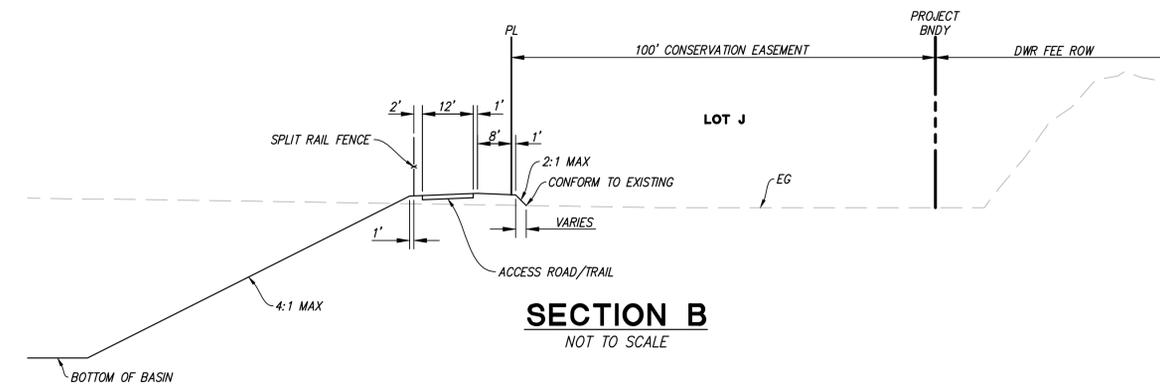
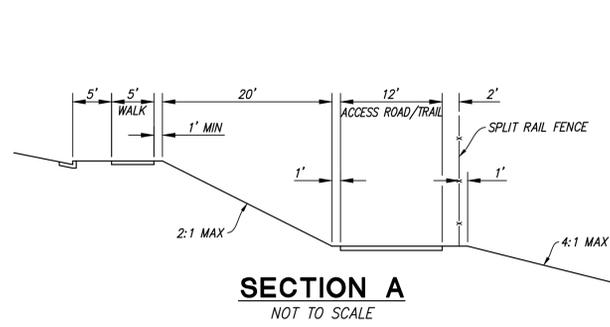
SECTION C
NOT TO SCALE

VESTING TENTATIVE MAP - TRACT 4013 VILLAGE 1, GHC PARCEL 1 & GHC PARCEL 2

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
2541 WARREN DRIVE, SUITE 200, ROCKLIN, CA 95677
PHONE: (916) 630-8900 FAX: (916) 630-8909

02/04/2020 10:23:34 AM RYAN WHEELER

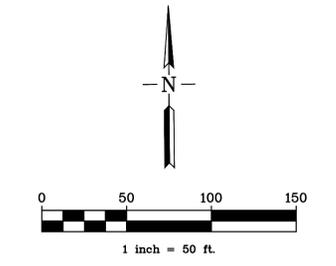


SEE SHEET 10

SEE SHEET 11

SEE SHEET 12

VESTING TENTATIVE MAP - TRACT 4013
RETENTION BASIN, RECREATION CENTER & PARK
 CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
 FOR: INTEGRAL COMMUNITIES



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 ENGINEERS • PLANNERS • SURVEYORS
 2541 WARREN DRIVE, SUITE 200, ROCKLIN, CA 95677
 PHONE: (916) 630-8900 FAX: (916) 630-8909

G:\082018\185023\TM\13-PARK-185023.TXD 1/22/2020 5:10:52 PM RYAN WHEELER



**ADDENDUM TO THE
TRACY HILLS SPECIFIC PLAN
SUBSEQUENT ENVIRONMENTAL
IMPACT REPORT
SCH NO. 2013102053**

February 2020

**Proposed Amendment to the Tracy Hills
Specific Plan for the KT Project**

Prepared For:

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

Prepared By:

Kimley-Horn and Associates, Inc.
100 West San Fernando Street, Suite 250
San Jose, CA 95113

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INTRODUCTION

This document provides an analysis of the proposed Amendment to the Tracy Hills Specific Plan (THSP) (proposed Project). The Amendment would change the land use designations for properties within the current boundaries of the approved THSP, specifically in the area referred to as Tracy Hills KT Project (Project site) as shown in Figure 1: Regional Location Map and Figure 2: Project Vicinity Map. Overall, the proposed Project would result in more residential and less commercial uses within the Project site, as shown in Figure 3: Proposed THSP Zoning Concept and Figure 4: Proposed THSP Land Use Concept.

California Environmental Quality Act

This Addendum has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] §§ 21000 et seq.); the State CEQA Guidelines (Title 14, California Code of Regulations [CCR] §§ 15000 et seq.); and the rules, regulations, and procedures for implementing CEQA as set forth by the City of Tracy (City).

Section 15164(a) of the State CEQA Guidelines states that “the lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” Pursuant to Section 15162(a) of the State CEQA Guidelines, a subsequent EIR or Negative Declaration is only required when:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or,

- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The following describes the requirements of an addendum, as defined by CEQA Guidelines Section 15164:

- (a) The lead agency or responsible agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent EIR have occurred.
- (b) An Addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
- (c) An Addendum need not be circulated for public review but can be included in or attached to the Final EIR.
- (d) The decision-making body shall consider the Addendum with the Final EIR prior to making a decision on the project.
- (e) A brief explanation of the decision not to prepare a Subsequent EIR pursuant to Section 15162 should be included in an Addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

If none of these circumstances are present, and only minor technical changes or additions are necessary to update the previously certified EIR, an addendum may be prepared, consistent with CEQA Guidelines Section 15164.

This Addendum includes minor text revisions to Mitigation Measures (MM) 4.4-3b, MM 4.8-2a, MM 4.12-3 in the THSP SEIR. The text revisions resulted from minor clarifications and would not result in new significant environmental impacts, would not constitute significant new information, and would not alter the impact or effect of the mitigation measures. Revisions are shown below in underline and ~~strike-out~~ in Section V, Biological Resources; Section IX, Hazards and Hazardous Materials; and Section XV, Public Services, Recreation, and Utilities.

Based on the analysis and evaluation provided in this Addendum, no new significant impacts would occur because of the proposed Amendment, nor would there be any substantial increase in the severity of any previously-identified significant environmental impact. In addition, no new information of substantial importance shows that mitigation measures or alternatives that were previously found not to be feasible or that are considerably different from those analyzed in the Tracy Hills Specific Plan Final Environmental Impact Report would substantially reduce one or more significant effects on the environment. Therefore, no conditions described in Section 15162 of the CEQA Guidelines has occurred. For this reason, an

Addendum is the appropriate document that will comply with CEQA requirements for the proposed Amendment.

PREVIOUS ENVIRONMENTAL ANALYSIS OF THE PROJECT SITE

The Tracy City Council approved the THSP Project and certified the corresponding Subsequent EIR (Tracy Hills Specific Plan SEIR [SCH# 2013102053]) on October 2015 and certified the final subsequent EIR on April 5, 2016. This analysis incorporates by reference, where relevant and appropriate, discussion and analysis contained in the previously certified THSP SEIR. The THSP SEIR evaluates the potential environmental impacts resulting from the approval and implementation of the THSP. The THSP involves the development of 2,736.1 acres of land with residential, commercial, open space, mixed-use business park, and industrial uses. The THSP SEIR evaluated several actions associated with implementation of the THSP including approval of the Specific Plan including a General Plan Amendment; approval of a Zoning Map and Text Amendment; approval of a development agreement; approval of a new Storm Drainage Master Plan; tentative and final map approvals; and development permits and building permits. The THSP was prepared to set forth a comprehensive planning framework, as well as to identify development regulations and design guidelines relating to land uses, development standards, architecture, landscaping, park/recreational and open space facilities, circulation, signage, sustainability features, as well as all other necessary on- and off-site infrastructure improvements required to implement the THSP.

Purpose of Addendum

The purpose of this checklist is to analyze any potential differences between the impacts identified in the previously certified THSP SEIR and those that would be associated with the proposed Amendment to the THSP.

Pursuant to provisions of CEQA and the State CEQA Guidelines, the City of Tracy is the Lead Agency charged with the responsibility of determining whether to approve the proposed Amendment. As part of its decision-making process, the City is required to review and consider whether the proposed Amendment would create new significant impacts or significant impacts that would be substantially more severe than those disclosed in the previously certified EIR. The decision-making body must consider the whole of the data presented in the THSP EIR, and as augmented by this Addendum and the previously adopted Mitigation Monitoring and Reporting Program. Additional CEQA review beyond this Addendum would only be triggered if the proposed Amendment created new significant environmental effects or a substantial increase in the severity of previously identified significant effects disclosed in the Tracy Hills Specific Plan SEIR used to approve the Tracy Hills Specific Plan.

PROPOSED AMENDMENT TO THE APPROVED THSP PROJECT

Project Location

The Project site is located within the THSP Area in the southern portion of the City of Tracy in San Joaquin County, California as shown in Figure 1, *Regional Location Map*. The THSP area consists of approximately

2,731.6 acres and surrounds the existing interchange at Corral Hollow Road and the proposed Lammers Road interchange on Interstate 580 (I-580). Refer to Figure 2, *Project Vicinity*.

Specific Plan Amendment

An application for an Amendment to the previously approved THSP (proposed Project) has been submitted to the City of Tracy for consideration. The THSP Amendment would change the land use designations for properties within the current boundaries of the THSP, specifically in the 45-acre area referred to as Tracy Hills KT Project (Project site). Refer to Figure 3: Proposed THSP Zoning Concept and Figure 4: Proposed THSP Land Use Concept. The Project proposes to re-designate and shift zoning for a 35.8-acre area within the 45-acre total Project site as follows:

- General Highway Commercial (GHC): decrease of 26.9 acres
- Medium Density Residential (MDR): increase of 21.3 acres
- Open Space/Conservation Corridor: increase of 5.6 acres

The Project also proposes to establish a Medium Density Residential (MDR) overlay on 8.9 acres of the Project site located at the southeast corner of Corral Hollow Road at the California Aqueduct. This 8.9 acres will remain as a General Plan designation of Commercial and zoned as General Highway Commercial, with an MDR overlay to support the proposed small lot concept plan. See Figure 5: Concept Site Plan. For the purposes of this analysis, the General Highway Commercial overlay with Medium Density Residential Overlay district assumes this overlay is developed with residential uses.

As shown in Table 1: Land Use Plan Buildout (2035), the proposed Project would result in less developable acres as compared to what was previously analyzed in the THSP SEIR. The proposed Project would allow up to 25.7 developable acres of medium density residential uses within the 45-acre Project site. The THSP assumed 30.4 acres of developable acres for commercial uses; therefore, the proposed Project would have a net decrease of 4.7 developable acres compared to the THSP. Under the General Highway Commercial Zoning District, there are no requirements for development standards except a maximum building height of 45 feet. Under the Medium Density Residential (MDR) Zoning District, there is a maximum building height of 35 feet. Given that the maximum allowable building height in the MDR Zoning District is less than that of the General Highway Commercial Zoning District, and the proposed Project would result in a total of 4.7 fewer developable acres than the THSP, land uses would not be more intense than those considered for the Project site in the THSP. Further, the number of people utilizing the Project site daily would be less intense than previously considered in the THSP SEIR. The vehicle trips generated by the proposed Project would be less than considered in the THSP because the land uses that would otherwise be generating jobs and commercial visitors would be replaced by residential housing units. Compared to the THSP, the proposed Project would result in an overall daily a.m. peak hour decrease of approximately 1,059 trips, and an overall daily p.m. peak hour trips decrease of approximately 1,919 trips (see Section XV, Transportation).

Table 1: Land Use Plan Buildout (2035)

Zoning District or Land Use Designation	Target Density Range or F.A.R (DU's/ac.)	THSP			Proposed Project			Difference Between THSP and Proposed Project		
		Gross Acres	Developable Acres	Dwelling Units (DU)/ Square Feet (SF)	Gross Acres	Developable Acres	Dwelling Units (DU)/ Square Feet (SF)	Gross Acres	Developable Acres	Dwelling Units (DU)/ Square Feet (SF)
Residential Estate	0.5-2.0	95.6	81.3	122 DU	N/A	N/A	N/A	No change	No change	No Change
Low Density Residential	2.1-5.8	1,216.0	876.3	3,238 DU	N/A	N/A	N/A	No change	No change	No change
Medium Density Residential	5.9-12.0	318.1	270.4	2,014 DU	339.4	288.5	2,149 DU	+21.3	+18.1	+135 DU
High Density Residential	12.1-25.0	9.2	7.8	125 DU	N/A	N/A	N/A	No change	No change	No change
Mixed-use Business Park	0.2 F.A.R	211.1	179.4	1,561,933 SF	N/A	N/A	N/A	No change	No change	No change
General Highway Commercial	0.2 F.A.R	102.4	87.0	758,944 SF	66.6	56.6	493,186SF	-35.8	-30.4	-265,758 SF
General Highway Commercial w/ Medium Density	0.20 F.A.R or 5.9-12.0 DU's/ac.	NA	NA	NA	8.9	7.6	65,906 SF (General Highway Commercial) or	+8.9	+7.6	+65,906 SF (General Highway Commercial)

Zoning District or Land Use Designation	Target Density Range or F.A.R (DU's/ac.)	THSP			Proposed Project			Difference Between THSP and Proposed Project		
		Gross Acres	Developable Acres	Dwelling Units (DU)/ Square Feet (SF)	Gross Acres	Developable Acres	Dwelling Units (DU)/ Square Feet (SF)	Gross Acres	Developable Acres	Dwelling Units (DU)/ Square Feet (SF)
Residential Overlay ¹							56 DU (Medium Density Residential)			or +56 DU (Medium Density Residential)
Light Industrial	0.25 F.A.R	363.1	308.6	3,360,654 SF	N/A	N/A	N/A	No change	No change	No change
Conservation Corridors	N/A	123.3	N/A	N/A	128.9	N/A	N/A	+5.6	N/A	N/A
Interstate 580 Interchange and ROW	N/A	137.5	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
California Aqueduct ROW	N/A	143.1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Union Pacific Rail Road	N/A	12.2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Totals		779.2	1,810.8	5,499 DU;	No change	No change	5,690 DU's; 5.4 million SF	No Change	-4.7	+191 DU; -199,852 SF

¹ Total assumes the 8.9 acres of General Highway Commercial w/ Medium Density Residential Overlay district is developed with residential uses.

Zoning District or Land Use Designation	Target Density Range or F.A.R (DU's/ac.)	THSP			Proposed Project			Difference Between THSP and Proposed Project		
		Gross Acres	Developable Acres	Dwelling Units (DU)/ Square Feet (SF)	Gross Acres	Developable Acres	Dwelling Units (DU)/ Square Feet (SF)	Gross Acres	Developable Acres	Dwelling Units (DU)/ Square Feet (SF)
				5.6 million SF						

Source: Application For Tracy Hills Specific Plan Amendment For the KT Project, May 2019; Tracy Hill Specific Plan (amended 2019), June 2019.

THSP ENVIRONMENTAL IMPACT ANALYSIS SUMMARY

The 2016 THSP Final EIR certified in January 2016, found the potentially significant environmental effects of the THSP to be as shown in Table 2: *THSP SEIR Potentially Significant Environmental Impacts Table*.

Table 2: THSP SEIR Potentially Significant Environmental Impacts Table

	Significant and Unavoidable Impacts	Less Than Significant with Mitigation Incorporated
Aesthetics	<ul style="list-style-type: none"> • Visual aspect of and views in the Specific Plan Area (Project and Cumulative Impact) • Adverse effects on a state-designated scenic highway • Adverse change in the character of the site 	<ul style="list-style-type: none"> • New sources of light and glare
Agriculture	<ul style="list-style-type: none"> • Conversion of Prime Farmland and other Important Farmland (Project and Cumulative) 	<ul style="list-style-type: none"> • Incompatible with adjacent agricultural activity
Air Quality	<ul style="list-style-type: none"> • Inconsistency with adopted Air Quality Management Plan • Cumulative construction emissions (ROG, and NO_x) (Buildout) • Cumulative operational emissions (ROG, NO_x, CO, PM₁₀, PM_{2.5}) (Phase I and Buildout) • Emission of ozone precursors and particulate matter 	<ul style="list-style-type: none"> • Exposure of sensitive receptors to substantial pollutant concentrations
Biological Resources	N/A	<ul style="list-style-type: none"> • Adverse impact on wildlife movement • Impact on special-status animal species • Impact on federally protected wetlands as defined by Section 404 of the Clean Water Act • Construction during bird nesting season

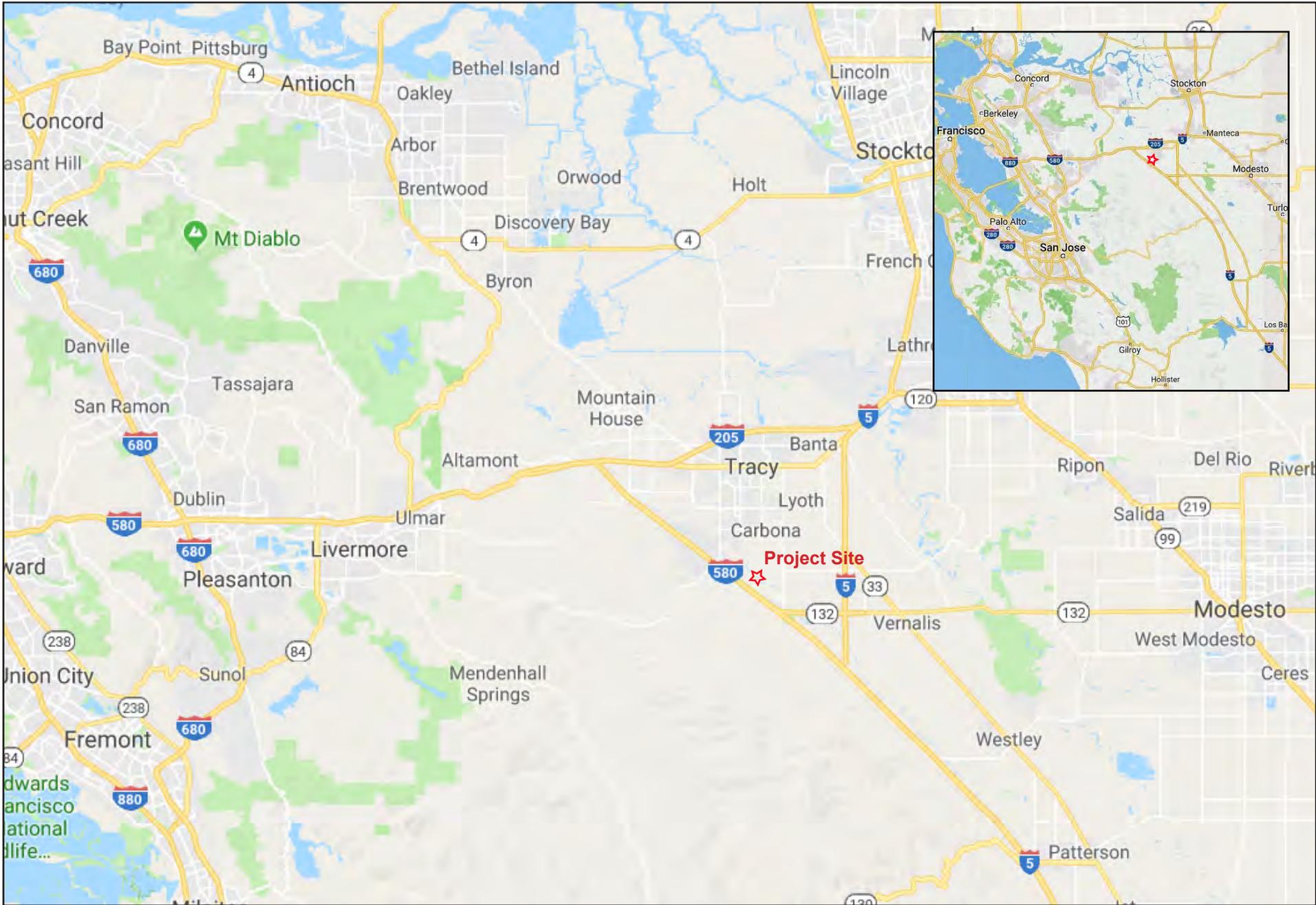
	Significant and Unavoidable Impacts	Less Than Significant with Mitigation Incorporated
		<ul style="list-style-type: none"> • Conflict with tree preservation policy or ordinance • Conflict with Habitat Conservation Plan/Natural Community Conservation Plan
Cultural Resources	N/A	<ul style="list-style-type: none"> • Damage to cultural resources (buried archeological deposits) • Damage to paleontological resources • Human remains encountered during construction
Greenhouse Gas Emissions	<ul style="list-style-type: none"> • Generation of GHG emissions during construction and operation (Project and Cumulative) 	<ul style="list-style-type: none"> • Conflict with greenhouse gas reduction plan, policy, or regulation
Geology and Soils	N/A	<ul style="list-style-type: none"> • Expansive soil
Hazards and Hazardous Materials	N/A	<ul style="list-style-type: none"> • Routine use, transport, and disposal of hazardous materials • Release from nearby crude oil, natural gas, and petroleum pipelines • Breach or rupture of the California aqueduct • Attract wildlife that is hazardous to aircraft associated with Tracy Municipal Airport • Conflict with adopted emergency response plan and emergency evacuation plan • Exposure structures adjacent to undeveloped areas to risk of wildland fires
Hydrology and Water Quality	N/A	<ul style="list-style-type: none"> • Storm water discharge requirements and water quality

	Significant and Unavoidable Impacts	Less Than Significant with Mitigation Incorporated
		<ul style="list-style-type: none"> • Soil erosion and sedimentation • Storm water runoff volumes • Pollutants (associated with non-residential storm water runoff) • 100-Year Flood Hazard Areas
Land Use	N/A	<ul style="list-style-type: none"> • Conflict with 2009 San Joaquin Airport Land Use Compatibility Plan
Noise	<ul style="list-style-type: none"> • Exposure of persons to noise levels in excess of established standards • Traffic noise level increases (Project and Cumulative) 	<ul style="list-style-type: none"> • Expose persons or generate excessive groundborne vibration
Public Services and Utilities	N/A	<ul style="list-style-type: none"> • Need for new or physically altered fire protection facilities • Need for new or physically altered law enforcement facilities • Need for yet to be constructed City Water System Master Plan (WSMP) facilities • Need for wastewater treatment capacity
Traffic	<ul style="list-style-type: none"> • Impact to bicycle and pedestrian modes • Freeway segments during construction (Phase 1) • Impact to the existing roadway, intersections and freeway network (Buildout) • Impact to the existing roadway, Caltrans intersections (Buildout) 	<ul style="list-style-type: none"> • Impact to Phase 1a roadway network and operation and safety of pedestrians, cyclists, and vehicles on adjacent roadway facilities • Impact to roadway network and safety and operations on adjacent roadway facilities from temporary offsite school for 450 students • Impact to Phase 1a roadway network and roadway facilities from temporary on-site school

	Significant and Unavoidable Impacts	Less Than Significant with Mitigation Incorporated
	<ul style="list-style-type: none"> • Level of service at intersections during construction (Phase 1) • Impact to the 2035 roadway and freeway network (Phase 1 and Cumulative) • Impact to the 2035 roadway and freeway network (Buildout) • Impact to Alamont Pass, Corral Hollow Road, Patterson Pass, roadways in Alameda County (Phase 1) • Impact on existing Phase 1a street network and streets surrounding the school site (Phase 1) • Impact to bicycle and pedestrian connection from Spine Road along Corral Hollow Road 	

It was determined in the THSP SEIR that implementation of mitigation measures identified in the THSP SEIR would reduce the severity of potentially significant impacts to mitigate several of the aforementioned impacts to a level of less than significant. Where the THSP SEIR identified significant and unavoidable impacts, even after the consideration of mitigation measures, such impacts are identified herein as significant and unavoidable. Where applicable, mitigation measures stemming from the previously certified THSP SEIR and adopted as conditions of THSP approval would be incorporated into the proposed Project.

For impacts not identified in Table 2: *THSP SEIR Potentially Significant Environmental Impacts Table*, the THSP SEIR found that buildout of the THSP would have a less than significant impact or no impact to topical areas evaluated pursuant to the *CEQA Guidelines*.



Source: Google Maps, 2019

Figure 1: Regional Location Map
 Addendum to the Tracy Hills Specific Plan SEIR

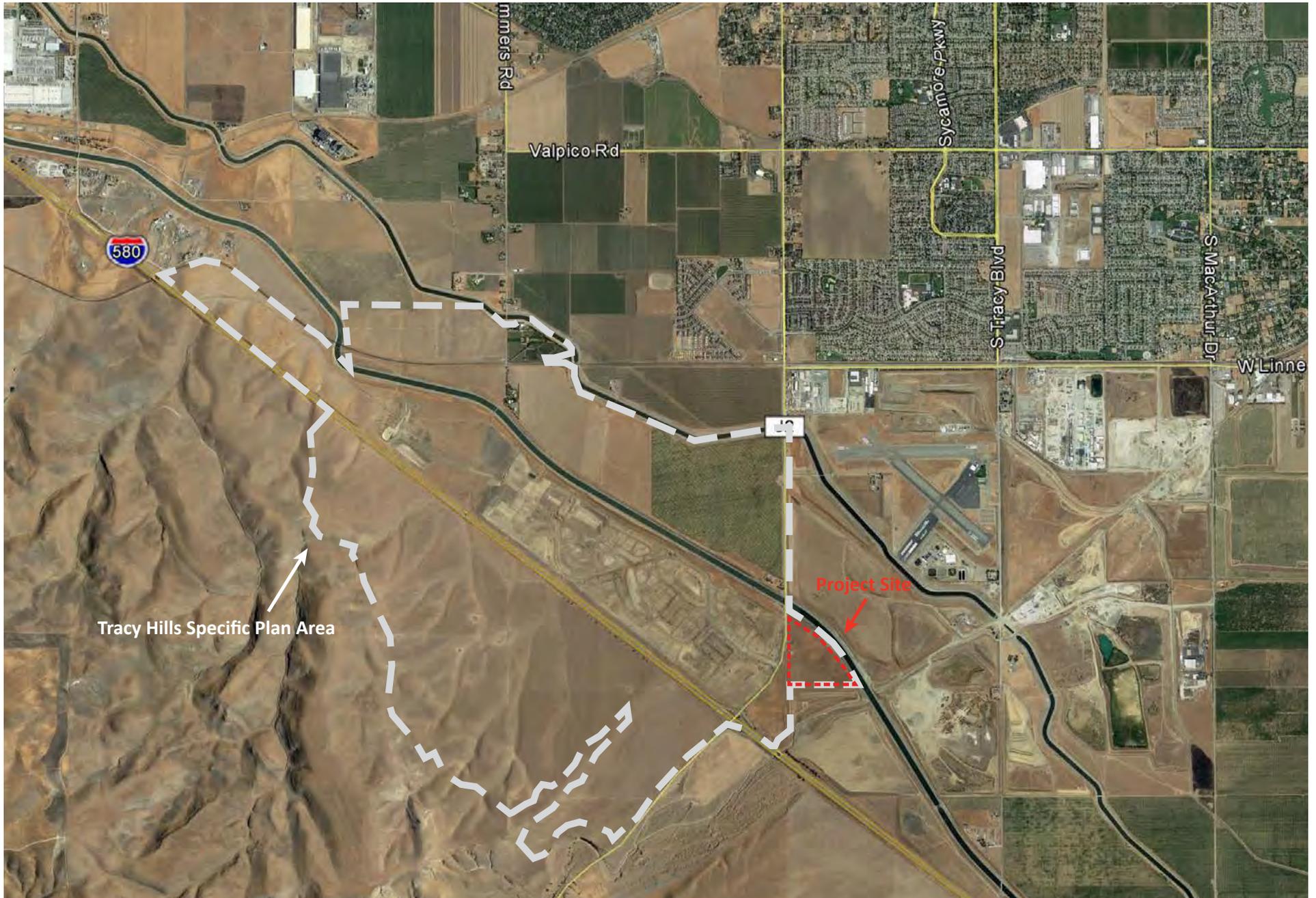


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Kimley»Horn

Expect More. Experience Better.

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Source: Google Maps, 2019

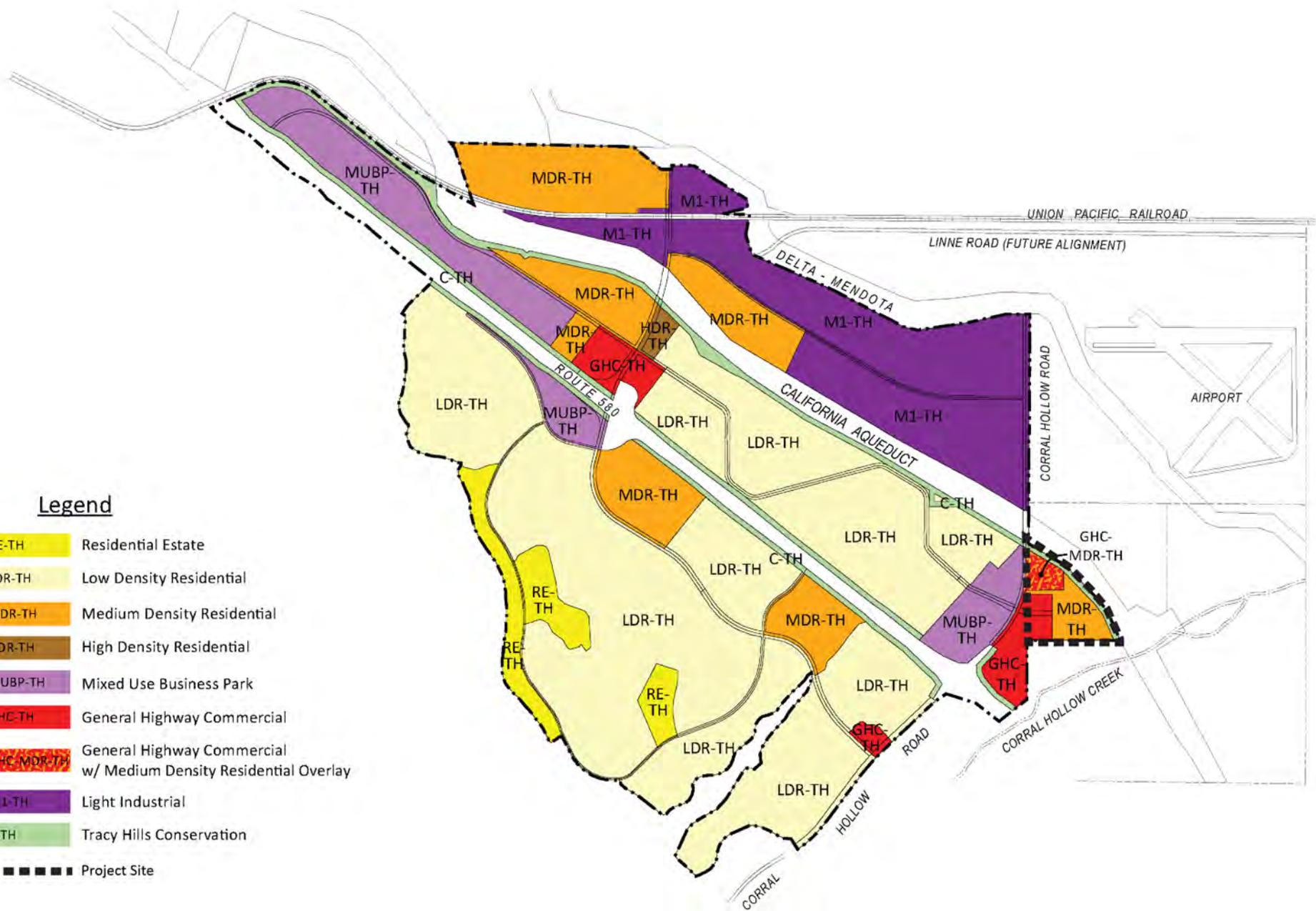
Figure 2: Project Vicinity Map
Addendum to the Tracy Hills Specific Plan SEIR



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Legend

- RE-TH Residential Estate
- LDR-TH Low Density Residential
- MDR-TH Medium Density Residential
- HDR-TH High Density Residential
- MUBP-TH Mixed Use Business Park
- GHC-TH General Highway Commercial
- GHC-MDR-TH General Highway Commercial w/ Medium Density Residential Overlay
- M1-TH Light Industrial
- C-TH Tracy Hills Conservation
- Project Site

Source: City of Tracy, 2016

Figure 3: Proposed THSP Zoning Concept
Addendum to the Tracy Hills Specific Plan SEIR



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NOTES:
 1. The locations, numbers, and configurations of public schools, park sites, and public utilities are conceptual and subject to change.
 2. This exhibit is for conceptual purposes to show approximate locations.

Source: City of Tracy, 2016

Figure 4: Proposed THSP Land Use Concept
 Addendum to the Tracy Hills Specific Plan SEIR



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ENVIRONMENTAL EVALUATION

This section evaluates the potential environmental effects of the proposed Project, as compared to the THSP SEIR, using the environmental checklist from the State *CEQA Guidelines* as amended. The definitions of the response column headings include:

- A. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant after the implementation of feasible mitigation measures. The impact may warrant additional analysis within a Subsequent or Supplemental EIR or the Impact would be within the scope of analysis in the THSP SEIR and require no additional analysis to identify additional mitigation measures.
- B. “Less than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measure has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” Mitigation measures from the THSP SEIR will be cross-referenced when applicable.
- C. “Less Than Significant Impact” applies where the project creates no significant impacts, only Less than Significant Impacts. These impacts are within the scope of Less Than Significant Impacts identified and evaluated within the THSP SEIR and below thresholds considered significant.
- D. “No Impact” applies where the project does not create an impact in that category.
- E. “Reviewed Under Previous Document” indicates the impact created by the proposed Project would be the same as that identified in the THSP SEIR for the corresponding threshold. Where this finding is made, both are so noted herein and the corresponding boxes are checked in the Environmental Checklist.

I. AESTHETICS

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic building along a State-designated scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the Project have a substantial adverse effect on a scenic vista?

As identified in the THSP SEIR, impacts related to scenic vistas were considered significant and unavoidable. Impacts to scenic vistas were found to be significant and unavoidable because implementation of the THSP would change the visual character and views to and from across the approximate 2,732-acre THSP Area. The THSP SEIR concluded that with implementation of Mitigation Measure AES 4.1-1 in the THSP SEIR, impacts to scenic vistas would still remain significant and unavoidable.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

Mitigation Measure AES 4.1-1: *The THSP contains design guidelines and landscaping standards (Tracy Hills Specific Plan, pages 3-1 through 3-96) which have been implemented in the Phase 1a Vesting Tentative Map (Figure 3-12, Phase 1a Vesting Tentative Map), and which would be required on individual, site-specific developments within the THSP. These measures would ensure that development within the Project Area is aesthetically pleasing and is compatible with current development in the City of Tracy. Beyond these measures, there is no feasible mitigation. [This is Mitigation Measure 4.1-1 in the THSP SEIR]*

Within the Project site, the proposed Project would result in a net increase of medium density residential units and open spaces and a net decrease of commercial uses, as compared to the THSP (See Table 1: *Land Use Plan Buildout*). The site is currently characterized by undeveloped land. Because the proposed Project would change from undeveloped land to urbanized development, the proposed Project would have the potential to create a substantial adverse impact on a scenic vista. With implementation of the above

mitigation measure, the proposed Project's impact on a scenic vista would remain significant and unavoidable. This would not be a new specific impact, nor would it increase the severity of the impact previously identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP.

Threshold (b) Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

As noted in the THSP SEIR, the THSP Project Area is bisected by Interstate 580, a State designated scenic highway and borders Corral Hollow Road, a scenic road designated in the 1978 San Joaquin County General Plan. Views from I-580 to the THSP area would be directly impacted due to the adjacent development. As identified in the THSP SEIR, impacts related to scenic resources were considered significant and unavoidable. The THSP SEIR concluded that even with implementation of Mitigation Measure AES 4.1-2 identified in the THSP SEIR, impacts to scenic vistas would remain significant and unavoidable.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

***Mitigation Measure AES 4.1-2:** The THSP contains design guidelines and landscaping standards (Tracy Hills Specific Plan, pages 3-1 through 3-96) which have been implemented in the Phase 1a Vesting Tentative Map (Figure 3-12, Phase 1a Vesting Tentative Map), and which would be required on individual, site specific development within the THSP. These measures would ensure that development within the THSP Project Area is aesthetically pleasing and is compatible with current development in the City of Tracy. Beyond these measures, there is no feasible mitigation. [This is Mitigation Measure 4.1-2 in the THSP SEIR]*

Implementation of the proposed Project would have the potential to impact views from the I-580. Similar to the approved THSP, the proposed Project would have the potential to create substantial damage to the identified scenic resources. Since proposed Project site is within the viewshed of Interstate 580 and Corral Hollow Road, which are considered as scenic routes, project development would have the potential to significantly impact scenic views. The proposed Project's impact would remain significant and unavoidable even with implementation of the above mitigation measure. However, the proposed Project would result in 4.7 less developable acreage compared to THSP development and would therefore have a reduced impact as compared to the THSP. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP.

Threshold (c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

As identified in the THSP SEIR, impacts related to degradation of the existing visual character or quality of the site and its surroundings were considered significant and unavoidable. Development of the THSP Area would transition from primarily undeveloped rural agricultural land to a range of urban development

including residential, office, and commercial, and industrial uses. Implementation of the THSP's development standards and design guidelines, and adherence to the Tracy General Plan goals, objectives, and policies, would reduce impacts associated with development within the THSP Area. However, due to the size and scope of the THSP Area, impacts to the visual character or quality of the THSP Area would remain significant and unavoidable even with implementation of Mitigation Measure AES 4.1-3 identified in the THSP SEIR.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

Mitigation Measure AES 4.1-3: *The THSP contains design guidelines and landscaping standards (Tracy Hills Specific Plan, pages 3-1 through 3-96) which would be required on individual, site specific development within the THSP. These measures would ensure that development within the THSP Project Area is aesthetically pleasing and is compatible with current development in the City of Tracy. Beyond these measures, there is no feasible mitigation. [This is Mitigation Measure 4.1-3 in the THSP SEIR]*

Similar to the approved THSP, the proposed Project would have the potential to degrade the existing visual character or quality of the Project site. Although the proposed Project would result in a net decrease of approximately 4.7 developable acres and a decrease of maximum building height for approximately 30.2 acres within the Project site, the proposed Project would still have the potential to degrade the existing visual character. With implementation of the above mitigation measure, the proposed Project's impact on the existing visual character or quality of the Project site would remain significant and unavoidable. This would not be a new specific impact, nor would it increase the severity of the impact previously identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP.

Threshold (d) Would the project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

As identified in the THSP SEIR, impacts related to light and glare, which would adversely affect day or nighttime views in the area, were considered significant and unavoidable. Light and glare from the THSP Area would come primarily from vehicle headlights and windshields traveling along I-580 and Corral Hollow Road. Other sources of light and glare within the THSP Area would come from single-family homes along Lammers Road and Corral Hollow Road. Development of the THSP Area would also introduce new sources of light and glare coming from new commercial, business park and residential uses. Thus, impacts in respect to light and glare were determined to be significant and unavoidable with implementation of Mitigation Measure AES 4.1-4 in the THSP SEIR.

The following mitigation measure incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

Mitigation Measure AES 4.1-4: *To decrease light spillage and glare to the maximum extent practicable, all individual developments under the THSP shall be required to:*

- *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 on to public rights-of-way or adjacent residential property, consistent with City standards. [This is Mitigation Measure 4.1-4 in the THSP SEIR]*

Implementation of the proposed Project would result in the development of more single-family homes than previously analyzed in the THSP SEIR, which would be considered sources of light and glare. However, the sources of light from residential uses and open space uses would not be considered new light sources to the Project site, compared to the assumptions in the THSP SEIR. In addition, open space uses, such as neighborhood parks would have restricted hours, closed between the hours of dusk and dawn per Section 4.16.190 of the Tracy Municipal Code. Similar to the approved THSP, compared to existing conditions, the proposed Project would have the potential to create a new source of light or glare which would adversely affect day or nighttime views in the area. With implementation of the above mitigation measure, the proposed Project's impact on light and glare would remain significant and unavoidable. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP.

Cumulative Impacts

The potential aesthetic impacts related to views, aesthetics, and light and glare are site specific. While impacts are minimized with implementation of mitigation measures, impacts related to aesthetics across the THSP Area were considered cumulatively significant and unavoidable in the previously certified THSP SEIR. As identified in the THSP SEIR, the THSP would change the visual aspect of and views from, to, and across the THSP Area, add new development to viewsheds, bring urban development to a rural and agricultural area, resulting in cumulatively considerable contributions to significant impacts on scenic vistas, scenic resources within a State scenic highway, and visual character. The THSP SEIR concluded that with Mitigation Measure AES 4.1-5, impacts would remain significant and unavoidable.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

Mitigation Measure AES 4.1-5: The THSP contains design guidelines and landscaping standards (Tracy Hills Specific Plan, pages 3-1 through 3-96) which would be required on individual, site specific development within the THSP. These measures would ensure that development within the THSP Project Area is aesthetically pleasing and is compatible with current development in the City of Tracy. Beyond these measures, there is no feasible mitigation. [This is Mitigation Measure 4.1-5 in the THSP SEIR]

As discussed above, the proposed Project would not cause a new aesthetic impact to occur, nor an increase in the severity of an aesthetic impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

II. AGRICULTURAL AND FORESTRY RESOURCES

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
<p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>					
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project 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?

The THSP SEIR discussed that according to the California Department of Conservation Farmland Mapping and Monitoring Program, the Specific Plan Area contains approximately 25 acres of Prime Farmland as well as 2,700 acres of other farmland.² The 25 acres of Prime Farmland is located along Lammers Road, just south of the Delta-Mendota Canal and is made up of an existing vineyard. Impacts related to agricultural resources within the THSP Area were previously considered in the impact analysis in the Tracy

² THSP SEIR, Figure 4.2-1

General Plan EIR, however, no mitigation measures were identified to reduce this impact, and the Tracy City Council adopted a statement of overriding considerations with respect to the anticipated loss of farmland.³

The following mitigation measure incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

Mitigation Measure AG 4.2-1: *As part of the development process for individual site-specific development projects, the agricultural mitigation fee adopted by the City shall be paid for each acre of Prime Farmland to be developed. The fees shall be collected by the City at the time building permits are issued for such site-specific development projects, or as otherwise required by the City. [This is Mitigation Measure 4.2-1 in the THSP SEIR]*

The City currently uses the Agricultural Mitigation Fee Ordinance to collect in-lieu fees for impacts from development on agricultural land. Impacts related to the conversion of prime farmland were considered significant and unavoidable in the previously certified THSP SEIR. Implementation of the proposed Project would result in transition of primarily undeveloped land to development of medium density residential uses and open space uses within the Project site. The Project site does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The Project site is designated as “Grazing Land”, which is not recognized in CEQA thresholds of significance with respect to farmland conversion. With implementation of the above mitigation measure, the proposed Project’s impact on conversion of prime farmland to non-agricultural uses would be less than significant. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP. As such, no further analysis is required.

Threshold (b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

A Williamson Act contract is formed between local governments and private landowners for the purpose of restricting certain parcels of land to agricultural or related open space use. The Project site is not the subject of a Williamson Act contract and does not contain any lands zoned for agricultural uses. Therefore, no conflict exists in regard to the current zoning of the Project site. As such, the proposed Project would not include properties zoned for agricultural use or under Williamson Act Contract, and therefore no impact would occur. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP. As such, no further analysis is required.

Threshold (c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.

As discussed in the previously certified THSP SEIR, full buildout of the THSP would result in conversion of the THSP Area to urban uses. However, the proposed land uses in the THSP Area would be incompatible with adjacent land uses without appropriate buffer activities from development of the THSP. Impacts

³ THSP SEIR, page 4.2-9

related to other changes in the existing environment which, due to the conversion of farmland to non-agricultural use were considered significant and unavoidable in the previously certified THSP SEIR even with implementation of Mitigation Measure AG 4.2-2.

The following mitigation measure incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

Mitigation Measure AG 4.2-2: As construction occurs along the Project Area boundary, buffers such as roadways, conservation easements, building setbacks, and parking areas, shall be required prior to occupancy of those structures, in compliance with General Plan Policy OSC-2.2 *[This is Mitigation Measure 4.2-2 in the THSP SEIR]*

The Project site does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Implementation of the proposed Project would result in transition of primarily undeveloped grazing land to development of commercial and residential uses within the Project site. However, given that no Important Farmland existing on the Project site, implementation of the proposed Project would not result in conversion of farmland to non-agricultural use. Impacts in this regard would be less than significant. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP.

Cumulative Impacts

As discussed above, the proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. Amendment-related impacts are consistent with the environmental effects previously identified in the certified THSP SEIR.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

Mitigation Measure AG 4.2-3: *As part of the development process for individual site-specific development projects, the agricultural mitigation fee adopted by the City shall be paid for each acre of Prime Farmland to be developed. The fees shall be collected by the City at the time building permits are issued for such site-specific development projects, or as otherwise required by the City. [This is Mitigation Measure 4.2-3 in the THSP SEIR]*

As discussed above, the proposed Project would not cause a new agricultural impact to occur, nor an increase in the severity of an agricultural impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

III. AIR QUALITY

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

The proposed Project lies within the central portion of the San Joaquin Valley Air Basin (SJVAB). The San Joaquin Valley Air Pollution Control District (SJVAPCD) has jurisdiction over most air quality matters in the Basin and is tasked with implementing programs and regulations required by the federal and State Clean Air Acts. If a project is found to interfere with the region’s ability to comply with federal and State air quality standards, local governments then need to consider project modifications or provide mitigation measures to eliminate the inconsistency of the project plans. In order for a project to be considered “consistent” with the latest Air Quality Plan (AQP), the project must be consistent with the goals, objectives, and assumptions in the respective plan to achieve Federal and State air quality standards. Additionally, both construction related and long-term emissions are required to be quantified and compared to the SJVAPCD significance thresholds.

Emissions from the construction and operational phase of the proposed Project were included as part of the emissions estimate for buildout conditions of the Specific Plan Area as evaluated in the previously certified THSP SEIR. The THSP SEIR found that buildout would generate a substantial increase in (both

construction and operational-related) criteria air pollutants that would exceed the SJVACPD's significance thresholds. As discussed in the THSP SEIR buildout of the THSP would result in exceedances of the SJVACPD thresholds for criteria pollutants including inconsistencies with the 2013 Ozone Plan and the 2012 PM_{2.5} Plan in this regard.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

Mitigation Measure AQ 4.3-1a: *Prior to the issuance of any grading permit the City Engineer and the Chief Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SJVAPCD Regulation VIII, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:*

- *All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover;*
- *All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant;*
- *All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking;*
- *When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained;*
- *All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.);*
- *Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant;*
- *Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday;*
- *Any site with 150 or more vehicle trips per day shall prevent carryout and trackout;*
- *Limit traffic speeds on unpaved roads to 15 mph;*

- *Install sandbags or other erosion control measures to prevent silt run-off to public roadways from sites with a slope greater than one percent;*
- *Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the THSP Project Area; and*
- *Fugitive dust emanating from the Project site shall not exceed 20 percent opacity, per SJVAPCD Regulation VIII.*
- *Applicant shall consult with the County Public Health Services Department or California Department of Public Health to develop a Valley Fever Dust Management Plan that addresses Valley Fever exposure. The Plan shall be provided to the City and shall include a program to evaluate the potential for exposure to Valley Fever from construction activities and to identify appropriate dust management and safety procedures that shall be implemented, as needed, to minimize personnel and public exposure to potential Valley Fever- containing dust. [This is Mitigation Measure 4.3-1a in the THSP SEIR]*

Mitigation Measure AQ 4.3-1b: *The following measures shall be implemented during construction to reduce NO_x related emissions. They shall be included in the Grading Plan, Building Plans, and contract specifications. Contract specification language shall be reviewed by the City prior to issuance of a grading permit.*

- *Use of construction equipment rated by the United States Environmental Protection Agency (EPA) as having Tier 3 or higher exhaust emission limits for equipment over 50 horsepower that are onsite for more than 5 days, if available and feasible. Tier 3 engines between 50 and 750 horsepower are available for 2006 to 2008 model years. After January 1, 2015, encourage the use of equipment over 50 horsepower that are on-site for more than 5 days to meet the Tier 4 standards, if available and feasible. A list of construction equipment by type and model year shall be maintained by the construction contractor onsite, which shall be available for City review upon request.*
- *Use of alternative-fueled or catalyst-equipped diesel construction equipment, if available and feasible; and*
- *Clearly posted signs that require operators of trucks and construction equipment to minimize idling time (e.g., 5-minute maximum).*
- *Properly and routinely maintain all construction equipment, as recommended by manufacturer's manuals, to control exhaust emissions.*
- *Use electric equipment for construction whenever possible in lieu of fossil fuel-fired equipment. [This is Mitigation Measure 4.3-1b in the THSP SEIR]*

Mitigation Measure AQ 4.3-1c: *Prior to the issuance of any grading permit, the City shall confirm that the Project complies with the SJVAPCD Rule 9510, Indirect Source (ISR). If feasible measures*

are not available to meet the emissions reductions targets outlined in Rule 9510, then Project applicants shall pay an in-lieu mitigation fee to the SJVAPCD to offset the Project's emissions-related impacts, or coordinate with the SJVAPCD to implement a Voluntary Emission Reduction Agreement (VERA). If in-lieu fees are required, Project applicants shall coordinate with the SJVAPCD to calculate the amount of the fees required to offset the Project's impacts. The applicant shall document, to the City's reasonable satisfaction, its compliance with this mitigation measure. [This is Mitigation Measure 4.3-1c in the THSP SEIR]

Mitigation Measure AQ 4.3-2: *Prior to issuance of building permits, each applicant for individual site specific developments under the THSP shall demonstrate compliance with SJVAPCD Rule 9510, Indirect Source Review (ISR) or implementation of a Voluntary Emission Reduction Agreement (VERA). Project applicants shall coordinate with the SJVAPCD to ensure that the Project meets the requirements of SJVAPCD Rule 9510 or implements a VERA. If feasible reduction measures are not available to meet the emissions reductions targets as established by the SJVAPCD, then Project Applicants shall pay an in-lieu mitigation fee to the SJVAPCD to offset the Project's emissions-related impacts. If in-lieu fees are required, Project Applicants shall coordinate with the SJVAPCD to calculate the amount of the fees required to offset the Project's impacts. [This is Mitigation Measure 4.3-2 in the THSP SEIR]*

Mitigation Measure AQ 4.3-4b: *New sensitive land uses including residential, hospital, medical offices, and day care facilities shall not be located closer than 1,000 feet from any existing or proposed distribution center/warehouse facility which generates a minimum of 100 truck trips per day, or 40 truck trips with transport refrigeration units (TRUs) per day, or TRU operations exceeding 300 hours per week, pursuant to the recommendations set forth in the CARB Air Quality and Land Use Handbook. If new sensitive land uses cannot meet this setback, they shall be designed and conditioned to include mechanical ventilation systems with fresh air filtration. For operable windows or other sources of ambient air filtration, installation of a central heating, ventilation, and air conditioning (HVAC) system that includes high efficiency filters for particulates (Minimum Efficiency Reporting Value [MERV] 13 or higher) or other similarly effective systems shall be required. [This is Mitigation Measure 4.3-4b in the THSP SEIR]*

Therefore, buildout of the THSP Area would be inconsistent with the SJVAPCD's air quality plans and impacts were considered significant and unavoidable within the THSP SEIR. Mitigation Measures AQ 4.3-1a through 4.3-1c, 4.3-2 and 4.3-4b from the certified THSP SEIR are applicable to the proposed Project and would be expected to reduce the severity of the significant and unavoidable impact. However, even with mitigation incorporated, impacts would remain significant and unavoidable.

The boundaries of the proposed Project site would not extend beyond those analyzed in the THSP. The proposed Project includes an increase of approximately 5.6 acres of open space and a decrease of approximately 4.7 developable acres compared to the THSP. The proposed Project would allow up to 25.7 developable acres of residential uses compared to the previously analyzed 30.4 developable acres of commercial uses in the THSP SEIR. Additionally, the proposed Project's increase in dwelling units would be offset by the reduction in commercial uses. The maximum allowable building height in the MDR Zoning

District is less than the General Highway Commercial Zoning District, so the project would be less intense compared to what was considered in the THSP SEIR. According to the *Tracy Hills Specific Plan Amendment for KT Project-Transportation Consistency Analysis* (2019) the Project would result in a net decrease of 1,059 vehicle trips in the a.m. peak hour and a net decrease of 1,919 vehicle trips in the p.m. peak hour, compared to what was previously analyzed in the THSP SEIR. Given that the proposed Project land uses would be operationally less intense than those previously approved for the Project site in the THSP; the impact relative to an applicable air quality plan would be similar to what was identified in the THSP SEIR and no new impact or increase in the severity of a previously identified impact would occur.

Threshold (b) Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Construction

Construction emissions for buildout of the THSP were estimated in the previously certified THSP SEIR using the California Emissions Estimator Model (CalEEMod). Based on the THSP SEIR, buildout of the THSP would result in construction emissions that would exceed SJVAPCD's 10 tons per year threshold for reactive organic gases (ROG) and nitrogen oxides (NO_x). The THSP found during construction emissions would be significant and unavoidable after implementation of Mitigation Measures AQ 4.3-1a through 4.3-1c, in the THSP SEIR.

Construction impacts from the proposed Project would be considered significant and unavoidable. The proposed Project would result in a net decrease in developable acres and a reduction in maximum building heights for much of the Project site. Additionally, the Project would result in a net decrease in impervious surfaces through construction of buildings, parking areas, roadways, and other improvements compared to the THSP SEIR. Therefore, construction equipment used and phasing for the proposed Project would be roughly similar to the THSP SEIR. The proposed Project's impact relative to construction air emissions would be similar to those identified in the THSP SEIR. No new impact or increase in the severity of a previously identified impact would occur. Mitigation from the certified THSP SEIR is applicable to the proposed Project that would reduce the severity of the significant and unavoidable impact. However, even with mitigation incorporated, impacts would remain significant and unavoidable but would not be greater than the impact analyzed in THSP EIR.

Operations

Long-term operational emissions would be generated from the day-to-day operations of the buildout of the THSP. Operational emissions for land use development projects are typically distinguished as mobile, energy, and area sources of emissions. Operational emissions for buildout of the THSP were estimated using CalEEMod, and analyzed in the THSP SEIR. According to the THSP SEIR, buildout of the THSP Area would result in operational emission in exceedance of SJVAPCD thresholds for ROG, NO_x, carbon monoxide (CO), and particulate matter with a diameter smaller than 10 microns (PM₁₀) and smaller than 2.5 microns (PM_{2.5}). The *Tracy Hills Specific Plan Amendment for KT Project- Transportation Consistency Analysis Memo* (2019) found that the proposed Project would result in a net decrease of 1,059 a.m. peak hour trips and net decrease of 1,029 p.m. peak hour trips compared to the THSP. As discussed in Threshold (a) the Project proposes land uses that are less operationally intense including additional open space and

fewer peak hour vehicle trips than those analyzed in the THSP SEIR and would therefore generate proportionally less operational emissions. As such, no new impact or increase in the severity of a previously identified impact would occur. Although the previously identified significant and unavoidable impact would remain, implementation of Mitigation Measure 4.3-2 (in the THSP SEIR) would reduce the severity of this impact to the maximum extent feasible. However, impacts would remain significant and unavoidable. Additional environmental review is not required since this impact was addressed and is consistent with the development density analyzed in the THSP SEIR.

Threshold (c) Would the project 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)?

The region of the proposed Project area is classified as nonattainment for ozone, PM₁₀, and PM_{2.5}. Buildout of the Specific Plan Area would generate emissions of ROG, PM₁₀, and NO_x during construction and operation that would be above the SJVACPD's regional thresholds of significance. According to the findings in the THSP SEIR, the impact relative to ROG, CO, PM_{2.5}, PM₁₀ and NO_x is considered potentially significant. This was identified as a significant and unavoidable impact within the THSP SEIR.

Similar to the THSP, the proposed Project would contribute to these overall emissions. However, the proposed Project development would result in operationally less intense land uses, including a net decrease in developable acres and fewer peak hour vehicle trips compared to the THSP. Therefore, as discussed in Threshold (a) and (b) above construction and operational air quality impacts would be less than those identified in the THSP SEIR. Mitigation Measures AQ 4.3-1a through 4.3-1c, 4.3-2 and 4.3-4b from the THSP SEIR would be applicable to the proposed Project and would reduce the severity of the impact. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP.

Threshold (d) Would the project expose sensitive receptors to substantial pollutant concentrations?

The *CEQA Guidelines* indicate that a potentially significant impact could occur if the proposed Project would expose sensitive receptors to substantial pollutant concentrations. Exposure of toxic air contaminants was assessed in the previously certified THSP SEIR by evaluating diesel particulate matter (DPM) emissions on nearby sensitive receptors. A Health Risk Assessment (HRA) and addendum were prepared for the previously certified THSP SEIR. The HRA addressed the potential contribution of public exposure to DPM by locating sensitive receptors within 500 feet of I-580 (a generator of toxic air contaminants). The HRA determined that proposed Project operations would not exceed the 10 cases per million that is considered significant by the SJVAPCD and CARB. The proposed Project site is located 1,330 feet from I-580 and outside of CARB's 500-foot buffer. Therefore, the Project would not increase risk hazards from freeway exposure. Under the same combined scenario, cancer risk at sensitive receptors adjacent to the Specific Plan Area would have risk up to 4.61 new cases per million persons (in nine-year exposure) and would not exceed the SJVAPCD significance threshold. The HRA determined that the 30- and 70-year exposure periods would exceed SJVAPCD significance thresholds for cancer risk. However,

with project design features including Minimum Efficiency Reporting Value (MERV) 13 (or equivalent air filtration system), all three exposure periods would not exceed the significance threshold.

Impacts associated with the Specific Plan (including the proposed Project) related to criteria pollutant emissions during construction were identified as significant and unavoidable within the THSP SEIR. The Project proposes to re-designate and shift zoning within the Project site to decrease General Highway Commercial (GHC) by 26.9 acres, increase Medium Density Residential (MDR) by 21.3 acres, and increase Open Space by 5.6 acres. The proposed Project would have approximately 25.7 acres of developable land. The Project proposes land uses that are less intense than those analyzed in the THSP SEIR. Thus, the impact relative to exposure of toxic air contaminants would be similar to that identified in the THSP SEIR. Consistent with the THSP SEIR, with mitigation incorporated (Mitigation Measure AQ.4.3-4b), the resulting impact from the proposed Project would be less than significant. No new impact or increase in the severity of a previously identified impact in the certified THSP SEIR would occur as a result of the proposed Project.

The primary mobile-source pollutant of localized concern is carbon monoxide (CO). Localized CO concentrations near roadway intersections are a function of traffic volumes, speed, and delay. Under specific meteorological conditions, CO concentrations near roadways and/or intersections may reach unhealthy levels with respect to sensitive receptors, often referred to as a "CO hotspot". CO hotspots are high, localized CO concentrations and are generally caused by congested intersections with a large volume of traffic.

CO hot spot modeling was performed for the THSP SEIR. As shown in Table 4.3-10 in the THSP SEIR, the nine highest volume intersections in the Specific Plan Area under full buildout would be well below the established standard for CO. As discussed above, the proposed land uses would be less operationally intense (including additional open space and fewer peak hour vehicle trips) compared to those analyzed in the THSP SEIR. Therefore, the impact of the proposed Project related to ambient air quality CO concentrations would be less than significant. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP and no further analysis is required.

Threshold (e) Would the project create objectionable odors affecting a substantial number of people?

The THSP SEIR found impacts associated with odors to be considered less than significant. SJVAPCD has identified a list of common types of facilities that have been known to produce odors in the Basin along with a reasonable distance from the source within which, the degree of odors could be significant. These land uses include the following: wastewater treatment facilities, sanitary landfills, transfer stations, composting facilities, petroleum refinery, asphalt batch plant, chemical manufacturing, fiberglass manufacturing, painting/coating operations, food processing facilities, feed lot/dairies and rendering plants. The proposed Project would include the development of residential, commercial, and open space and does not propose to include any odor inducing uses on the site. The proposed Project would not be a source of objectionable odors, therefore no impact would occur. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP and no further analysis is required.

Cumulative Impacts

A project that has a significant impact on air quality with regard to emissions of PM₁₀, PM_{2.5}, NO_x and/or ROG_s as determined above would have a significant cumulative effect. In the event direct impacts from a project are less than significant, a project may still have a cumulatively considerable impact on air quality if the emissions from the project, in combination with the emissions from other proposed, or reasonably foreseeable future projects are in excess of screening levels identified above, and the project's contribution accounts for more than an insignificant proportion of the cumulative total emissions. With regard to past and present projects, the background ambient air quality, as measured at the monitoring stations maintained and operated by the SJVAPCD, measures the concentrations of pollutants from existing sources. Past and present project impacts are therefore included in the background ambient air quality data.

The proposed Project would contribute to cumulative impacts from construction and operational emissions since regional thresholds are exceeded for buildout of the THSP Area. The THSP SEIR found full buildout of the Project would exceed SJVAPCD threshold for ROG, NO_x, CO, PM₁₀, and PM_{2.5}. The proposed Project would not contribute to cumulative health risk effects since background excess cancer risks are below the threshold of 10 in a million. Cumulative impacts to health risks were identified in the previously certified THSP SEIR.

As discussed above, the proposed Project would not cause a new air quality impact to occur, nor an increase in the severity of an air quality impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. The proposed Project is less intense compared to the THSP and therefore air quality impacts would not be greater than those previously analyzed. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

V. BIOLOGICAL RESOURCES

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project 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?

Special Status Species (Plant species, Animal Species, Nesting Birds)

Plants

As determined in the THSP SEIR, no suitable habitat was found in the THSP Area that would support any candidate, sensitive, or special status plant species. Therefore, implementation of the THSP would result in a less than significant impact on sensitive plant species. Nonetheless, implementation of Mitigation Measure BIO 4.4-1b in the THSP SEIR was recommended to ensure impacts related to special status plant species remain less than significant.

Wildlife Species

As determined in the THSP SEIR, no federally or state listed species have ever been documented in the THSP Area and areas adjacent to the THSP Area, including a 3,500 acre preserve. The California Red Legged Frog (CRLF) was documented off of the THSP in the Corral Hollow Creek area, which is located in the adjacent 3,500 acre preserve area, and has been designated as critical habitat for the CRLF by the USFWS. It was determined that all areas of the THSP that could potentially support the CRLF are outside the THSP's footprint. The THSP SEIR also determined that the THSP could potentially support Burrowing Owl, Swainson's Hawk, Northern Harrier, Loggerhead Shrike, American Badger, San Joaquin Whipsnake, Prairie falcon, and Coast Horned Lizard. However, even though some of these species have been spotted on the THSP Area in a limited quantity, the lack of quality habitat on the THSP Area for these species was found to be less than significant. No other listed, sensitive or special status wildlife species are known to occur on the THSP, and no suitable habitat was found on the THSP to support other listed, sensitive or special status wildlife species. To ensure that the THSP's impacts on wildlife species remain less than significant, mitigation measures (Mitigation Measures BIO 4.4-1a, 4.4-1e, 4.4-1h, 4.4-1i, 4.4-1j, 4.4-1k, 4.4-1l, and 4.4-1o) in the THSP SEIR and avoidance measures were implemented.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

Mitigation Measure BIO 4.4-1a: *Construction operations will be overseen by an appropriately-credentialed biologist (biological monitor), and the Project will implement a worker environmental awareness training program to reduce the Project's potential adverse effects to special status species. This measure is specific to Areas A, B and C of the Project. [This is Mitigation Measure 4.4-1a in the THSP SEIR]*

Mitigation Measure BIO 4.4-1b: *Prior to commencement of ground disturbing activities in any areas of potentially suitable habitat to support special status plant species, pre-activity clearance surveys shall be initiated by a qualified botanist. This measure is specific to Area A, B and C.*

- *Surveys shall be floristic in nature and timed during appropriate blooming periods.*
- *Surveys shall target those locales within the Project Site of direct and indirect effects. The results of these surveys shall be submitted to CDFW and USFWS for review.*
- *In the event special-status plant species are detected within portions of the Project Site proposed for development, individual plant(s) or populations shall be avoided whenever possible by*

delineation and observing a no disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species.

- *If buffers cannot be maintained, then consultation with CDFW and USFWS is warranted to determine appropriate minimization measures for impacts to special-status plant species. [This is Mitigation Measure 4.4-1b in the THSP SEIR]*

Mitigation Measure BIO 4.4-1c: *Prior to commencement of ground disturbing activities in any areas of potentially suitable habitat to support San Joaquin Kit Fox, no less than sixty (60) days prior to any ground disturbing activities or grading, pre-construction clearance surveys shall be initiated by a qualified biologist to reinforce negative findings (the continued absence of SJKF) on the Project Site with substantial evidence. A second SJKF survey shall be conducted no more than thirty (30) days prior to the onset of construction or ground disturbing activities. If SJKF are detected within portions of the Project Site proposed for development, the developer shall immediately contact the USFWS telephonically and in writing, and following consultation with the USFWS, avoidance and minimization measures specific to SJKF will be incorporated into the Project as described in the USFWS "Standard Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbing Activities (1999)" and the USFWS "San Joaquin Kit Fox Habitat Evaluation Forms (2001)" to reduce impacts to this species to a less than significant level. These SJKF avoidance and minimization measures shall include the following:*

1. *No later than forty five (45) days prior to any ground disturbing activities or grading, the developer shall contact a qualified biologist holding proper permits and provide approval to that biologist to relocate known SJKF located on site to the 3,500 acre open space preserve or another relocation preserve approved by the USFWS or covered by the SJMSCP.*
2. *No later than fourteen (14) days prior to any ground disturbing activities or grading, all known dens shall be monitored for at least three (3) consecutive days to ensure that SJKF dens, to the extent they exist on the Project Site, are unoccupied prior to den excavation.*
3. *The relocation of SJKF would require an ITP per Section 2081 of the Fish and Game Code. If SJKF individuals or dens are discovered, all work within Area C in the vicinity of the discovery shall halt and not continue until CDFW has been consulted and appropriate authorization obtained. [This is Mitigation Measure 4.4-1c in the THSP SEIR]*

Mitigation Measure BIO 4.4-1d: *During construction, temporary disturbances and Project-related vehicle traffic will be restricted to established roads, construction areas, and other designated lands. Also during construction:*

1. *Project-related construction vehicles will observe a daytime speed limit of 20-mph, except on County roads and State and Federal highways.*
2. *Night-time construction will be minimized to the greatest extent feasible. However if it does occur, then the speed limit will be reduced to 10-mph.*

3. *Project-related, non-ranch operations off-road traffic outside of designated Project areas that are undergoing construction will be prohibited.*
4. *To prevent inadvertent entrapment of small mammals, including SJKF, during construction, excavated, steep-walled holes or trenches more than 2-feet deep will be covered at the close of each working day by plywood or similar materials. Each excavation shall contain at least one ramp, with long trenches at least one ramp shall be placed every .25 mile. Slope of ramps shall be now steeper than 1:1. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks will be installed. Before such holes or trenches are filled, they will be thoroughly inspected for trapped wildlife. If at any time a trapped or injured SJKF is discovered, the USFWS and the CDFW will be contacted immediately to attempt to relocate and/or collar the SJKF. Escape ramps shall also be installed immediately to allow trapped animals to escape.*
5. *Construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored within Project limits for one or more overnight periods will be thoroughly inspected for any SJKF before the pipe is subsequently buried, capped, or otherwise used or moved. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS and CDFW has been consulted. If necessary, and under the direct supervision of a biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.*
6. *All food, garbage in plastic shall be disposed of in closed containers and regularly removed from the site to minimize attracting SJKF and other sensitive species to the site.*
7. *Use of rodenticides and herbicides within Project limits will be restricted. Uses of such compounds will observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS and CDFW. If rodent control must be conducted, zinc phosphide or an equivalent material will be used because of a lower adverse health risk to kit fox.*
8. *No dogs, cats or other animals shall be permitted on the Project Site.*
9. *Developer shall provide a sensitive species identification and avoidance education program for all construction employees that consists of a consultation in which persons knowledgeable in kit fox biology and legislative protection to explain endangered species protocols, habitat needs and the measures and conditions of approval being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to all contractors, their employees, and any and all other personnel who are working on the construction site. [This is Mitigation Measure 4.4-1d in the THSP SEIR]*

Mitigation Measure BIO 4.4-1e: *Prior to commencement of ground disturbing activities in all areas of potentially suitable habitat to support Swainson's hawk, pre-activity clearance surveys shall be initialed by a qualified biologist to reinforce positive or negative findings with substantial evidence. If Swainson's hawk is detected within portions of the Project Site proposed for*

development, then avoidance and minimization measures specific to Swainson's hawk will be incorporated into the Project as described in the CDFW "Staff Report on Mitigation for Impacts to Swainson's Hawk (2012)" to reduce impacts to Swainson's hawk to less-than significant. This measure is applicable to Areas A, B and C of the Project.

1. If an active nest site is found, the Project will allow sufficient foraging and fledging area to maintain the nest.
2. The Project will not remove historic or known Swainson's hawk nest trees unless avoidance measures are determined to be infeasible. Removal of such trees should occur only during the timeframe of October 1 and the last day in February. [This is Mitigation Measure 4.4-1e in the THSP SEIR]

Mitigation Measure BIO 4.4-1f: Prior to commencement of ground disturbing activities in all areas of potentially suitable habitat to support California Tiger Salamander (CTS), pre-activity clearance surveys shall be initiated by a qualified biologist in accordance with published guidelines and protocols. Survey methods shall be derived from published protocols, and to reinforce positive or negative findings with substantial evidence. If CTS individuals or eggs are discovered, all work within the vicinity of the discovery shall halt and not continue until CDFW has been consulted and appropriate authorization obtained. This measure is specific to Areas A, B and C of the Project.

1. Temporary construction disturbances to CTS habitat will be minimized to the extent practicable. All Project-related vehicle traffic will be restricted to established roads, and construction areas.
2. A qualified biologist will be on site during all activities that may result in the take of CTS. The biologist will be given the authority to stop any work that may result in the take of this listed species.
3. The biologist will be responsible for ensuring that the exclusion fence installed around occupied CTS habitat inspected before the start of each day and remains intact until project construction is complete.
4. Plastic monofilament netting (erosion control matting) or similar material will not be used for erosion control or other purposes around occupied CTS habitat because CTS may become entangled or trapped in it. Acceptable substitutes include coconut coir matting or tackified hydroseeding.
5. The project proponent or its contractor will implement BMPs to prevent sediment from entering suitable CTS habitat through the use of silt fencing and sterile hay bales.
6. A worker training program that includes the CTS will be conducted for construction personnel before groundbreaking at individual redevelopment project sites.
7. A speed limit of 20 (mph) will be observed within construction areas, particularly on rainy nights when CTS are most likely to be moving between their breeding ponds and upland habitat. To the

extent possible, nighttime construction will be minimized. Off-road traffic outside designated construction areas will be prohibited.

8. To prevent entrapment of CTS during construction, any trenches, holes, or other excavations into which CTS could fall and become trapped will be covered. The opening will be completely covered at the end of each workday. [This is Mitigation Measure 4.4-1f in the THSP SEIR]

Mitigation Measure BIO 4.4-1g: Prior to commencement of ground disturbing activities in all areas of potentially suitable habitat to support California red-legged frog (CRLF), pre-activity clearance surveys shall be initiated by a qualified biologist to reinforce positive or negative findings with substantial evidence. This measure is specific to Areas B and C of the Project.

1. Survey will occur during the wet season (generally October 15 to April 15), no more than 48 hours before new ground disturbance.
2. A worker training program that includes the CRLF will be conducted for construction personnel before groundbreaking at individual redevelopment project sites.
3. If a CRLF is found, the construction supervisor shall halt work immediately within a buffer area of 50 feet of any discovered CRLF. The construction supervisor will also contact the project biologist and will suspend all construction activities in the immediate construction zone (50-foot radius) until the animal leaves the site voluntarily or is removed by the biologist to a release site using USFWS-approved transportation techniques.
4. To prevent entrapment of CRLF during construction, any trenches, holes, or other excavations into which CRLF could fall and become trapped will be covered. The opening will be completely covered at the end of each workday. [This is Mitigation Measure 4.4-1g in the THSP SEIR]

Mitigation Measure BIO 4.4-1h: All applicants who conduct Projects within Areas A and B of the Project Site shall adhere to the terms of the SJMSCP. Participation in the SJMSCP includes compliance with all incidental take measures as required in the SJMSCP, including but not limited to preconstruction surveys to determine presence for special status flora and fauna. Notwithstanding this biological resource section's less than significant impact conclusions, if required by applicable law, projects being implemented within Area C shall voluntarily secure Section 7 and/or Section 10 permits in consultation with the appropriate wildlife agencies. [This is Mitigation Measure 4.4-1h in the THSP SEIR]

Mitigation Measure BIO 4.4-1i: Pre-construction surveys shall include a survey for burrowing owl and raptor nests, which will be conducted prior to grading. Pre-construction surveys for burrowing owl will be conducted weekly, beginning no later than thirty (30) days and ending no earlier than three (3) days prior to the commencement of disturbance. If burrowing owls are found during the pre-construction survey, then replacement burrows and habitat shall be provided prior to the commencement of construction within the 3,500 acre preserve area. The Project applicant shall

provide artificial replacement burrows in the event that owls are detected, either as wintering or breeding within Project boundaries.

Construction activities associated with project features that occur within portions of the Project Site containing occupied or suitable habitat for the burrowing owl and raptor nests shall be restricted to periods outside the breeding season for this species. The breed season for burrowing owl runs from February 15 through August 31.

If construction or operation activities occur during the breeding season for burrowing owls, surveys are required prior to such construction to determine the presence or absence of this species within the impact area. Focused surveys shall be conducted under CDFW and Burrowing Owl Consortium protocol by a qualified biologist from February 15 to August 31. If this species is determined to occupy any portion of the Project Site, consultation with the CDFW and USFWS is required and no construction activity shall take place within 500 feet of an active nest/burrow until it has been determined that the nest/burrow is no longer active, and all juveniles have fledged the nest/burrow. No disturbance to active burrows shall occur without appropriate permitting through the SJMSCP or CDFW.

If active burrows are detected outside the breeding season, passive and/or active relocation may be approved following consultation with the CDFW and USFWS. The installation of one-way doors may be installed as part of a passive relocation program. Wintering individuals may be evicted with the use of exclusion devices followed by a period of seven days to ensure that animals have left their burrows. Burrowing owl burrows shall be excavated with hand tools by a qualified biologist when determined to be unoccupied, and backfilled to ensure that animals do not reenter. [This is Mitigation Measure 4.4-1i in the THSPSEIR]

Mitigation Measure BIO 4.4-1j: *To avoid the potential for disturbance of nesting birds on or near the Project Site, schedule the initiation of any vegetation removal and grading for the period of September 1 through February 15. If construction work cannot be scheduled during this period, a qualified biologist shall conduct pre-construction surveys for nesting birds according to the following guidelines:*

- 1. The preconstruction surveys shall be conducted by the qualified biologist no later than 14 days prior to the start of vegetation removal or initiating project grading.*
- 2. If birds protected under the Migratory Bird Treaty Act are found nesting, then appropriate construction buffers shall be established to avoid disturbance of the nests until such time that the young have fledged. The size of the nest buffer shall be determined by the biologist in consultation with CDFW, and shall be based on the nesting species, its sensitivity to disturbance, and expected types of disturbance. Typically, these buffers range from 75 to 250 feet from the nest location.*
- 3. Nesting activities shall be monitored periodically by a qualified biologist to determine when construction activities in the buffer area can resume.*

4. *Once the qualified biologist has determined that young birds have successfully fledged, a monitoring report shall be prepared and submitted to the City of Tracy Development Services for review and approval prior to initiating construction activities within the buffer area. The monitoring report shall summarize the results of the nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds. Construction within the designated buffer area shall not proceed until the written authorization is received by the applicant from the Development Services Director. The above provisions are in addition to the preconstruction surveys to confirm presence or absence of nesting Swainson's hawk, burrowing owl, and other special-status species as required under the Incidental Take Minimization Measures of the SJMSCP. [This is Mitigation Measure 4.4-1j in the THSP SEIR]*

Mitigation Measure BIO 4.4-1k: *In order to comply with Section 10 of the Migratory Bird Treaty Act and relevant sections of the California Fish and Game Code, any vegetation clearing within the Project Site shall take place outside of the typical avian nesting season (e.g., February 1st until September 1st) to the maximum extent practical. If work needs to take place between February 1st and September 1st, a pre-construction survey for nesting birds should be completed prior to the onset of Project activities. If a lapse in Project activity occurs for 7 days or more during the bird nesting season than initial avian clearance surveys shall be repeated. A buffer zone from occupied nests should be maintained during physical ground disturbing activities. Once nesting has ended, the buffer may be removed. [This is Mitigation Measure 4.4-1k in the THSP SEIR]*

Mitigation Measure BIO 4.4-1l: *Prior to construction, the Project applicant will stake, flag, fence or otherwise conspicuously delineate all environmentally sensitive areas that are to be protected in place and remain undisturbed during construction. Environmentally sensitive areas would include wetland, riparian habitat, aquatic habitat, raptor nesting locations, etc. The construction materials used to delineate environmentally sensitive areas would be removed no later than 30 days following physical completion of construction. [This is Mitigation Measure 4.4-1l in the THSP SEIR]*

Mitigation Measure BIO 4.4-1m: *The discovery of any previously unidentified protected species that are not covered by the SJMSCP, including those protected under the MBTA and the Fish and Game Code, shall be avoided and evaluated by a qualified biologist during surveys. The USFWS and CDFG shall be notified of the presence of any previously unreported protected species. Any unanticipated take of protected wildlife shall be reported immediately to the USFWS and CDFG. [This is Mitigation Measure 4.4-1m in the THSP SEIR]*

Mitigation Measure BIO 4.4-1n: *Prior to commencement of ground disturbing activities in areas of potentially suitable habitat to support Western spadefoot toad, pre-activity clearance surveys shall be initiated by a qualified biologist to reinforce positive or negative findings with substantial evidence.*

1. *For work conducted within suitable habitat and during the western spadefoot toad migration and breeding season (November 1 to May 31), a qualified biologist will survey the active work areas (including access roads) in mornings following measurable precipitation events. Construction may commence once the biologist has confirmed that no spadefoot toads are in the work area.*
2. *If western spadefoot toad is found within the construction footprint, it will be allowed to move out of harm's way of its own volition or a qualified biologist will relocate the organism to the nearest burrow that is outside of the construction impact area. [This is Mitigation Measure 4.4-1n in the THSP SEIR]*

Mitigation Measure BIO 4.4-1o: *Prior to commencement of ground disturbing activities in areas of potentially suitable habitat to support American Badger, pre-activity clearance surveys shall be initiated by a qualified biologist to reinforce positive or negative findings with substantial evidence. If American badger is located within the Project Site, potential loss of individual animals must be mitigated through one of the following: (1) an on-site passive relocation program, through which badgers are excluded from occupied burrows by installation of a one-way door in burrow entrances, monitoring of the burrow for one week to confirm badger usage has been discontinued, and hand excavation and collapse of the burrow to prevent reoccupation; or (2) active trapping and relocation of badgers to suitable off-site habitat by a qualified biologist. [This is Mitigation Measure 4.4-1o in the THSP SEIR]*

Mitigation Measure BIO 4.4-1p: *The Project applicant shall execute a management and funding agreement for the managing and monitoring of one hundred percent of the approximately 3,500 acre open space preserve subject to the three conversation easements discussed in this Section, which shall occur before the commencement of any ground disturbing activities in Area C. (Note Areas A and B are already subject to a management and funding agreement and therefore this Measure applies to Area C.) [This is Mitigation Measure 4.4-1p in the THSP SEIR]*

Implementation of the proposed Project would result in the conversion of undeveloped land to urban uses, eliminating potential suitable habitat for numerous special status animal species. Similar to the approved THSP, the proposed Project would have the potential to create a substantial adverse effect on special-status species because the proposed Project would be located within the same footprint of the THSP Area. With implementation of the above mitigation measures, the proposed Project's impact on special-status species would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (b) Would the project 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?

As determined in the THSP SEIR, no riparian habitat was observed within the THSP Area. The only potential riparian habitat near the THSP Area is the Corral Hollow Creek area, but the THSP Area was designed to

ensure that this area is not impacted by the development of the THSP, as that area is not actually within the THSP.

There is no riparian habitat within the Project site. Thus, the proposed Project would not have an adverse effect on any riparian habitat or other sensitive natural community than what was previously analyzed in the THSP SEIR. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (c) Would the project 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?

As identified in the previously certified THSP SEIR, the THSP Area contains 5.01 acres of Regional Water Quality Control Board and California Department of Fish and Wildlife (CDFW) jurisdictional wetlands. No federal waters under the jurisdiction of the United States Army Corp of Engineers (USACE) were identified in the THSP Area. However, these wetlands and waters would continue to be regulated by the RWQCB and CDFW as state jurisdictional waters. As determined in the THSP SEIR, buildout of the THSP would be designed to avoid impacts to these jurisdictional waters. Mitigation Measures BIO 4.4-3a to 4.4-3d in the THSP SEIR would ensure that the THSP's impacts on jurisdictional waters/wetlands of the U.S. or State of California remain less than significant.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

Mitigation Measure BIO 4.4-3a: *The project area includes numerous small episodic drainage features. If adverse effects to them cannot be avoided, then the Project shall notify the appropriate regulatory agency (i.e., USACE, CDFW and RWQCB) prior to impacting the feature, to comply with the requisite permitting requirements.*

- 1. Section 401 of the CWA requires a water quality certification for discharges and/or adverse impacts to regulated waterways and aquatic environments. The RWQCB is empowered to enforce this regulation through the Water Quality Certification Program. For this Project, activities may require a CWA Section 401 Water Quality Certification (WQC).*
- 2. Section 1600 of the California Fish and Game Code (CFG) regulates substantial alteration of waters and their adjacent riparian lands within the State. For this Project, activities may require Lake and Streambed Alteration Notification.*
- 3. If impacts to special aquatic resource areas are ultimately unavoidable within the Project Site, then the applicant should develop an informal plan to offset or compensate for adverse effects to these resources to ensure rapid and favorable action during any warranted permitting processes. With regard to Waters of the State, the Project has voluntarily elected to offset locales associated with permanent losses, at a mitigation to impact ratio of 3:1, and 1:1 for temporary disturbances to*

regulated waters, riparian habitats or other sensitive natural communities in all areas where Project related activities would be expected to adversely affect watercourses, streams, drainages, and their tributaries. The offset associated with permanent losses would occur by purchasing conservation credits from an approved mitigation bank, in-lieu fee program, or equivalent resource agency-approved process.

4. Avoidance measures being utilized by the Project include but are not be limited to the following: 1) complete avoidance of wetlands and other water features; 2) construction of structures to maintain natural floodplains; 3) installation of open channel drainages, swales or bottomless culvert systems to maintain the integrity of natural water features; 4) installation of culverts for wildlife crossings in sensitive and unique habitats to allow connectivity among water features or natural lands; 5) use natural/biological materials in armoring of structures (i.e. bridges, culverts, etc.) to the greatest extent practical; 6) when feasible, install exclusionary fencing to guide wildlife away from roadways and into water features or sensitive habitats; and 7) consult with regulatory agencies to determine the most environmentally sound methods and alternatives prior to Project implementation. [This is Mitigation Measure 4.4-3a in the THSP SEIR]

Mitigation Measure BIO 4.4-3b: Prior to any ground disturbing activities, a wetland delineation shall be prepared by a qualified biologist to document ~~A Jurisdictional Determination would be required from the USACE documenting isolated conditions and lack of Federal jurisdictional authority regarding the activities on the Project site.~~ [This is Mitigation Measure 4.4-3b in the THSP SEIR]

Mitigation Measure BIO 4.4-3c: A RWQCB Report of Waste Discharge (ROWD) pursuant to the California Water Code Section 13260 would need to be acquired for impacts to “waters of the State” under the jurisdictional authority of the RWQCB. [This is Mitigation Measure 4.4-3c in the THSP SEIR]

Mitigation Measure BIO 4.4-3d: A CDFW Streambed Alteration Agreement shall also be obtained, where necessary under applicable laws and regulations, for any proposed Project activities that would affect State waters regulated by the CDFW within the Project Site. [This is Mitigation Measure 4.4-3d in the THSP SEIR]

The proposed Project would result in a net increase of medium density residential units and open space uses and a net decrease of commercial uses, as compared to the THSP (See Table 1: *Land Use Plan Buildout*). According to the THSP SEIR, no jurisdictional wetlands are located within the Project site. Therefore, the proposed Project would not affect jurisdictional wetlands. With implementation of the above mitigation measures, the proposed Project’s impact on jurisdictional wetlands would remain less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (d) Would the project 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?

As determined in the THSP SEIR, the portion of the THSP Area that would be developed is not likely to support any State or Federally- listed flora or fauna, and is comprised entirely of non-native vegetation and low-grade habitat for any native wildlife species. As determined in the THSP SEIR, buildout of the THSP would be designed to avoid impacts to the movement of resident or migratory wildlife. Impacts on wildlife movement opportunities were considered less than significant in the previously certified THSP. Opportunities for terrestrial wildlife movement within the THSP Area are currently limited by the California Aqueduct and Delta-Mendota Canal located on the edge of the proposed Project area. Mitigation Measure BIO 4.4-4a in the THSP SEIR would ensure a 100-foot setback from the California Aqueduct be required to allow wildlife movement to persist throughout the THSP Area without any significant barriers or blockades.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

***Mitigation Measure BIO 4.4-4a:** A 100-foot setback from the California Aqueduct shall be required to allow wildlife movement to persist throughout the Project Site without any significant barriers or blockades. Prior to development of properties adjacent to I-580 or the south side of the California Aqueduct that do not have a 100-foot wide conservation easement placed adjacent to these facilities, a 100-foot wide conservation easement shall be recorded along the I-580 and the Aqueduct. These measure ensures that known wildlife movement corridors remain intact, and allow for an appropriate number and size of permeable wildlife passages through Project boundaries, ensuring connectivity to areas that already are subject to conservation easements, such as the 3,500 acre preserve located adjacent to Area C. [This is Mitigation Measure 4.4-4a in the THSP SEIR]*

Implementation of the proposed Project would result in the conversion of undeveloped land to urban uses, eliminating non-native vegetation and low-grade habitat for any native wildlife species. The proposed project would incorporate a 100-foot wide conservation easement along the canal. Incorporation of the 100-foot wide conservation easement would be consistent with the requirements of Mitigation Measure BIO4.4-4a to reduce potential impacts with the movement of any native resident or migratory fish or wildlife species. With implementation of the above mitigation measure, the proposed Project's impact on the movement of any native resident or migratory fish or wildlife species would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (e) Would the project conflict with any local policies or ordinances related to protecting biological resources, such as a tree preservation policy or ordinance?

The THSP SEIR concluded that the THSP adheres to all federal, state, and local regulations regarding sensitive species. As discussed above and in the THSP SEIR, the portion of the THSP Area that would be developed is not expected to support any federally or State listed species, and pre-construction surveys and other preventative measures required by Mitigation Measures BIO 4.4-1a through 4.4-1o in the THSP SEIR would ensure that in the unlikely event these species are found in the THSP Area, impacts to those species would be avoided. Mitigation Measures BIO 4.4-1a through 4.4-1o would assure that any impacts on California species of special concern that may occur on the Project Site would be less than significant.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

See Mitigation Measures BIO 4.4-1a through 4.4-1o above.

Implementation of the proposed Project would result in urbanized development within the Project site, which is within the same footprint previously analyzed in THSP SEIR. With implementation of the above mitigation measures, the proposed Project's impact on all federal, state, and local regulations regarding sensitive species would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The proposed Project area is located within the sphere of influence of the San Joaquin Multi Species Conservation Plan (SJMSCP). As set forth in Mitigation Measure BIO 4.4-1h of the THSP SEIR, applicants for individual development sites would have the option to participate in the SJMSCP to address potential impacts on special-status species associated with the conversion of existing habitat to urban uses. By participating in the SJMSCP, applicants would be required to comply with all relevant conditions of the use agreement, including the Incidental Take Minimization Measures defined in Section 5.2 of the SJMSCP. As a result, no impacts relative to conservation plans would occur as a result of the THSP.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

See Mitigation Measures BIO 4.4-1h, 4.4-1j, 4.4-1m, and 4.4-4a above.

As identified in Figure 4.4-1 of the THSP SEIR, the proposed Project is located within Area A of the San Joaquin Multi Species Conservation Plan (SJMSCP).⁴ As identified in the THSP SEIR, Area A is currently

⁴ THSP Draft EIR, page 4.4-5

covered by the SJMSCP. The proposed Project would still be within the same footprint of the previously analyzed THSP Area and would be within the sphere of influence of the SJMSCP. As such, the proposed Project's potential for impacts would not be different to that of THSP SEIR. With implementation of the above mitigation measures, the proposed Project's impact on the SJMSCP would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new biological impact to occur, nor an increase in the severity of a biological impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

VI. CULTURAL RESOURCES

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
a. Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

RESPONSES TO CHECKLIST QUESTIONS

Since certification of the THSP SEIR, the topic Tribal Cultural Resources was added to the Appendix G checklist of CEQA thresholds. On September 25, 2014, Governor Brown signed Assembly Bill (AB) 52 in to law, which requires tribal cultural resources to be considered during the CEQA process. AB 52 is applicable to projects for which a Notice of Preparation (NOP) is filed on or after July 2015. Because the THSP SEIR filed an NOP in 2014, tribal cultural resources are not required to be analyzed under the Section 15164 standards because it was not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent. However, mitigation measures related to potential impacts to historic and archeological resources in the THSP Area are described in this section.

Threshold (a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

The THSP Area contains one historic resource (P-39-000090 California Aqueduct) that is listed on the National Register or California Register and is considered a historical resource for the purposes of CEQA. While the historic resource crosses through the THSP Area, it was determined in the THSP SEIR that implementation of the THSP would have no direct impacts to the aqueduct. The previously certified THSP SEIR determined a potential indirect impact could occur due to visual effects on the resource, but the THSP SEIR found that the visual effects would not detract from the significance and National Register or California Register eligibility of the resource (P-39-000090 California Aqueduct). The site-specific field assessments of the THSP Area found six previously unrecorded archaeological resources. One of these is a prehistoric isolate and five are historic archaeological resources. Impacts to cultural or historical resources were determined to be less than significant with implementation of Mitigation Measures CUL 4.5-1a and 4.5-1b in the previously certified THSP SEIR.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

Mitigation Measure CUL 4.5-1b: Construction Personnel Training: *Construction supervisory personnel shall be notified of the existence of cultural resources and required to keep personnel and equipment away from these areas. A qualified archeologist (see definition under MM 4.5-1a) shall be notified prior to initiation of construction activities. During construction and operations, personnel and equipment shall be restricted to the project work site. [This is Mitigation Measure 4.5-1b in the THSP SEIR]*

As shown in Figure 2, Project Vicinity Map, the California Aqueduct runs parallel to the northern boundary of the Project site. Given the proximity of the Project site, the proposed Project could have the potential to create visual effects that might indirectly impact the resource. Development from commercial use to medium density residential use would result in structures that are generally similar in mass and density and would be within the same footprint as the THSP. The Project would result in a net decrease of approximately 4.7 developable acres within the Project site and a decrease of maximum building height for much of the Project site, which would not create visual effects that might indirectly impact the resources to a degree any greater than previously analyzed in the THSP SEIR. With implementation of the above mitigation measures, the proposed Project's impact on a historical resource would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Although no archaeological resources were reported within the THSP Area, the City of Tracy likely contains undiscovered archaeological resources, especially in undeveloped areas. As such, build-out of the THSP Area has the potential to impact unknown archaeological resources because of its grading and construction activities. However, construction of the THSP would be required to comply with federal and state regulations and the existing Tracy General Plan policies, which would reduce any potential impacts to archaeological resources, if any archaeological resources were discovered during the implementation. The THSP SEIR concluded that implementation of the THSP with mitigation measures would have a less than significant impact on archaeological resources. The procedures and provisions of Mitigation Measure CUL 4.5-2a would ensure that impacts to unanticipated archaeological discoveries are reduced to less than significant levels.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

Mitigation Measure CUL 4.5-2a: Training and Reporting: *Prior to the initiation of disturbing activities associated with the Project area, all construction personnel shall be alerted to the potential for encountering buried or unanticipated cultural and paleontological remains, including prehistoric and/or historical resources. Construction personnel shall be instructed that upon discovery of buried cultural materials, all work within a 30 meter vicinity of the find will be halted immediately, and the lead agency will be notified. Once the find has been identified by a qualified*

archaeologist, the lead agency shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the find is found to be an historical resource per State CEQA Guidelines as discussed in Section 4.5.4.2. [This is Mitigation Measure 4.5-2a in the THSP SEIR]

Build-out of the proposed Project has the potential to impact unknown archaeological resources due to grading and construction activities. Future development that may occur under the proposed Project site would be located within the same footprint of the THSP Area. Given that the proposed Project would be located in the same footprint of the THSP, impacts to unknown archaeological resources during ground disturbance activities would be similar to what was previously analyzed in the THSP SEIR. With implementation of the above mitigation measure, implementation of the proposed Project's impact on archaeological resources would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe because of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (c) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The records search and field survey conducted for the THSP SEIR did not identify any paleontological resources within or adjacent to the THSP boundaries. However, the surface sediments in most of the THSP Area have a low sensitivity for paleontological resources, but this sensitivity increases with depth (below 3-5 feet).⁵ As such, build-out of the THSP Area has the potential to impact unknown archaeological resources because of its grading and construction activities. The THSP SEIR concluded that implementation of the THSP with mitigation measures would have a less than significant impact on paleontological resource. Mitigation Measure CUL 4.5-3a would require paleontological monitoring by a trained paleontologist and would reduce the potential impacts to paleontological resources or resource sites, or unique geological feature from implementation of the Project to a less than significant level.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

Mitigation Measure CUL 4.5-3a: Paleontological Monitoring: *Paleontological spot check monitoring by a trained paleontologist (a trained paleontologist should have a Bachelor of Arts/Bachelor of Science in anthropology or related field with an emphasis in paleontology OR adequate training and experience in paleontological field methods, and work under the direct supervision of a qualified paleontologist) of excavations deeper than five feet in depth within the Project area, and spot check monitoring of any excavation in valleys in the eastern portion of the Project area against the hills in several of the washes (all areas of the Oro Loma Formation as mapped on the USGS Geology Map (Dibble 2006)) shall be performed by a train paleontologist. [This is Mitigation Measure 4.5-3a in the THSP SEIR]*

⁵ THSP Draft EIR, page 4.5-25

As discussed in the previously certified THSP SEIR, records search and field surveys conducted for the THSP SEIR identified no paleontological resources within or adjacent to the THSP Area. Similar to the THSP, the proposed Project development has the potential to impact unknown paleontological resources during grading and construction activities because the City of Tracy likely contains undiscovered paleontological resources, especially in undeveloped areas. Although there is the potential to disturb previously undiscovered paleontological resources, this potential was previously disclosed and mitigated for in the previously certified THSP SEIR. With Implementation of above mitigation measure, the proposed Project would not disturb paleontological resources, any greater than already analyzed in the THSP SEIR. This would not be a new specific impact, nor would it increase the severity of the impact previously identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP.

Threshold (d) Would the project disturb any human remains, including those interred outside of formal cemeteries?

As discussed in Threshold (b), no archaeological resources were reported within the THSP Area. However, the City of Tracy likely contains undiscovered archaeological resources, especially in undeveloped areas. As such, build-out of the THSP Area has the potential to disturb any human remains not previously discovered because of its grading and construction activities. However, construction of the THSP would be required to comply with federal and state regulations and the existing Tracy General Plan policies, which would reduce any potential impacts to undiscovered human remains. The THSP SEIR concluded that implementation of the THSP with Mitigation Measure CUL 4.5-2b would have a less than significant impact on human remains. Mitigation Measure CUL 4.5-2b would ensure that impacts to unanticipated human remains are reduced to less than significant levels.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

Mitigation Measure CUL 4.5-2b: Human Remains: *If human remains are encountered during ground disturbing activities, all work within a 30 meter vicinity of the find will be halted immediately, and the City of Tracy and the San Joaquin County Coroner shall be notified. If the remains are determined to be Native American, the Native American Heritage Commission shall be notified within 24 hours as required by Public Resources Code §5097.94 and §5097.98. The Native American Heritage Commission shall notify the designated Most Likely Descendant(s), who will in turn provide recommendations for the treatment of the remains within 48 hours of being granted access to the find. [This is Mitigation Measure 4.5-2b in the THSP SEIR]*

As discussed in the previously certified THSP SEIR, there is a potential for inadvertent discovery of human remains, particularly Native American remains, outside the boundaries of an established cemetery. Build-out of the proposed Project has the potential to impact unknown human remains during grading and construction activities. With implementation of the above mitigation measure, the proposed Project's impact on human remains would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any

more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new cultural resources impact to occur, nor an increase in the severity of a cultural resources impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

VII. GEOLOGY AND SOILS

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
Would the project:					
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

RESPONSES TO CHECKLIST QUESTIONS

Threshold (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.

ii. Strong seismic ground shaking?

iii. Seismic-related ground failure, including liquefaction?**iv. Landslides?**

The previously certified THSP SEIR determined that the THSP Area is not considered susceptible to the risk of loss, injury, or death due to fault rupture and the associated impacts. As discussed in the THSP SEIR, no known active faults cross the THSP Area and the THSP Area is not located within an Alquist-Priolo Earthquake Fault Zone. The nearest mapped active fault (Carmegie/Corral Hollow) is located approximately eight miles southwest of the THSP Area. The THSP SEIR identified that the impact of groundshaking to people or property caused by seismic activity on nearby faults would be increased as a result of site development. The THSP SEIR concluded that implementation of the requirements of the California Building Code (CBC) and the Tracy General Plan would ensure that impacts on humans associated with seismic hazards would be less than significant.

Implementation of the proposed Project would result in a net increase of medium density residential uses and open spaces in the THSP area, increasing the number of residential structures compared to what was analyzed in the THSP SEIR. As shown in Table 1: Land Use Plan Buildout (2035), the proposed Project would have fewer developable acres compared to what was previously analyzed in the THSP SEIR. Given that the number of people utilizing the Project site daily would be less intense than previously considered in the THSP SEIR, the impacts on humans associated with seismic hazards would not be any greater than previously analyzed in the THSP SEIR. With implementation of the requirements of the CBC and the General Plan, the proposed Project would not expose persons or structures to seismic hazards and impacts associated with the proposed Project would be less than significant. The proposed Project would not result in a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP and no further analysis is required.

Threshold (b) Result in substantial soil erosion or the loss of topsoil?

The THSP SEIR concluded that implementation of the THSP would have a less than significant impact related to erosion or loss of topsoil. As construction of the THSP occurs, ground surfaces exposed through the removal of vegetation could be susceptible to erosion from wind, water, and air quality. The use of Best Management Practices during construction as required by the Project Stormwater Pollution Prevention Plan would reduce impacts to a less than significant level.

The construction of new buildings and structures as part of the proposed Project would also create new impervious areas, such as walkways, driveways, parking lots, and rooftops. These impervious areas often result in increased stormwater runoff which can exacerbate soil erosion. As discussed in Section IX, Hydrology and Water Quality, development of the proposed Project would have a decrease in impervious surfaces because the proposed Project would have less developable acres compared to what was previously analyzed in the THSP SEIR. A decrease in impervious surfaces would result in a lower potential for runoff from the THSP Area. Because there would be less runoff from the Project, the the proposed Project would result in less substantial soil erosion or the loss of topsoil than previously analyzed in the THSP SEIR. With implementation of the Best Management Practices during construction as required by

the Project Stormwater Pollution Prevention Plan, the proposed Project's impact on soil erosion would be less than significant, similar to those impacts previously analyzed in the THSP SEIR. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP and no further analysis is required.

Threshold (c) Would the project 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?

Typically, subsidence occurs in areas underlain by soils that are highly compressible, such as soft clays or silts and unconsolidated sand or fill material. Landslide and liquefaction potential for the THSP site is considered low as determined in the THSP SEIR. The THSP SEIR concluded that implementation of the THSP would have a less than significant impact related to landslide, lateral spreading, subsidence, liquefaction and/or collapse.

The proposed Project would have the potential to be located on a geologic unit or soil that would become unstable and potentially result in on- or off-site impacts related to landslide, lateral spreading, subsidence, liquefaction and/or collapse because the proposed Project would be located within the same development footprint analyzed in the THSP SEIR. The proposed Project would be required to comply with Objective SA-1.1, Policy 1 of the City's General Plan which requires that geotechnical engineering studies be undertaken for any development in areas where potentially serious geologic risks exist. With implementation of this policy, impacts would be less than significant, similar to the previously certified THSP SEIR. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP and no further analysis is required.

Threshold (d) Would the project 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?

As discussed in the THSP SEIR, the THSP Area contains soils that are highly expansive and subject to significant volume changes due to moisture fluctuations. The THSP SEIR concluded that, with compliance with California Building Code (CBC) requirements and implementation of Mitigation Measure GEO 4.6-4 and geotechnical recommendations, implementation of the THSP would have a less than significant impact related to expansive soils.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

Mitigation Measure GEO 4.6-4: *During excavation activities and prior to the placement of fill on the site, a certified geotechnical engineer shall be retained by the Project Applicant/future Project Applicants to evaluate subgrade soils for the extent of their expansive potential. For areas found to contain soft, potentially expansive clays, the soil shall be removed (i.e., over excavated) and/or stabilized prior to the placement and compaction of fill. Stabilization techniques include, but are*

not limited to, the placement of 18 inches of ½-inch to ¾-inch crushed rock over stabilization fabric (such as Mirafi 500X or equivalent), placement of larger, angular stabilization rock (1-inch to 3-inch, clean) and use of chemical treatments such as lime to reduce the soil's expansive potential. In addition, building construction alternatives, such as the use of alternative foundation types (i.e., post-tension, piles, etc.) versus end-bearing foundations, shall be considered and implemented where appropriate. Final techniques shall be (a) developed by a certified geotechnical engineer or engineering geologist and (b) reviewed and approved by the City prior to issuance of a grading permit. [This is Mitigation Measure 4.6-4 in the THSP SEIR]

As the land area covered by the proposed Project is within the same development footprint covered by the adopted THSP, the proposed Project would have the potential to be located in highly expansive soils. With Implementation of above mitigation measure, the proposed Project's impact as a result of expansive soils would be less than significant. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP and no further analysis is required.

Threshold (e) Would the project 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?

No septic tanks would be used as part of the proposed Project. As a result, no impacts associated with the use of septic tanks would occur as part of the proposed Project's implementation. Thus, no further analysis is required.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new geologic impact to occur, nor an increase in the severity of a geologic impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

VIII. GREENHOUSE GAS EMISSIONS

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

The THSP SEIR found that GHG emissions generated by the proposed Specific Plan (both construction and operational-related) would exceed the applicable threshold set forth in SJVAPCD’s guidance because the proposed Project’s GHG emissions cannot feasibly be reduced to a less than significant level despite the incorporation of numerous sustainability measures. The impact was identified as significant and unavoidable. Mitigation Measure GHG 4.7-1 in the THSP SEIR would reduce but would not eliminate the significant impact.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

Mitigation Measure GHG 4.7-1: *The Project shall include, but not be limited to, the following list of design features. These features shall be incorporated into the design of the Project to ensure consistency with adopted statewide plans and programs to the extent feasible. Project applicants shall demonstrate the incorporation of design features of the Project prior to the issuance of building or occupancy permits, as noted below.*

Transportation

- Provide pedestrian connections to the off-site circulation network (building permit triggers).
- For commercial uses, implement a trip reduction program, for which all employees shall be eligible to participate (occupancy permit).
- Provide a ride sharing program, for which all employees shall be eligible to participate (occupancy permit).
- Provide amenities for non-motorized transportation (i.e., secure bicycle storage, changing rooms, and showers) (building permit).

- *Provide transit shelters for all transit stops within the Project (building permit triggers and coordination with TRACER.).*
- *Include traffic calming measures at Project intersections and on roadways where feasible (tentative map).*
- *Employers shall provide parking cash-out programs for employees (100 percent of employees eligible).*

Energy Efficiency

- *Design buildings to be energy efficient and meet or exceed Title 24 requirements (per Measure E-1 of the City's Sustainability Action Plan (building permit).*
- *Install "cool" roofs and cool pavements, and strategically placed trees as applicable.*
- *Install high efficiency lighting, and energy efficient heating and cooling systems (building permit).*
- *Install high energy efficient appliances (clothes washers, dishwashers, fan, and refrigerators) (occupancy permit).*
- *Install programmable thermostats (building permit).*
- *Design buildings to reduce energy use through solar orientation and take advantage of landscaping and sun screens (building permit).*
- *Reduce unnecessary outdoor lighting (building permit).*

Water Conservation and Efficiency

- *Install water-efficient irrigation systems (building permit).*
- *Landscaping shall consist of drought tolerant native species with water-efficient characteristics (building permit).*
- *Comply with Municipal Code Section 21.20.050, Efficient Landscape Standards (building permit).*
- *Install water-efficient fixtures (e.g., faucets, toilets, showers) (building permit).*
- *Install infrastructure for recycled water per the City's Infrastructure Master Plan (building permits).*

Solid Waste

- *Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard) (building permit).*
- *Provide interior and exterior storage areas for recyclables and adequate recycling containers located in public areas (occupancy permit). [This is Mitigation Measure 4.7-1 in the THSP SEIR]*

The proposed Project would result in a net increase of medium density residential units and open space, and a net decrease of general highway commercial uses, as compared to the THSP (See Table 1: Land Use Plan Buildout 2030). The Project proposes land uses that are less intense (including reduction in developable acres and fewer peak hour vehicle trips) than those analyzed in the THSP SEIR and the above mitigation measure from the THSP SEIR is applicable to the proposed Project. The overall reduction in

intensity proposed by the Project, and the change in type of land uses within the Project site, would incrementally reduce emissions. However, the severity of the impact would not change.

Despite the implementation of the above mitigation measure, the impact would remain significant and unavoidable. This finding is supported by the THSP SEIR because the proposed Project is consistent with the overall land use density and intensity allowed by the THSP. Thus, the proposed Project would not result in a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP.

Threshold (b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

According to the THSP SEIR, full buildout of the project would potentially conflict with or otherwise interfere with achievement of CARB's Scoping Plan, the City's Sustainability Action Plan, the California Attorney General's Office, or the California Air Pollution Control Officer's Association (CAPCOA) applicable measures. However, THSP SEIR Mitigation Measure AQ 4.7-1 would lessen the impact to less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

See Mitigation Measure GHG 4.7-1 above.

The proposed Project would not result in a potentially significant conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. The proposed Project is less intense compared to the land uses considered in the THSP SEIR. With implementation of the mitigation from the THSP SEIR, the proposed Project would be consistent with local and regional plans designed to reduce GHG emissions. Therefore, the proposed Project would not conflict or interfere with the achievement of an applicable GHG emissions reduction plan. With implementation of the above mitigation measure, impacts would not be altered any greater than what was previously analyzed and remain less than significant.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new greenhouse gas impact to occur, nor an increase in the severity of a greenhouse gas impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

IX. HAZARDS AND HAZARDOUS MATERIALS

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

As identified in the THSP SEIR, implementation of the THSP would have a less than significant impact related to the public with respect to hazardous materials with mitigation incorporated. The types of uses and facilities allowed in the THSP Area may generate, store, use, distribute or dispose of hazardous materials such as industrial waste, oils, solvents, paints, diesel fuel, hydraulic fluid and corrosives. With implementation of Mitigation Measure HAZ 4.8-1, implementation of the THSP would have a less than significant impact. Mitigation Measure HAZ 4.8-1 would require facilities that exceed the threshold specified by Health & Safety Code Section 25532(l) to prepare and implement a Risk Management Plan.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

***Mitigation Measure HAZ 4.8-1:** Facilities that store, handle or use regulated substances as defined in the California Health and Safety Code 25532 (g) in excess of threshold quantities shall prepare and implement, as necessary, risk management plans (RMP) for determination of risks to the community. The RMP will be reviewed and approved by the San Joaquin County Environmental Health Department (EHD) through the Certified Unified Program Agencies (CUPA) process. [This is Mitigation Measure 4.8-1 in the THSP SEIR]*

Upon development of the Project site, hazardous materials would be limited to those associated with common household fertilizers, pesticides, paint, solvent, and petroleum products. Because these materials would be used in very limited quantities, they are not considered a significant hazard to the public. With Implementation of the above mitigation measure, the proposed Project's impact on creating significant hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?

As identified in the THSP SEIR, implementation of the THSP would have a less than significant impact related to release of hazardous materials into the environment. A review of regulatory databases maintained by County, State, and Federal agencies found no documentation of hazardous materials violations or discharge on the THSP Area. The Phase I and II ESAs completed for the THSP SEIR identified two underground crude oil pipelines (both located within the THSP Area) and adjacent former sanitary landfills and former gasoline service stations that may have the potential to impact the THSP Area. The THSP SEIR concluded that with implementation of Mitigation Measure HAZ 4.8-2a and 4.8-2b,

implementation of the THSP would have a less than significant impact. Mitigation Measure HAZ 4.8-2a and 4.8-2b would require a qualified Site Characterization specialist to conduct a site characterization at the Project regarding the active pipelines prior to issuance of building permits, in consultation with Conoco Phillips, Shell and the San Joaquin Environmental Hazards Division.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

Mitigation Measure HAZ 4.8-2a: *Prior to issuance of grading permits, a Phase II ESA focused on soil sampling and soil vapor sampling shall be conducted near the location of the underground crude oil pipelines, as determined by a qualified Phase II/Site Characterization specialist. ~~The sampling shall be conducted in consultation with Conoco Phillips, Shell and the San Joaquin (EHD), with regard to potential contaminated soils from pipeline leaks.~~ Upon completion of site characterization activities, the Site Characterization specialist shall recommend remedial activities, if necessary, subject to approval of the City of Tracy Engineering Division, in consultation with the appropriate pipeline operators and the San Joaquin Environmental Health Department ~~This recommendation from the Phase II ESA shall be implemented to the satisfaction of EHD.~~ [This is Mitigation Measure 4.8-2a in the THSP SEIR]*

Mitigation Measure HAZ 4.8-2b: *Prior to issuance of grading permits, the Project Applicant shall work with Conoco Phillips and Shell to implement and observe a site damage-prevention plan to the satisfaction of the City of Tracy Engineering Division. This may potentially include the following:*

- *Designing a site development plan incorporating permanent land use over the pipeline right-of-way that minimizes the potential for damage to the lines (as discussed above, this is already an integrated plan design feature, but is listed here because it is an important component of a damage prevention plan);*
- *Prominently marking the line locations prior to site development, maintaining markings throughout the development process, and final marking after work is complete;*
- *Communicate plans for significant excavation or land contouring work;*
- *Identify changes in land contour that could significantly reduce the soil cover over the pipelines;*
- *Evaluate the effects of heavy construction vehicles crossing the lines, designate areas for heavy construction vehicles to cross the lines, and provide temporary fill or other temporary protection over the lines where necessary;*
- *Minimize installations of new buried utilities and services across the existing pipelines;*
- *Evaluate whether the existing lines should be lowered to increase vertical separation between the pipelines and new surface features; and*

- *Develop other damage-prevention measures as may be necessary.*

In addition to the damage prevention measures listed above, the Project Applicant and the pipeline operators should consider other measures for reducing risk suggested in the Pipelines and Informed Planning Alliance (PIPA) recommended practices on informed land use. PIPA recommended practices are not “mandated”, but they are best management practices intended to reduce risk and enhance pipeline safety. [This is Mitigation Measure 4.8-2b in the THSP SEIR]

As identified in Figure 4.8-4 on the THSP SEIR, a PPL 16-inch pipeline crosses at the southwest corner of the Project site and the Project site would be located approximately 0.3 mile east of the proposed school site previously identified in the THSP SEIR. Because the land area covered by the proposed Project is within the same development footprint covered by the adopted THSP, the proposed Project would have the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment. With implementation of the above mitigation measures, the proposed Project’s impact on release of hazardous materials into the environment would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

As identified in the THSP SEIR, three active crude oil pipelines (Chevron 18-inch pipeline, PPL 16-inch pipeline, Shell 20-inch pipeline) and two natural gas pipelines (26-inch natural gas pipeline and 36-inch natural gas pipeline) traverse the THSP Area. The proposed school site that was evaluated in the THSP SEIR is in close proximity to the Conoco pipeline and the Shell pipeline as shown in Figure 4.8-3 of the THSP SEIR. The Conoco pipeline is located approximately 680-700 feet southwest of the proposed school site boundary. The Shell pipeline is located approximately 2,250 feet southwest of the proposed school site. The THSP SEIR concluded that even though the Shell pipeline is at a significant distance from the proposed school site, the main risk issue is the surface flow of crude oil could enter existing drainage culverts. The THSP determined that in the future condition, these drainage culverts would be connected to the development surface drainage (streets) or underground drainage (subdrains). With implementation of Mitigation Measure HAZ 4.8-3, potential impacts associated with flash fire and pool fire heat risk to the proposed school would be reduced to less than significant levels.

The THSP SEIR analyzed the risk analysis for all five pipelines in the THSP Area. The calculated risk for each pipeline was determined to be a less than significant threshold and the total cumulative risk for all pipelines within the corridor was also determined to be a less than significant. With implementation of setback mitigation, Mitigation Measure HAZ 4.8-4, pipeline risk to proposed development within the THSP Area would be reduced to less than significant levels.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

Mitigation Measure HAZ 4.8-3: *The proposed underground storm drain system, roadways, graded slopes, and final surface topography shall be designed and constructed in accordance with the recommendations outlined in the Liquid Petroleum Pipeline Risk and California Aqueduct Flood Risk for the Proposed Tracy Hills School Site, Jefferson School District, City of Tracy, San Joaquin County, California prepared by Wilson Geosciences, Inc. dated May 2013 and to the satisfaction of the City of Tracy Engineering Division. [This is Mitigation Measure 4.8-3 in the THSP SEIR]*

Mitigation Measure HAZ 4.8-4: *In accordance with the Pipeline Safety Hazard Assessment, Tracy Hills Specific Plan prepared by PlaceWorks dated September 2014, proposed development adjacent to the natural gas and/or crude oil pipelines shall implement the following measures:*

1. *Incorporate a minimum 13-foot setback distance from the centerline of the Phillips 66 pipeline to the nearest buildings/structures in the proposed development.*
2. *Incorporate a minimum setback distance of 25 feet from the centerline of any pipeline within the two natural gas pipelines and the Chevron crude oil pipeline. This would result in an additional 15 feet on the northeast side of the PG&E easement and an additional 20 feet on the southwest side of the easement to be dedicated as open space or public space or used for landscaping.*
3. *Incorporate designated land uses over the pipeline easements, such as public space, open space, or green space, to minimize the potential for third party damage.*
4. *Mark the pipeline locations prior to THSP development, maintaining the markings throughout the development process, and installing final markings after the work is complete.*
5. *Coordinate with the pipeline operators when development calls for excavation or utility trenching near the pipelines.*
6. *All contractors must initially pothole or hand dig to the proposed depth of the utility trench or excavation if working within 25 feet of the pipeline easements.*
7. *Consult with the pipeline operators on whether heavy construction vehicles with axle loads greater than 15,000 pounds would create stress on the pipelines at their current burial depths when crossing the lines and/or easements. Establish temporary fill or other protective measures as needed and establish permanent crossing areas for vehicles in excess of 15,000 pounds.*
8. *Avoid placing new utilities and services within the pipeline easements and minimize utility crossings over the pipeline easements to the extent feasible.*
9. *Select landscaping vegetation with shallow root structures within the setback zone to avoid root structures that damage pipeline coatings.*
10. *Avoid planting trees that prevent direct observation of the pipelines by aerial patrol.*

11. *Use non-flammable fencing along the pipeline easement.*
12. *Manage storm water runoff to prevent erosion of the pipeline bedding.*
13. *Maintain access to the pipelines by pipeline personnel and first responders in the event of an emergency.*
14. *Project Applicants or sales representatives shall disclose to potential occupants regarding the proximity of the natural gas and crude oil pipelines, as required in accordance with Assembly Bill 1511 – Real Property: Disclosures: Transmission Pipeline.*
15. *Home Owners Associations (HOA) shall maintain an emergency contact list with phone numbers of the local police, fire department, and pipeline operators (PG&E, Chevron, Phillips 66, and Shell).*
16. *Coordinate with the pipeline companies so that the property occupants are notified if excavation or maintenance activities for the pipelines are planned along the pipeline easements.*
17. *Report any roadwork or underground utility work that involves digging in or near the pipelines to the pipeline companies.*
18. *Report immediately any odors or leakage from the pipelines to the pipeline operator and local emergency response personnel (i.e., the Tracy Fire Department).*
19. *HOAs shall maintain at an appropriate on-site location an emergency response plan that outlines emergency procedures to be followed in the event of a pipeline release.*

For additional detail refer to the September 2014 Pipeline Safety Hazard Assessment, Tracy Hills Specific Plan. [This is Mitigation Measure 4.8-4 in the THSP SEIR]

The Project site would be located approximately 0.3 mile east of the proposed school site previously identified in the THSP SEIR. As shown in Figure 4.8-3 of the THSP EIR, the closest pipeline to the Project site is the Conoco Pipeline, which does not cross the Project site. However, in the event a full pipeline rupture from the Conoco Pipeline were to occur, the THSP EIR considered hypothetical flow paths that could result in “pools” of crude oil. If a full pipeline rupture were to occur, there is the potential crude oil could flow in a down gradient towards the Project site. As illustrated in Figure 4.8-3 of the THSP EIR, a hypothetical 600-foot diameter crude oil pool resulting from a full pipeline rupture of the Conoco Pipeline could be located within the Project site (mapped as Oil Pool ‘C’). The THSP SEIR concluded that a full breach of the Conoco pipeline up slope from the proposed school site and the Project site, or the drainages leading to Pools A, B and C, should produce no impact at the proposed school site from liquid pool fire.

Given the type of land uses proposed on the Project site, and the distance to the nearest school, the Project would not involve a significant transport, use, storage, or risk of upset of hazardous materials within one-quarter mile of any schools. With implementation of the mitigation measures described above,

the proposed Project's impact in regards to emitting hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of a proposed school would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (d) Would the project 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 create a significant hazard to the public or the environment?

As identified in the THSP EIR, the THSP Area is not included on a hazardous sites list compiled pursuant to California Government Code Section 65962.5. The proposed Project does not include improvements outside the area previously analyzed in the THSP SEIR. Therefore, the proposed Project would not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and there would be no impact and no further analysis is required.

Threshold (e) Would the project be located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area?

A portion of the THSP Area is located within the Tracy Municipal Airport, Traffic Pattern Zone 7 in the 2009 San Joaquin Airport Land Use Compatibility Plan (ALUCP) as shown in Figure 4.10-2 of the THSP SEIR. As identified in the THSP SEIR, the San Joaquin ALUCP specifies sensitive land uses and structure heights which are restricted within these zones. Given the conflict of allowable land uses within the M-1 Light Industrial designation, the Inner Approach/Departure Zone 2 and the Inner Turning Zone 3, the THSP SEIR concluded there would be a potentially significant impact with implementation of the THSP Area. With implementation of Mitigation Measure LU 4.10-1, potential impacts regarding compatibility with the existing land use plans and policies to a less-than-significant level by ensuring that tentative and final maps comply with 2009 ALUCP. With implementation of Mitigation Measure HAZ 4.8-6, potential impacts regarding retention basins attracting wildlife that could be hazardous to aircrafts associated with the Tracy Municipal Airport would be less-than-significant.

The following mitigation measures incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

Mitigation Measure HAZ 4.8-6: *The proposed retention basins have been designed and constructed in accordance with the recommendations outlined in the Federal Aviation Administration Advisory Circular No. 150/5200-33B to control hazardous wildlife. In the event that the basins do not have a drawdown time of 48 hours following a storm event, the Project Applicant shall fund and the City shall use physical barriers, such as bird balls, wires, grids, pillows or netting, to prevent access of hazardous wildlife to open water and minimize aircraft-wildlife interactions which shall be approved and inspected by the City. In addition, all vegetation in or around the*

basins that provide food or cover for hazardous wildlife should be eliminated. [This is Mitigation Measure 4.8-6 in the THSP SEIR]

Refer to **Mitigation Measure LU 4.10-1** in Section X, Land Use.

As identified in Figure 4.10-2 of the THSP SEIR, the Project site would be within the San Joaquin ALUCP Traffic Pattern Zone 7 and Airport Influence Area Zone 8. The THSP SEIR includes a list of conditions that are applicable to the Project because the project site is within the Traffic Pattern Zone 7. These conditions state:

- No limit on residential dwelling units per acre
- The maximum non-residential intensity should be no more than 450 persons per acre
- 10 percent of the land is required to remain in open space
- Prohibited uses include hazards to flight and outdoor stadiums
- Airspace review is required for objects greater than 100 feet tall

Given that the allowed maximum building height in the MDR Zoning District and General Highway Commercial Zoning District is 35 feet and 45 feet, respectively, future development within the Project site would not be greater than 100 feet tall. In addition, the proposed retention basins within the Project site would be required by Mitigation Measure HAZ 4.8-6 to be designed and constructed in accordance with the recommendations outlined in the Federal Aviation Administration Advisory Circular No. 150/5200-33B to control against wildlife that could be hazardous to aircrafts associated with the Tracy Municipal Airport. With implementation of the above mitigation measures, the proposed Project's impact on the San Joaquin ALUCP would be less-than-significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (f) Would the project be located within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area?

The proposed Project area is not located within 2 miles of a private airstrip. Based on the nature of the proposed Project, and given that the THSP site is not located within two miles of a private airstrip, no impact would occur. The proposed Project would not cause a new impact to occur and no further analysis is required.

Threshold (g) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The City's General Plan Safety Element includes policies that require the City to provide fire and emergency response facilities and personnel necessary to meet residential and employment growth in the City. Mitigation Measures PSR 4.12-1, 4.12-2, and 4.12-3 in the Public Services Section of the THSP SEIR require future Project Applicants within the THSP pay the applicable impact fees, which ensure

payment of a proportionate share toward the planned facilities. Compliance with the General Plan and providing adequate emergency planned facilities within and near the THSP Area, implementation of the THSP would result in a less than significant impact with respect to interference with an adopted emergency response plan or emergency evacuation plan.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

*Refer to **Mitigation Measures PSR 4.12-1, 4.12-2, and 4.12-3** in Section XII, Public Services and Utilities.*

As discussed in the THSP SEIR, the Project Applicant would be required to pay applicable impact fees to ensure payment of a proportionate share toward the planned facilities. With implementation of the above mitigation measures, the proposed Project's impact on interference with an adopted emergency response plan or emergency evacuation plan would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (h) Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas?

The THSP Area is zoned "Moderate" in the Local Responsibility Area and "Un-zoned" in the State Responsibility Area, which represent the lowest fire severity. Although the THSP Area is within a low fire severity zone, the THSP Area is adjacent to conservation easements, which are covered primarily with grass and brush, which is considered a flammable material. The City requires brush management of any land that is covered with flammable material such as grass, brush, or forest covered land and adjacent to structures. With implementation of Mitigation Measures HAZ 4.8-8a, 4.8-8b and 4.8-8c in the THSP SEIR, grasses and brush within 100 feet of structures would be required to be mowed to a height of no more than 4 inches or disced in order to minimize the amount of fuel to sustain or allow the spread of fire, reducing potential impacts to a less than significant level.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

To mitigate the fire protection hazards associated with wildland fires, the Applicant shall:

Mitigation Measure HAZ 4.8-8a: *Provide a 100-foot firebreak between developed areas and any land that is covered with flammable material such as grass, brush, or forest covered land, including conservation easements (including but not limited to CE 1, CE 2, and CE 3), but excluding conservation corridors. Grasses or weeds including the conservation corridor, that can be expected to burn shall be cattle grazed, disced or mowed to a height of no more than 4 inches pursuant to the terms of the adopted Preserve Management Plan (dated October 2011), and in accordance with City of Tracy Municipal Code in order to minimize the amount of fuel to sustain or allow the spread of fire. [This is Mitigation Measure 4.8-8a in the THSP SEIR]*

Mitigation Measure HAZ 4.8-8b: Provide fire department access to all easement corridors and conservation easements (including but not limited CE 1, CE 2, and CE 3) for the purpose of suppressing wildland fires outside of firebreaks. [This is Mitigation Measure 4.8-8b in the THSP SEIR]

Mitigation Measure HAZ 4.8-8c: All new buildings that are located on the south side of I-580 and immediately adjacent to conservation easements (including but not limited to portions of CE 1, Southern CE 2, and CE 3) shall include measures that increase the likelihood that a structure would withstand intrusion by fire. This shall be accomplished by constructing those buildings on the edge of development to the standards of the California Building Code, Chapter 7A, Building and Construction Methods for Exterior Wildfire Exposure. [This is Mitigation Measure 4.8-8c in the THSP SEIR]

Implementation of the proposed Project would result in development of medium density residential uses and open spaces uses within the Project site, increasing the number the residential structures compared to what was analyzed in in the THSP SEIR. The increase in residential uses compared to the previously analyzed commercial uses within the Project site would expose less people for longer because residents would be residing within the Project site. However, as identified in the previously certified THSP SEIR, there is only a limited fire threat to the THSP Area. In addition, the Project site would not expand beyond the boundaries of the development beyond those considered in the THSP. With implementation of the above mitigation measures, the proposed Project's impact in regards to exposing people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new hazardous materials impact to occur, nor an increase in the severity of a hazardous material impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

X. HYDROLOGY AND WATER QUALITY

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in a 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project violate any water quality standards or waste discharge requirements?

As determined in the THSP SEIR, the buildout of the THSP would have a less than significant impact in respect to violation of water quality with the implementation of the terminal retention/percolation basins or other facilities. Construction activities for buildout of the THSP Area, which would include site development, infrastructure, and the storm drain system would require a National Pollutant Discharge Elimination System (NPDES) permit. As determined in the THSP SEIR, future development of the THSP Area would be responsible for obtaining and complying with NPDES permit requirements. Implementation of BMPs during construction, would minimize water quality impacts to a less- than- significant level.

After construction, stormwater from buildout of the THSP Area could have the potential to degrade water quality to open space along the I-580, California Aqueduct and/or Delta Mendota Canal. Retention basins would provide attenuation storage and opportunities for pollutants to settle and be retained within the basin and provide opportunities for recharge. As determined in the THSP SEIR, retention basins would be utilized to satisfy the requirements set forth in the City's Storm Water Quality Control Manual (SWQC) and NPDES for new development areas. In addition, proposed open channels and existing drainage swales would be used for storm runoff from some of the upslope offsite sub-basins to downstream terminal retention/percolation basins or other facilities. Thus, impacts to water quality would be less- than- significant with the implementation of the terminal retention/percolation basins, open channels and drainage swales as determined in the THSP SEIR.

The proposed Project would result in an increase of medium density residential development and open space, compared to what was previously analyzed in the THSP SEIR. Potential water quality impacts associated with the proposed Project would include short-term construction-related erosion/sedimentation and long-term operational stormwater discharge. If not managed properly, grading and construction activities could cause soils and other pollutants to enter the storm drain system. During heavy rains, this may degrade stormwater quality at downstream locations. To minimize water quality impacts associated with the proposed Project, construction activities would be required to comply with a SWPPP, consistent with the NPDES. Additionally, the proposed Project would also implement stormwater control measures such as Low Impact Development (LID) and Best Management Practices (BMP's) per the City's Manual of Stormwater Quality Control Standards for New Development and Redevelopment, as analyzed in the THSP SEIR.

After construction, stormwater from the proposed Project site would be directed to the on-site retention basins. Development of the proposed Project would have a decrease in impervious surfaces through construction of buildings, parking areas, roadways, and other improvements because the proposed Project would have less developable acres compared to what was previously analyzed in the THSP SEIR. A decrease in impervious surfaces would result in a lower potential for runoff from the THSP Area. However, the proposed Project would still be required to incorporate to the extent feasible, low impact development (LID) features, including directing drainage from impervious surfaces to bioswales for

infiltration as part of BMPs per the City's Manual of Stormwater Quality Control Standards. In addition, as required in the THSP, development projects greater than 100,000 square feet are required to implement specific controls, as identified in the City's SWQC Manual, and to submit a Storm Water Quality Control Plan (SWQCP) that demonstrates that the proposed Project would conform to all requirements of the City standards. Compliance with NPDES permit requirements and implementation of BMPs during construction would ensure the proposed Project's impact on water quality standards or waste discharge requirements would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (b) Would the project substantially deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level?

As identified in the THSP SEIR, implementation of the THSP would not have an adverse impact on groundwater recharge. The Water Supply Assessment prepared for the THSP SEIR concluded that the City's existing and additional planned future water supplies are sufficient to meet the City's existing and projected future water demands, including those future water demands associated with the THSP to the year 2035 under all hydrologic conditions.

Development of the proposed Project would have a decrease in impervious surfaces through construction of buildings, parking areas, roadways, and other improvements because the proposed Project would have less developable acres compared to what was previously analyzed in the THSP SEIR. A decrease in impervious surfaces would result in a lower potential to impact groundwater recharge. However as identified in the THSP SEIR, on-site bioswales would still be included to facilitate groundwater recharge as part of buildout of the THSP Area as part of BMPs per the City's Manual of Stormwater Quality Control Standards. Therefore, similar to the approved THSP, implementation of the proposed Project would not deplete groundwater supplies or interfere with groundwater recharge, any greater than already analyzed in the THSP SEIR and this impact would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (c) Would the project 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?

As identified in the THSP SEIR, with mitigation, implementation of the THSP would have a less than significant impact with respect to substantial erosion or siltation on- or off-site. The Tracy Hills Storm Drainage Master Plan (SDMP) was prepared as a guidance document to identify the primary framework of storm drainage facilities needed to serve future land development under the buildout condition for the THSP Project Area. Individual development projects within the THSP would be required to provide site-specific or project-specific storm drainage solutions that would be consistent with the overall

infrastructure approach within the Tracy SDMP. The THSP SEIR determined that buildout of the THSP would increase erosion and sedimentation through the removal of vegetation during construction of THSP infrastructure. Implementation of the THSP would result in an increase in flow rates and volumes of runoff with an increase in the amount of impervious surface such as buildings, streets and parking areas. However, with implementation of Mitigation Measure HYDRL 4.9-1a and 4.9-2 in the THSP SEIR, potential impacts on erosion and sedimentation would be less than significant.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

Mitigation Measure HYDRL 4.9-1a: *Prior to issuance of a grading or building permit, whichever occurs first, all Project Applicants shall demonstrate to the City of Tracy compliance with NPDES General Construction Activities Storm Water Permit Requirements established by the Clean Water Act (CWA), including the preparation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall identify 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 comply with the most current standards established by the Central Valley RWQCB. Best Management Practices shall be selected from a menu according to site requirements and shall be subject to approval by the City Engineer and Central Valley RWQCB. [This is Mitigation Measure 4.9-1a in the THSP SEIR]*

Mitigation Measure HYDRL 4.9-2: *All Project Applicants shall submit and obtain City approval of a drainage plan to the City of Tracy for on-site post-construction BMP drainage improvements consistent with the Tracy Hills Storm Drain Master Plan. Once City approval is received, all Project Applicants shall construct the drainage improvements as necessary and in accordance with the timing described in the Tracy Hills Storm Drain Master Plan. [This is Mitigation Measure 4.9-2 in the THSP SEIR]*

Development of the Project site would have the potential to alter drainage patterns, as compared to existing conditions, from increased erosion and sedimentation through the removal of vegetation during construction activities. Development of the proposed Project would result in a decrease in impervious surfaces through construction of buildings, parking areas, roadways, and other improvements because the proposed Project would have less developable acres compared to what was previously analyzed in the THSP SEIR. A decrease in impervious surfaces would result in a lower potential to impact the drainage pattern. With implementation of the above mitigation measures, the proposed Project's impact on the existing drainage pattern of the Project site would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (d) Would the project 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?

As identified in the THSP SEIR, majority of the THSP Area is not located within the 100-year and 500-year floodplains. Development of the THSP Area would convert a primarily undeveloped site to a developed one, which would increase flow rates, frequency, and volumes of runoff by introducing streets, buildings, parking areas, and other impervious surfaces within the THSP Area. Flows from the off-site, upstream drainages tributary to the THSP would be intercepted and conveyed through a combination of open channels and underground storm drain system and discharge to the proposed retention basins. The retention basins would capture increases in peak flow as result of development and would substantially reduce or eliminate downstream flow. With implementation of the drainage improvements described in the SDMP, it is unlikely that the THSP Area would result in or be affected by flooding. Therefore, implementation of the THSP would have a less than significant impact on the rate or amount of surface runoff resulting in flooding.

Development of the Project site would have the potential to alter drainage pattern through introduction of streets, buildings, parking area, and other impervious surfaces from buildout of the Project site. The proposed Project would have less developable acres compared to what was previously analyzed in the THSP SEIR. Thus, a decrease in developable acres would result in a lower potential to alter the existing drainage pattern of the Project site. With implementation of the drainage improvements as described in the SDMP and THSP SEIR, the proposed Project's impact on surface runoff which would result in flooding would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (e) Would the project create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

As identified in the THSP SEIR, with mitigation, implementation of the THSP would have a less than significant impact in respect to runoff water that exceeds the capacity of existing or planned storm water drainage systems. As discussed in Section 4.8, Hazards and Hazardous Materials of the THSP SEIR, the types of uses and facilities allowed in the THSP Project Area may generate, store, use, distribute or dispose of hazardous materials such as industrial waste, oils, solvents, paints, diesel fuel, hydraulic fluid and corrosives. With implementation of Mitigation Measures HYDRL 4.9-1a, 4.9-1b, 4.9-2, and 4.9-3, potential impacts from polluted runoff would be less than significant.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

See Mitigation Measures HYDRL 4.9-1a and 4.9-2 above.

Mitigation Measure HYDRL 4.9-1b: *Prior to issuance of a grading or building permit, whichever occurs first, all Project Applicants shall submit to the City Engineer for review a draft copy of the Notice of Intent (NOI) and SWPPP. After approval by the City, the NOI and SWPPP shall be sent to the State Water Resources Control Board for approval. [This is Mitigation Measure 4.9-1b in the THSP SEIR]*

Mitigation Measure HYDRL 4.9-3: *All Project Applicants shall implement the following measures:*

1. *Shall implement sound Integrated Pest Management (IPM) principles and practices in an effort to minimize the use of pesticides in common landscaped areas, open space areas, or park areas. These programs shall include setting acceptable thresholds of infestations and a process for determining the best prevention or treatment method for a given pest. Pest problems in common landscaped areas, open space areas, or park maintenance shall be managed through prevention and treatment using physical, mechanical and biological controls. The use of toxic pesticides will be implemented only after other non-toxic approaches or products have been determined infeasible. Fertilizers shall be applied sparingly, and shall be derived from natural sources, such as fish emulsion or manure.*
2. *Shall cooperate with the City to create a public education program for future business owners to increase their understanding of water quality protection, which should include but not be limited to:*
 - *Hazardous material use controls;*
 - *Hazardous materials exposure controls;*
 - *Hazardous material disposal and recycling.*
3. *Encourage the use of alternative methods to avoid hazardous materials to the extent feasible, and prohibit the dumping of hazardous materials in open space areas or the storm drain system. [This is Mitigation Measure 4.9-3 in the THSP SEIR]*

As discussed in the previously certified THSP SEIR, the THSP would be designed to include storm drainage solutions as part of its land plan to accommodate the THSP's drainage as well as drainage from certain other existing surrounding use and adhere to the City's Storm Drainage Master Plan, which has plans for improvements that accommodate development proposed under the THSP.

Implementation of the proposed Project would have the potential to increase local runoff volumes, frequency, and flow rates compared to existing conditions. The proposed Project would have the potential to contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. Because the proposed Project would have less developable acres compared to what was previously analyzed in the THSP SEIR, a decrease in developable acres would result in a lower potential to contribute more runoff than previously analyzed in the THSP SEIR. With implementation of above mitigation measures, the proposed Project's impact on increased runoff water would be less than significant. This is consistent with the impact conclusions of the

THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (f) Would the project otherwise substantially degrade water quality?

As identified in the THSP SEIR, with mitigation, implementation of the THSP would have a less than significant impact on degradation of water quality. As discussed above in Threshold (e), with implementation of Mitigation Measures HYDRL 4.9-1a, 4.9-1b, 4.9-2, and 4.9-3, implementation of the THSP would not substantially degrade water quality.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

See Mitigation Measures HYDRL 4.9-1a, 4.9-1b, 4.9-2 and 4.9-3 above.

The proposed Project would have the potential to degrade water quality through erosion or siltation from construction and operation activities. The proposed Project would have less developable acres compared to what was previously analyzed in the THSP SEIR; a decrease in developable acres would result in a lower potential to degrade water quality than previously analyzed in the THSP SEIR. With implementation of the above mitigation measures, the proposed Project's impact on water quality would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (g) Would the project 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?

The THSP SEIR identified that the THSP Area is located in 100-year and 500-year floodplains areas associated with Corral Hollow Creek (FEMA Flood Insurance Rate Map (FIRM) Panel No. 06077C0740F for San Joaquin County, California and Incorporated Areas dated October 16, 2009). However, as identified in the THSP SEIR, there are no residential uses proposed within the 100-year and 500-year floodplains. Thus, the THSP SEIR identified that no impact would occur.

While Figure 4.9-3A and Figure 4.9-3B of the THSP SEIR mapped the Project site as being partially within the 100-year and 500-year floodplain areas, FEMA has since issued a Letter of Map Amendment clarifying that the Project site is not located in an area "inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year"⁶. As such, the Project site is not located within the 100-year floodplain and there would be no impact associated with placing housing within a 100-year flood hazard area. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

⁶ FEMA Letter of Map Amendment. Case No 20-09-0208A. January 10, 2020.

Threshold (h) Would the project place structures within a 100-year flood hazard area, which would impede or redirect flood flows?

As identified in the THSP SEIR, the majority of the development within the THSP Area would be located outside of the 100-year floodplain and therefore, the floodplain would not impact development. However, as described above, a small portion of the THSP was mapped in the THSP SEIR as being located in 100-year and 500-year floodplains for Corral Hollow Creek. The easternmost edge of the THSP Area where General Highway Commercial land uses encroach into approximately 2.2 acres of the 500-year flood elevation and 0.1 acres of the 100-year flood elevation. Depending on the ground at the proposed building locations, development within this area may need to elevate building finished floors a minimum of 1 foot above the 100-year flood elevation for Corral Hollow Creek, and possibly, meet the requirements to withstand a 200-year flood per the Urban Level of Flood Protection (ULOP) Criteria. Senate Bill 5 establishes a requirement that “urban areas” and “urbanizing areas” apply a 200-year return period storm level of protection standard to new development in locations meeting certain criteria no later than 36 months after the Central Valley Flood Protection Plan is adopted by the State. Additionally, the City’s Storm Drain Management Plan has been designated to accommodate the 100-year flood event in accordance with City design standards. With implementation of Mitigation Measure HYDRL 4.9-4 in the THSP SEIR, potential impacts associated with placing structures within the 100-year floodplain were found to be less than significant.

While Figure 4.9-3A and Figure 4.9-3B of the THSP SEIR mapped the Project site as being partially within the 100-year and 500-year floodplain areas, FEMA has since issued a Letter of Map Amendment clarifying that the Project site is located in an area “inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year”⁷. As such, the Project site is not located within the 100-year floodplain and there would be no impact associated with placing structures within a 100-year flood hazard area. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (i) Would the project 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?

As identified in the THSP SEIR, the THSP is not located within the dam inundation risk areas. As a result, no impacts would occur as a result of the failure of a levee or dam. Because the proposed Project would be within the same footprint as previously analyzed in the THSP, there would be no impact and no further analysis is required.

Threshold (j) Would the project result in inundation by seiche, tsunami or mudflow?

As identified in the THSP SEIR, the THSP is located inland across several mountain ranges from the Pacific Ocean and is not downstream of any significant body of water. Therefore, there is no risk of exposure to inundation by seiche or tsunami and no impact would occur. Because implementation of the proposed

⁷ FEMA Letter of Map Amendment. Case No 20-09-0208A. January 10, 2020.

Project would be still be located within the same footprint of the THSP Area, the proposed Project would not result in inundation by seiche, tsunami or mudflow. Similar to the THSP, there would be no impact and no further analysis is required.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new hydrological impact to occur, nor an increase in the severity of a hydrological impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

XI. LAND USE AND PLANNING

WOULD THE PROJECT:

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
Would the project:					
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project physically divide an established community?

As identified in the THSP SEIR, implementation of the THSP Area would not have the potential to divide an established community. While new development, improvements, and intensification of the THSP Area would occur under the THSP, implementation of the THSP would not physically divide an established community and impacts would be less than significant.

Currently the Project site has a General Plan designation of Commercial and the surrounding land uses immediate to the east of the Project site are also designated as Commercial. The Project site and surrounding areas are currently characterized by undeveloped land. The proposed Project would convert the undeveloped land to urbanized development. Because the project site is currently vacant and does not have any established communities on site, implementation of the proposed Project would not physically divide an established community. Thus, impacts would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (b) Would the project 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?

As identified in the previously certified EIR for the THSP, implementation of the THSP Area would not conflict with land use plans, policies, or regulations. Implementation of the previously approved THSP

required a General Plan Amendment to amend the General Plan Land Use Map to reflect the proposed land use changes identified in Figure 3-3 of the THSP SEIR. As determined in the THSP SEIR, impacts related to the consistency with the General Plan were found to be less than significant. As determined in the THSP SEIR, zoning districts identified in the THSP Area were determined to be consistent with the City's zoning. As a result, impacts would be less than significant. As discussed in Section VIII, Hazards and Hazardous Materials of the THSP SEIR, a portion of the northeast corner of the THSP Area is located within the Tracy Municipal Airport, Traffic Pattern Zone 7 in the 2009 San Joaquin ALUCP as shown in Figure 4.10-2 of the THSP SEIR. With implementation of Mitigation Measure LU-4.10-1, potential impacts regarding compatibility with the existing land use plans and policies to a less-than-significant level by ensuring that tentative and final maps comply with 2009 ALUCP.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

Mitigation Measure LU 4.10-1: All tentative and final maps within the THSP shall conform to the provisions of the 2009 ALUCP (or the ALUCP in effect at the time of Project Applicant submissions), including but not limited to:

- Land use restrictions of the ALUCP;
- *All proposed school sites within a 2 mile radius of the airport runway must obtain approval by the State Department of Transportation Division of Aeronautics. [This is Mitigation Measure 4.10-1 in the THSP SEIR]*

The previously approved THSP is consistent with the Tracy General Plan designation of THSP area such that the mix of proposed land uses are consistent with the statistical profile evaluated in the General Plan. Overall, the proposed Project is consistent with the underlying land use and zoning designations that have been included in local and regional planning efforts. As shown in Table 1: Land Use Plan Buildout (2035), the proposed Project would have less developable acres compared to what was previously analyzed in the THSP SEIR. The proposed Project would allow up to 25.7 developable acres of residential uses. Previously analyzed in the THSP SEIR was 30.4 developable acres of commercial uses within the Project site, therefore the proposed Project has a decrease of 4.7 developable acres compared to the THSP. Under the General Highway Commercial Zoning District, there are no requirements for development standards except a maximum building height of 45 feet. Under the Medium Density Residential (MDR) Zoning District, there is a maximum building height of 35 feet. Given that the maximum allowable building height in the MDR Zoning District is less than that of the General Highway Commercial Zoning District, and the proposed Project would result in a total of 4.7 fewer developable acres than the THSP, land uses would not be more intense than those considered for the Project site in the THSP. Further, the number of people utilizing the Project site daily would be less intense than previously considered in the THSP SEIR. The vehicle trips generated by the proposed Project would be less than considered in the THSP because the land uses that would otherwise be generating jobs and commercial visitors would be replaced by residential housing units. Compared to the THSP, the proposed Project would result in an overall daily

a.m. peak hour decrease of approximately 1,059 trips, and an overall daily p.m. peak hour trips decrease of approximately 1,919 trips (see Section XV, Transportation).

As identified in Figure 4.10-2 of the THSP SEIR, the Project site would be within the San Joaquin ALUCP Traffic Pattern Zone 7 and Airport Influence Area Zone 8. The THSP SEIR includes a list of conditions that are applicable to the Project because the project site is within the Traffic Pattern Zone 7 (See Section VIII, Hazards and Hazardous Materials). The Project would not conflict with conditions in Traffic Pattern Zone 7 because the Project would have less intense land uses than what was previously analyzed in the THSP SEIR. With implementation of the above mitigation measure, the proposed Project's impact on land use plans, policies, or regulations would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (c) Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

As identified in the THSP SEIR, implementation of the THSP Area would not conflict with any habitat conservation plan or natural community conservation plans. The THSP is located within the Southwest Zone and Central/Southwest Transition Zone designated by the SJMSCP. Specifically, Phase 1 of the THSP is located in the Central/Southwest Transition Zone and the area west of I-580 is located in the Southwest Zone. By participating in the SJMSCP, applicants would be required to comply with all relevant conditions of the use agreement, including the Incidental Take Minimization Measures defined in Section 5.2 of the SJMSCP. With implementation of Mitigation Measure BIO 4.4-1h, 4.4-1j, 4.4-1m, and 4.4-4a no impact relative to inconsistency with habitat conservation plans would occur.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

*Refer to **Mitigation Measure BIO 4.4-1h, 4.4-1j, 4.4-1m, and 4.4-4a** in Section IV, Biological Resources.*

Because the Project site is within the same footprint of the THSP and within the SJMSCP, the proposed Project would have the potential to conflict with the SJMCP. With implementation of the above mitigation measures, the proposed Project's impact with the SJMCP would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new land use impact to occur, nor an increase in the severity of a land use impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a

new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

XII. MINERAL RESOURCES

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project 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?

The main mineral resources found in San Joaquin County, and Tracy are sand and gravel (aggregate), which are primarily used for construction materials like asphalt and concrete. The City of Tracy has an adopted Aggregate Mining Overlay zone, which has been approved by the State Division of Mines and Geology (Resolution 2000-12 of State Division of Mines and Geology). In order to protect aggregate land and mitigate conflicts between mining activities and urban uses, the 2011 Tracy General Plan designates lands with production quality mineral reserves as Aggregate in the southern portion of Tracy. Of the area classified by the State Division of Mines and Geology as having potentially significant mineral deposits, the City has designated the bulk of this area as Aggregate in the 2011 General Plan. Some additional areas identified as having potentially significant aggregate deposits are designated as Industrial in the General Plan. The City and State have agreed to protect identified areas south of Linne Road for aggregate uses and allow for urban development north of Linne Road (much of which has already occurred).

There is a small aggregate area south of the California Aqueduct, along Corral Hollow Road that is within the THSP Area. Impacts to mineral resources within the THSP Area was determined to be less than significant in the 2011 General Plan EIR.

Within the Project site, the proposed Project would result in a net increase of medium density residential units and open space uses and a net decrease of commercial uses, as compared to the THSP (See Table 1: *Land Use Plan Buildout*). The Project site is located inside of the small aggregate area identified in the THSP SEIR; however, the Project would not expand the boundaries of development beyond those considered in the THSP. Thus, the proposed Project would not have the potential for new impacts to mineral resources and impacts in regards to the loss of availability of a known mineral resource would be considered less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of

the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (b) Would the project 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?

The THSP Area has not been used for mineral resource recovery and is not delineated as a mineral resource recovery site on any land use plans. As the Project site is not currently used (or planned for use) as a mineral resource recovery site, no impacts to mineral resources would occur. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result and no further analysis is required.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new mineral impact to occur, nor an increase in the severity of a mineral impact previously disclosed in the THSP SEIR. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

XIII. NOISE

WOULD THE PROJECT:

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

RESPONSES TO CHECKLIST QUESTIONS

A noise impact analysis was performed for the previously certified THSP SEIR to evaluate the potential for noise and vibration impacts resulting from Specific Plan implementation. The results and findings as they apply to the proposed Project are summarized herein.

Noise sources in the THSP area consist of vehicular traffic on nearby roadways, including I-580, Lammers Road, Corral Hollow Road, Linne Road, Tracy Boulevard, and Eleventh Street. According to the THSP SEIR, on-site noise levels were measured on March 30, 2013 to document noise levels at the existing land uses. Noise levels were based on readings at two Long-Term Locations and four Short Term Locations, which included four locations on roadways near the Phase 1a area. The noise environment of the proposed Project site is dominated by traffic along Interstate 580 and Corral Hollow Road.

Because the land uses included in the proposed Project are less intense than those considered for the Project site in the THSP, noise sources generated by the proposed Project would also be similar and include sources such as, vehicle traffic, emergency generators, trash compactors, and rooftop mechanical equipment.

Threshold (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?

According to the THSP SEIR, future mobile traffic noise levels generated along heavily-traveled roadways may result in potentially significant impacts for existing sensitive receptors and future buildings in the Specific Plan Area;⁸ refer to Section XII (c) below. THSP SEIR Mitigation Measures NOI 4.11-1; 4.11-3a; 4.11-3b; 4.11-3c; 4.11-3d; and 4.11-3e and adherence to Municipal Code requirements would lessen stationary noise impacts to less than significant.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

Mitigation Measure NOI 4.11-1: *Prior to the issuance of demolition permits or ground disturbing activities (whichever occurs first), the Contractor shall demonstrate to the satisfaction of the City of Tracy Engineering and Building Divisions that the Project complies with the following:*

- *Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.*
- *Property occupants located adjacent to the Project boundary shall be sent a notice, at least 15 days prior to commencement of construction of each phase, regarding the construction schedule of the Project. A sign, legible at a distance of 50 feet shall also be posted at the Project construction site. All notices and signs shall be reviewed and approved by the City of Tracy Planning Division prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number where residents can inquire about the construction process and register complaints.*
- *The Contractor shall provide evidence that a construction staff member would be designated as a Noise Disturbance Coordinator and would be present on-site during construction activities. The Noise Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall notify the City within 24-hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Planning Division. All notices that are sent to residential units immediately surrounding the construction site and all signs posted at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator.*
- *During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.*

⁸ THSP Draft EIR, page 4.11-22.

- *Construction activities shall occur between the hours of 7:00 AM and 10:00 PM daily pursuant to Section 9.12.030 and Section 4.12.820 of the Tracy Municipal Code. [This is Mitigation Measure 4.11-1 in the THSPSEIR]*

Mitigation Measure NOI 4.11-3a: *Prior to issuance of any Building Permit, the Project applicant shall demonstrate, to the satisfaction of the City of Tracy, compliance with the following:*

- *To the extent possible, all mechanical equipment shall be oriented away from the nearest noise sensitive receptors; and*
- *All mechanical equipment shall be screened and enclosed to minimize noise or the equipment shall be factory rated at a noise level that would comply with the noise limits set forth in the City's Municipal Code. [This is Mitigation Measure 4.11-3a in the THSP SEIR]*

Mitigation Measure NOI 4.11-3b: *Where a commercial zone abuts a residential zone or residential use, all deliveries of goods and supplies; trash pick-up (including the use of parking lot trash sweepers); and the operation of machinery or mechanical equipment which emits noise levels in excess of 65 dBA, as measured from the closest property line to the equipment, shall only be allowed between the hours of 7:00 AM and 10:00 PM, unless otherwise specified in an approved conditional use permit or other discretionary approval. [This is Mitigation Measure 4.11-3b in the THSP SEIR]*

Mitigation Measure NOI 4.11-3c: *All feasible sound attenuation shall be incorporated into the parking areas (i.e., landscaping and brushed driving surfaces), such that noise from parking area has been minimized to the greatest extent practicable such that parking lot noise would not exceed the standards indicated in Tracy Municipal Code Section 4.12.750 (General Sound Level Limits). [This is Mitigation Measure 4.11-3c in the THSP SEIR]*

Mitigation Measure NOI 4.11-3d: *Prior to the issuance of Building Permits, any residential development within 2,040 feet of the I-580 centerline shall be designed in compliance with the California Building Code (CBC) and an Acoustical Noise Analysis shall be prepared to ensure that the City of Tracy's exterior and interior noise level standards defined in General Plan Figure 9-3, Land Use Compatibility for Community Noise Environment, are met at all residential, commercial, and recreational land uses. The analysis shall verify that residences are adequately shielded and/or located at an adequate distance from mobile noise sources. Residential buildings or structures shall be designed to ensure interior noise levels do not exceed 45 dBA. In addition, individual developments shall, to the extent feasible, implement site-planning techniques such as the following:*

- *Increasing the distance between the noise source and the receiver;*
- *Using non-noise sensitive structures such as garages to shield noise-sensitive areas;*
- *Orienting buildings to shield outdoor spaces from a noise source;*

- *Incorporating architectural design strategies, which reduce the exposure of noise-sensitive spaces to stationary noise sources (i.e., placing bedrooms or balconies on the side of the house facing away from noise sources). These design strategies shall be implemented as required by the City to comply with City noise standards;*
- *Incorporating noise barriers, walls, or other sound attenuation techniques, as required by the City to comply with City noise standards; and*
- *Modifying elements of building construction (i.e., walls, roof, ceiling, windows, and other penetrations), as necessary to provide sound attenuation. This may include sealing windows, installing thicker or double-glazed windows, locating doors on the opposite side of a building from the noise source, or installing solid-core doors equipped with appropriate acoustical gaskets. [This is Mitigation Measure 4.11-3d in the THSP SEIR]*

Mitigation Measure NOI 4.11-3e: *Prior to the issuance of Grading Permits, any residential development associated with the THSP Buildout (i.e., development other than Phase 1a) located within 260 feet of the Union Pacific Railroad corridor shall have an Acoustical Analysis prepared to fully analyze acoustical impacts and develop measures, if required, to ensure that the City's exterior standards of 70 dBA would be achieved for the proposed land uses that are subject to noise from train pass-bys. The analysis shall conduct detailed train noise modeling to verify that residences are adequately shielded and/or located at an adequate distance from the rail corridor to comply with the City's exterior standards. The analysis shall also ensure that interior noise levels do not exceed 45 dBA. [This is Mitigation Measure 4.11-3e in the THSP SEIR]*

The proposed Project area consists of the majority of the area north of the I-580 and east of Corral Hollow Road in the THSP. The nearest sensitive receptor is located approximately 575 feet north of the Project site. At this distance, construction and operational noise levels would remain low. Given that the Project has proposed less intense land uses, stationary noise impacts would be less than the stationary noise impacts analyzed in the THSP SEIR. With implementation of the above mitigation measures, impacts to noise levels would not be altered any greater than what was previously analyzed and remain less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

According to the THSP SEIR, neither the City of Tracy nor the County of San Joaquin establishes thresholds for excessive vibration. Therefore, the United States Department of Transportation (Federal Transit Administration [FTA]) criteria of 2.0 inch-per-second PPV for the evaluation of potential human annoyance and potential for structural damage to result from vibration is used.

Construction of the proposed buildings has the potential to produce short-term construction vibration effects and operational vibration as a result of proposed Project's traffic and mechanical equipment

operations. Construction of the proposed Project would generate short-term construction vibration during site preparation and construction of the buildings, paving and related activities. Vibration from construction activities rarely reaches the levels that can damage structures, but groundborne vibration and noise can reach perceptible and audible levels in buildings that are very close to the construction site. Even with vibration reduction measures, such as use of vibration attenuating construction equipment (static rollers) and discretionary scheduling of the noisiest construction activities, groundborne vibration from construction within the Specific Plan Area when in close proximity to sensitive receptors would be a potentially significant impact relative to perception and annoyance.

With respect to the proposed Project, short-term construction vibration impacts could result at adjacent sensitive receptors (residential uses) in the THSP Area. Vibration effects would be reduced by a combination of appropriate equipment and process selection, as well as implementation of proper administrative controls (refer to Mitigation Measure NOI 4.11-1 above). Even with these vibration reduction approaches, it is still possible that individual, site-specific developments could exceed either the annoyance threshold and/or the architectural damage threshold. This potential situation would be exacerbated with the use of standard pile driving techniques. As such, groundborne vibration from construction could result in a potentially significant impact with respect to perception or architectural damage. The proposed Project would also implement best practices for construction activities (as specified in Mitigation Measure NOI 4.11-1), which would reduce groundborne noise and vibration from construction.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

See Mitigation Measure NOI 4.11-1 above.

With implementation of the above mitigation measure, construction vibration levels as a result of construction for the proposed Project construction would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (c) Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

As discussed in the previously certified THSP SEIR, Specific Plan implementation would cause a substantial noise increase to most nearby roadways within and in close proximity to the Specific Plan limits during Long Range Plus THSP Buildout Conditions.⁹ The Specific Plan impact was identified as significant and unavoidable. According to the THSP SEIR, impacts would occur on off-site roadways where it is infeasible to implement mitigation measures. Therefore, impacts to off-site uses from traffic noise remain significant and unavoidable. The proposed Project would include land uses that are developmentally less intense than those analyzed in the THSP SEIR. While the Tracy Hills Specific Plan Amendment for Phase KT Project

⁹ THSP Draft EIR, page 4.11-22.

- Transportation Consistency Analysis Memo (2019) found a decrease of 1,059 a.m. peak hour trips and a decrease of 1.919 p.m. peak hour trips compared to the THSP. Similar to the THSP, mitigation measures would not be feasible to apply on off-site roadways and the proposed Project would also result in a significant and unavoidable impact related to future mobile traffic noise. This would not be a new specific impact, nor would it increase the severity of the impact previously identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP.

The previously approved THSP SEIR evaluated stationary source noise impacts such as mechanical equipment, slow moving delivery/supply trucks, activities at the loading docks, parking lots, landscape maintenance, and outdoor pools. As the THSP is primarily vacant, the previously approved EIR found new noise sources would be introduced as a result of the proposed Project and THSP buildout. However, THSP SEIR mitigation measures 4.11-3a; 4.11-3b; 4.11-3c; 4.11-3d; 4.11-3e and adherence to Municipal Code requirements would lessen impacts to less than significant. Given that off-site effects cannot be mitigated, this impact would remain significant and unavoidable overall. However, as the Project proposes a reduction in commercial uses, there would be an incremental reduction to this impact. This would not be a new specific impact, nor would it increase the severity of the impact previously identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP.

Threshold (d) Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Noise emissions from construction of the proposed Project would be localized and occur intermittently for varying periods of time. The highest construction noise levels associated with construction would be generated during grading, excavation, and foundation work, with lower noise levels occurring during building construction and finishing. According to the THSP EIR, potentially significant impacts from construction noise could occur with Specific Plan implementation. The Project is proposing less intense building development compared with the THSP. Construction of the proposed Project would include similar construction equipment and schedule than previously analyzed in the THSP EIR. Therefore, notable temporary sound level increases would not be greater than previously evaluated.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

See Mitigation Measure NOI 4.11-1 above.

With implementation of the above mitigation measure, the proposed Project would reduce the potential for a substantial temporary or periodic increase in ambient noise levels to occur by requiring the preparation of a Construction Noise Management Plan. With mitigation, the impact is less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (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?

According to the THSP SEIR, the THSP Area is located approximately 0.22 miles west of the Tracy Municipal Airport. The Project site is located approximately 0.5 miles southwest of the Tracy Municipal Airport. According to the San Joaquin County Airport Land Use Compatibility Plan Update (ALUCP) the airport has approximately 59,701 operations, primarily performed by single engine piston aircrafts involved in flight training. The Project site not located within any CNEL Airport Noise Contours. Therefore, the proposed Project would not expose persons residing or working in the proposed Project area to excessive airport related noise levels and no impact would occur. No further analysis is required.

Threshold (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?

According to the THSP SEIR, the THSP Area is not located within two miles of a private airstrip. Therefore, the proposed Project is not located within a distance of two miles from a private airstrip. Due to the distance separation, the proposed Project would not expose persons to excessive airport-related noise levels. Similar to the THSP, there would be no impact and no further analysis is required.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new noise impact to occur, nor an increase in the severity of a noise impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

XIV. POPULATION AND HOUSING

WOULD THE PROJECT:

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project 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)?

As identified in the previously certified EIR prepared for the THSP, the THSP would include construction of new residential areas. The THSP SEIR found that buildout of the THSP would not exceed the maximum dwelling units or non-residential square footage already anticipated in the certified 2011 General Plan EIR for the THSP Area. The General Plan EIR did not find any significant impacts related to population, employment or housing, thus implementation of the THSP would not induce population growth, which has not already been anticipated in the 2011 General Plan EIR. The THSP EIR determined that displacement of the five existing houses in the THSP Area would not substantiate the need for construction of replacement housing. As a result, the THSP SEIR found impacts related to population and housing would be less-than-significant.

As shown in Table 1, buildout of the THSP Area projected 5,499 dwelling units for the buildout of THSP from residential uses. Using a multiplier of 3.27 persons per household (pph), approximately 17,981 residents were projected for the buildout of the THSP.¹⁰ As shown in Table 1 and Table 4.13-18a, *Project Buildout (Post 2035) Trip Generation* of the THSP SEIR, approximately 1,751 employees were projected for the buildout of the THSP from commercial land uses.

Within the Project site, the proposed Project would result in a net increase of medium density residential units and open space uses and a net decrease of commercial uses, as compared to the THSP (See Table 1:

¹⁰ The THSP SEIR had determined the THSP does not exceed the maximum dwelling units or non-residential square footage already anticipated in the certified 2011 General Plan EIR for the THSP Area. The City of Tracy 2011 General Plan EIR used a multiplier of 3.27 pph based on the 2008 Department of Finance estimate to determine total buildout of the City. Thus, for the purposes of this analysis, a multiplier of 3.27 pph is used to determine buildout of the THSP.

Land Use Plan Buildout). The proposed Project would result in the increase of 21.3 acres of residential use and 5.6 acres of open space uses and decrease 26.9 acres of commercial land uses [see Table 1, *Land Use Buildout (2035)*]. The addition of medium density residential uses on the Project site would result in an additional 191 dwelling units on the Project site. As a result of the proposed Project, the THSP Area would have a total of 5,690 dwelling units at buildout, as compared to 5,499 dwelling units considered in the THSP SEIR. This would be an increase of 3.5 percent in comparison to the dwelling units considered in the THSP SEIR.

Consistent with the THSP SEIR assumptions of 3.27 persons per household (pph), implementation of the proposed Project would result in an increase of 625¹¹ new residents in the THSP Area from what was previously determined in the THSP SEIR. This would result in an increase of 3.5 percent, a total of 18,606 residents at buildout of the THSP as compared to the 17,981 residents assumed in the THSP SEIR.

Based on the employee per square feet of building space assumed in Table 4.13-18a, *Project Buildout (Post 2035) Trip Generation* of the THSP SEIR, implementation of the proposed Project would result in a decrease of commercial land uses. This would equate to a decrease of 461 employees in the THSP Area from what was previously determined in the THSP SEIR. As shown in Table 3: *Comparison of Employee Projections*. This would result in a total of 1,290 employees from commercial uses at buildout of the THSP as compared to the 1,751 employees from commercial uses assumed in the THSP SEIR. Implementation of the proposed Project would increase the number of residents on the Project site, but decrease the number of jobs projected for buildout of the THSP due to the decrease of commercial uses, which are land uses that typically provide job growth. As a result, the job- housing ratio would result in more housing and less jobs than previously identified in the THSP SEIR.

Table 3: Comparison of Employee Projections

Land Use	Employee per SF	THSP		Proposed Project		Difference Between THSP and Proposed Project	
		SF	# employee	SF	# employee	SF	# employee
Commercial	0.00231	758,944	1,751	493,186	1,290	-559,092	-461

The 2011 General Plan EIR determined total buildout of the General Plan would result in approximately 151,500 people and 46,800 housing units.¹² The City has a Growth Management Ordinance (GMO) that limits residential permits to an average of 600 units per year, a maximum of 750 units in any single year. This is intended to meet the goals and policies of the General Plan, including concentrated growth, and infill development. The City’s GMO would help to reduce the potential impacts from future development by managing growth in a manner that is commensurate with available services and utilities. Residential growth under the General Plan was determined to be limited by the GMO in the 2011 General Plan EIR.

¹¹ The City of Tracy 2011 General Plan EIR (page 3-41) used a multiplier of 3.27 persons per household (pph) based on the 2008 Department of Finance estimate to determine total buildout. The project number of new residents was determined by multiplying 709 dwelling units x 3.27 pph = 2,318 people

¹² City of Tracy 2011 General Plan EIR, page 4.2-13

The GMO would allow for 600 building permits per year between 2013 and 2025. The additional 191 dwelling units associated with implementation of the proposed Project would be within the maximum of 750 units allowed by the GMO. Therefore, growth associated with the Project would not exceed the growth planned for the THSP Area in the 2011 General Plan. This is consistent with the impact conclusion of the THSP EIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (b) Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

Threshold (c) Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

As determined in the previously certified EIR for the THSP, five single-family homes would likely be demolished and replaced with new single family and multi-family homes. Since the THSP includes the construction of new residential areas, the displacement of the five existing houses would not substantiate the need for construction of replacement housing. Therefore, impacts related to population and housing were determined to be less than significant.

Development of the proposed Project would occur on currently undeveloped land. Thus, impact would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new population and housing impact to occur, nor an increase in the severity of a population and housing impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

XV. PUBLIC SERVICES, RECREATION, AND UTILITIES

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have a adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
h. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

RESPONSES TO CHECKLIST QUESTIONS

Threshold (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

The THSP SEIR identified that development of the THSP would include two fire stations within the THSP Area, which would be adequately equipped to provide fire services for the buildout of the THSP once implemented¹³. As determined in the THSP SEIR, buildout of the THSP would not exceed the City's planned growth level, additional service population was already accounted for in the Citywide Public Safety Master Plan and would not require additional fire protection facilities beyond what has been planned. Additionally, all project applicants of individual projects within the THSP Area would be required to pay a fair and equitable amount to the City's Public Buildings impact fee to offset the capital costs for fire protection and emergency service facilities. As a result, development within the THSP Project Area would not exceed the maximum dwelling units or non-residential square footage approved in 2016, or the maximum dwelling units square footage contemplated by the City's General Plan. Fire protection needs would not be altered by implementation of the THSP with implementation of Mitigation Measures PSR

¹³ Subsequently, the City of Tracy Fire Department determined, Standards of Response Coverage report, that only one fire station would be needed to serve the THSP Area. Personal communication with Fire Chief Randy Bradley on January 28, 2020.

4.12-1 and 4.12-3. Implementation of Mitigation Measures PSR 4.12-1 and 4.12-3 would reduce potential impacts on fire protection to a less than significant level.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

Mitigation Measure PSR 4.12-1: *As part of the application process for each individual development under the Specific Plan, the Project applicant shall be required to pay the applicable development impact fees. [This is Mitigation Measure 4.12-1 in the THSP SEIR]*

Mitigation Measure PSR 4.12-3: *As determined by the Fire Chief and in accordance with adopted standards of coverage* ~~*Prior to final inspection or certificate of occupancy for the 289th house within Tracy Hills, a fire station and all related equipment shall be constructed and operational in Phase 1A to serve Tracy Hills in accordance with the Citywide Public Safety Master Plan. Additional station(s) shall subsequently be constructed and operational, the design of which shall be in accordance with the Citywide Public Safety Master Plan, and adopted standards of coverage, to the satisfaction of the Fire Chief. [This is Mitigation Measure 4.12-3 in the THSP SEIR]*~~

Implementation of the proposed Project would increase population growth in the THSP Area by proposing an increase of 191 dwelling units compared to the THSP SEIR. As discussed above, the increase of 191 dwelling units from implementation of the proposed Project would result in 625 new residents that were not considered in the THSP SEIR. However, the THSP SEIR assumed the Project site would be developed with commercial uses, which would also create demand on fire services. The THSP SEIR assumed that two fire stations within the THSP Area would be constructed. Implementation of the proposed Project would increase the number of residents on the Project site, but decrease the number of jobs projected for buildout of the THSP due to the decrease of commercial uses, which are land uses that typically provide job growth. As a result, the Project would result in more housing and less jobs than previously identified in the THSP SEIR. As discussed in the Section XIII, Population and Housing, the additional 191 dwelling units associated with implementation of the proposed Project would be within the maximum of 750 units allowed by GMO. Therefore, growth associated with the Project would not exceed the growth planned for the THSP Area in the 2011 General Plan. The proposed Project, with implementation of the mitigation measures identified above, would not result in the need to construct additional fire stations, beyond those identified in the THSP SEIR. Given that no additional fire stations would be required to serve the proposed Project, beyond those identified in the THSP, the proposed Project would not create substantial adverse physical impacts associated with constructions of a new fire station. As such, this impact would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

ii. Police Protection

As identified in the THSP SEIR, development of the THSP would include construction of a new police substation located closer to the THSP than the current primary station. As determined in the THSP SEIR,

buildout of the THSP would not exceed the City's planned growth level, additional service population was already accounted for in the Citywide Public Safety Master Plan, and would not require additional law enforcement facilities beyond what has been planned. Additionally, individual development projects under the THSP would be required to pay the applicable impact fees, which ensure payment of a proportionate share towards the planned facilities. As a result, development within the THSP Project Area would not exceed the maximum dwelling units or non-residential square footage previously approved in 2016, or the maximum dwelling units square footage contemplated by the City's General Plan. Law enforcement needs would not be altered by implementation of the THSP with implementation of Mitigation Measures PSR 4.12-4a and 4.12-5b. Implementation of Mitigation Measures PSR 4.12-4a and 4.12-5b would reduce potential impacts on fire protection to a less than significant level.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

Mitigation Measure PSR 4.12-4a: *The Project applicant of individual projects within the THSP Project Area shall consult with the Police Department during preliminary stages of site design to review safety features, determine their adequacy, and suggest design and/or physical improvements to the proposed site plan. This is achieved through the City's development review process, which currently is coordinated with various City Departments' review of new development proposals. [This is Mitigation Measure 4.12-4a in the THSP SEIR]*

Mitigation Measure PSR 4.12-5b: *As part of the application process for each individual development under the Specific Plan, the Project applicant shall be required to pay the applicable development impact fees. [This is Mitigation Measure 4.12-5b in the THSP SEIR]*

Implementation of the proposed Project would increase population growth in the THSP Area by proposing an increase of 191 dwelling units compared to the THSP SEIR. As discussed above, the increase of 191 dwelling units from implementation of the proposed Project would result in 625 new residents that were not considered in the THSP SEIR. However, the THSP SEIR assumed the Project site would be developed with commercial uses, which would also create demand on police services. The THSP SEIR noted that the Citywide Public Safety Master Plan proposes the construction of a new police substation located closer to the THSP Area than the current primary police station; however the new substation would not be associated with the THSP. Implementation of the proposed Project would increase the number of residents on the Project site, but decrease the number of jobs projected for buildout of the THSP due to the decrease of commercial uses, which are land uses that typically provide job growth. As a result, the Project would result in more housing and less jobs than previously identified in the THSP SEIR. As discussed in the Section XIII, Population and Housing, the additional 191 dwelling units associated with implementation of the proposed Project would be within the maximum of 750 units allowed by GMO. Therefore, growth associated with the Project would not exceed the growth planned for the THSP Area in the 2011 General Plan. The proposed Project, with implementation of the mitigation measures identified above, would not result in the need to construct additional police stations, beyond those identified in the THSP SEIR. Given that no additional police stations would be required to serve the proposed Project, beyond those identified in the THSP, the proposed Project would not create substantial adverse physical

impacts associated with constructions of a new police station. As such, this impact would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

iii. Schools

As identified in the THSP SEIR, implementation of the THSP could substantially increase the population of school children in the City of Tracy, requiring construction of new facilities or modification of existing facilities to accommodate the growth of the student body. Development of the THSP Area was estimated to generate 3,520 new students in grades K–8. As discussed in the THSP SEIR, three elementary schools (K-8) were proposed throughout the THSP Area. Although the final number and locations of the schools would be determined in accordance with the Jefferson School District Facilities Master Plan as the THSP is built out. Implementation of the approved THSP would generate a maximum of 5,499 dwelling units. The Jefferson School District uses an elementary student generation factor of 0.44 grade K-5 students per dwelling unit, 0.2 grade 6-8 students per dwelling unit, and 0.3 grade 9-12 students per dwelling unit to estimate projected student population.¹⁴ Based on these generation rates, 2,420 grade K-5 and 1,100 grade 6-8 students would be generated by the buildout of the proposed residential land uses in the THSP SEIR. As discussed in the THSP SEIR, Jefferson School District schools are operating near or above capacity and the student enrollment generated by the THSP would exceed current school district capacity. Each individual development application would be subject to the requirement to pay applicable impact fee in accordance with SB 50 or pay applicable fee subject to school mitigation agreements with the Tracy Unified School District and Jefferson School District. Under Section 65996 of the California Government Code, the payment of such fees is deemed to fully mitigate the impacts of new development on school facilities. Therefore, THSP impacts in this regard were determined to be less than significant.

As discussed above, implementation of the proposed Project would result in an increase of 191 dwelling units compared to the assumptions of the THSP. The 191 dwelling units from implementation of the proposed Project would result in 625 new residents that were not considered in the THSP SEIR. Using the generation rates from THSP SEIR, an increase of 84 grade K-5, 38 grade 6-8 students, and 57 grade 9-12 students and would be generated by the proposed Project. As discussed in the THSP SEIR, the final number of schools and locations of the schools would be determined in accordance with the Jefferson School District Facilities Master Plan as the THSP is built out. Furthermore, each individual development application, including the proposed Project, would be subject to the requirement to pay the applicable impact fee in accordance with SB 50. Under Section 65996 of the California Government Code, the payment of such fees is deemed to fully mitigate the impacts of new development on school facilities. Given that the THSP SEIR did not identify the number or location of schools to be constructed to accommodate the THSP-associated growth, and that the proposed Project would pay the applicable impact fees, new students associated with the proposed Project could potentially be accommodated in the schools that would have been planned for the rest of the approved THSP. In such a case, no new schools would need to be constructed, beyond those identified in the THSP SEIR, and as such no physical impacts associated with constructing additional schools would occur. Therefore, this impact would be less

¹⁴ THSP Draft EIR, page 4.12-38

than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

iv-v. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered parks and other recreational facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

Threshold (b) 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?

Threshold (c) 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?

As identified in the THSP SEIR, development of the THSP would include up to three acres of neighborhood park land or one acre of community park land per 1,000 population. Neighborhood and community parks which would be distributed throughout the residential areas. Active play and sports parks proposed by the THSP may feature play fields, ball fields, children play areas, picnic areas, tennis courts, and open lawns. Park features may be interconnected by nature walks and bikeways within the greenways and parkways. The THSP SEIR determined that new residents in the THSP would use the new parks within the THSP more than the City's existing facilities given proximity to their neighborhoods, condition of the new facilities and the ability to walk or bicycle to many of the parks. Therefore, implementation of the THSP would result in a less than significant impact with regard to the substantial physical deterioration of existing facilities.

Implementation of the proposed Project would increase population growth in the THSP Area by proposing an increase of 191 dwelling units compared to the THSP. As discussed above, the increase of 191 dwelling units from implementation of the proposed Project would result in 625 new residents that were not considered in the THSP SEIR. The THSP stated that, "each tentative subdivision map shall either include adequate neighborhood park land to bring the total neighborhood park land within the tentative map approved portion of the Specific Plan to three acres per 1,000 population, or the developer shall demonstrate how future tentative map areas of the Specific Plan will include park land to achieve the minimum three acres per 1,000 population requirement, and otherwise comply with the Parks Master Plan."¹⁵ The proposed Project would include an additional 5.6 acres of land designated as Conservation Corridors, as compared to the approved THSP, which would not permit development. The inclusion of this 5.6 acres would allow for adequate neighborhood park land at a ratio exceeding three acres per 1,000 population. As such, this impact would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously

¹⁵ THSP, page 2-19

identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (d) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

The City of Tracy provides wastewater services throughout the City and the THSP Area. Impacts to wastewater treatment requirements were analyzed in the previously certified THSP SEIR for buildout of the THSP Area. As described in the previously certified THSP SEIR, the City's Waste Water Treatment Plant releases effluent into the Old River, therefore the City is subject to NPDES permitting requirements, as implemented by the RWQCB. To accommodate future planned growth, including the buildout of the THSP Area, the City plans to implement a wastewater treatment system upgrade in accordance with the Wastewater Master Plan (WWMP) and as evaluated in the related environmental documentation.

Since buildout of the proposed Project would be utilizing the City's wastewater treatment facilities, anticipated wastewater generated by the increase of proposed residential land uses in the proposed Project would not be expected to result in an exceedance of any wastewater treatment requirements of the applicable RWQCB any greater than previously analyzed in the THSP SEIR. Therefore, impacts would be considered less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (e) Would the project 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?

The City of Tracy provides water and wastewater services throughout the City and the THSP Area. Impacts to existing water and wastewater treatment facilities were analyzed in the previously certified THSP SEIR for buildout of the THSP Area. Although buildout of the THSP Area would require new water facilities and would eventually require the construction of additional wastewater conveyance and wastewater treatment facilities, the environmental impacts that may result from the construction of these facilities were evaluated and mitigated through the environmental review process for the adoption of the City's Water System Master Plan (WSMP) and the Wastewater Master Plan (WWMP). According to the THSP SEIR, because implementation of the THSP would require the construction of yet-to-be-built WSMP facilities, and may require the construction of certain interim improvements pending completion of WSMP improvements, the THSP would have potentially significant impacts. With implementation of Mitigation Measures PSR 4.12-6, 4.12-7a and 4.12-8b, impacts would be reduced to a less than significant impact.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

Mitigation Measure PSR 4.12-6: *Developers of subsequent phases of the Project (beyond Phase 1a) will be required to prepare SB 221 analysis for each subsequent phase of development. [This is Mitigation Measure 4.12-6 in the THSP SEIR]*

Mitigation Measure PSR 4.12-7a: *As part of the development process for each individual site-specific development under the Specific Plan, the City shall review flow monitoring, at the applicant's cost, to determine available capacity. If the City determines, based on technical and legal constraints and other relevant data, that existing capacity is available to serve the development at issue, then no further mitigation is required. However, if the City determines, based on technical and legal constraints and other relevant data, that existing capacity is not available to serve the development at issue, then the improvements as identified in the Master Plan must be constructed that are necessary to create the additional capacity required, subject to any applicable credit and/or reimbursement provisions, as determined by the City. [This is Mitigation Measure 4.12-7a in the THSP SEIR]*

Mitigation Measure PSR 4.12-8b: *As part of the development process for each individual site-specific development under the Specific Plan, the applicant shall pay its applicable development impact fees for wastewater facilities prior to issuance of first certificate of occupancy. [This is Mitigation Measure 4.12-8b in the THSP SEIR]*

As discussed above, implementation of the proposed Project would increase the projected number of dwelling units in the THSP Area by 191 dwelling units than previously analyzed in the THSP SEIR. Future development that may occur under the proposed Project would be located within the same footprint of the THSP Area. As discussed in the THSP SEIR, the City plans to implement a wastewater treatment system upgrade as outlined in the WWMP. Because future development that may occur under the proposed Project would be located in the same footprint of the THSP, these future developments would also be serviced by the wastewater treatment system upgrades. With implementation of the above mitigation measures, the proposed Project's impact on new water or wastewater facilities would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (f) Would the project 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?

As discussed in Section IX (Hydrology and Water Quality) and the THSP SEIR, the construction of new stormwater drainage facilities or expansion of existing facilities would be required for buildout of the THSP Area as well as individual development projects. The storm drainage infrastructure within the THSP Area would incorporate terminal retention basins as the means of managing runoff from new development via storage and percolation. These basins are depicted in *Figure 4.9-4* of the THSP SEIR. As discussed in the THSP SEIR, storm water runoff generated by buildout of the THSP would be self-contained and would not utilize any existing downstream City storm drainage facilities. The drainage improvements discussed in

the THSP SEIR would accommodate projected runoff from the THSP Area. Thus, implementation of the THSP would not exceed the capacity of the proposed stormwater drainage system.

As discussed in Section IX, Hydrology and Water Quality, development of the proposed Project would have a decrease in impervious surfaces through construction of buildings, parking areas, roadways and other improvements because the proposed Project would have less developable acres compared to what was previously analyzed in the THSP SEIR. A decrease in impervious surfaces would result in a lower potential for runoff from the THSP Area. Because changes proposed as part of the proposed Project would be located within the same footprint as what was previously analyzed in the THSP SEIR, storm water runoff generated by implementation of the proposed Project would be self-contained and would not utilize any existing downstream City storm drainage facilities any greater than previously analyzed in the THSP SEIR. Implementation of the proposed Project would not require new stormwater drainage facilities, the construction of which would cause significant environmental effects. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP.

Threshold (g) Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

As described in the Water Supply Assessment (WSA) conducted for the previously certified THSP SEIR, the THSP Area would be served by the City from its existing and future portfolio of water supplies. The WSA conducted for the THSP Area concluded that the City's existing and planned water supplies would be sufficient to meet the water demand for any hydrologic conditions to the year 2035. No water supply shortages are anticipated for any hydrologic conditions based on Year 2035 water demands. As determined in the THSP SEIR, for all hydrologic conditions, the City's existing and additional water supplies are sufficient to meet the City's Year 2035 water demands. Thus, implementation of the THSP would be of a less than significant level regarding water supply.

As discussed above, implementation of the proposed Project would increase the projected number of dwelling units in the THSP Area by 191 dwelling units than previously analyzed in the THSP SEIR. The proposed Project would also result in a decrease of 265,758 square feet of commercial uses.

According to the THSP WSA, medium density residential in the THSP Area would have a potable water demand of 310 gallons per day per dwelling unit (gpd/du). Commercial uses would have a potable water demand of 1,784 gpd. As such, the proposed Project would result in a decrease of net potable water demand of 5 acre feet per year (af/yr) over the approved THSP because the proposed Project would have less developable acres compared to what was previously analyzed in the THSP SEIR.

The City is currently under contract with the United States Bureau of Reclamation (USBR) for the delivery of water to the City from the Central Valley Project (CVP). The City's current contract, an Interim Renewal Contract, is effective January 1, 2014 through February 29, 2016 and includes up to 20,000 af/yr of water supplies. This contract amount includes the initial 10,000 af/yr from the City's initial contract with the USBR (entered into in 1974), 7,500 af/yr from approved assignments from Banta Carbona Irrigation

District (BCID) and West Side Irrigation District (WSID), and 2,500 af/yr from an additional assignment from WSID which was exercised in December 2013.

Regarding groundwater, according to the THSP SEIR, a 2,300 af/yr increase of the average annual operational groundwater yield above the groundwater yield recommended in the 1990 Kennedy/Jenks/Chilton study (6,700 af/yr) could be provided within the estimated sustainable yield of the Tracy Sub-basin in the City, without adverse impact to groundwater resources or quality in the City over a 50-year timeframe. This expansion of groundwater usage to 9,000 af/yr would be within the City's estimated share of the aquifer's sustainable yield of 22,000 af/yr of the 28,000 acre feet/year total (which includes groundwater usage within West Side Irrigation District, Naglee-Burk Irrigation District, Plain View Water District (now part of the Byron Bethany Irrigation District), and Banta-Carbona Irrigation District). Groundwater Management Policy was adopted by the City in 2001 to establish a maximum annual groundwater extraction rate of 9,000 af/yr.

The proposed Project would result in a decrease of net potable water demand of 5 af/yr from the proposed Project, which would be less than previously analyzed in the THSP SEIR. Therefore, the City would have sufficient water supplies to serve the proposed Project. This impact would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (h) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

As explained in Threshold (e), the City of Tracy would provide wastewater services to the THSP Area. Buildout of the THSP Area would eventually require the construction of additional wastewater conveyance and wastewater treatment facilities, but not as a result of implementation of THSP Area solely. Environmental impacts that may result from the construction of these facilities were evaluated and mitigated through the environmental review process for the adoption of the City's Wastewater Master Plan (WWMP)¹⁶.

To avoid impacts associated with wastewater treatment, the THSP SEIR required that the THSP pay appropriate development impact fees. Payment of these development impact fees was determined to reduce this potentially significant impact to a less than significant level.

As discussed above, implementation of the proposed Project would increase the projected number of dwelling units in the THSP Area by 191 dwelling units than previously analyzed in the THSP SEIR. Future development that may occur under the proposed Project would be located within the same footprint of the THSP Area. As discussed in the THSP SEIR, the City plans to implement a wastewater treatment system upgrade as outlined in the WWMP. Because future development that may occur under the proposed

¹⁶ THSP Draft EIR, page 4.12-44

Project would be located in the same footprint of the THSP, these future developments would also be serviced by the wastewater treatment system upgrades.

The proposed Project would pay the appropriate development impact fees and coordinate with the City to ensure that the City's future wastewater treatment capacity is adequate to service the proposed Project. Regardless of any additional demand on the City's wastewater treatment provided caused by the proposed Project, payment of development impact fees would ensure this impact is less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (i) Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

The THSP Area would be served by the Foothill Sanitary Landfill, which has sufficient capacity to serve the City of Tracy through the year 2082. As determined in the THSP SEIR, the buildout of the THSP Area is considered a small addition to the overall tons per day the City of Tracy currently generates.¹⁷ For these reasons, solid waste disposal needs from implementation of the THSP can be met and existing landfill and associated impacts are less than significant.

The proposed Project would result in an increase of medium density residential development and open space and decrease in commercial uses, compared to what was previously analyzed in the THSP SEIR. As discussed above, implementation of the proposed Project would increase the projected number of dwelling units in the THSP Area by 191 dwelling units. Because future development that may occur under the proposed Project would be located in the same footprint of the THSP, solid waste generated by these future developments would be sent to the same Foothill Sanitary Landfill.

Based upon the current generation factor of 7.52 pounds per person per day (the residential, commercial, industrial average), the proposed Project would result in an additional 1,233 pounds of solid waste per day, or 0.62 tons.¹⁸ The THSP SEIR assumed that the THSP would generate approximately 54 tons of solid waste per day. Given the small addition to the overall tons the THSP and the City of Tracy currently generates, the landfill would have capacity to serve the proposed Project and this impact would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

¹⁷ THSP Draft EIR, page 4.12-47

¹⁸ [+652 residents] + [- 461 employees] = [+164 people in THSP Area as result of proposed Project]; [164 people] * [7.52 lbs waste/person/day] = [1,233 lbs waste/day]

Threshold (j) Would the project comply with federal, state, and local statutes and regulations related to solid waste?

The City of Tracy has implemented 43 waste diversion programs and is currently exceeding its State residential disposal rate target by over 50 percent.¹⁹ The THSP SEIR determined that the waste diversion programs, together with adherence to the CALGreen Code, are sufficient to ensure that implementation of the THSP would comply with applicable statutes and regulations and the impact was found to be less than significant.

Similar to the THSP, the proposed Project would comply with applicable statutes and regulations, including the City's waste diversion programs and the CALGreen Code, and the impact would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new public services, recreation, or utilities impact to occur, nor an increase in the severity of any public services, recreation, or utilities impacts previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

¹⁹ THSP Draft EIR, page 4.15-45

XVI. TRANSPORTATION/TRAFFIC

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

RESPONSES TO CHECKLIST QUESTIONS

A Traffic Consistency Analysis was prepared by Kimley-Horn and Associates, Inc. (October 2019) for the proposed Project to evaluate whether the proposed Project would generate more traffic than what was evaluated in the previously certified THSP SEIR. The results of the traffic analysis are summarized herein and address existing traffic conditions in the surrounding area, estimated Project trip generation and distribution, future traffic growth, and an assessment of the Project-related impacts on the roadway system.

Project Trip Generation

The number of project trips anticipated to be generated by the proposed Project was calculated using the adopted trip generation rates in the THSP SEIR and the ITE Trip Generation Manual. The trip generation

for the proposed land use changes were calculated using the ITE land use codes for General Highway Commercial, Medium Density Residential, and Open Space.

The trip generation calculation included a comparison between the previously certified THSP SEIR buildout trips and the proposed Project buildout trips. This comparison is provided below in Table 4: Trip Generation. The total trips generated for the approved THSP is 7,831 (3,947 IN / 3,884 OUT) a.m. peak hour trips and 14,064 (7,048 IN / 7,016 OUT) p.m. peak hour trips. Based on the proposed amended THSP, the proposed Project is anticipated to generate 6,772 (3,251 IN / 3,521 OUT) a.m. peak hour trips and 12,145 (6,158 IN / 5,987 OUT) p.m. peak hour trips.

Comparison of the trip generation for the THSP SEIR analysis and the proposed Project buildout trips indicates the overall a.m. peak hour trips decrease by approximately 1,059 trips, and the overall p.m. peak hour trips decrease by approximately 1,919 trips.

Table 4: Trip Generation

KT Specific Plan Amendment (with Medium Density Residential)											
Trip Generation Rates ¹	ITE Land Use Code/ Reference	Units	Weekday AM				Weekday PM				
			Rate	IN	/	OUT	Rate	IN	/	OUT	
Low/Mid Density Residential & Residential Estate	Model	DU	0.55	25%	/	75%	1.05	63%	/	37%	
High Density Residential	Model	DU	0.31	20%	/	80%	0.59	65%	/	35%	
Retail	Model	Emp.	1.9	62%	/	38%	3.46	48%	/	52%	
Office	Model	Emp.	0.22	88%	/	12%	0.42	17%	/	83%	
Other (Industrial/Warehousing)	Model	Emp.	0.17	79%	/	21%	0.33	25%	/	75%	
School ²	ITE (520 & 530)	Students	0.48	55%	/	45%	0.15	49%	/	51%	
Approved Specific Plan Buildout ¹											
Trip Generation Rates	Square Feet	Units	Weekday AM				Weekday PM				
			Total	IN	/	OUT	Total	IN	/	OUT	
Low/Mid Density Residential & Residential Estate	-	5,374	DU	2,956	739	/	2,217	5,642	3,554	/	2,088
High Density Residential	-	125	DU	39	8	/	31	74	48	/	26
Retail	758,944	1,751	Emp.	3,326	2,062	/	1,264	6,057	2,907	/	3,150
Office	1,589,069	1,872	Emp.	412	363	/	49	786	134	/	652
Other (Industrial/Warehousing)	3,360,654	4,197	Emp.	714	564	/	150	1,385	346	/	1,039
School	-	800	Students	384	211	/	173	120	59	/	61
			Total Trips	7,831	3,947	/	3,884	14,064	7,048	/	7,016
Proposed Specific Plan Buildout ³											
Trip Generation Rates	Square Feet	Units	Weekday AM				Weekday PM				
			Total	IN	/	OUT	Total	IN	/	OUT	
Low/Mid Density Residential & Residential Estate	-	5,565	DU	3,061	765	/	2,296	5,843	3,681	/	2,162
High Density Residential	-	125	DU	39	8	/	31	74	48	/	26
Retail	493,186	1,138	Emp.	2,162	1,340	/	822	3,937	1,890	/	2,047
Office	1,589,069	1,872	Emp.	412	363	/	49	786	134	/	652
Other (Industrial/Warehousing)	3,360,654	4,197	Emp.	714	564	/	150	1,385	346	/	1,039
School	-	800	Students	384	211	/	173	120	59	/	61
			Total Trips	6,772	3,251	/	3,521	12,145	6,158	/	5,987
Trip Differential by Land Use											
Trip Generation Rates			Weekday AM				Weekday PM				
			Total	IN	/	OUT	Total	IN	/	OUT	
Low/Mid Density Residential & Residential Estate			105	26	/	79	201	127	/	74	
High Density Residential			0	0	/	0	0	0	/	0	
Retail			-1,164	-722	/	-442	-2,120	-1,017	/	-1,103	
Office			0	0	/	0	0	0	/	0	
Other (Industrial/Warehousing)			0	0	/	0	0	0	/	0	
School			0	0	/	0	0	0	/	0	
			Total Trips	-1,059	-696	/	-363	-1,919	-890	/	-1,029

Notes:

DU = Dwelling Units, Emp. = Employees

1. Trip generation rates and Approved Specific Plan Buildout trips taken from the Tracy Hills Specific Plan Recirculated Draft Subsequent Environmental Impact Report, October, 2015

2. The EIR used 0.48 for the AM peak hour school trip generation rate calculations instead of the 0.45 that was listed

3. The bold and underlined land uses denote proposed changes.

Source: Kimley-Horn, September, 2019

Threshold (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?

The traffic impact analysis prepared for THSP SEIR identified that buildout of the Project would require significant improvements to Corral Hollow Road and require the construction of Lammers Road as defined in the City’s Traffic Management Plan (TMP) to facilitate full development of the THSP. This is due to the unique location of the THSP Area, magnitude of the THSP, and access to I-580 at the Corral Hollow Road interchange and the proposed Lammers Road interchange. Both these interchanges are included in the TMP and the City is currently collecting TIFs and seeking grant funding to implement the planned

improvements. The THSP SEIR previously concluded that if, at the time interchange improvements are required to provide adequate capacity to mitigate the project impacts, the City does not have sufficient funds for implementation, the Project Applicant may be required to fund the improvements upfront and enter into a reimbursement agreement with the City or receive a TIF credit.

A trigger analysis was performed to see to what extent the THSP can be developed with TMP identified improvements at the Corral Hollow interchange for 2035 conditions. The analysis indicated an approximate equivalent number of single family dwelling units of 2,536 that can be built, at which point, the operational degradation along Corral Hollow would merit the construction of Lammers Road and the I-580 interchange, or result in major improvements to the Corral Hollow interchange. Table 4.13-21 of the THSP SEIR identified buildout of the THSP would result in increased V/C ratios to greater than 0.89 at some locations. Impacts were found to be significant and unavoidable. As identified in the THSP SEIR, implementation of Mitigation Measure 4.13-7b would reduce impacts related to overcapacity traffic conditions, but would still remain significant and unavoidable because the City cannot control the timing of the improvements as they fall outside of their immediate control.

The following mitigation measure incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

Mitigation Measure TRANS 4.13-7b: *The Applicant shall pay the applicable City TIF, County TIF, SICOG RTF, the JPA TIF, and any other applicable transportation fees that may be in place when individual projects are processed under the THSP in accordance with applicable laws and regulations. [This is Mitigation Measure 4.13-7b in the THSP SEIR]*

While the trip generation with the proposed Project is less than the approved THSP SEIR, the trip distribution is different because land uses that would otherwise be generating jobs would be replaced by residential housing units. The trip generation for buildout of the THSP would be less than previously anticipated because the traffic volumes associated with implementation of the proposed Project would be less than previously analyzed in the THSP SEIR. Thus, the impacts to the circulation system would be less intense than previously analyzed in the THSP SEIR. As shown in Table 4: Trip Generation, the trip generation comparison, the Project would generate less trips in both the a.m. and p.m. peak hours compared to the previously approved THSP. None of the identified intersection improvements in Table 4.13-68 of the THSP SEIR are anticipated to change nor are any new mitigation measures required as an implementation of the proposed Project. Under cumulative conditions, implementation of the proposed Project would generate less trips in both the a.m. and p.m. peak hours compared to the previously approved THSP. The Project Applicant would still be required to pay the applicable transportation fees as identified in Mitigation Measure TRANS 4.13-7b. In addition, the Project Applicant would be required to provide access to the Project site consistent with city standards and the City of Tracy TMP in effect at the time of Project approval. With implementation of Mitigation Measure TRANS 4.13-7b, impacts would not be any greater than previously analyzed in the THSP SEIR. Thus, the proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. .

Threshold (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?

As identified in the previously certified THSP SEIR, the THSP complies with the San Joaquin Congestion Management Program (CMP) and the CMP LOS standard of D or better is maintained on all the CMP routes as identified in Tables 4.13-48 and 4.13-49 in the THSP SEIR. The THSP includes a range of travel demand management (TDM) strategies that are consistent with those identified in the City's station area plans of the General Plan and the San Joaquin Council of Governments (SJCOG) TDM goals. As such, the THSP SEIR concluded that no impacts would result from implementation of the THSP.

Implementation of the proposed Project would not result in a conflict with an applicable CMP or travel demand measure as the proposed Project would generate less trips in both AM and PM peak hours compared to the previously approved THSP. Thus, the proposed changes would not result in conflict with an applicable CMP or TDM strategies any greater than previously analyzed in the THSP SEIR.

Threshold (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?

The proposed Project does not include any aviation components or structures where height would be an aviation concern. Additionally, no substantial new air traffic would be generated at the local airports in San Joaquin County as a result of the proposed Project. No associated traffic impacts would occur.

Threshold (d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

As discussed in the previously certified THSP SEIR, the City reviews each development project, and would require conformance with City standards in terms of driveway design and location, traffic controls, and other traffic engineering requirements. Since roadway and intersection designs would be required to meet the City of Tracy roadway design criteria requirements, hazard impacts are considered less than significant. The proposed Project roadway system, including facilities for vehicles (autos, trucks and buses), bicyclists and pedestrians, would also be required to be designed in conformance with the City of Tracy Transportation Master Plan, including all design guidelines contained therein, as well as in conformance with the City's standard plans. With conformance with the City standards in terms of driveway design and location, traffic controls, and other traffic engineering requirements, the proposed Project's impact on design features would be less-than-significant. This determination of less than significant impact is supported by the previously certified SEIR prepared for the THSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed.

Threshold (e) Result in inadequate emergency access?

The previously certified SEIR prepared for the THSP indicated that emergency access during buildout conditions would be significant and unavoidable as a result of future traffic congestion resulting from THSP implementation. Mitigation measures were assigned to the THSP to reduce the severity of impacts

to emergency access. Therefore, Project-specific emergency access impacts are considered less than significant. This determination of less than significant impact is supported by the previously certified SEIR prepared for the THSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Threshold (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?

As discussed in the THSP, Project applicants are required to work cooperatively with the City to modify and expand transit routes and pedestrian facilities as necessary and when feasible to efficiently accommodate demand. Projected transit route extensions were identified at the time of THSP adoption and future bus stop locations would be determined at the time of Tentative Subdivision Map approval.

The THSP includes design guidelines and elements to promote pedestrian circulation by creating pathways, linkages, and visual connections between buildings; and by including multiple connections to public sidewalks and pathways between buildings and areas throughout the THSP Area to foster connectivity. As discussed in the THSP SEIR, implementation of the THSP Project would result in potentially significant impacts to bicycle and pedestrian modes when developed. The THSP Area would include pedestrian and bicycle facilities internal to the THSP Area and that connect to the existing pedestrian system via street frontage improvements that include sidewalks and bicycle paths. Impacts were found to be less-than-significant. As identified in the THSP SEIR, implementation of Mitigation Measure 4.13-2 would require compliance with Policy P4 and P6 under General Plan Policy CIR-3 so that the bicycle and pedestrian improvement connections would connect from the THSP to the Citywide Network. However, impacts were still found to be significant and unavoidable.

The following mitigation measure incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

Mitigation Measure TRANS 4.13-2: To achieve compliance with CIR-3 Policy P4 and P6, the bicycle and pedestrian improvement connections from the THSP to the Citywide Network shall be implemented when the roadway infrastructure is required as determined at approval of each final map or issuance of building permits by the City Engineer. The pedestrian and bicycle facilities are included in the City of Tracy's typical cross sections and in the City TIF. Bicycle and pedestrian facilities within the THSP area shall be implemented with each building permit application/final map approval. Widening Corral Hollow Road and constructing and widening Lammers Road shall be in place when the project generates 2,588 AM peak hour trips. *[This is Mitigation Measure 4.13-2 in the THSP SEIR]*

Under cumulative conditions (Phase 1a + the proposed Project), the buildout of the THSP would generate less trips in both the a.m. and p.m. peak hours compared to the previously approved THSP. Under cumulative conditions, the buildout of the THSP would generate approximately 1,647 a.m. peak trips, which would be below the 2,588 a.m. peak hour trip threshold identified in Mitigation Measure TRANS 4.13-2. However, the proposed Project would still be required to achieve compliance with CIR-3 Policy P4 and P6 to improve bicycle and pedestrian improvement connections from THSP to the Citywide Network

when the road infrastructure is required as determined at approval of each final map or issuance of building permits by the City Engineer. Thus, the proposed Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities any greater than already analyzed in the THSP SEIR. The proposed Project's impact would be less than previously analyzed in the THSP, however buildout of THSP would still remain significant and unavoidable in this regard, consistent with the effects of implementation of the THSP.

Cumulative Impacts

Under Cumulative Conditions the City of Tracy Transportation Master Plan (TMP) Roadway improvements are assumed to be in place. The Trip Generation results in Table 4: Trip Generation indicate cumulative conditions consistency between the proposed Project and the THSP SEIR. Project applicants would also pay the City of Tracy Traffic Impact Fees to fund the Cumulative Improvements identified in the City Transportation Master Plan to offset potential cumulative impacts.

Project applicants would also be required to implement the Mitigation Measures identified above from the certified THSP SEIR. Cumulative Project impacts would be considered Significant and Unavoidable since the proposed Project would contribute to the cumulative significant and unavoidable impacts previously identified in the THSP SEIR. Additional environmental review is not required since this impact was addressed and would not exacerbate the previously identified impacts in the THSP SEIR.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

RESPONSES TO CHECKLIST QUESTIONS

a – c. 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 through the application of uniformly applied development policies and/or standards that were not already anticipated in the THSP SEIR. The proposed Project is required to implement a range of standard and uniformly applied development policies and standards, as well as any previously identified mitigation measures, all of which are identified in the previously certified THSP SEIR, which would reduce the majority of potentially significant impacts to a less than significant level. The cumulative impacts associated with development of the proposed Project were considered and found not to be cumulatively considerable. Further, cumulative impacts of the proposed Project would be consistent with those analyzed and disclosed in the previously certified THSP SEIR. The proposed Project would not result in any cumulative impacts that were not contemplated in the previously certified THSP SEIR. The proposed Project would not result in any peculiar site-specific impacts, impacts to biological resources or impacts to cultural and/or historical resources that were not contemplated in the previously certified THSP SEIR. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed.

DETERMINATION OF APPROPRIATE CEQA DOCUMENTATION

Section 15162 – Subsequent EIRs and Negative Declarations

- (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one of more of the following:
- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The City of Tracy proposes to implement the Amendment within the context of the THSP, as described in this Addendum. As discussed in the Environmental Impact Analysis section of this Addendum, no new or substantially more severe significant environmental effects beyond what was evaluated in the THSP SEIR would occur. Additionally, the minor revisions to MM 4.4-3b, MM 4.8-2a, and MM 4.12-3 in the THSP SEIR would not create new significant environmental effects or create a substantial increase in the severity of previously identified significant effects.

- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

As documented herein, no circumstances associated with the location, type, setting, or operations of the proposed Amendment have substantively changed beyond what was evaluated in the THSP SEIR; and none of the proposed Amendment elements would result in new or substantially more severe significant environmental effects than previously identified. Additionally, the minor revisions to MM 4.4-3b, MM 4.8-2a, and MM 4.12-3 in the THSP SEIR would not create new significant environmental effects or create a substantial increase in the severity of previously identified significant effects. No major revisions to the Tracy Hills Specific Plan SEIR are required.

- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant environmental effects not discussed in the previous EIR or negative declaration;

No new significant environmental effects beyond those addressed in the Tracy Hills Specific Plan SEIR were identified. Additionally, the minor revisions to MM 4.4-3b, MM 4.8-2a, and MM 4.12-3 in the THSP SEIR would not create significant environmental effects or create a substantial increase in the severity of previously identified significant effects.

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR.

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

No mitigation measures or alternatives were found infeasible in the certified THSP SEIR. Additionally, the minor revisions to MM 4.4-3b, MM 4.8-2a, and MM 4.12-3 in the THSP SEIR would not create significant environmental effects or create a substantial increase in the severity of previously identified significant effects.

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

No other mitigation measures or feasible alternatives have been identified that would substantially reduce significant impacts. Additionally, the minor revisions to MM 4.4-3b, MM 4.8-2a, and MM 4.12-3 in the THSP SEIR would not create significant environmental effects or create a substantial increase in the severity of previously identified significant effects.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subsection (a). Otherwise, the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subsection (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation, no other Responsible Agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

None of the conditions listed in subsection (a) would occur as a result of the proposed Amendment. No subsequent EIR is required.

Section 15164 – Addendum to an EIR or Negative Declaration

(a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

As described above, none of the conditions described in the State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR have occurred.

- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

None of the conditions described in Section 15162 calling for preparation of a subsequent EIR would occur as a result of the proposed Amendment. Additionally, the minor revisions to MM 4.4-3b, MM 4.8-2a, and MM 4.12-3 in the THSP SEIR would not create significant environmental effects or create a substantial increase in the severity of previously identified significant effects. Therefore, an Addendum to the certified Final SEIR is the appropriate CEQA document for the proposed Amendment.

- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.

This Addendum will be attached to the Final SEIR and maintained in the administrative record files at the City of Tracy.

- (d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

The City of Tracy will consider this Addendum with the Final SEIR prior to making a decision on the proposed Amendment.

- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

This document provides substantial evidence for City of Tracy records to support the preparation of this Addendum for the proposed Amendment.

CONCLUSION

This Addendum has been prepared in accordance with the provisions of the State CEQA Guidelines to document the finding that none of the conditions or circumstances that would require preparation of a subsequent EIR, pursuant to Sections 15162 and 15164 of the State CEQA Guidelines, exist in connection with the proposed Amendment. No major revisions would be required to the Tracy Hills Specific Plan SEIR prepared for the City of Tracy as a result of the proposed Specific Plan Amendment. No new significant environmental impacts have been identified. Since the certification of the Final EIR, there has been no new information showing that mitigation measures or alternatives once considered infeasible are now feasible, or showing that there are feasible new mitigation measures or alternatives substantially different from those analyzed in the EIR that the City declined to adopt. Additionally, the minor revisions to MM 4.4-3b, MM 4.8-2a, MM 4.12-3 in the THSP SEIR would not create significant environmental effects or create a substantial increase in the severity of previously identified significant effects. Therefore,

preparation of a subsequent EIR is not required and the appropriate CEQA document for the proposed Amendment is this Addendum to the City of Tracy THSP SEIR. No additional environmental analysis or review is required for the proposed Specific Plan Amendment. This document will be maintained in the administrative record files at City of Tracy City Hall.

MITIGATION, MONITORING, AND REPORTING PROGRAM

A number of mitigation measures required to avoid and reduce potentially significant adverse impacts of the proposed THSP Project. Mitigation measures from the EIR prepared for the THSP SEIR are applicable to the proposed Project. To mitigate the proposed Project’s impacts, the mitigation measures listed below would be implemented as part of the proposed Project. This Amendment includes text edits to Mitigation Measures (MM) 4.4-3b, MM 4.8-2a, and MM 4.12-3. Changes are provided in revision marks with underline for new text and ~~strike out for deleted text~~.

Mitigation, Monitoring, and Reporting Program

Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/ Reporting Method
Aesthetics	<p>Mitigation Measure AES 4.1-1: The THSP contains design guidelines and landscaping standards (Tracy Hills Specific Plan, pages 3-1 through 3-96) which have been implemented in the Phase 1a Vesting Tentative Map (Figure 3-12, Phase 1a Vesting Tentative Map), and which would be required on individual, site-specific developments within the THSP. These measures would ensure that development within the Project Area is aesthetically pleasing and is compatible with current development in the City of Tracy. Beyond these measures, there is no feasible mitigation. [This is Mitigation Measure 4.1-1 in the THSP SEIR]</p>	Prior to construction.	Development Services, Planning	Compliance with project conditions of approval.
	<p>Mitigation Measure AES 4.1-2: The THSP contains design guidelines and landscaping standards (Tracy Hills Specific Plan, pages 3-1 through 3-96) which have been implemented in the Phase 1a Vesting Tentative Map (Figure 3-12, Phase 1a Vesting Tentative Map), and which would be required on individual, site specific development within the THSP. These measures would ensure that development within the THSP Project Area is aesthetically pleasing and is compatible with current development in the City of Tracy. Beyond these measures, there is no feasible mitigation. [This is Mitigation Measure 4.1-2 in the THSP SEIR]</p>	Prior to construction.	Development Services, Planning	Compliance with project conditions of approval.
	<p>Mitigation Measure AES 4.1-3: The THSP contains design guidelines and landscaping standards (Tracy Hills Specific Plan, pages 3-1 through 3-96) which would be required on individual, site specific development within the THSP. These measures would ensure that development within the THSP Project Area is aesthetically pleasing and is compatible with current development in the City of Tracy. Beyond these measures, there is no feasible mitigation. [This is Mitigation Measure 4.1-3 in the THSP SEIR]</p>	Prior to construction.	Development Services, Planning	Compliance with project conditions of approval.
	<p>Mitigation Measure AES 4.1-4: To decrease light spillage and glare to the maximum extent practicable, all individual developments under the THSP shall be required to:</p> <ul style="list-style-type: none"> • 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 on to public rights-of-way or adjacent residential property, consistent with City standards. [This is Mitigation Measure 4.1-4 in the THSP SEIR] 	Prior to inspection.	Development Services, Engineering	Construction inspection.
	<p>Mitigation Measure AES 4.1-5: The THSP contains design guidelines and landscaping standards (Tracy Hills Specific Plan, pages 3-1 through 3-96) which would be required on individual, site specific development within the THSP. These measures would ensure that development within the THSP Project Area is aesthetically pleasing and is compatible with current development in the City of Tracy. Beyond these measures, there is no feasible mitigation. [This is Mitigation Measure 4.1-5 in the THSP SEIR]</p>	Prior to construction.	Development Services, Planning	Compliance with project conditions of approval.
Agricultural and Forestry Resources	<p>Mitigation Measure AG 4.2-1: As part of the development process for individual site-specific development projects, the agricultural mitigation fee adopted by the City shall be paid for each acre of Prime Farmland to be developed. The fees shall be</p>	Prior to construction.	Development Services, Planning	Compliance with project conditions of approval.

Mitigation, Monitoring, and Reporting Program

Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method
	<p>collected by the City at the time building permits are issued for such site-specific development projects, or as otherwise required by the City.</p> <p>The majority of the 2,200 acres identified as Farmland of Local Importance has historically been utilized as grazing land with no infrastructure in place to irrigate and actively farm. For the portion of the 2,200 acres of Farmland of Local Importance historically utilized as grazing land, the Project established a conservation easement to ensure that over 3,500 acres of grazing land would be preserved in perpetuity. The recording of this conservation easement on 3,500 acres of open space has been identified as a Project Design Feature that has been implemented. For any of the 2,200 acres of Farmland of Local Importance that has been actively farmed, the City's adopted agricultural mitigation fee shall be paid for each acre of Farmland of Local Importance to be developed. The fees shall be collected by the City at the time building permits are issued for such site-specific development projects, or as otherwise required by the City. Though the City's Municipal Code identifies the Tracy Hills site as exempt from the City's adopted fee, the Project Applicant has agreed to payment of the fee as described within this mitigation measure. [This is Mitigation Measure 4.2-1 in the THSP SEIR]</p> <p>Mitigation Measure AG 4.2-2: As construction occurs along the Project Area boundary, buffers such as roadways, conservation easements, building setbacks, and parking areas, shall be required prior to occupancy of those structures, in compliance with General Plan Policy OSC-2.2 [This is Mitigation Measure 4.2-2 in the THSP SEIR]</p> <p>Mitigation Measure AG 4.2-3: As part of the development process for individual site-specific development projects, the agricultural mitigation fee adopted by the City shall be paid for each acre of Prime Farmland to be developed. The fees shall be collected by the City at the time building permits are issued for such site-specific development projects, or as otherwise required by the City.</p> <p>The majority of the 2,200 acres identified as Farmland of Local Importance has historically been utilized as grazing land with no infrastructure in place to irrigate and actively farm. For the portion of the 2,200 acres of Farmland of Local Importance historically utilized as grazing land, the Project established a conservation easement to ensure that over 3,500 acres of grazing land would be preserved in perpetuity. The recording of these conservation easements on 3,500 acres of open space has been identified as a Project Design Feature that has been implemented. For any of the 2,200 acres of Farmland of Local Importance that has been actively farmed, the City's adopted agricultural mitigation fee shall be paid for each acre of Farmland of Local Importance to be developed. The fees shall be collected by the City at the time building permits are issued for such site-specific development projects, or as otherwise required by the City. Though the City's Municipal Code identifies the Project site as exempt from the City's adopted fee, the Project Applicant has agreed to payment of the fee as described within this mitigation measure. [This is Mitigation Measure 4.2-3 in the THSP SEIR]</p>	<p>Prior to and during construction.</p> <p>Prior to construction</p>	<p>Development Services, Engineering, Planning</p> <p>Development Services, Planning</p>	<p>Compliance with project conditions of approval.</p> <p>Compliance with project conditions of approval.</p>

Mitigation, Monitoring, and Reporting Program

Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/ Reporting Method
	<p>1, 2015, encourage the use of equipment over 50 horsepower that are on-site for more than 5 days to meet the Tier 4 standards, if available and feasible. A list of construction equipment by type and model year shall be maintained by the construction contractor onsite, which shall be available for City review upon request.</p> <ul style="list-style-type: none"> • Use of alternative-fueled or catalyst-equipped diesel construction equipment, if available and feasible; and • Clearly posted signs that require operators of trucks and construction equipment to minimize idling time (e.g., 5-minute maximum). • Properly and routinely maintain all construction equipment, as recommended by manufacturer's manuals, to control exhaust emissions. • Use electric equipment for construction whenever possible in lieu of fossil fuel-fired equipment. [This is Mitigation Measure 4.3-1b in the THSP SEIR] <p>Mitigation Measure AQ 4.3-1c: Prior to the issuance of any grading permit, the City shall confirm that the Project complies with the SJVAPCD Rule 9510, Indirect Source (ISR). If feasible measures are not available to meet the emissions reductions targets outlined in Rule 9510, then Project applicants shall pay an in-lieu mitigation fee to the SJVAPCD to offset the Project's emissions-related impacts, or coordinate with the SJVAPCD to implement a Voluntary Emission Reduction Agreement (VERA). If in-lieu fees are required, Project applicants shall coordinate with the SJVAPCD to calculate the amount of the fees required to offset the Project's impacts. The applicant shall document, to the City's reasonable satisfaction, its compliance with this mitigation measure. [This is Mitigation Measure 4.3-1c in the THSP SEIR]</p> <p>Mitigation Measure AQ 4.3-2: Prior to issuance of building permits, each applicant for individual site specific developments under the THSP shall demonstrate compliance with SJVAPCD Rule 9510, Indirect Source Review (ISR) or implementation of a Voluntary Emission Reduction Agreement (VERA). Project applicants shall coordinate with the SJVAPCD to ensure that the Project meets the requirements of SJVAPCD Rule 9510 or implements a VERA. If feasible reduction measures are not available to meet the emissions reductions targets as established by the SJVAPCD, then Project Applicants shall pay an in-lieu mitigation fee to the SJVAPCD to offset the Project's emissions-related impacts. If in-lieu fees are required, Project Applicants shall coordinate with the SJVAPCD to calculate the amount of the fees required to offset the Project's impacts. [This is Mitigation Measure 4.3-2 in the THSP SEIR]</p> <p>Mitigation Measure AQ 4.3-4a: New sensitive land uses including residential, hospital, medical offices, and day care facilities located within 500 feet of the I-580 freeway shall be designed to include air filtration systems with efficiencies equal to or exceeding a Minimum Efficiency Reporting Value (MERV) 13 (or equivalent system) as defined by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2. The average particle size efficiency (PSE) removal based on ASHRAE Standard 52.2 for MERV 13 is approximately 75 percent for 0.3 to 1.0 µg/m³ (DPM) and 90 percent for 1.0 to 10 µg/m³ (PM₁₀ and PM_{2.5}). [This is Mitigation Measure 4.3-4a in the THSP SEIR]</p> <p>Mitigation Measure AQ 4.3-4b: New sensitive land uses including residential, hospital, medical offices, and day care facilities shall not be located closer than 1,000 feet from any existing or proposed distribution center/warehouse facility which generates a minimum of 100 truck trips per day, or 40 truck trips with transport refrigeration units (TRUs) per day, or TRU operations exceeding 300 hours per week, pursuant to the recommendations set forth in the CARB Air Quality and Land Use Handbook. If new sensitive land uses cannot meet this setback, they shall be designed and conditioned to include mechanical ventilation</p>	<p>Prior to issuance of grading permit.</p> <p>Prior to issuance of building permit.</p> <p>Prior to issuance of building permit</p> <p>Prior to site plan approval, prior to building permit issuance if high efficiency air filters required</p>	<p>Development Services, Engineering</p> <p>Development Services, Engineering</p> <p>Development Services, Engineering</p> <p>Development Services, Engineering</p>	<p>Review construction specifications materials and retain for administrative record, Conduct site inspections</p> <p>Review construction specifications materials and retain for administrative record, Conduct site inspections</p> <p>Review construction specifications materials and retain for administrative record, Conduct site inspections</p> <p>Review construction specifications materials and retain for administrative record, Conduct site inspections</p>

Mitigation, Monitoring, and Reporting Program

Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method
	<ul style="list-style-type: none"> The relocation of SJKF would require an ITP per Section 2081 of the Fish and Game Code. If SJKF individuals or dens are discovered, all work within Area C in the vicinity of the discovery shall halt and not continue until CDFW has been consulted and appropriate authorization obtained. [This is Mitigation Measure 4.4-1c in the THSP SEIR] <p>Mitigation Measure BIO 4.4-1d: During construction, temporary disturbances and Project-related vehicle traffic will be restricted to established roads, construction areas, and other designated lands. Also during construction:</p> <ol style="list-style-type: none"> Project-related construction vehicles will observe a daytime speed limit of 20-mph, except on County roads and State and Federal highways. Night-time construction will be minimized to the greatest extent feasible. However if it does occur, then the speed limit will be reduced to 10-mph. Project-related, non-ranch operations off-road traffic outside of designated Project areas that are undergoing construction will be prohibited. To prevent inadvertent entrapment of small mammals, including SJKF, during construction, excavated, steep-walled holes or trenches more than 2-feet deep will be covered at the close of each working day by plywood or similar materials. Each excavation shall contain at least one ramp, with long trenches at least one ramp shall be placed every .25 mile. Slope of ramps shall be no steeper than 1:1. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks will be installed. Before such holes or trenches are filled, they will be thoroughly inspected for trapped wildlife. If at any time a trapped or injured SJKF is discovered, the USFWS and the CDFW will be contacted immediately to attempt to relocate and/or collar the SJKF. Escape ramps shall also be installed immediately to allow trapped animals to escape. Construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored within Project limits for one or more overnight periods will be thoroughly inspected for any SJKF before the pipe is subsequently buried, capped, or otherwise used or moved. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS and CDFW has been consulted. If necessary, and under the direct supervision of a biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped. All food, garbage in plastic shall be disposed of in closed containers and regularly removed from the site to minimize attracting SJKF and other sensitive species to the site. Use of rodenticides and herbicides within Project limits will be restricted. Uses of such compounds will observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS and CDFW. If rodent control must be conducted, zinc phosphide or an equivalent material will be used because of a lower adverse health risk to kit fox. No dogs, cats or other animals shall be permitted on the Project Site. Developer shall provide a sensitive species identification and avoidance education program for all construction employees that consists of a consultation in which persons knowledgeable in kit fox biology and legislative protection to explain endangered species protocols, habitat needs and the measures and conditions of approval being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to all contractors, their employees, and any and all other personnel who are working on the construction site. [This is Mitigation Measure 4.4-1d in the THSP SEIR] 	<p>During construction.</p>	<p>Development Services, Engineering, Planning</p>	<p>Compliance with project conditions of approval.</p>

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	<p>determined to be unoccupied, and backfilled to ensure that animals do not reenter. [This is Mitigation Measure 4.4-1i in the THSP SEIR]</p> <p>Mitigation Measure BIO 4.4-1j: To avoid the potential for disturbance of nesting birds on or near the Project Site, schedule the initiation of any vegetation removal and grading for the period of September 1 through February 15. If construction work cannot be scheduled during this period, a qualified biologist shall conduct pre-construction surveys for nesting birds according to the following guidelines:</p> <ol style="list-style-type: none"> 1. The preconstruction surveys shall be conducted by the qualified biologist no later than 14 days prior to the start of vegetation removal or initiating project grading. 2. If birds protected under the Migratory Bird Treaty Act are found nesting, then appropriate construction buffers shall be established to avoid disturbance of the nests until such time that the young have fledged. The size of the nest buffer shall be determined by the biologist in consultation with CDFW, and shall be based on the nesting species, its sensitivity to disturbance, and expected types of disturbance. Typically, these buffers range from 75 to 250 feet from the nest location. 3. Nesting activities shall be monitored periodically by a qualified biologist to determine when construction activities in the buffer area can resume. 4. Once the qualified biologist has determined that young birds have successfully fledged, a monitoring report shall be prepared and submitted to the City of Tracy Development Services for review and approval prior to initiating construction activities within the buffer area. The monitoring report shall summarize the results of the nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds. Construction within the designated buffer area shall not proceed until the written authorization is received by the applicant from the Development Services Director. The above provisions are in addition to the preconstruction surveys to confirm presence or absence of nesting Swainson's hawk, burrowing owl, and other special-status species as required under the Incidental Take Minimization Measures of the SJMSCP. [This is Mitigation Measure 4.4-1j in the THSP SEIR] <p>Mitigation Measure BIO 4.4-1k: In order to comply with Section 10 of the Migratory Bird Treaty Act and relevant sections of the California Fish and Game Code, any vegetation clearing within the Project Site shall take place outside of the typical avian nesting season (e.g., February 1st until September 1st) to the maximum extent practical. If work needs to take place between February 1st and September 1st, a pre-construction survey for nesting birds should be completed prior to the onset of Project activities. If a lapse in Project activity occurs for 7 days or more during the bird nesting season than initial avian clearance surveys shall be repeated. A buffer zone from occupied nests should be maintained during physical ground disturbing activities. Once nesting has ended, the buffer may be removed. [This is Mitigation Measure 4.4-1k in the THSP SEIR]</p> <p>Mitigation Measure BIO 4.4-1l: Prior to construction, the Project applicant will stake, flag, fence or otherwise conspicuously delineate all environmentally sensitive areas that are to be protected in place and remain undisturbed during construction. Environmentally sensitive areas would include wetland, riparian habitat, aquatic habitat, raptor nesting locations, etc. The construction materials used to delineate environmentally sensitive areas would be removed no later than 30 days following physical completion of construction. [This is Mitigation Measure 4.4-1l in the THSP SEIR]</p>	<p>Prior to and during construction.</p>	<p>Development Services, Engineering, Planning</p>	<p>Compliance with project conditions of approval.</p>
		<p>Prior to and during construction.</p>	<p>Development Services, Engineering, Planning</p>	<p>Compliance with project conditions of approval.</p>

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	<p>Mitigation Measure BIO 4.4-1m: The discovery of any previously unidentified protected species that are not covered by the SJMSCP, including those protected under the MBTA and the Fish and Game Code, shall be avoided and evaluated by a qualified biologist during surveys. The USFWS and CDFG shall be notified of the presence of any previously unreported protected species. Any anticipated take of protected wildlife shall be reported immediately to the USFWS and CDFG. [This is Mitigation Measure 4.4-1m in the THSP SEIR]</p> <p>Mitigation Measure BIO 4.4-1n: Prior to commencement of ground disturbing activities in areas of potentially suitable habitat to support Western spadefoot toad, pre-activity clearance surveys shall be initiated by a qualified biologist to reinforce positive or negative findings with substantial evidence.</p> <ol style="list-style-type: none"> For work conducted within suitable habitat and during the western spadefoot toad migration and breeding season (November 1 to May 31), a qualified biologist will survey the active work areas (including access roads) in mornings following measurable precipitation events. Construction may commence once the biologist has confirmed that no spadefoot toads are in the work area. If western spadefoot toad is found within the construction footprint, it will be allowed to move out of harm's way of its own volition or a qualified biologist will relocate the organism to the nearest burrow that is outside of the construction impact area. [This is Mitigation Measure 4.4-1n in the THSP SEIR] <p>Mitigation Measure BIO 4.4-1o: Prior to commencement of ground disturbing activities in areas of potentially suitable habitat to support American Badger, pre-activity clearance surveys shall be initiated by a qualified biologist to reinforce positive or negative findings with substantial evidence. If American badger is located within the Project Site, potential loss of individual animals must be mitigated through one of the following: (1) an on-site passive relocation program, through which badgers are excluded from occupied burrows by installation of a one-way door in burrow entrances, monitoring of the burrow for one week to confirm badger usage has been discontinued, and hand excavation and collapse of the burrow to prevent reoccupation; or (2) active trapping and relocation of badgers to suitable off-site habitat by a qualified biologist. [This is Mitigation Measure 4.4-1o in the THSP SEIR]</p> <p>Mitigation Measure BIO 4.4-1p: The Project applicant shall execute a management and funding agreement for the managing and monitoring of one hundred percent of the approximately 3,500 acre open space preserve subject to the three conservation easements discussed in this Section, which shall occur before the commencement of any ground disturbing activities in Area C. (Note Areas A and B are already subject to a management and funding agreement and therefore this Measure applies to Area C.) [This is Mitigation Measure 4.4-1p in the THSP SEIR]</p> <p>Mitigation Measure BIO 4.4-3a: The project area includes numerous small episodic drainage features. If adverse effects to them cannot be avoided, then the Project shall notify the appropriate regulatory agency (i.e., USACE, CDFW and RWQCB) prior to impacting the feature, to comply with the requisite permitting requirements.</p> <ol style="list-style-type: none"> Section 401 of the CWA requires a water quality certification for discharges and/or adverse impacts to regulated waterways and aquatic environments. The RWQCB is empowered to enforce this regulation through the Water Quality Certification Program. For this Project, activities may require a CWA Section 401 Water Quality Certification (WQC). 	<p>Prior to and during construction.</p>	<p>Development Services, Engineering, Planning</p> <p>Development Services, Engineering, Planning</p> <p>Development Services, Planning</p> <p>Development Services, Engineering, Planning</p> <p>Development Services, Engineering, Planning</p>	<p>Compliance with project conditions of approval.</p>

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Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method
		Prior to construction.	Development Services, Planning	Compliance with project conditions of approval.
		Prior to construction.	Development Services, Planning	Compliance with project conditions of approval.
		Prior to and during construction.	Development Services, Engineering, Planning	Compliance with project conditions of approval.
Cultural Resources	<p>Mitigation Measure CUL 4.5-1b: Construction Personnel Training Construction supervisory personnel shall be notified of the existence of cultural resources and required to keep personnel and equipment away from these areas. A qualified archeologist (see definition under MM 4.5-1a) shall be notified prior to initiation of construction activities. During construction and operations, personnel and equipment shall be restricted to the project work site. [This is Mitigation Measure 4.5-1b in the THSP SEIR]</p> <p>Mitigation Measure CUL 4.5-2a: Training and Reporting Prior to the initiation of disturbing activities associated with the Project area, all construction personnel shall be alerted to the potential for encountering buried or unanticipated cultural and paleontological remains, including prehistoric and/or historical resources. Construction personnel shall be instructed that upon discovery of buried cultural materials, all work within a 30 meter vicinity of the find will be halted immediately, and the Lead agency will be notified. Once the find has been identified by a qualified archaeologist, the lead agency shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the find is found to be an historical resource per State CEQA Guidelines as discussed in Section 4.5.4.2. [This is Mitigation Measure 4.5-2a in the THSP SEIR]</p> <p>Mitigation Measure CUL 4.5-2b: Human Remains If human remains are encountered during ground disturbing activities, all work within a 30 meter vicinity of the find will be halted immediately, and the City of Tracy and the San Joaquin County Coroner shall be notified. If the remains are determined to be Native American, the Native American Heritage Commission shall be notified within 24 hours as required by Public Resources Code §5097.94 and §5097.98. The Native American Heritage Commission shall notify the designated Most Likely Descendant(s), who will in turn provide recommendations for the treatment of the remains within 48 hours of being granted access to the find. [This is Mitigation Measure 4.5-2b in the THSP SEIR]</p> <p>Mitigation Measure CUL 4.5-3a: Paleontological Monitoring</p>	During construction.	Development Services, Engineering, Planning	Compliance with project conditions of approval.
		Prior to and during construction.	Development Services, Engineering, Planning	Compliance with project conditions of approval.
		During construction.	Development Services, Engineering	Construction inspection.

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	<p>Paleontological spot check monitoring by a trained paleontologist (a trained paleontologist should have a Bachelor of Arts/Bachelor of Science in anthropology or related field with an emphasis in paleontology OR adequate training and experience in paleontological field methods, and work under the direct supervision of a qualified paleontologist) of excavations deeper than five feet in depth within the Project area, and spot check monitoring of any excavation in valleys in the eastern portion of the Project area against the hills in several of the washes (all areas of the Oro Loma Formation as mapped on the USGS Geology Map (Dibble 2006)) shall be performed by a trained paleontologist. [This is Mitigation Measure 4.5-3a in the THSP SEIR]</p>	<p>During construction.</p>	<p>Development Services, Engineering</p>	<p>Construction inspection.</p>
<p>Geology and Soils</p>	<p>Mitigation Measure GEO 4.6-4: During excavation activities and prior to the placement of fill on the site, a certified geotechnical engineer shall be retained by the Project Applicant/future Project Applicants to evaluate subgrade soils for the extent of their expansive potential. For areas found to contain soft, potentially expansive clays, the soil shall be removed (i.e., over excavated) and/or stabilized prior to the placement and compaction of fill. Stabilization techniques include, but are not limited to, the placement of 18 inches of ½-inch to ¾-inch crushed rock over stabilization fabric (such as Mirafi 500X or equivalent), placement of larger, angular stabilization rock (1-inch to 3-inch, clean) and use of chemical treatments such as lime to reduce the soil's expansive potential. In addition, building construction alternatives, such as the use of alternative foundation types (i.e., post-tension, piles, etc.) versus end-bearing foundations, shall be considered and implemented where appropriate. Final techniques shall be (a) developed by a certified geotechnical engineer or engineering geologist and (b) reviewed and approved by the City prior to issuance of a grading permit. [This is Mitigation Measure 4.6-4 in the THSP SEIR]</p>	<p>During to and during construction.</p>	<p>Development Services, Engineering</p>	<p>Compliance with project conditions of approval.</p>
<p>Greenhouse Gas Emissions</p>	<p>Mitigation Measure GHG 4.7-1: The Project shall include, but not be limited to, the following list of design features. These features shall be incorporated into the design of the Project to ensure consistency with adopted statewide plans and programs to the extent feasible. Project applicants shall demonstrate the incorporation of design features of the Project prior to the issuance of building or occupancy permits, as noted below.</p> <p><u>Transportation</u></p> <ul style="list-style-type: none"> • Provide pedestrian connections to the off-site circulation network (building permit triggers). • For commercial uses, implement a trip reduction program, for which all employees shall be eligible to participate (occupancy permit). • Provide a ride sharing program, for which all employees shall be eligible to participate (occupancy permit). • Provide amenities for non-motorized transportation (i.e., secure bicycle storage, changing rooms, and showers) (building permit). • Provide transit shelters for all transit stops within the Project (building permit triggers and coordination with TRACER). • Include traffic calming measures at Project intersections and on roadways where feasible (tentative map). Employers shall provide parking cash-out programs for employees (100 percent of employees eligible). <p><u>Energy Efficiency</u></p> <ul style="list-style-type: none"> • Design buildings to be energy efficient and meet or exceed Title 24 requirements (per Measure E-1 of the City's Sustainability Action Plan (building permit). • Install "cool" roofs and cool pavements, and strategically placed trees as applicable. • Install high efficiency lighting, and energy efficient heating and cooling systems (building permit). • Install high energy efficient appliances (clothes washers, dishwashers, fan, and refrigerators) (occupancy permit). • Install programmable thermostats (building permit). 	<p>Prior to construction.</p>	<p>Development Services, Planning</p>	<p>Compliance with project conditions of approval.</p>

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	<ul style="list-style-type: none"> Design buildings to reduce energy use through solar orientation and take advantage of landscaping and sun screens (building permit). Reduce unnecessary outdoor lighting (building permit). <p><u>Water Conservation and Efficiency</u></p> <ul style="list-style-type: none"> Install water-efficient irrigation systems (building permit). Landscaping shall consist of drought tolerant native species with water-efficient characteristics (building permit). Comply with Municipal Code Section 21.20.050, Efficient Landscape Standards (building permit). Install water-efficient fixtures (e.g., faucets, toilets, showers) (building permit). Install infrastructure for recycled water per the City's Infrastructure Master Plan (building permits). <p><u>Solid Waste</u></p> <ul style="list-style-type: none"> Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard) (building permit). Provide interior and exterior storage areas for recyclables and adequate recycling containers located in public areas (occupancy permit). [This is Mitigation Measure 4.7-1 in the THSP SEIR] 			
Hazards and Hazardous Materials	<p>Mitigation Measure HAZ 4.8-1: Facilities that store, handle or use regulated substances as defined in the California Health and Safety Code 25532 (g) in excess of threshold quantities shall prepare and implement, as necessary, risk management plans (RMP) for determination of risks to the community. The RMP will be reviewed and approved by the San Joaquin County Environmental Health Department (EHD) through the Certified Unified Program Agencies (CUPA) process. [This is Mitigation Measure 4.8-1 in the THSP SEIR]</p> <p>Mitigation Measure HAZ 4.8-2a: Prior to issuance of grading permits, a Phase II ESA focused on soil sampling and soil vapor sampling shall be conducted near the location of the underground crude oil pipelines, as determined by a qualified Phase II/Site Characterization specialist. The sampling shall be conducted in consultation with Conoco Phillips, Shell and the San Joaquin (EHD), with regard to potential contaminated soils from pipeline leaks. Upon completion of site characterization activities, the Site Characterization specialist shall recommend remedial activities, if necessary, <u>subject to approval of the City of Tracy Engineering Division in consultation with the appropriate pipeline operators and the San Joaquin Environmental Health Department.</u> This recommendation from the Phase II ESA shall be implemented to the satisfaction of EHD. [This is Mitigation Measure 4.8-2a in the THSP SEIR]</p> <p>Mitigation Measure HAZ 4.8-2b: Prior to issuance of grading permits, the Project Applicant shall work with Conoco Phillips and Shell to implement and observe a site damage-prevention plan to the satisfaction of the City of Tracy Engineering Division. This may potentially include the following:</p> <ul style="list-style-type: none"> Designing a site development plan incorporating permanent land use over the pipeline right-of-way that minimizes the potential for damage to the lines (as discussed above, this is already an integrated plan design feature, but is listed here because it is an important component of a damage prevention plan); Prominently marking the line locations prior to site development, maintaining markings throughout the development process, and final marking after work is complete; 	<p>Prior to construction.</p> <p>Prior to construction.</p> <p>Prior to and during construction.</p>	<p>Development Services, Planning</p> <p>Development Services, Planning</p> <p>Development Services, Engineering</p>	<p>Compliance with project conditions of approval.</p> <p>Compliance with project conditions of approval.</p> <p>Compliance with project conditions of approval.</p>

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	<p>8. Avoid placing new utilities and services within the pipeline easements and minimize utility crossings over the pipeline easements to the extent feasible.</p> <p>9. Select landscaping vegetation with shallow root structures within the setback zone to avoid root structures that damage pipeline coatings.</p> <p>10. Avoid planting trees that prevent direct observation of the pipelines by aerial patrol.</p> <p>11. Use non-flammable fencing along the pipeline easement.</p> <p>12. Manage storm water runoff to prevent erosion of the pipeline bedding.</p> <p>13. Maintain access to the pipelines by pipeline personnel and first responders in the event of an emergency.</p> <p>14. Project Applicants or sales representatives shall disclose to potential occupants regarding the proximity of the natural gas and crude oil pipelines, as required in accordance with Assembly Bill 1511 – Real Property: Disclosures: Transmission Pipeline.</p> <p>15. Home Owners Associations (HOA) shall maintain an emergency contact list with phone numbers of the local police, fire department, and pipeline operators (PG&E, Chevron, Phillips 66, and Shell).</p> <p>16. Coordinate with the pipeline companies so that the property occupants are notified if excavation or maintenance activities for the pipelines are planned along the pipeline easements.</p> <p>17. Report any roadwork or underground utility work that involves digging in or near the pipelines to the pipeline companies.</p> <p>18. Report immediately any odors or leakage from the pipelines to the pipeline operator and local emergency response personnel (i.e., the Tracy Fire Department).</p> <p>19. HOAs shall maintain at an appropriate on-site location an emergency response plan that outlines emergency procedures to be followed in the event of a pipeline release.</p> <p>For additional detail refer to the September 2014 Pipeline Safety Hazard Assessment, Tracy Hills Specific Plan. [This is Mitigation Measure 4.8-4 in the THSP SEIR]</p> <p>Mitigation Measure HAZ 4.8-5: The Project Applicant shall secure all necessary approvals through the California Department of Education and Department of Toxic Substances Control for the proposed school site in THSP Phase 1. [This is Mitigation Measure 4.8-5 in the THSP SEIR]</p> <p>Mitigation Measure HAZ 4.8-6: The proposed retention basins have been designed and constructed in accordance with the recommendations outlined in the Federal Aviation Administration Advisory Circular No. 150/5200-33B to control hazardous wildlife. In the event that the basins do not have a drawdown time of 48 hours following a storm event, the Project Applicant shall fund and the City shall use physical barriers, such as bird balls, wires, grids, pillows or netting, to prevent access of hazardous wildlife to open water and minimize aircraft-wildlife interactions which shall be approved and inspected by the City. In addition, all vegetation in or around the basins that provide food or cover for hazardous wildlife should be eliminated. [This is Mitigation Measure 4.8-6 in the THSP SEIR]</p> <p>Refer to Mitigation Measure LU 4.10-1 in Section X, Land Use.</p>	<p>Prior to construction.</p> <p>Prior to construction.</p> <p>Prior to construction.</p>	<p>Development Services, Planning</p> <p>Development Services, Planning</p> <p>Development Services, Planning</p>	<p>Compliance with project conditions of approval.</p> <p>Compliance with project conditions of approval.</p> <p>Compliance with project conditions of approval.</p>

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	<p>Refer to Mitigation Measures PSR 4.12-1, 4.12-2, and 4.12-3 in Section XII, Public Services and Utilities.</p> <p><i>To mitigate the fire protection hazards associated with wildland fires, the Applicant shall:</i></p> <p>Mitigation Measure HAZ 4.8-8a: Provide a 100-foot firebreak between developed areas and any land that is covered with flammable materials such as grass, brush, or forest covered land, including conservation easements (including but not limited to CE 1, CE 2, and CE 3), but excluding conservation corridors. Grasses or weeds including the conservation corridor, that can be expected to burn shall be cattle grazed, disked or mowed to a height of no more than 4 inches pursuant to the terms of the adopted Preserve Management Plan (dated October 2011), and in accordance with City of Tracy Municipal Code in order to minimize the amount of fuel to sustain or allow the spread of fire. [This is Mitigation Measure 4.8-8a in the THSP SEIR]</p> <p>Mitigation Measure HAZ 4.8-8b: Provide fire department access to all easement corridors and conservation easements (including but not limited to CE 1, CE 2, and CE 3) for the purpose of suppressing wildland fires outside of firebreaks. [This is Mitigation Measure 4.8-8b in the THSP SEIR]</p> <p>Mitigation Measure HAZ 4.8-8c: All new buildings that are located on the south side of I-580 and immediately adjacent to conservation easements (including but not limited to portions of CE 1, Southern CE 2, and CE 3) shall include measures that increase the likelihood that a structure would withstand intrusion by fire. This shall be accomplished by constructing those buildings on the edge of development to the standards of the California Building Code, Chapter 7A, Building and Construction Methods for Exterior Wildfire Exposure. [This is Mitigation Measure 4.8-8c in the THSP SEIR]</p>	<p>Prior to and during construction.</p>	<p>Development Services, Engineering</p> <p>Development Services, Engineering, Planning</p> <p>Development Services, Engineering</p> <p>Development Services, Engineering, Planning</p>	<p>Compliance with project conditions of approval.</p>
Hydrology and Water Quality	<p>Mitigation Measure HYDRL 4.9-1a: Prior to issuance of a grading or building permit, whichever occurs first, all Project Applicants shall demonstrate to the City of Tracy compliance with NPDES General Construction Activities Storm Water Permit Requirements established by the Clean Water Act (CWA), including the preparation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall identify 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 comply with the most current standards established by the Central Valley RWQCB. Best Management Practices shall be selected from a menu according to site requirements and shall be subject to approval by the City Engineer and Central Valley RWQCB. [This is Mitigation Measure 4.9-1a in the THSP SEIR]</p> <p>Mitigation Measure HYDRL 4.9-1b: Prior to issuance of a grading or building permit, whichever occurs first, all Project Applicants shall submit to the City Engineer for review a draft copy of the Notice of Intent (NOI) and SWPPP. After approval by the City, the NOI and SWPPP shall be sent to the State Water Resources Control Board for approval. [This is Mitigation Measure 4.9-1b in the THSP SEIR]</p> <p>Mitigation Measure HYDRL 4.9-2: All Project Applicants shall submit and obtain City approval of a drainage plan to the City of Tracy for on-site post-construction BMP drainage improvements consistent with the Tracy Hills Storm Drain Master Plan. Once City approval is received, all Project Applicants shall construct the drainage improvements as necessary and in accordance with the timing described in the Tracy Hills Storm Drain Master Plan. [This is Mitigation Measure 4.9-2 in the THSP SEIR]</p> <p>Mitigation Measure HYDRL 4.9-3: All Project Applicants shall implement the following measures:</p>	<p>Prior to construction.</p> <p>Prior to construction.</p> <p>Prior to and during construction.</p>	<p>Development Services, Engineering, Planning</p> <p>Development Services, Engineering</p> <p>Development Services, Engineering, Planning</p>	<p>Compliance with project conditions of approval.</p> <p>Compliance with project conditions of approval.</p> <p>Compliance with project conditions of approval.</p>

Mitigation, Monitoring, and Reporting Program

Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method
	<p>construction activities, as well as provide a contact name and a telephone number where residents can inquire about the construction process and register complaints.</p> <ul style="list-style-type: none"> The Contractor shall provide evidence that a construction staff member would be designated as a Noise Disturbance Coordinator and would be present on-site during construction activities. The Noise Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall notify the City within 24-hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Planning Division. All notices that are sent to residential units immediately surrounding the construction site and all signs posted at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator. During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers. Construction activities shall occur between the hours of 7:00 AM and 10:00 PM daily pursuant to Section 9.12.030 and Section 4.12.820 of the Tracy Municipal Code. [This is Mitigation Measure 4.11-1 in the THSP SEIR] <p>Mitigation Measure NOI 4.11-3a: Prior to issuance of any Building Permit, the Project applicant shall demonstrate, to the satisfaction of the City of Tracy, compliance with the following:</p> <ul style="list-style-type: none"> To the extent possible, all mechanical equipment shall be oriented away from the nearest noise sensitive receptors; and All mechanical equipment shall be screened and enclosed to minimize noise or the equipment shall be factory rated at a noise level that would comply with the noise limits set forth in the City's Municipal Code. [This is Mitigation Measure 4.11-3a in the THSP SEIR] <p>Mitigation Measure NOI 4.11-3b: Where a commercial zone abuts a residential zone or residential use, all deliveries of goods and supplies; trash pick-up (including the use of parking lot trash sweepers); and the operation of machinery or mechanical equipment which emits noise levels in excess of 65 dBA, as measured from the closest property line to the equipment, shall only be allowed between the hours of 7:00 AM and 10:00 PM, unless otherwise specified in an approved conditional use permit or other discretionary approval. [This is Mitigation Measure 4.11-3b in the THSP SEIR]</p> <p>Mitigation Measure NOI 4.11-3c: All feasible sound attenuation shall be incorporated into the parking areas (i.e., landscaping and brushed driving surfaces), such that noise from parking area has been minimized to the greatest extent practicable such that parking lot noise would not exceed the standards indicated in Tracy Municipal Code Section 4.12.750 (General Sound Level Limits). [This is Mitigation Measure 4.11-3c in the THSP SEIR]</p> <p>Mitigation Measure NOI 4.11-3d: Prior to the issuance of Building Permits, any residential development within 2,040 feet of the I-580 centerline shall be designed in compliance with the California Building Code (CBC) and an Acoustical Noise Analysis shall be prepared to ensure that the City of Tracy's exterior and interior noise level standards defined in General Plan Figure 9-3, Land Use Compatibility for Community Noise Environment, are met at all residential, commercial, and recreational land uses. The analysis shall verify that residences are adequately shielded and/or located at an adequate distance from mobile noise</p>	<p>Prior to the issuance of building permits</p> <p>Disposition of property for commercial use</p> <p>Issuance of building permit</p> <p>Prior to issuance of building permit</p>	<p>Development Services, Engineering</p> <p>Development Services, Engineering</p> <p>Development Services, Engineering</p> <p>Development Services, Engineering</p>	<p>Review contract and equipment specifications; confirm with monitoring</p> <p>Review and approval of notice of requirements to be distributed to buyers during property transactions</p> <p>Review of site and landscape plans; confirm with monitoring</p> <p>Review of Acoustical Noise Analysis and architectural specifications; confirm with monitoring</p>

Mitigation, Monitoring, and Reporting Program

Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method
	<p>sources. Residential buildings or structures shall be designed to ensure interior noise levels do not exceed 45 dBA. In addition, individual developments shall, to the extent feasible, implement site-planning techniques such as the following:</p> <ul style="list-style-type: none"> • Increasing the distance between the noise source and the receiver; • Using non-noise sensitive structures such as garages to shield noise-sensitive areas; • Orienting buildings to shield outdoor spaces from a noise source; • Incorporating architectural design strategies, which reduce the exposure of noise-sensitive spaces to stationary noise sources (i.e., placing bedrooms or balconies on the side of the house facing away from noise sources). These design strategies shall be implemented as required by the City to comply with City noise standards; • Incorporating noise barriers, walls, or other sound attenuation techniques, as required by the City to comply with City noise standards; and • Modifying elements of building construction (i.e., walls, roof, ceiling, windows, and other penetrations), as necessary to provide sound attenuation. This may include sealing windows, installing thicker or double-glazed windows, locating doors on the opposite side of a building from the noise source, or installing solid-core doors equipped with appropriate acoustical gaskets. [This is Mitigation Measure 4.11-3d in the THSP SEIR] <p>Mitigation Measure NOI 4.11-3e: Prior to the issuance of Grading Permits, any residential development associated with the THSP Buildout (i.e., development other than Phase 1a) located within 260 feet of the Union Pacific Railroad corridor shall have an Acoustical Analysis prepared to fully analyze acoustical impacts and develop measures, if required, to ensure that the City's exterior standards of 70 dBA would be achieved for the proposed land uses that are subject to noise from train pass-bys. The analysis shall conduct detailed train noise modeling to verify that residences are adequately shielded and/or located at an adequate distance from the rail corridor to comply with the City's exterior standards. The analysis shall also ensure that interior noise levels do not exceed 45 dBA. [This is Mitigation Measure 4.11-3e in the THSP SEIR]</p>	<p>Prior to issuance of grading permits</p>	<p>Development Services, Engineering</p>	<p>Review of Acoustical Analysis and architectural specifications; confirm with monitoring</p>
<p>Public Services and Utilities</p>	<p>Mitigation Measure PSR 4.12-1: As part of the application process for each individual development under the Specific Plan, the Project applicant shall be required to pay the applicable development impact fees. [This is Mitigation Measure 4.12-1 in the THSP SEIR]</p> <p>Mitigation Measure PSR 4.12-2: Prior to issuance of the first building permit, the developer shall construct an all-weather, emergency vehicle access to all points of the Project site from Lammers Road (including crossings of the Delta Mendota Canal, Union Pacific Railroad, and California Aqueduct). The emergency vehicle access shall be available to police, fire, and all other necessary and relevant emergency responders. The design, location, and maintenance of the access shall meet City standards to the satisfaction of the Fire Chief. The access shall be continuously maintained by the developer until permanent access is developed and accepted for maintenance by the City. [This is Mitigation Measure 4.12-2 in the THSP SEIR]</p> <p>Mitigation Measure PSR 4.12-3: As determined by the Fire Chief and in accordance with adopted standards of coverage, Prior to final inspection or certificate of occupancy for the 289th house within Tracy Hills, a fire station and all related equipment shall be constructed and operational <u>in Phase 1A</u> to serve Tracy Hills in accordance with the Citywide Public Safety Master Plan. Additional station(s) shall subsequently be constructed and operational, the design of which shall be in accordance with the</p>	<p>Prior to construction.</p> <p>Prior to and during construction.</p> <p>Prior to and during construction.</p>	<p>Development Services, Planning</p> <p>Development Services, Engineering</p> <p>Development Services, Engineering</p>	<p>Compliance with project conditions of approval.</p> <p>Compliance with project conditions of approval.</p> <p>Compliance with project conditions of approval.</p>

Mitigation, Monitoring, and Reporting Program

Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method
	<p>Citywide Public Safety Master Plan, and adopted standards of coverage, to the satisfaction of the Fire Chief. [This is Mitigation Measure 4.12-3 in the THSP SEIR]</p> <p>Mitigation Measure PSR 4.12-4a: The Project applicant of individual projects within the THSP Project Area shall consult with the Police Department during preliminary stages of site design to review safety features, determine their adequacy, and suggest design and/or physical improvements to the proposed site plan. This is achieved through the City’s development review process, which currently is coordinated with various City Departments’ review of new development proposals. [This is Mitigation Measure 4.12-4a in the THSP SEIR]</p> <p>Mitigation Measure PSR 4.12-5b: As part of the application process for each individual development under the Specific Plan, the Project applicant shall be required to pay the applicable development impact fees. [This is Mitigation Measure 4.12-5b in the THSP SEIR]</p> <p>Mitigation Measure PSR 4.12-6: Developers of subsequent phases of the Project (beyond Phase 1a) will be required to prepare SB 221 analysis for each subsequent phase of development. [This is Mitigation Measure 4.12-6 in the THSP SEIR]</p> <p>Mitigation Measure PSR 4.12-7a: As part of the development process for each individual site-specific development under the Specific Plan, the City shall review flow monitoring, at the applicant’s cost, to determine available capacity. If the City determines, based on technical and legal constraints and other relevant data, that existing capacity is available to serve the development at issue, then no further mitigation is required. However, if the City determines, based on technical and legal constraints and other relevant data, that existing capacity is not available to serve the development at issue, then the improvements as identified in the Master Plan must be constructed that are necessary to create the additional capacity required, subject to any applicable credit and/or reimbursement provisions, as determined by the City. [This is Mitigation Measure 4.12-7a in the THSP SEIR]</p> <p>Mitigation Measure PSR 4.12-8b: As part of the development process for each individual site-specific development under the Specific Plan, the applicant shall pay its applicable development impact fees for wastewater facilities prior to issuance of building permits. [This is Mitigation Measure 4.12-8b in the THSP SEIR]</p>	<p>Prior to construction.</p> <p>Prior to construction.</p> <p>Prior to construction.</p> <p>Prior to and during construction.</p> <p>Prior to construction.</p>	<p>Development Services, Engineering, Planning</p> <p>Development Services, Planning</p> <p>Development Services, Planning</p> <p>Development Services, Engineering, Planning</p> <p>Development Services, Planning</p>	<p>Compliance with project conditions of approval.</p>
Transportation	<p>Mitigation Measure TRANS 4.13-7b: The Applicant shall pay the applicable City TIF, County TIF, SJCOG RTF, the JPA TIF, and any other applicable transportation fees that may be in place when individual projects are processed under the THSP in accordance with applicable laws and regulations. [This is Mitigation Measure 4.13-7b in the THSP SEIR]</p> <p>Mitigation Measure TRANS 4.13-2: To achieve compliance with CIR-3 Policy P4 and P6, the bicycle and pedestrian improvement connections from the THSP to the Citywide Network shall be implemented when the roadway infrastructure is required as determined at approval of each final map or issuance of building permits by the City Engineer. The pedestrian and bicycle facilities are included in the City of Tracy’s typical cross sections and in the City TIF. Bicycle and pedestrian facilities within the THSP area shall be implemented with each building permit application/final map approval. Widening Corral Hollow Road and constructing and widening Lammers Road shall be in place when the project generates 2,588 AM peak hour trips. [This is Mitigation Measure 4.13-2 in the THSP SEIR]</p>	<p>Triggers as stipulated in Table 4.13-68 of Tracy Hills Specific Plan Subsequent EIR</p> <p>Triggers as stipulated in Table 4.13-68 of Tracy Hills Specific Plan Subsequent EIR</p>	<p>Development Services, Engineering</p> <p>Development Services, Engineering</p>	<p>Obtain proof of payment and retain for administrative record</p> <p>Plan review, Site inspection</p>



MEMORANDUM

From: Frederik Venter and Colin Ogilvie, Kimley-Horn and Associates

To: Scott Claar, City of Tracy

Date: October 8, 2019

Re: **Tracy Hills Specific Plan Amendment for KT Project – Transportation Consistency Analysis**

The purpose of this memorandum is to evaluate the consistency of the proposed Tracy Hills Specific Plan (THSP) Amendment for the KT Project (Project) with the traffic assumptions and supporting analysis in the previously-certified Tracy Hills Subsequent Environmental Impact Report (EIR), dated January 2016.

Introduction

It is our understanding that the Project proposes a Specific Plan Amendment to re-designate properties within the current boundaries of the Tracy Hills Specific Plan, specifically in the areas referred to as the KT Project. Notably, the Project proposes to re-designate and shift the land uses/designated zoning districts as follows:

- General Highway Commercial (GHC): decrease of 35.8 acres
- Medium Density Residential (MDR): increase of 21.3 acres
- General Commercial with Medium Density Residential Overlay: increase of 8.9 acres
- Conservation Easements: increase of 5.6 acres

The land use plan comparison between approved and proposed THSP from the Project application is shown in **Table 1**. Values that are struck through denote the approved land use areas and values that are underlined denote the proposed land use areas.

Table 1: Summary of Approved THSP and Proposed Amendment to THSP

Zoning District or Land Use	Approximate Gross Acres ¹	Approximate Adjusted Developable Acres ^{1, 2, 3}	Target Density Range or F.A.R.	Projected Dwelling Units or Square Feet ¹
Residential Estate	95.6	81.3	(0.5-2.0 DU's/ac.)	122 DU's
Low Density Residential	1,216.0	876.3	(2.1-5.8 DU's/ac.)	3,238 DU's
Medium Density Residential	318.1 339.4	270.4 288.5	(5.9-12.0 DU's/ac.)	2,014 2,149 DU's
High Density Residential	9.2	7.8	(12.1-25.0 DU's/ac.)	125 DU's
Mixed Use Business Park	211.1	179.4	0.20 F.A.R.	1,562,933 s.f.
General Highway Commercial	102,466.6	87,056.6	0.20 F.A.R.	758,944 493,186 s.f.
<u>General Highway Commercial w/ Medium Density Residential Overlay</u>	<u>8.9</u>	<u>7.6</u>	<u>0.20 F.A.R.</u>	<u>65,906 s.f.</u>
			<u>OR</u>	<u>OR</u>
			<u>(5.9-12.0 DU's/ac.)</u>	<u>56 DU's</u>
Light Industrial	363.1	308.6	0.25 F.A.R.	3,360,654 s.f.
Conservation Easements	123.3 128.9		n/a	
Subtotal:	2,438.8	1,810.8		
Interstate 580 Interchange and ROW	137.5			
California Aqueduct ROW	143.1			
Union Pacific Rail Road	12.2			
TOTAL:⁴	2,731.6	1,810.8		<u>5,499,690</u> DU's <u>5.75.4</u> mil s.f.

The zoning district maps for the approved Specific Plan and the proposed Specific Plan amendment are shown in **Figure 1** and **Figure 2**, respectively. The areas with a proposed land use change are denoted.

Figure 1: Approved Tracy Hills Zoning District Map

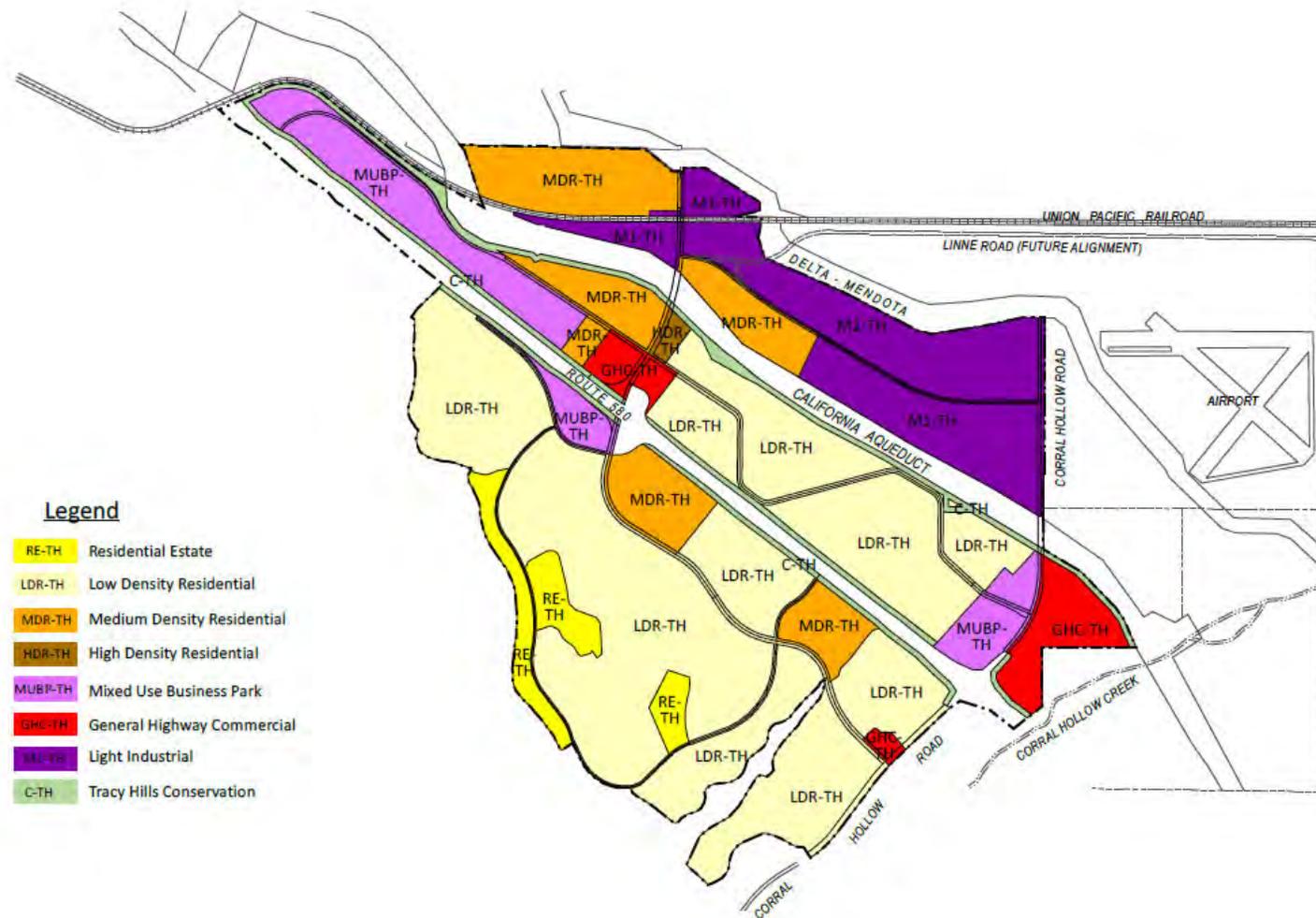
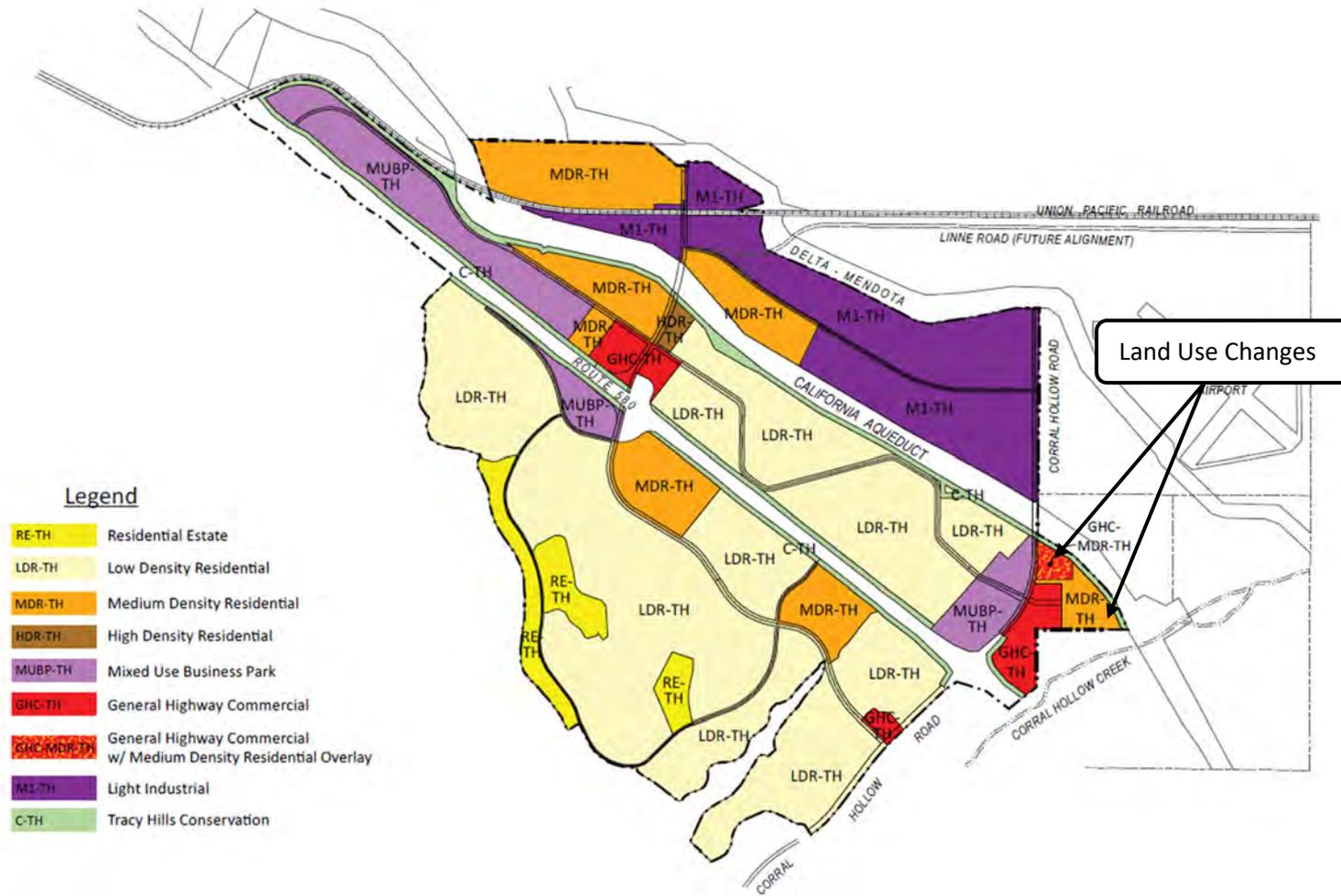


Figure 2: Proposed Tracy Hills Zoning District Map



Trip Generation

A trip generation comparison between the certified Subsequent EIR Buildout trips and the proposed THSP Amendment Buildout trips is provided below. Two trip generation comparisons have been completed for this analysis to analyze the differences if the General Highway Commercial w/Medium Density Residential Overlay is developed as commercial only or as residential only:

- General Highway Commercial – 65,906 square feet
- Medium Density Residential – 56 dwelling units

The total trips generated for the approved Specific Plan is 7,831 (3,947 IN / 3,884 OUT) AM peak hour trips and 14,064 (7,048 IN / 7,016 OUT) PM peak hour trips.

Overlay as General Highway Commercial Only

Table 2 shows the Project trip generation comparison between the approved THSP and the proposed Project with the overlay area being comprised of 65,906 square feet of General Highway Commercial.

Based on the proposed amended THSP, the Project is anticipated to generate 7,030 (3,424 IN / 3,606 OUT) AM peak hour trips and 12,612 (6,373 IN / 6,239 OUT) PM peak hour trips.

The overall AM peak hour trips decrease by 801, and the overall PM peak hour trips decrease by 1,452.

Table 2: Trip Generation with Overlay as General Highway Commercial Only

KT Specific Plan Amendment (with General Highway Commercial)											
Trip Generation Rates ¹	ITE Land Use Code/ Reference	Units	Weekday AM				Weekday PM				
			Rate	IN	/	OUT	Rate	IN	/	OUT	
Low/Mid Density Residential & Residential Estate	Model	DU	0.55	25%	/	75%	1.05	63%	/	37%	
High Density Residential	Model	DU	0.31	20%	/	80%	0.59	65%	/	35%	
Retail	Model	Emp.	1.9	62%	/	38%	3.46	48%	/	52%	
Office	Model	Emp.	0.22	88%	/	12%	0.42	17%	/	83%	
Other (Industrial/Warehousing)	Model	Emp.	0.17	79%	/	21%	0.33	25%	/	75%	
School ²	ITE (520 & 530)	Students	0.48	55%	/	45%	0.15	49%	/	51%	
Approved Specific Plan Buildout ¹											
Trip Generation Rates	Square Feet	Units	Weekday AM				Weekday PM				
			Total	IN	/	OUT	Total	IN	/	OUT	
Low/Mid Density Residential & Residential Estate	-	5,374	DU	2,956	739	/	2,217	5,642	3,554	/	2,088
High Density Residential	-	125	DU	39	8	/	31	74	48	/	26
Retail	758,944	1,751	Emp.	3,326	2,062	/	1,264	6,057	2,907	/	3,150
Office	1,589,069	1,872	Emp.	412	363	/	49	786	134	/	652
Other (Industrial/Warehousing)	3,360,654	4,197	Emp.	714	564	/	150	1,385	346	/	1,039
School	-	800	Students	384	211	/	173	120	59	/	61
			Total Trips	7,831	3,947	/	3,884	14,064	7,048	/	7,016
Proposed Specific Plan Buildout ³											
Trip Generation Rates	Square Feet	Units	Weekday AM				Weekday PM				
			Total	IN	/	OUT	Total	IN	/	OUT	
<u>Low/Mid Density Residential & Residential Estate</u>	-	<u>5,509</u>	DU	3,030	758	/	2,272	5,784	3,644	/	2,140
High Density Residential	-	125	DU	39	8	/	31	74	48	/	26
<u>Retail</u>	<u>559,092</u>	<u>1,290</u>	Emp.	2,451	1,520	/	931	4,463	2,142	/	2,321
Office	1,589,069	1,872	Emp.	412	363	/	49	786	134	/	652
<u>Other (Industrial/Warehousing)</u>	<u>3,360,654</u>	<u>4,197</u>	Emp.	714	564	/	150	1,385	346	/	1,039
School	-	800	Students	384	211	/	173	120	59	/	61
			Total Trips	7,030	3,424	/	3,606	12,612	6,373	/	6,239
Trip Differential by Land Use											
Trip Generation Rates			Weekday AM				Weekday PM				
			Total	IN	/	OUT	Total	IN	/	OUT	
<u>Low/Mid Density Residential & Residential Estate</u>			74	19	/	55	142	90	/	52	
High Density Residential			0	0	/	0	0	0	/	0	
<u>Retail</u>			-875	-542	/	-333	-1,594	-765	/	-829	
Office			0	0	/	0	0	0	/	0	
<u>Other (Industrial/Warehousing)</u>			0	0	/	0	0	0	/	0	
School			0	0	/	0	0	0	/	0	
			Total Trips	-801	-523	/	-278	-1,452	-675	/	-777

Notes:

DU = Dwelling Units, Emp. = Employees

1. Trip generation rates and Approved Specific Plan Buildout trips taken from the *Tracy Hills Specific Plan Recirculated Draft Subsequent Environmental Impact Report*, October, 2015

2. The EIR used 0.48 for the AM peak hour school trip generation rate calculations instead of the 0.45 that was listed

3. The bold and underlined land uses denote proposed changes.

Source: Kimley-Horn, September, 2019

A cumulative trip generation for previously approved projects within THSP plus the KT Project was completed to compare the new trip generation with the EIR mitigation measures. See **Table 3** for the trip generation. The cumulative trip generation does not meet any new implementation triggers.

Table 3: Cumulative THSP Trip Generation with KT Project (Commercial Overlay)

Cumulative Trip Generation		
Project	AM Peak Hour	PM Peak Hour
Phase 1a	1542	2299
KT Project - Overlay as General Highway Commercial Only	363	668
Total	1905	2967

Overlay as Medium Density Residential Only

Table 4 shows the Project trip generation comparison between the approved THSP and the proposed Project with the overlay area being comprised of 56 Medium Density Residential dwelling units.

Based on the proposed amended THSP, the Project is anticipated to generate 6,772 (3,251 IN / 3,521 OUT) AM peak hour trips and 12,145 (6,158 IN / 5,987 OUT) PM peak hour trips.

The overall AM peak hour trips decrease by approximately 1,059, and the overall PM peak hour trips decrease by approximately 1,919.

Table 4: Trip Generation with Overlay as Medium Density Residential Only

KT Specific Plan Amendment (with Medium Density Residential)											
Trip Generation Rates ¹	ITE Land Use Code/ Reference	Units	Weekday AM				Weekday PM				
			Rate	IN	/	OUT	Rate	IN	/	OUT	
Low/Mid Density Residential & Residential Estate	Model	DU	0.55	25%	/	75%	1.05	63%	/	37%	
High Density Residential	Model	DU	0.31	20%	/	80%	0.59	65%	/	35%	
Retail	Model	Emp.	1.9	62%	/	38%	3.46	48%	/	52%	
Office	Model	Emp.	0.22	88%	/	12%	0.42	17%	/	83%	
Other (Industrial/Warehousing)	Model	Emp.	0.17	79%	/	21%	0.33	25%	/	75%	
School ²	ITE (520 & 530)	Students	0.48	55%	/	45%	0.15	49%	/	51%	
Approved Specific Plan Buildout ¹											
Trip Generation Rates	Square Feet	Units		Weekday AM				Weekday PM			
				Total	IN	/	OUT	Total	IN	/	OUT
Low/Mid Density Residential & Residential Estate	-	5,374	DU	2,956	739	/	2,217	5,642	3,554	/	2,088
High Density Residential	-	125	DU	39	8	/	31	74	48	/	26
Retail	758,944	1,751	Emp.	3,326	2,062	/	1,264	6,057	2,907	/	3,150
Office	1,589,069	1,872	Emp.	412	363	/	49	786	134	/	652
Other (Industrial/Warehousing)	3,360,654	4,197	Emp.	714	564	/	150	1,385	346	/	1,039
School	-	800	Students	384	211	/	173	120	59	/	61
Total Trips				7,831	3,947	/	3,884	14,064	7,048	/	7,016
Proposed Specific Plan Buildout ³											
Trip Generation Rates	Square Feet	Units		Weekday AM				Weekday PM			
				Total	IN	/	OUT	Total	IN	/	OUT
Low/Mid Density Residential & Residential Estate	-	5,565	DU	3,061	765	/	2,296	5,843	3,681	/	2,162
High Density Residential	-	125	DU	39	8	/	31	74	48	/	26
Retail	493,186	1,138	Emp.	2,162	1,340	/	822	3,937	1,890	/	2,047
Office	1,589,069	1,872	Emp.	412	363	/	49	786	134	/	652
Other (Industrial/Warehousing)	3,360,654	4,197	Emp.	714	564	/	150	1,385	346	/	1,039
School	-	800	Students	384	211	/	173	120	59	/	61
Total Trips				6,772	3,251	/	3,521	12,145	6,158	/	5,987
Trip Differential by Land Use											
Trip Generation Rates				Weekday AM				Weekday PM			
				Total	IN	/	OUT	Total	IN	/	OUT
Low/Mid Density Residential & Residential Estate				105	26	/	79	201	127	/	74
High Density Residential				0	0	/	0	0	0	/	0
Retail				-1,164	-722	/	-442	-2,120	-1,017	/	-1,103
Office				0	0	/	0	0	0	/	0
Other (Industrial/Warehousing)				0	0	/	0	0	0	/	0
School				0	0	/	0	0	0	/	0
Total Trips				-1,059	-696	/	-363	-1,919	-890	/	-1,029

Notes:

DU = Dwelling Units, Emp. = Employees

1. Trip generation rates and Approved Specific Plan Buildout trips taken from the *Tracy Hills Specific Plan Recirculated Draft Subsequent Environmental Impact Report*, October, 2015

2. The EIR used 0.48 for the AM peak hour school trip generation rate calculations instead of the 0.45 that was listed

3. The bold and underlined land uses denote proposed changes.

Source: Kimley-Horn, September, 2019

A cumulative trip generation for previously approved projects within THSP plus the KT Project was completed to compare the new trip generation with the EIR mitigation measures. See **Table 5** for the trip generation. The cumulative trip generation does not meet any new implementation triggers.

Table 5: Cumulative THSP Trip Generation with KT Project (Residential Overlay)

Cumulative Trip Generation		
Project	AM Peak Hour	PM Peak Hour
Phase 1a	1542	2299
KT Project - Overlay as Medium Density Residential Only	105	201
Total	1647	2500

Conclusion

Based on the trip generation comparisons the proposed KT Project will generate less trips in both the AM and PM peak hours compared to the approved THSP. Therefore, no additional mitigation measures other than those previously identified will be required. The Project also does not trigger any mitigation measures based on cumulative THSP trip generation.

The Project applicant will be required to provide access to the KT Project consistent with city standards and the City of Tracy TMP in effect at the time of Project approval. The access will be subject to review and approval by the City Engineer during the conditions of approval process.

MEMORANDUM

From: Frederik Venter, P.E., Colin Ogilvie, Kimley-Horn and Associates

To: Robert Armijo, P.E., City of Tracy

Date: February 24, 2020

Re: Tracy Hills KT Vesting Tentative Map Review

1. Executive Summary

This memorandum evaluates the KT Vesting Tentative Map (the “Project”) provided by RJA (dated November 5, 2019, revised February 4, 2020). KT proposes to construct 185 Medium Density Residential Dwelling Units and reserve space for 8.59 Acres of General Highway Commercial. This review evaluates the internal roadway network with full development of the Tracy Hills Specific Plan (THSP) area east of Corral Hollow Road in order to construct or reserve right of way for the internal roadways. This memorandum also reviews several intersections along Corral Hollow Road, from Interstate 580 to Linne Road, under Near-Term Plus KT Homes conditions.

A summary of analysis findings from the KT Vesting Tentative Map review include the following:

KT Homes Only plus background growth through 2025 plus Phase 1A.

- a. *Corral Hollow Road & Tracy Hills Drive/Street D:*
 1. Southbound: One left turn, one right turn and one through lane
 2. Northbound: One left turn, one right turn and one through lane
 3. Westbound: One left turn, one shared through and right turn lane. However, this layout may result in interim curb, signal and pedestrian crossing, which will be funded by the project as interim improvements. The developer must provide intersection layouts indicating this geometry for review. The layouts must show the ultimate layout as well.
 4. Eastbound: Same as existing - One shared through and right turn lane, two left turn lanes
 5. Signal timing: Modified signal timing plans for AM and PM and school midday.
 6. Add signal poles and curb/sidewalk as required.

- b. *Corral Hollow Road/Street A RIRO Driveway:*
 1. Northbound: One right turn lane in addition to the future two through lanes to separate through traffic from right turning vehicles.
 2. Provide a raised median on Corral Hollow Drive to prevent left turns in and out of the site.
 3. Westbound: one right turn lane exiting the development

- c. *KT On-site:*
 - 1. Street D between Corral Hollow Road and Street C: 1 lane westbound and 1 lane eastbound. Geometric layout plans indicating proposed and ultimate layouts must be provided for review. Interim improvements that may have to be modified later will be funded by the developer.
 - 2. Modify the ROW at the intersection of Street D and the eastern KT retail driveway be a future single lane roundabout with an eastbound right turn slip lane.
 - 3. Intersection of Street D and Street C to be a mini roundabout or T-intersection with eastbound stop control.
 - 4. Add protected bicycle facilities on Street D. Eight-foot paved Class 1 facilities with 2-foot unpaved shoulders should be constructed on both sides of Street D.
 - 5. Provide adequate pedestrian crossings and connections to the parks and trails.

- d. *Pay fair share towards Corral Hollow Road improvements south of I-580.*

- e. *External Network review assumes the following Phase 1A improvements will already be implemented. KT homes has a proportionate share in these improvements and they will pay the City Traffic Impact Fees consistent with the findings of the approved Tracy Hills EIR:*
 - 1. Install a single lane roundabout with a northbound right turn bypass lane at the intersection of Corral Hollow Road and I-580 Eastbound Ramps – anticipated Caltrans requirement.
 - 2. Install a single lane roundabout with southbound right turn bypass lane at the intersection of Corral Hollow Road and I-580 Westbound Ramps - anticipated Caltrans requirement.
 - 3. Install a northbound right turn lane, a southbound left turn lane, and a westbound right turn pocket at the intersection of Corral Hollow Road and Linne Road.

KT Homes Plus KT Retail Only plus Background Growth through 2025 plus Phase 1A.

- f. *Corral Hollow Road & Tracy Hills Drive/Street D:*
 - 1. Southbound: Two left turns, one right turn, and one through lane
 - 2. Northbound: Two left turns, one right turn, and one through lane
 - 3. Westbound: One through, one left, and one right turn lane
 - 4. Eastbound: Same as existing - One shared through and right turn lane, two left turn lanes
 - 5. Signal timing: Modified signal timing plans for AM and PM and school midday
 - 6. Add signal poles and curb/sidewalk as required.

- g. *Street D & Commercial DWY 3 & 4 (Roundabout):*
 - 1. Install single-lane roundabout with an Eastbound channelized right turn lane (drop lane)

h. KT On-site:

1. Street D between Corral Hollow Road and the Retail Roundabout: 3 lanes westbound and 2 lanes eastbound
2. Intersection of Street D and Street C to be a mini roundabout or T-intersection with eastbound stop control.
3. Add protected bicycle facilities on Street D. Eight-foot paved Class 1 facilities with 2-foot unpaved shoulders should be constructed on both sides of Street D.
4. Provide adequate pedestrian crossings and connections to the parks and trails.

i. Fair Share (Street D):

1. Street improvement plans shall be provided to indicate KT only, interim, and buildout geometry and ROW. All interim improvements will be funded by the developer. For the interim Corral Hollow Road and Street D intersection (layout shown on Sheet 11 of 14 in the Vesting Tentative Map), the fair share payment if only KT Homes and KT Retail are constructed is 17% KT Homes and 83% KT Retail.

KT Homes Plus KT Retail Plus South Retail plus Background Growth through 2025 plus Phase 1A.

j. Corral Hollow Road & Tracy Hills Drive/Street D:

1. Southbound: Two left turns, one right turn, and two through lanes.
2. Northbound: Two left turns, one right turn, and two through lanes.
3. Westbound: One through, one left and one shared through and right turn lane.
4. Eastbound: Same as existing - One shared through and right turn lane, two left turn lanes.
5. Signal timing: Modified signal timing plans for AM and PM and school midday.
6. Add signal poles and curb/sidewalk as required.

k. Street D & Commercial DWY 3 & 4 (Roundabout):

1. Install single-lane roundabout with an Eastbound channelized right turn lane (drop lane)

l. KT On-site

1. Between RIRO and Corral Hollow Drive: 3 lanes westbound and 2 lanes eastbound.
2. Between future roundabout and Road D: One lane in each direction.
3. Intersection of Street D and Street C to be a mini roundabout or T-intersection with eastbound stop control.
4. Add protected bicycle facilities on Street D. Eight-foot paved Class 1 facilities with 2-foot unpaved shoulders should be constructed on both sides of Street D.
5. Provide adequate pedestrian crossings and connections to the parks and trails.

m. External Network review assumes the following Phase 1A improvements will already be implemented. KT homes has a proportionate share in these improvements and they will pay the City Traffic Impact Fees consistent with the findings of the approved Tracy Hills EIR:

1. Install a single lane roundabout with a northbound right turn bypass lane at the intersection of Corral Hollow Road and I-580 Eastbound Ramps – anticipated Caltrans requirement.
 2. Install a single lane roundabout with southbound right turn bypass lane at the intersection of Corral Hollow Road and I-580 Westbound Ramps - anticipated Caltrans requirement.
 3. Install a northbound right turn lane, a southbound left turn lane, and a westbound right turn pocket at the intersection of Corral Hollow Road and Linne Road.
- n. Fair Share (Street D Buildout):*
1. For the ultimate Corral Hollow Road and Street D intersection (layout shown on Sheet 11 of 14 in the Vesting Tentative Map), the fair share payment shall be 7% KT Homes, 35% KT Retail and 58% South Retail.

2. Introduction

The Project consists of developing the KT Vesting Tentative Map within the Tracy Hills Specific Plan area. This is anticipated to be the second development constructed within the THSP area after Phase 1A. The Project is located east of Phase 1A and Corral Hollow Road, north of Interstate 580 (I-580) and south of the California Aqueduct. The Project proposes to construct 185 Medium Density Residential Dwelling Units and reserve space for 8.59 Acres of General Highway Commercial.

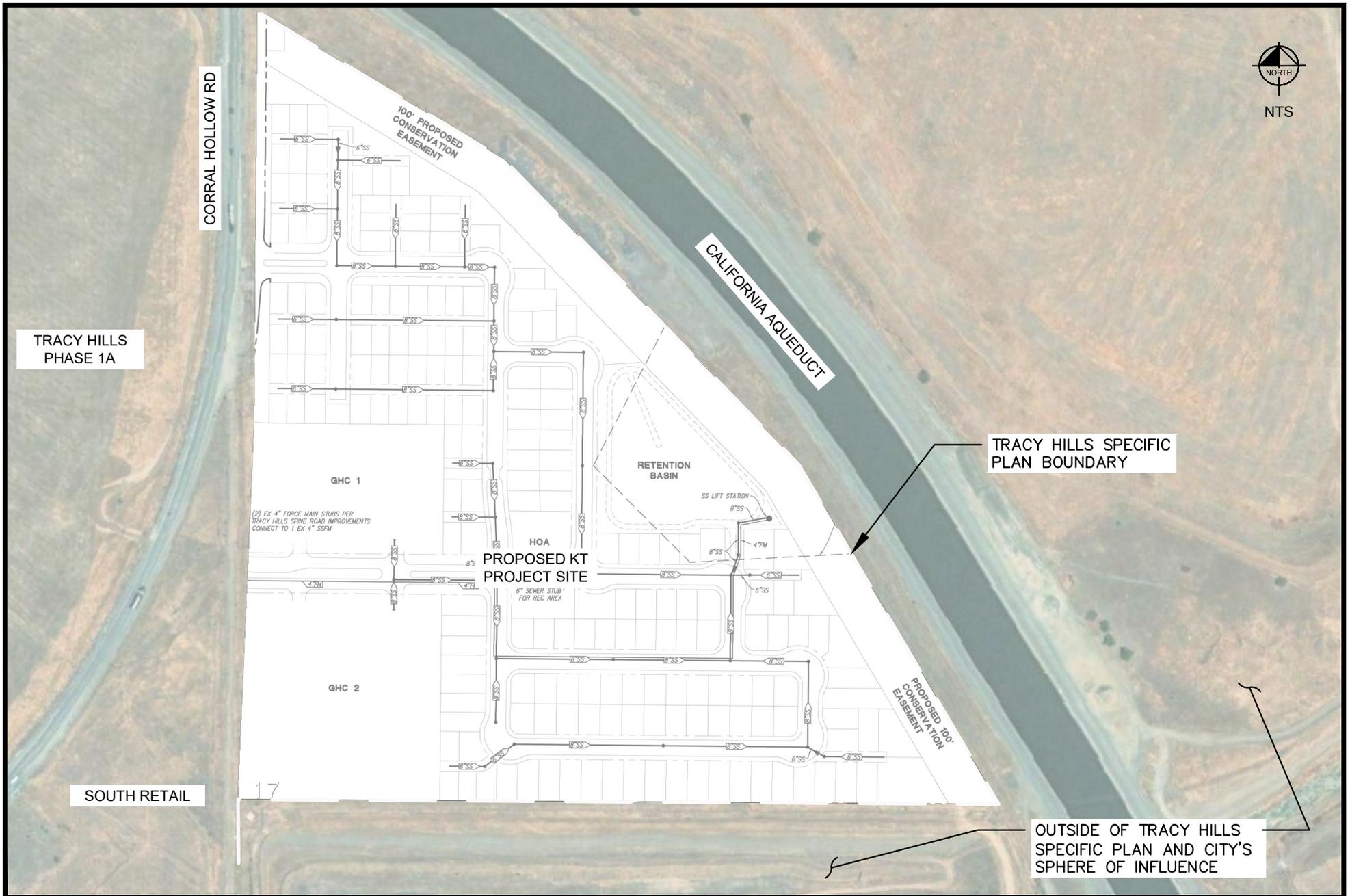
This review evaluates the internal roadway network with full development of the Tracy Hills Specific Plan (THSP) area east of Corral Hollow Road in order to construct or reserve right of way for the internal roadways. The parcels southwest of KT, APN 253-03-15 and 253-03-04 (also referred to as “South Retail”) are zoned for General Highway Commercial and are located within the THSP. It is anticipated that this future development will send trips the KT retail site to access the intersection of Corral Hollow Road and Tracy Hills Drive/Street D, because there is not sufficient spacing for an additional full access intersection between the Corral Hollow Road and I-580 Westbound Ramps intersection and the Corral Hollow Road and Tracy Hills Drive/Street D intersection. No site plan has been submitted to the City, but trip generation for the South Retail is based on 23.6 acres of General Highway Commercial per the THSP. This development is anticipated to have one right in/ right out access along Corral Hollow Road.

This memorandum also reviews several intersections along Corral Hollow Road, from Interstate 580 to Linne Road, under Near-Term Plus KT Homes conditions.

This memorandum is divided into the following sections:

- Vesting Tentative Map Review
- External Network Review

The KT Tentative Map and study intersections are shown in **Figure 1**. Please refer to the KT Tentative Map document for street names.



3. Study Methodology

Development Conditions

This traffic study is based upon the following development conditions for the following reviews:

- Vesting Tentative Map Review
 - Near-Term (2025) + Phase 1A + KT Homes & Retail + South Retail represents the following assumptions:
 - Near-Term - 2019 traffic counts grown to 2025 using the Tracy Transportation Management Plan (TMP) growth rates
 - Phase 1A - 1137 low/mid density residential dwelling units and no business park
 - KT Homes & Retail – 185 low/mid density residential dwelling units and 8.59 gross acres of retail
 - South Retail - 23.6 gross acres of retail
 - Near-Term (2025) + Phase 1A + KT Homes
 - Near-Term - 2019 traffic counts grown to 2025 using the Tracy Transportation Management Plan (TMP) growth rates
 - Phase 1A - 1137 low/mid density residential dwelling units and no business park
 - KT Homes – 185 low/mid density residential dwelling units
 - Near-Term (2025) + Phase 1A + KT Homes & Retail
 - Near-Term - 2019 traffic counts grown to 2025 using the Tracy Transportation Management Plan (TMP) growth rates
 - Phase 1A - 1137 low/mid density residential dwelling units and no business park
 - KT Homes & Retail – 185 low/mid density residential dwelling units and 8.59 gross acres of retail
- External Network Review
 - Existing (2019) + Phase 1A represents the baseline conditions for the existing network.
 - Near Term (2025) + Phase 1A + KT Homes represents the project conditions and includes the following assumptions:
 - Near-Term - 2019 traffic counts grown to 2025 using the Tracy Transportation Management Plan (TMP) growth rates
 - Phase 1A - 1137 low/mid density residential dwelling units and no business park
 - KT Homes - 185 low/mid density residential dwelling units

Operating Conditions and Criteria for Intersections

Analysis of potential environmental impacts at intersections is based on the concept of Level of Service (LOS). The LOS of an intersection is a qualitative measure used to describe operational conditions. LOS ranges from A (best), which represents minimal delay, to F (worst), which represents heavy delay and a facility that is operating at or near its functional capacity. Levels of Service for this study were determined using methods defined in the *Highway Capacity Manual*, 6th Edition, (HCM 6) by using Synchro 10 traffic analysis software and Sidra Intersection 8 software.

The HCM 6 methodologies include procedures for analyzing side-street stop-controlled (SSSC), all-way stop-controlled (AWSC), signalized and roundabout intersections. The SSSC procedure defines LOS as a function of average control delay for each minor street approach movement. Conversely, the AWSC and signalized intersection procedures define LOS as a function of average control delay for the intersection.

Table 1 relates the operational characteristics associated with each LOS category for signalized and unsignalized intersections.

Table 1 – Intersection Level of Service Definitions

Level of Service	Description	Signalized (Avg. control delay per vehicle-sec/veh)	Unsignalized (Avg. control delay per vehicle-sec/veh)	Roundabout (Avg. control delay per vehicle-sec/veh)
A	Free flow with no delays. Users are virtually unaffected by others in the traffic stream	< 10	≤ 10	≤ 10
B	Stable traffic. Traffic flows smoothly with few delays.	> 10 – 20	> 10 – 15	> 10 – 15
C	Stable flow but the operation of individual users becomes affected by other vehicles. Modest delays.	> 20 – 35	> 15 – 25	> 15 – 25
D	Approaching unstable flow. Operation of individual users becomes significantly affected by other vehicles. Delays may be more than one cycle during peak hours.	> 35 – 55	> 25 – 35	> 25 – 35
E	Unstable flow with operating conditions at or near the capacity level. Long delays and vehicle queuing.	> 55 – 80	> 35 – 50	> 35 – 50
F	Forced or breakdown flow that causes reduced capacity. Stop and go traffic conditions. Excessive long delays and vehicle queuing.	> 80 or V/C > 1.0	> 50 or V/C > 1.0	> 50 or V/C > 0.85

Sources: Transportation Research Board, *Highway Capacity Manual 6th Edition*, National Research Council

Intersection Analysis

Project impacts are determined by comparing conditions without the proposed Project to those with the proposed Project. Significant impacts for intersections are created when vehicle trips from the proposed Project causes the LOS to fall below the Agency LOS threshold or increases delay to an already failing intersection greater than the Agency threshold.

City of Tracy Requirements

For the City of Tracy, the LOS threshold is LOS D. The delay threshold for an already failing intersection is five seconds of additional delay above baseline conditions.

California Department of Transportation (Caltrans) Requirements

Caltrans has jurisdiction over the following intersections:

- Corral Hollow Road and I-580 Eastbound Ramps
- Corral Hollow Road and I-580 Westbound Ramps

Caltrans LOS threshold is LOS C. Significant impacts occur when the intersection degrades from a LOS C or better to a LOS D or worse with the addition of the Project, or when the intersection is at an unacceptable LOS D or worse under baseline conditions and the addition of the Project causes any increase in delay. If an un-signalized intersection is LOS D or worse in baseline conditions and meets or exceeds the CAMUTCD peak hour signal warrant threshold, it is a significant impact.

Operating Conditions and Criteria for Segments

Analysis of roadway segments is based on the concept of Level of Service (LOS). The LOS of an intersection is a qualitative measure used to describe operational conditions. LOS ranges from A (best), which represents minimal delay, to F (worst), which represents heavy delay and a facility that is operating at or near its functional capacity. Levels of Service for this study were determined using methods defined in the THSP EIR Table 4.13-4.

Table 2: Roadway Segment Capacity

LOS	Directional Capacity (vph)
A	120
B	250
C	410
D	650
E	1060

Notes:

1. Taken from Table 4.13-4 of the THSP EIR

Roundabout Analysis – FHWA Requirements

Roundabouts: An Information Guide (June 2000) by the Federal Highway Administration (FHWA) was used for additional roundabout guidance. In this guide, the FHWA states that for acceptable roundabout operation, it is advised that the critical volume-to-capacity (V/C) ratio not exceed 0.85 on any leg of a roundabout. A V/C over 0.85 is considered overcapacity and a LOS F. Therefore, all roundabouts must operate at a volume to capacity ratio of 0.85 or better for any leg regardless of intersection LOS.

4. KT Vesting Tentative Map Review

4.1 Traffic Control and LOS Analysis

This section discusses the traffic analysis completed for the KT Vesting Tentative Map Review. For the external circulation review, refer to **Section 5** of this report.

The following development scenario was studied for the vesting tentative map review:

- Near-Term (2025) + Phase 1A + KT Homes & Retail + South Retail

This analysis identifies internal roadway network deficiencies within the KT site. This study evaluates the proposed KT Vesting Tentative Map roadways by determining trip generation estimates, estimating the trip distribution, and analyzing AM and PM peak hour LOS for the following future intersections:

1. Corral Hollow Road and South Retail Driveway (Right In / Right Out)
2. Corral Hollow Road and Tracy Hills Drive/Street D
3. Street D and KT Commercial Driveways 1 & 2 (Right In / Right Out)
4. Street D and KT Commercial Driveways 3 & 4 (Full Access)
5. Street D and Street C
6. Corral Hollow Road and Street A (Right In / Right Out)
7. Street B and Street A

See **Figure 2** for study intersection map of this scenario.

4.1.1 KT Vesting Tentative Map Review Trip Generation

Trip generation was prepared using rates from the Tracy Hills Specific Plan Recirculated Draft Subsequent EIR. **Table 3** provides the estimated trip generation used for this analysis. Internal capture, pass-by trips and diverted trips were taken into consideration for trip generation purposes.

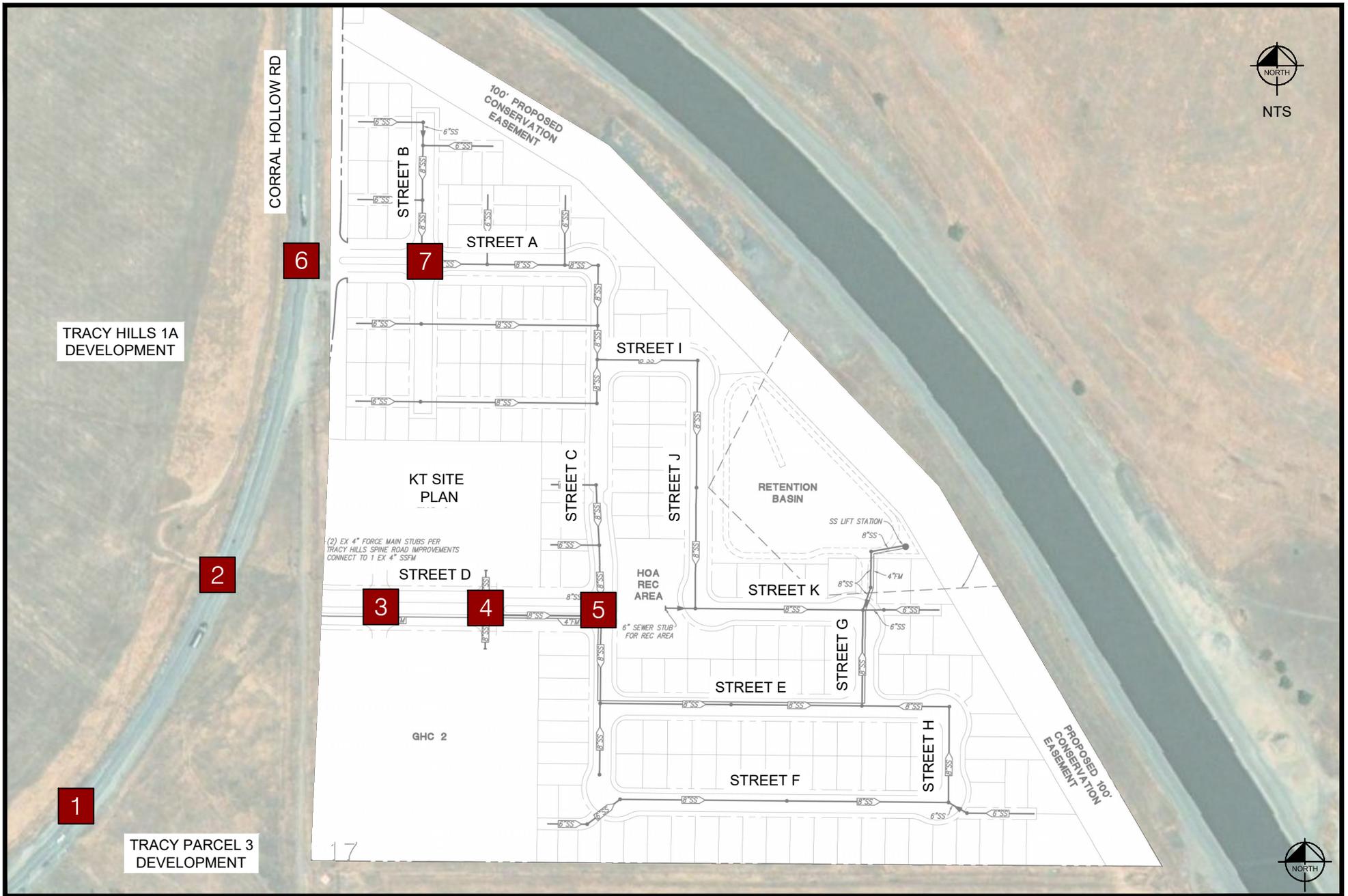


Figure 2

Vesting Tentative Map Study Intersections

Table 3 – Project Trip Generation

Trip Generation Rates ¹	ITE Land Use Code/Reference	Units	Weekday AM			Weekday PM		
			Rate	IN	OUT	Rate	IN	OUT
Low/Mid Density Residential & Residential Estate	Tracy Model	DU	0.55	25%	75%	1.05	63%	37%
Retail	Tracy Model	Employees	1.90	62%	38%	3.46	48%	52%
Trip Generation Rates	Units		Weekday AM			Weekday PM		
			Total	IN	OUT	Total	IN	OUT
Gross Trips								
KT								
Low/Mid Density Residential & Residential Estate	185	DU	102	26	76	194	122	72
Retail ²	173	Employees	328	203	125	597	287	310
Gross KT Trips			430	229	201	791	409	382
South Retail								
Retail ²	474	Employees	901	559	342	1,641	788	853
Gross South Retail Trips			901	559	342	1,641	788	853
Internal Capture Trips³								
KT								
Low/Mid Density Residential & Residential Estate			(2)	(1)	(1)	(86)	(56)	(30)
Retail ²			(2)	(1)	(1)	(86)	(30)	(56)
Total KT Internal Capture Trips			(4)	(2)	(2)	(172)	(86)	(86)
External Trips								
KT								
Total External KT Trips			426	227	199	619	323	296
South Retail								
Total External South Retail Trips			901	559	342	1,641	788	853
Pass-by Trips^{4,5}								
Total KT Pass-by Trips			0	0	0	(204)	(102)	(102)
Total South Retail Pass-by Trips			0	0	0	(564)	(282)	(282)
Diverted Trips (KT Retail Only)^{4,5}								
Total KT Diverted Trips			0	0	0	(280)	(140)	(140)
Total South Retail Diverted Trips			0	0	0	(766)	(383)	(383)
Primary Trips								
KT								
Low/Mid Density Residential & Residential Estate			100	25	75	108	66	42
Retail ²			326	202	124	27	15	12
Total KT Primary Trips			426	227	199	135	81	54
South Retail								
Total South Retail Primary Trips			901	559	342	311	123	188

Notes

1. Rates from Tracy Hills Specific Plan Recirculated Draft Subsequent EIR (October, 2015)
2. Retail trip generation represents parcels zoned as General Highway Commercial (GHC).
3. Internal capture rates from the National Cooperative Highway Research Program (NCHRP) 684 Internal Trip Capture Estimation
4. Pass-by and Diverted Trips from the Institute of Transportation Engineers (ITE) Trip Generation Handbook, 3rd Edition (2017)
5. Total pass-by and diverted trips were distributed using the following assumption:
 - 27% use the KT Commercial
 - 73% use the South Retail

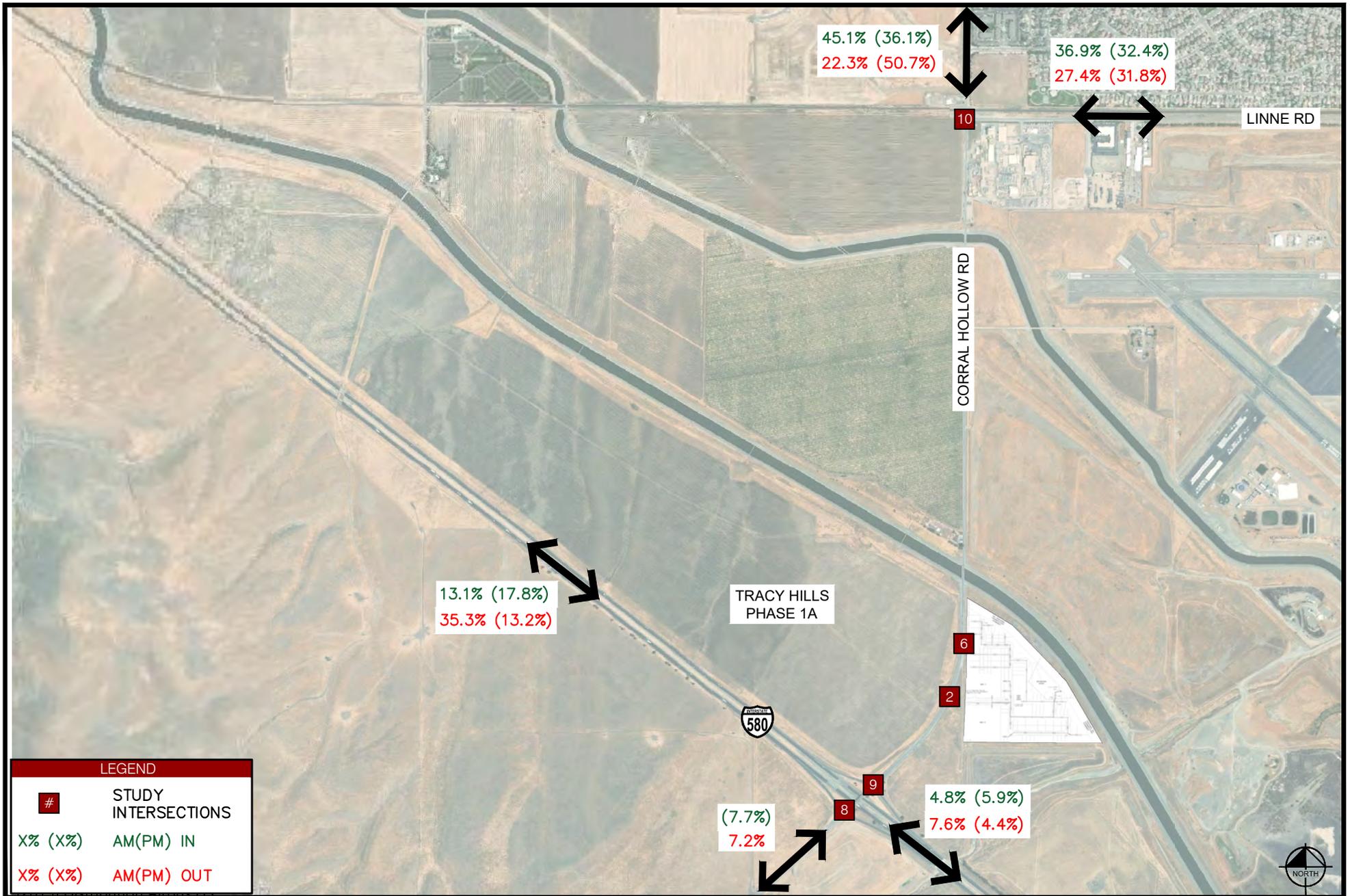
4.1.2 KT Tentative Map Review Trip Distribution

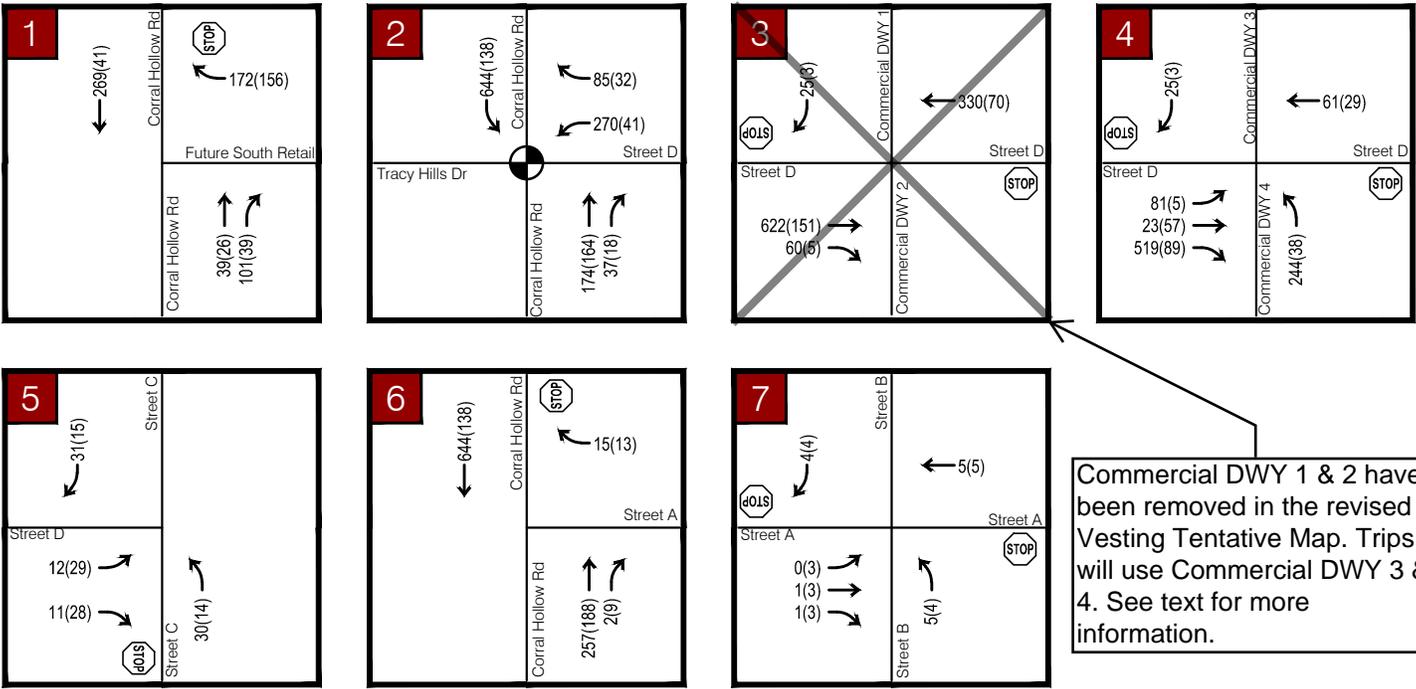
For this scenario, the trip distributions were based on the Phase 1A distributions provided by Figure 4.13-20 of the Tracy Hills EIR (October 2015) with a few minor changes. Distribution was added to and from south Corral Hollow Road (Tesla Road) to reflect current travel patterns. The following illustrates the distribution for the Project:

- Corral Hollow Road North of Linne Road
 - AM – 45.1% IN / 22.3% OUT
 - PM – 36.1% IN / 50.7% OUT
- Linne Road East of Corral Hollow Road
 - AM – 36.9% IN / 27.4% OUT
 - PM – 32.4% IN / 31.8% OUT
- I-580 West of Corral Hollow Road
 - AM – 13.1% IN / 35.3% OUT
 - PM – 17.8% IN / 13.2% OUT
- I-580 East of Corral Hollow Road
 - AM – 4.8% IN / 7.6% OUT
 - PM – 5.9% IN / 4.4% OUT
- Corral Hollow Road South of I-580
 - AM – 0% IN / 7.7% OUT
 - PM – 7.2% IN / 0% OUT

Refer to **Figure 3** and **Figure 4** for the trip distribution and primary project trip assignment, respectively. In addition, pass-by and diverted volumes are shown in **Figure 5** and **Figure 6**, respectively.

Assignment was completed under the assumption that U-turns would not be allowed on either Street D or Corral Hollow Road.





Commercial DWY 1 & 2 have been removed in the revised Vesting Tentative Map. Trips will use Commercial DWY 3 & 4. See text for more information.

GENERAL NOTES:

- ASSIGNMENT ASSUMES NO U-TURNS ARE ALLOWED ON STREET D OR CORRAL HOLLOW.

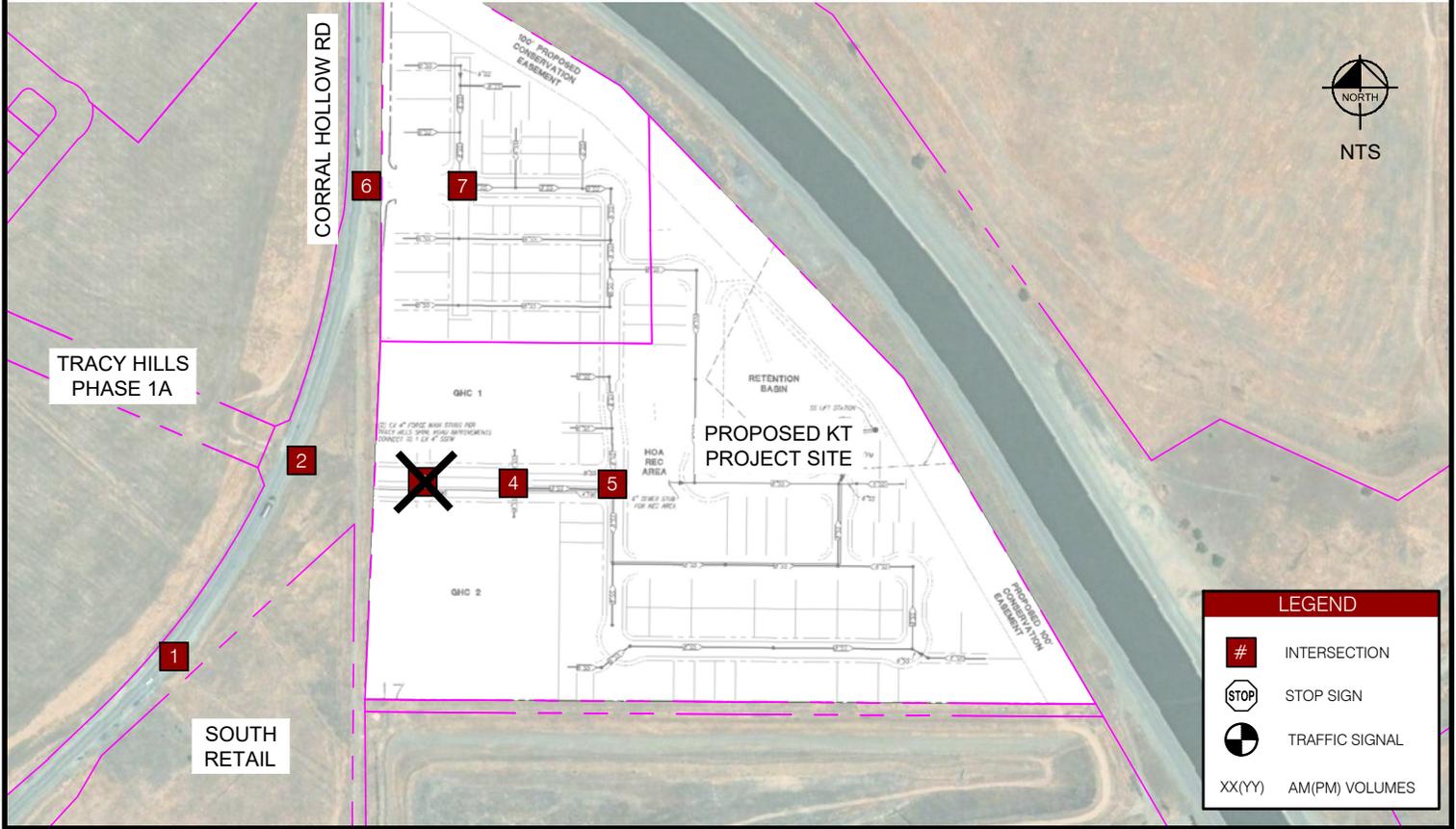
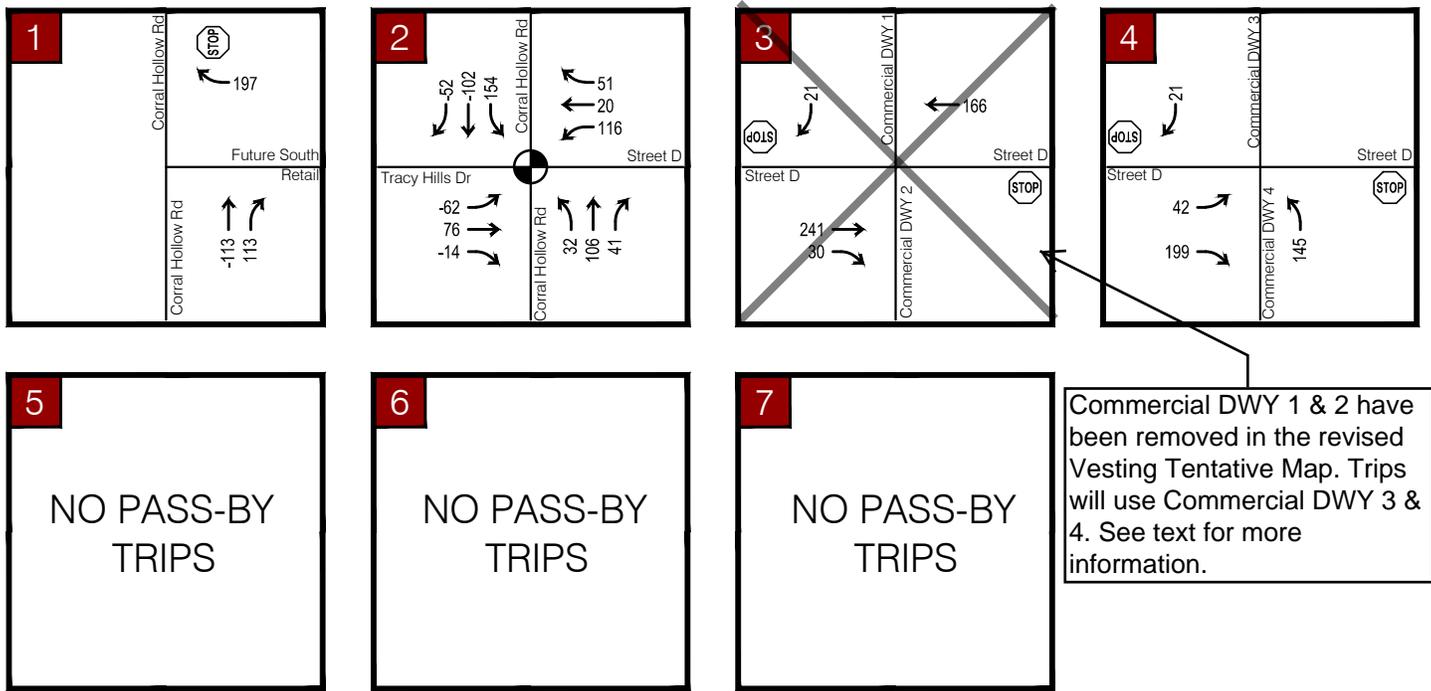


Figure 4



GENERAL NOTES:

- ASSIGNMENT ASSUMES NO U-TURNS ARE ALLOWED ON STREET D OR CORRAL HOLLOW.
- TRIPS SHOWN ARE ONLY FOR PM PEAK PERIOD.

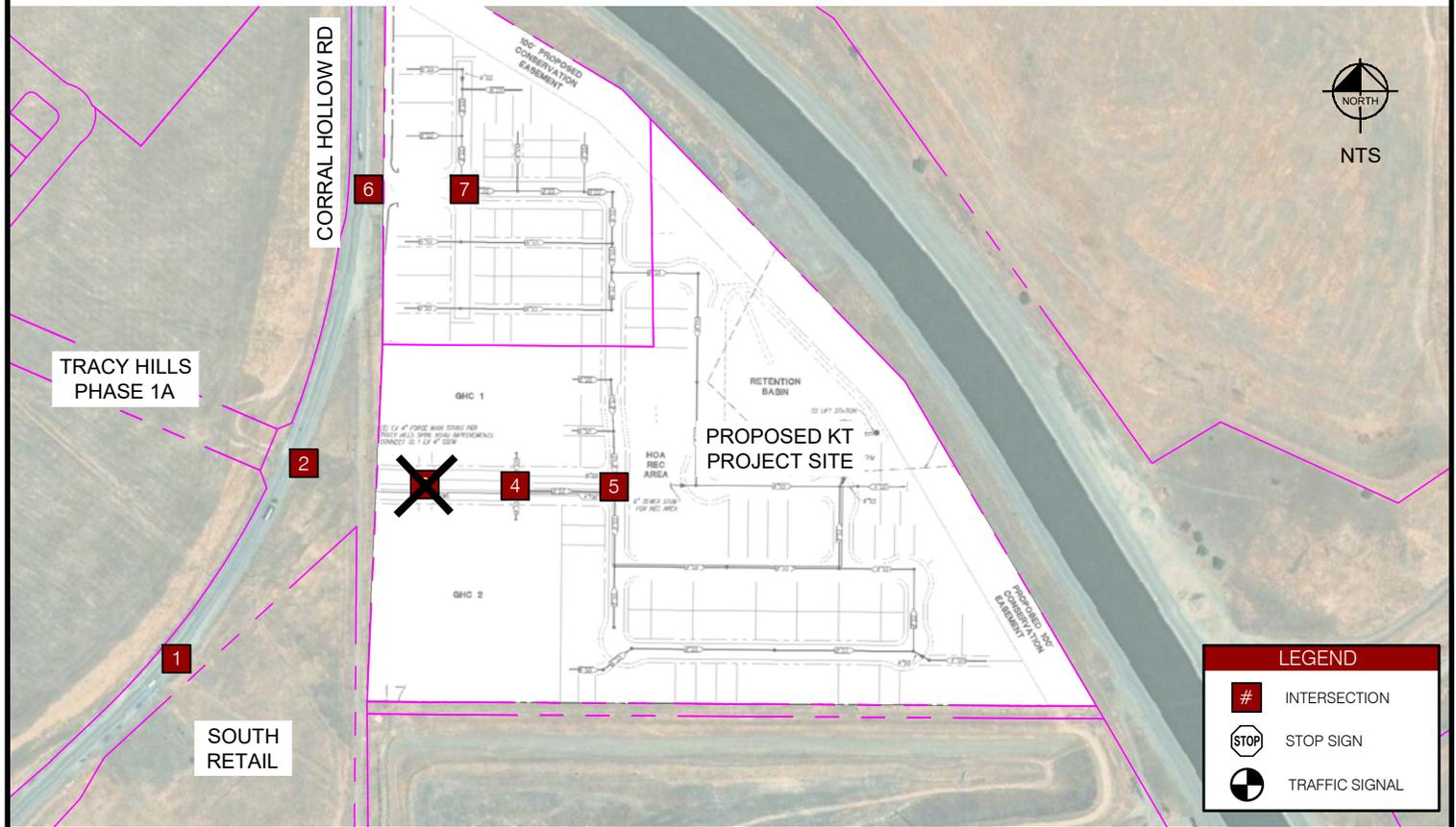
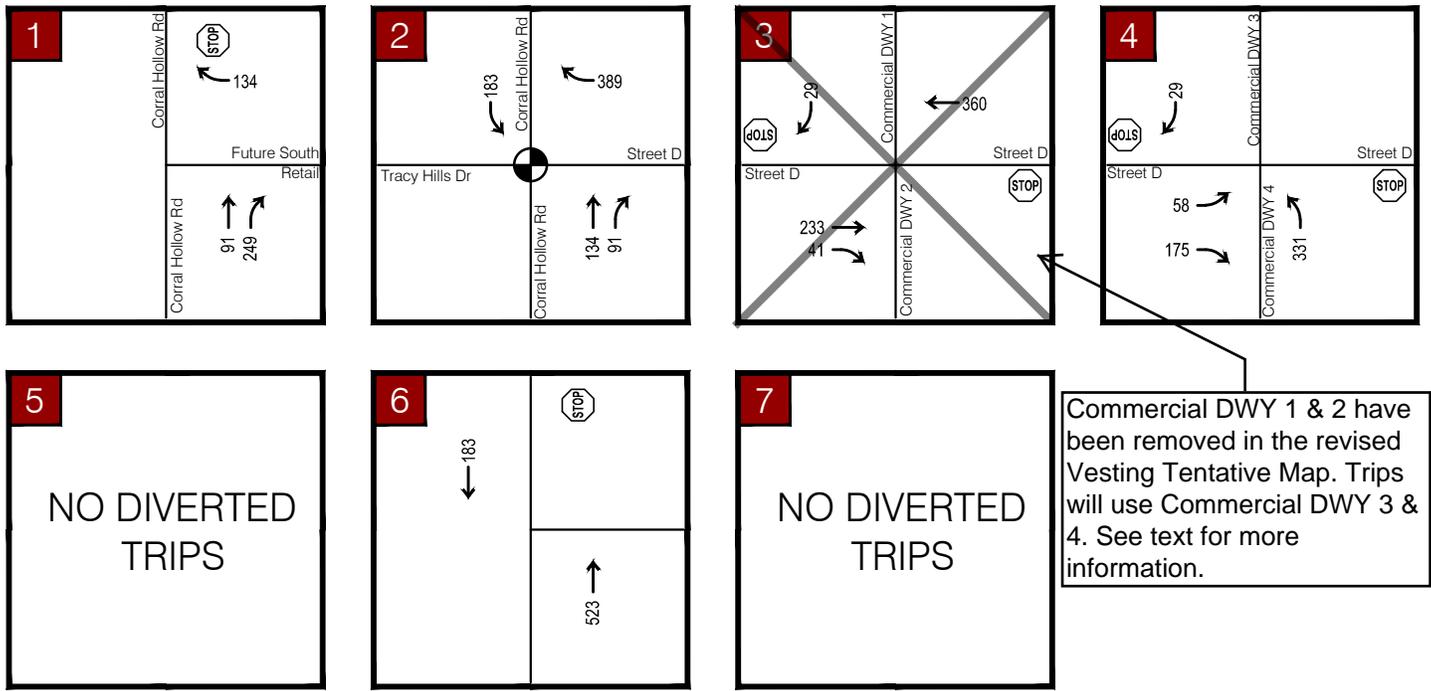


Figure 5

Pass-By Trips



Commercial DWY 1 & 2 have been removed in the revised Vesting Tentative Map. Trips will use Commercial DWY 3 & 4. See text for more information.

GENERAL NOTES:

- ASSIGNMENT ASSUMES NO U-TURNS ARE ALLOWED ON STREET D OR CORRAL HOLLOW.
- TRIPS SHOWN ARE ONLY FOR PM PEAK PERIOD.

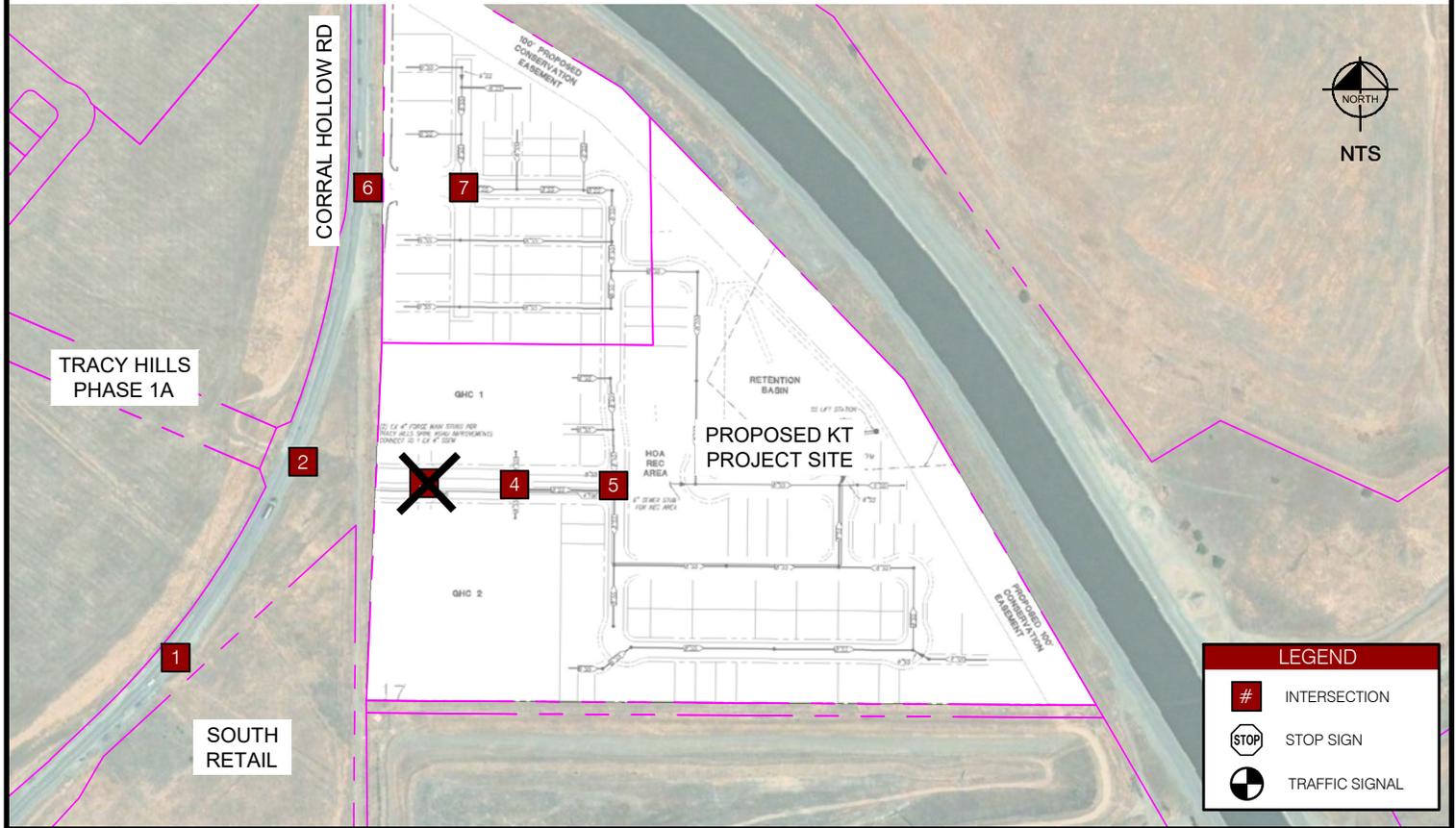


Figure 6

Diverted Trips

4.1.3 Near-Term (2025) Plus Phase 1A Plus KT Homes & Retail Plus South Retail LOS Results

To determine potential deficiencies on the Project site, Near-Term (2025) Plus Phase 1A Plus KT Homes & Retail Plus South Retail conditions were analyzed. This scenario was used to determine if the current KT site plan provides adequate roadway capacity to accommodate future Project traffic to/from the Project site.

Roadway geometry and traffic control were assumed from the KT Vesting Tentative Map (dated November 5, 2019, revised as of February 4, 2020). Based on the KT Vesting Tentative Map (dated February 4, 2020), the following intersection was removed:

3. Street D & KT Commercial DWYs 1 & 2

Volumes from these driveways will now use the following intersection:

4. Street D & KT Commercial DWYs 3 & 4

The volumes using these driveways are minimal and are not anticipated to substantially change the findings presented for Intersection 4; therefore, the analysis remains unchanged.

The tentative map does not indicate traffic control; therefore, all internal intersections were assumed to be side street stop control. LOS analysis of the right in / right out driveways was not completed for this scenario; however, these intersections are provided to show trip assignments.

The Project roadway geometry and Near-Term (2025) Plus Phase 1A Plus KT Homes & Retail Plus South Retail volumes are shown in **Figure 7** and **Figure 8**.

LOS Results

For Near-Term (2025) Plus Phase 1A Plus KT Homes & Retail Plus South Retail Conditions, it was determined that the following intersections would not meet LOS standards:

- Intersection 2 – Corral Hollow Road and Tracy Hills Drive/Street D
- Intersection 4 – Street D and Commercial Driveways 3 and 4

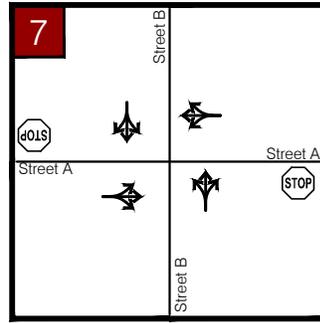
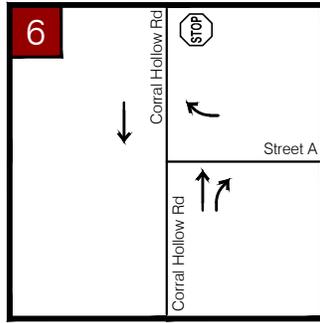
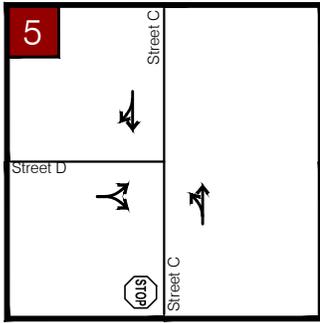
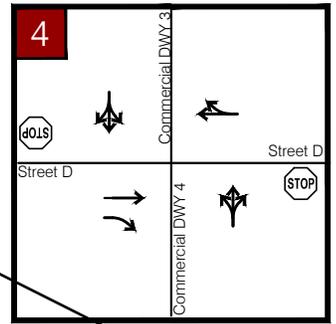
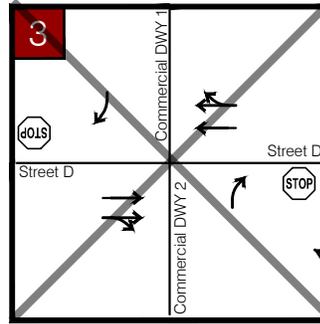
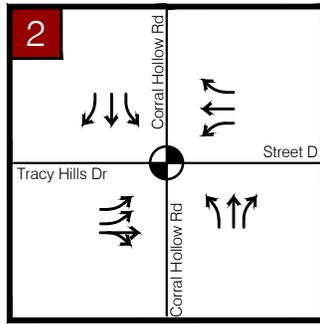
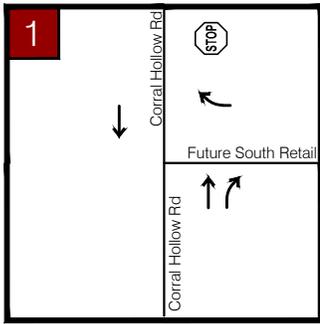
Near-Term (2025) Plus Phase 1A Plus KT Homes & Retail Plus South Retail LOS results are shown in **Table 4**.

Table 4 – Near-Term (2025) Plus Phase 1A Plus KT Homes & Retail Plus South Retail LOS Results

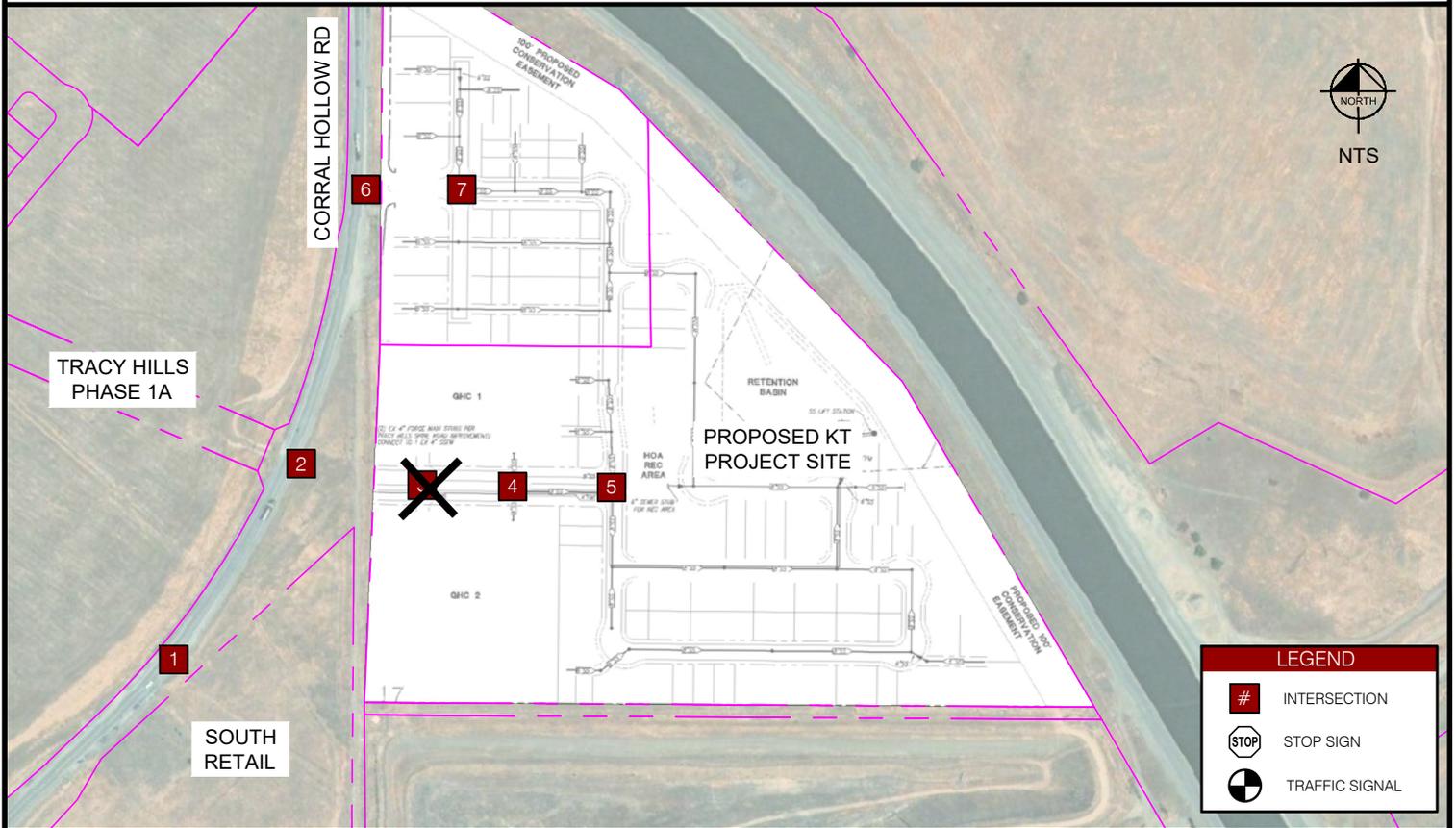
#	Intersection ¹	LOS Standard ^{2,3}	Control Type ⁴	NT (2025) + Phase 1A + KT Homes & Retail + South Retail						
				AM Peak Hour			PM Peak Hour			
				Movement	Delay ⁵	LOS	Movement	Delay ⁵	LOS	
1	Corral Hollow & South Retail DWY	Not Analyzed for LOS (Right In / Right Out Driveway)								
2	Corral Hollow & Tracy Hills Drive/Street D	D	Signal	-	92.3	F	-	301.4	F	
3	Street D & KT Commercial DWYs 1 & 2	Driveways have been removed								
4	Street D & KT Commercial DWYs 3 & 4	D	SSSC	-	-	-	-	-	-	
	<i>Worst Approach</i>			<i>NB</i>	<i>14.3</i>	<i>B</i>	<i>NB</i>	<i>133.9</i>	<i>F</i>	
5	Street D & Street C	D	SSSC	-	-	-	-	-	-	
	<i>Worst Approach</i>			<i>EB</i>	<i>8.8</i>	<i>A</i>	<i>EB</i>	<i>9.6</i>	<i>A</i>	
6	Corral Hollow Road & Street A	Not Analyzed for LOS (Right In / Right Out Driveways)								
7	Street A & Street B	D	SSSC	-	-	-	-	-	-	
	<i>Worst Approach</i>			<i>NB</i>	<i>8.6</i>	<i>A</i>	<i>NB</i>	<i>8.6</i>	<i>A</i>	

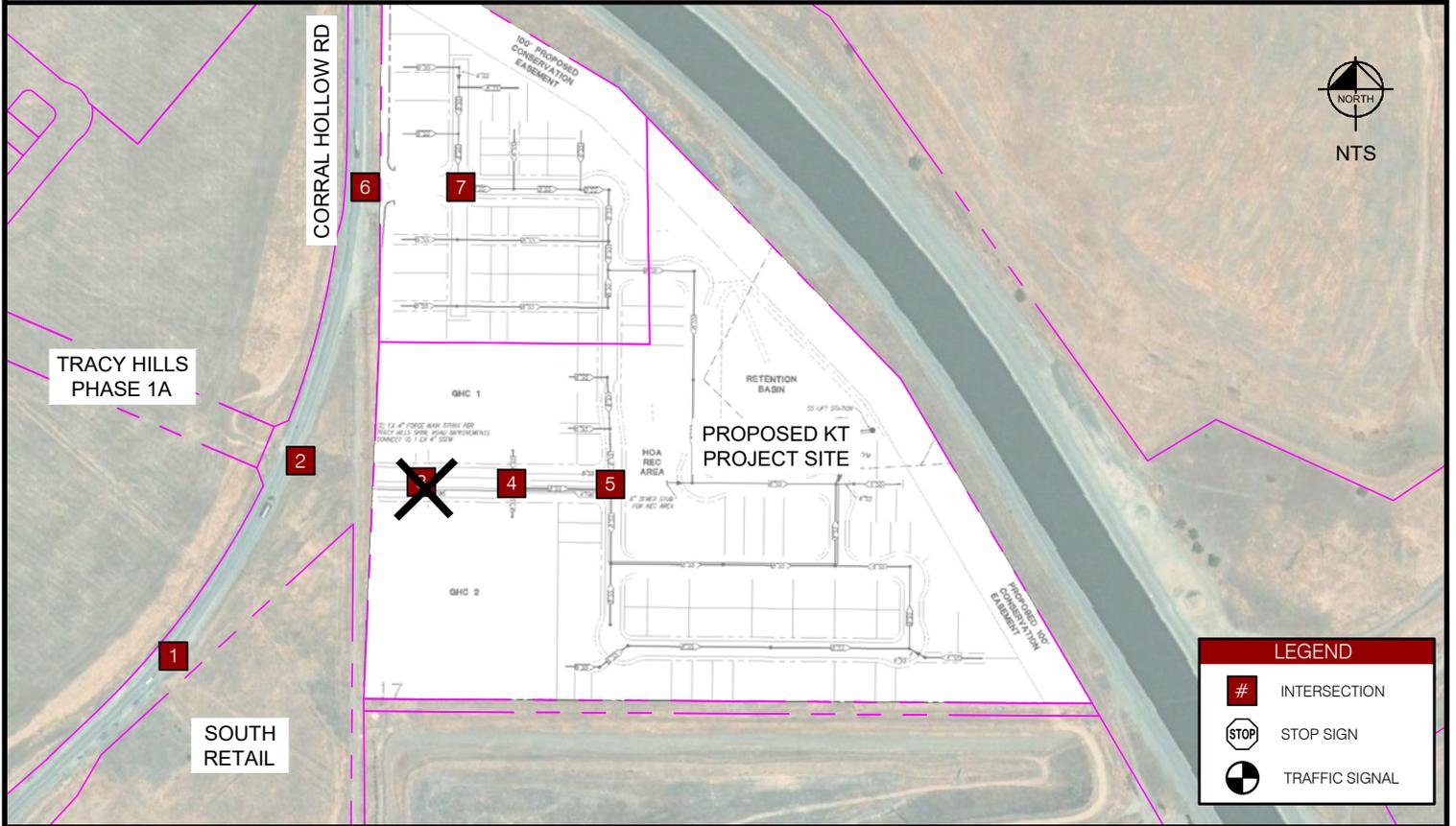
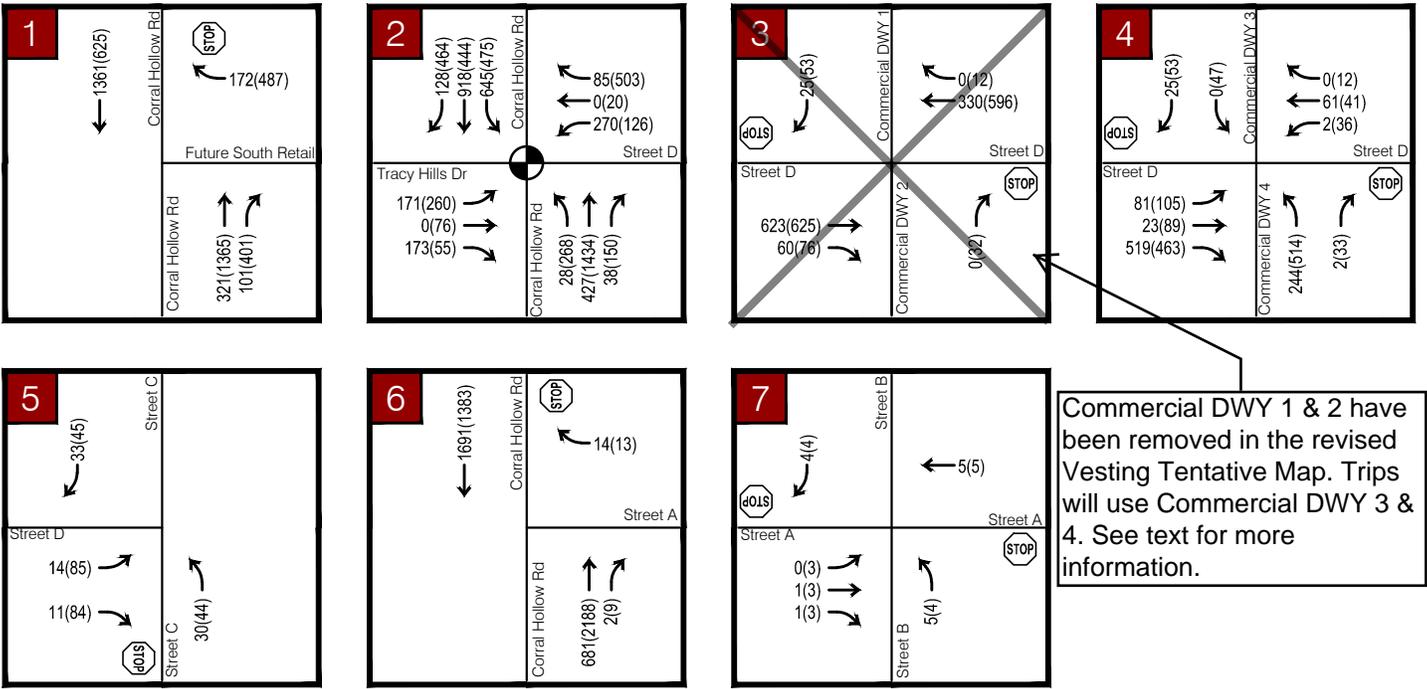
Notes:

1. Analysis performed using HCM 6 methodologies.
2. Overall level of service (LOS) standard for the City is D.
3. Overall level of service (LOS) standard for Caltrans is C/D.
4. SSSC – Side Street Stop Control Intersection
5. Delay indicated in seconds/vehicle.
6. Intersections that fall below LOS standard are shown in **bold**.



Commercial DWY 1 & 2 have been removed in the revised Vesting Tentative Map. Trips will use Commercial DWY 3 & 4. See text for more information.





4.1.4 Mitigations & Recommendations

Based on the results provided in **Table 4**, the following mitigations were implemented:

1. Intersection 2 – Corral Hollow Road and Tracy Hills Drive/Street D
 1. Provide two northbound and southbound through lanes on Corral Hollow Road
 2. Provide two northbound and southbound left turn lanes on Corral Hollow Road
 3. Provide northbound and southbound right turn overlap signal phasing
 4. Provide one left turn lane, one shared through/right turn lane and one right turn lane for the westbound approach

2. Intersection 4 – Street D and Commercial Driveways 3 and 4
 5. Provide a roundabout with the following attributes:
 - Single lane
 - 120-foot inscribed circle diameter
 - Right turn drop/bypass lane for the eastbound approach

Refer to **Figure 9** for the recommended traffic control for the KT site.

LOS Results

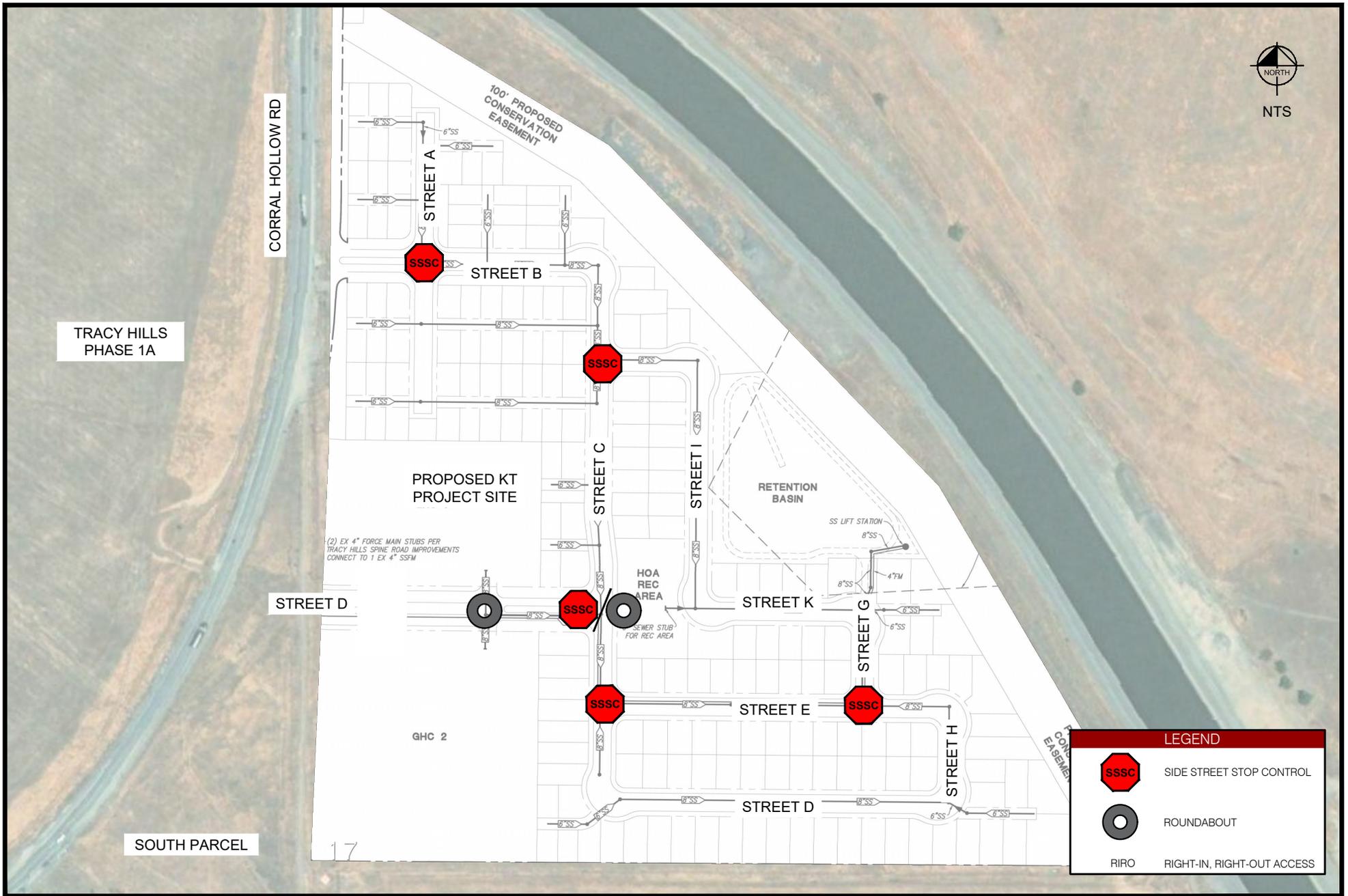
Near-Term (2025) Plus Phase 1A Plus KT Homes & Retail Plus South Retail (Mitigations) LOS results are shown in **Table 5**. All mitigations improve intersection operations to an acceptable LOS.

Table 5 – Near-Term (2025) Plus Phase 1A Plus KT Homes & Retail Plus South Retail (With Mitigations)

#	Intersection ¹	LOS Standard ^{2,3}	Control Type ⁴	NT (2025) + 1A (No BP) + Full KT + South Retail			
				PM Peak Hour			
				Movement	Max V/C	Delay ⁵	LOS
1	Corral Hollow & South Retail DWY	Not Analyzed for LOS (Right In / Right Out Driveway)					
2	Corral Hollow & Tracy Hills Drive/Street D	D	Signal	-	-	51.6	D
3	Street D & KT Commercial DWYs 1 & 2	Driveways have been removed					
4	Street D & KT Commercial DWYs 3 & 4	D	RAB	-	0.572	7.8	A
5	Street D & Street C	D	SSSC	-	-	-	-
6	Corral Hollow Road & Street A	Not Analyzed for LOS (Right In / Right Out Driveway)					
7	Street A & Street B	D	SSSC	-	-	-	-

Notes:

1. Analysis performed using HCM 6 methodologies.
2. Overall level of service (LOS) standard for the City is D.
3. Overall level of service (LOS) standard for Caltrans is C/D
4. SSSC – Side Street Stop Control Intersection
5. Delay indicated in seconds/vehicle.
6. Intersections that fall below City standard are shown in **bold**.



4.1.5 Fair Share Calculation (KT Homes, KT Retail, and South Retail)

Fair share was calculated based on the percentage of trips each project produces. For this calculation, Phase 1A was not included.

Table 6 provides the fair share calculation for KT homes, KT retail, and South Retail.

Table 6 – Fair Share Calculation for Street D (KT Homes, KT Retail, and South Retail)

Project	Project Volumes	Faire Share %
KT Homes	170	7%
KT Retail	836	35%
South Retail	1,381	58%
Total	2,387	100%

4.1.6 KT Homes Only Alternative LOS Results

At the request of the Applicant, the following intersection will operate at an acceptable level of service with the following minimal roadway geometry:

2. Corral Hollow Road & Tracy Hills Drive / Street D
 - a. Southbound: One left turn, one right turn and one through lane
 - b. Northbound: One left turn, one right turn and one through lane
 - c. Westbound: One left turn, one shared through and right turn lane
 - d. Eastbound: Same as existing - One shared through and right turn lane, two left turn lanes
 - e. Signal timing: Modified signal timing plans for AM and PM and school midday
 - f. Add signal poles and curb/sidewalk as required.
 - g. Pay fair share towards Corral Hollow Road improvements south of I-580.

Table 7 provides the LOS results for this development condition.

Table 7 – Near-Term (2025) Plus Phase 1A Plus KT Homes

#	Intersection ¹	LOS Standard ^{2,3}	Control Type ⁴	NT (2025) + Phase 1A + KT Homes					
				AM Peak Hour			PM Peak Hour		
				Movement	Delay ⁵	LOS	Movement	Delay ⁵	LOS
2	Corral Hollow Rd & Tracy Hills Drive/Street D	D	Signal	-	29.0	C	-	44.9	D

Notes:

1. Analysis performed using HCM 6 methodologies.
2. Overall level of service (LOS) standard for the City is D.
3. Overall level of service (LOS) standard for Caltrans is C/D.
4. SSSC – Side Street Stop Control Intersection
5. Delay indicated in seconds/vehicle.
6. Intersections that fall below LOS standard are shown in **bold**.

4.1.7 KT Homes and Retail Alternative LOS Results

At the request of the Applicant, the following intersection will operate at acceptable level of service with the following minimal roadway geometry:

2. Corral Hollow Road & Tracy Hills Drive / Street D
 - a. Southbound: Two left turns, one right turn and one through lane
 - b. Northbound: Two left turns, one right turn and one through lane
 - c. Westbound: One through, one left turn lane and one right turn lane.
 - d. Eastbound: Same as existing - One shared through and right turn lane, two left turn lanes
 - e. Signal timing: Modified signal timing plans for AM and PM and school midday.
 - f. Add signal poles and curb/sidewalk as required.

4. Corral Hollow Road & Street D / Commercial DWYs 3 and 4
 - a. Install single-lane roundabout with an Eastbound channelized right turn lane (drop lane)

Table 8 provides the LOS results for this development condition.

Table 8 – Near-Term (2025) Plus Phase 1A Plus KT Homes & Retail

#	Intersection ¹	LOS Standard ^{2,3}	Control Type ⁴	NT (2025) + Phase 1A + KT Homes & Retail					
				AM Peak Hour			PM Peak Hour		
				Movement	Delay ⁵	LOS	Movement	Delay ⁵	LOS
2	Corral Hollow Rd & Tracy Hills Drive/Street D	D	Signal	-	37.1	D	-	30.4	C

Notes:

1. Analysis performed using HCM 6 methodologies.
2. Overall level of service (LOS) standard for the City is D.
3. Overall level of service (LOS) standard for Caltrans is C/D.
4. SSSC – Side Street Stop Control Intersection
5. Delay indicated in seconds/vehicle.
6. Intersections that fall below LOS standard are shown in **bold**.

4.1.8 Fair Share Calculation (KT Homes and KT Retail)

Fair share was calculated based on the percentage of trips that only the KT project produces. For this calculation, Phase 1A and the South Retail was not included.

Table 9 provides the fair share calculation for KT Homes and Retail.

Table 9 – Fair Share Calculation for Street D (KT Homes and Retail)

Project	Project Volumes	Faire Share %
KT Homes	170	17%
KT Retail	836	83%
Total	1,006	100%

4.2 Internal Roadway Network Review

Redlines for the KT Vesting Tentative Map provided by RJA (dated February 4, 2020) and the roundabout concepts have been provided in the Appendix (A.12) of this report.

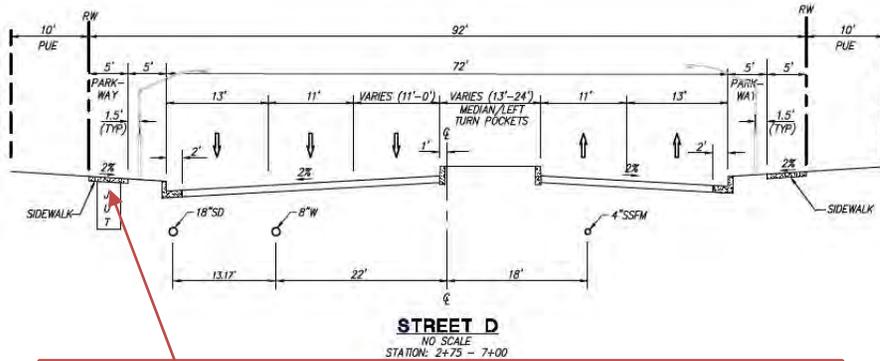
4.2.1 Cross Sections

The Vesting Tentative Map provides four cross sections that are used without the proposed development:

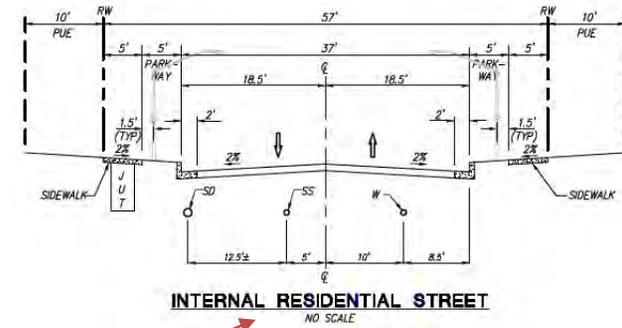
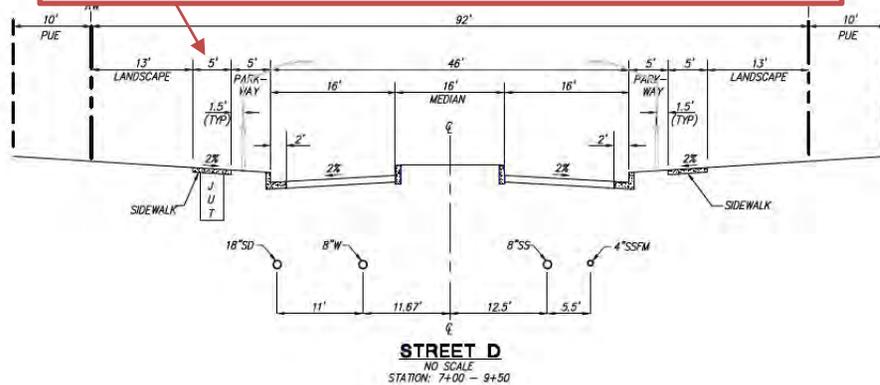
- Street D – five lanes
- Street D – two lanes
- Internal Residential Street
- Motorcourt (Alley)

These cross sections were reviewed for conformance with the THSP. **Figure 10** shows the four cross sections and provides comments.

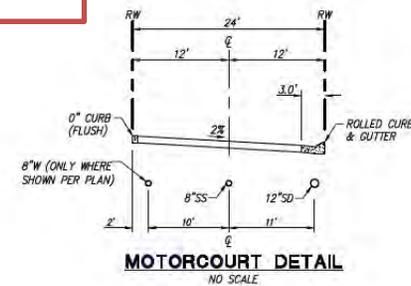
Figure 10 - Cross Sections



This is an arterial: Provide Class I bikeway on north and south sides of Street D, also provide Class 1 to the South Retail area



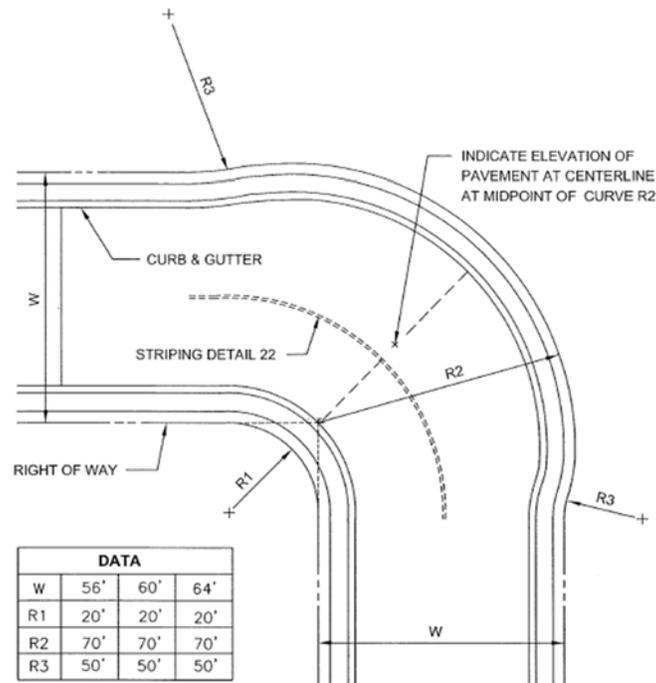
Provide cross section with traffic calming choker as seen on Street C.



4.2.2 Street Knuckle

The street knuckles were reviewed using Standard Plan No. 107 from the City of Tracy Standard Plans (Streets and Utilities) (December 2008). The standard has been provided below as **Figure 11**.

Figure 11 – Street Knuckle Detail (Standard Plan No. 107)



The following recommendations for the Knuckle Detail are listed below:

- Provide dimension for R3.
- Provide Striping Detail 22.

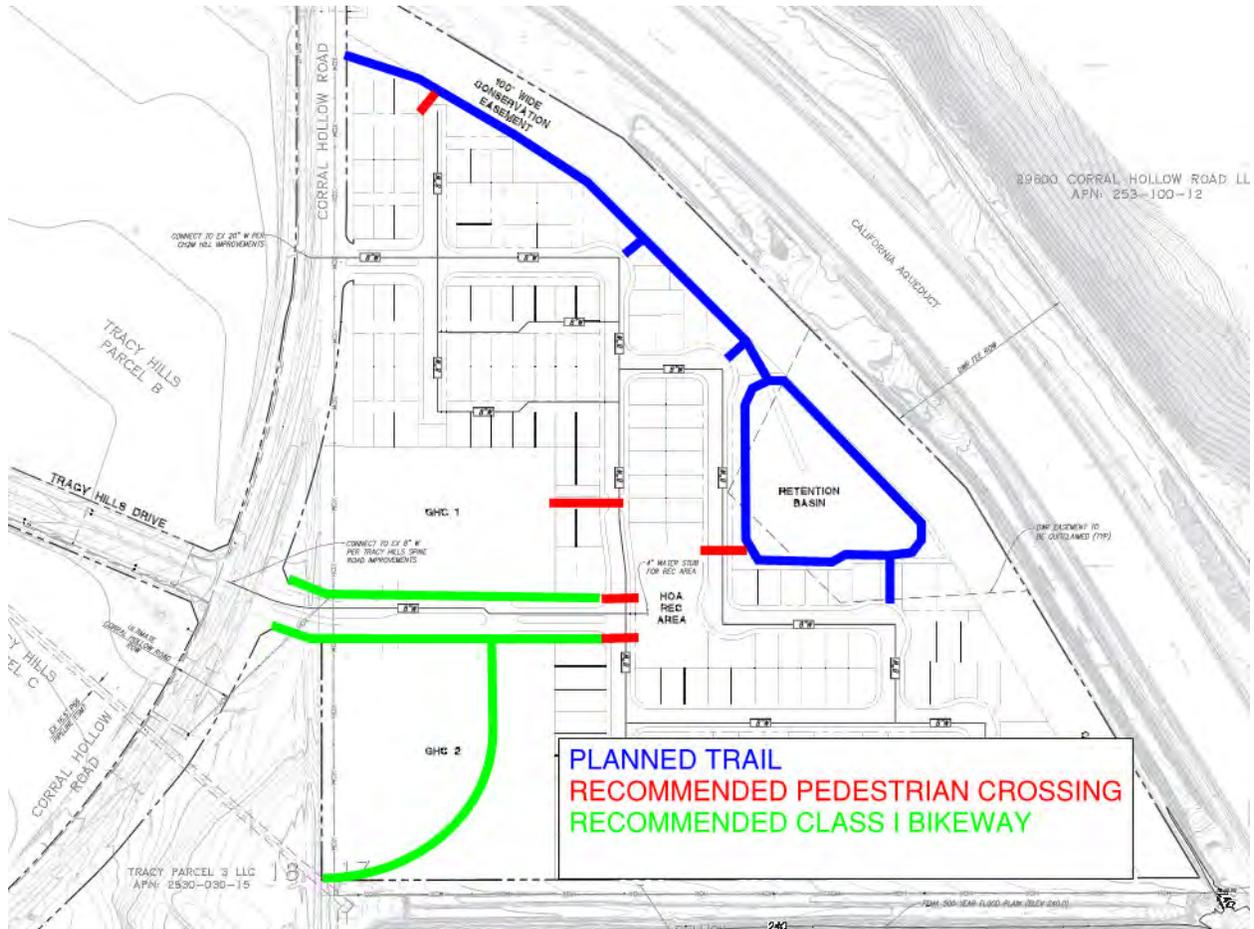
4.2.3 Bicycle and Pedestrian Network

The Project proposes to construct sidewalk on both sides of all streets, alleys excluded, and proposes an 8-foot trail on the north side of the Project along the conservation easement from Corral Hollow Road to the retention basin. A 12-foot access road and trail is proposed around the retention basin. No on-street bicycle facilities are shown on the plans, but it is assumed that the trails will be multi-use, pedestrians and bicyclists.

The following are recommendations for the pedestrian and bicycle network (also see Figure 12):

- Provide a Class I bikeway along the north side and south side of Street D.
- Widen the 8-foot trail to 10 feet to match cross sections in the THSP.
- Add trail connection to/from Street B.
- Provide pedestrian crossings to/from park areas.
- Provide pedestrian crossings across all stop-controlled legs.

Figure 12: Bicycle and Pedestrian Network



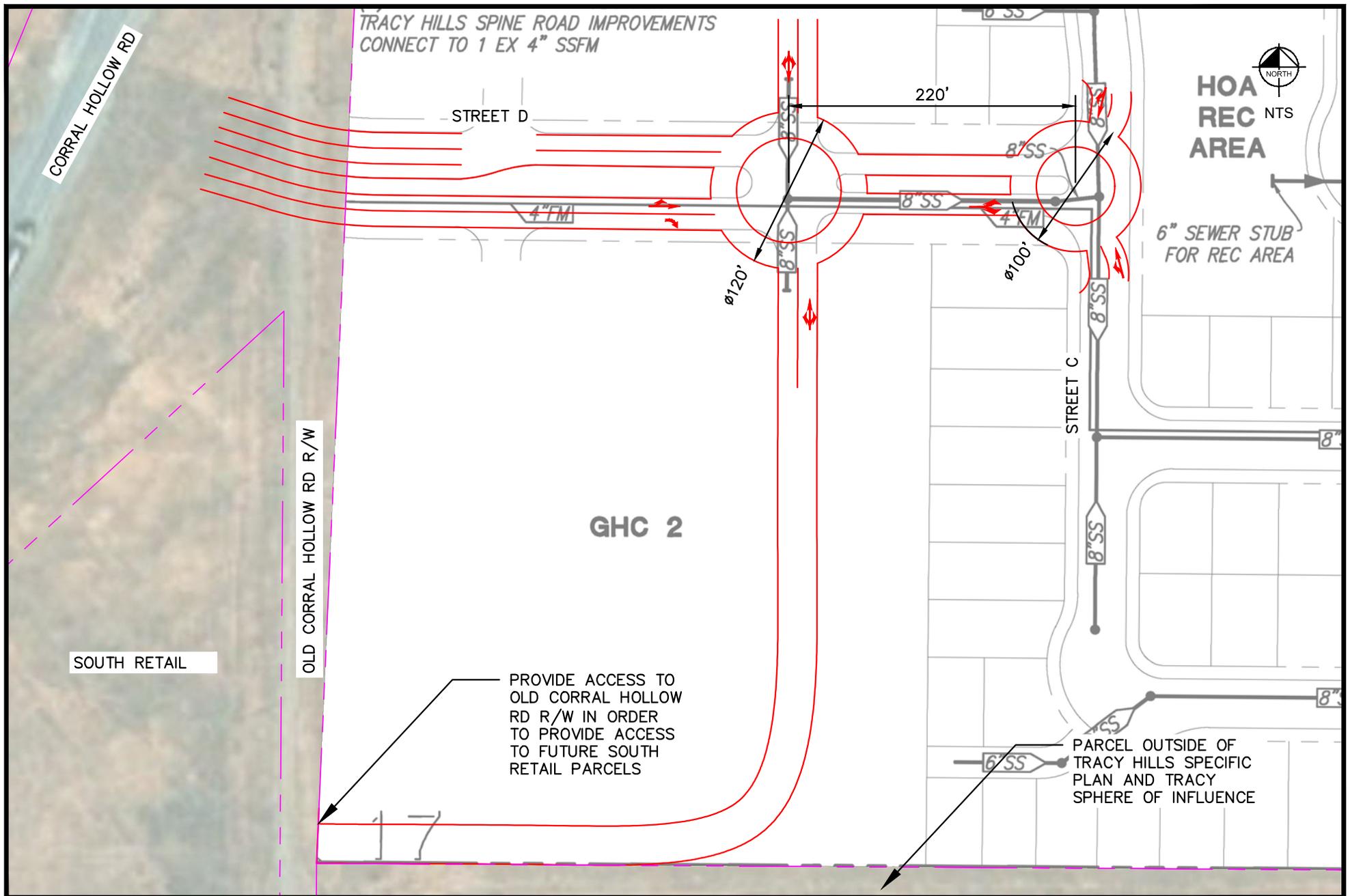
4.2.4 Roundabout Concepts

Based on the LOS results presented in **Table 5**, it is recommended to construct a roundabout at the intersection of Street D and KT Commercial Driveways 3 and 4. Based on the Sidra analysis (provided in the **Appendix**), it was determined that the roundabout should have the following attributes:

- Single Lane
- 120-foot inscribed circle diameter (ICD)
- A drop/bypass lane for the eastbound right turn lane

In addition, an up to 100-foot ICD mini roundabout with pedestrian crossing capability was provided at the intersection of Street D and Street C. The intersection operates at an acceptable LOS as a side street stop control and a roundabout is not required.

Refer to **Figure 13** for the roundabout concepts.



4.2.5 Turning Templates

To determine if design vehicles can perform movements within the KT project site, AutoTURN turning templates were completed on the following:

- Typical Alley (Motorcourt) – Refer to the KT Tentative Map provided RJA (dated November 5, 2019)
- Areas of Concern – These are areas where it may be difficult for the design vehicles to operate

The following design vehicles were utilized for this analysis:

- Passenger Cars (specifications from American Association of State Highway and Transportation Officials (AASHTO))
- Mack LR side loading garbage truck (specifications from Tracy Delta Solid Waste Management)
- Pierce Fire Pumper truck (specifications from the City of Tracy)

Refer to **Figure 14** for the typical alleyway turning templates and **Figure 15** for turning templates at areas of concern.

The design vehicles can complete movements within the KT site at most locations. One concern is with the proposed choker along Street C. Passenger cars may have difficulties maneuvering to and from the alley near the choker, and it is recommended to relocate or redesign either the alley or choker.

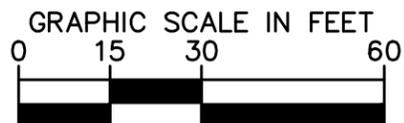
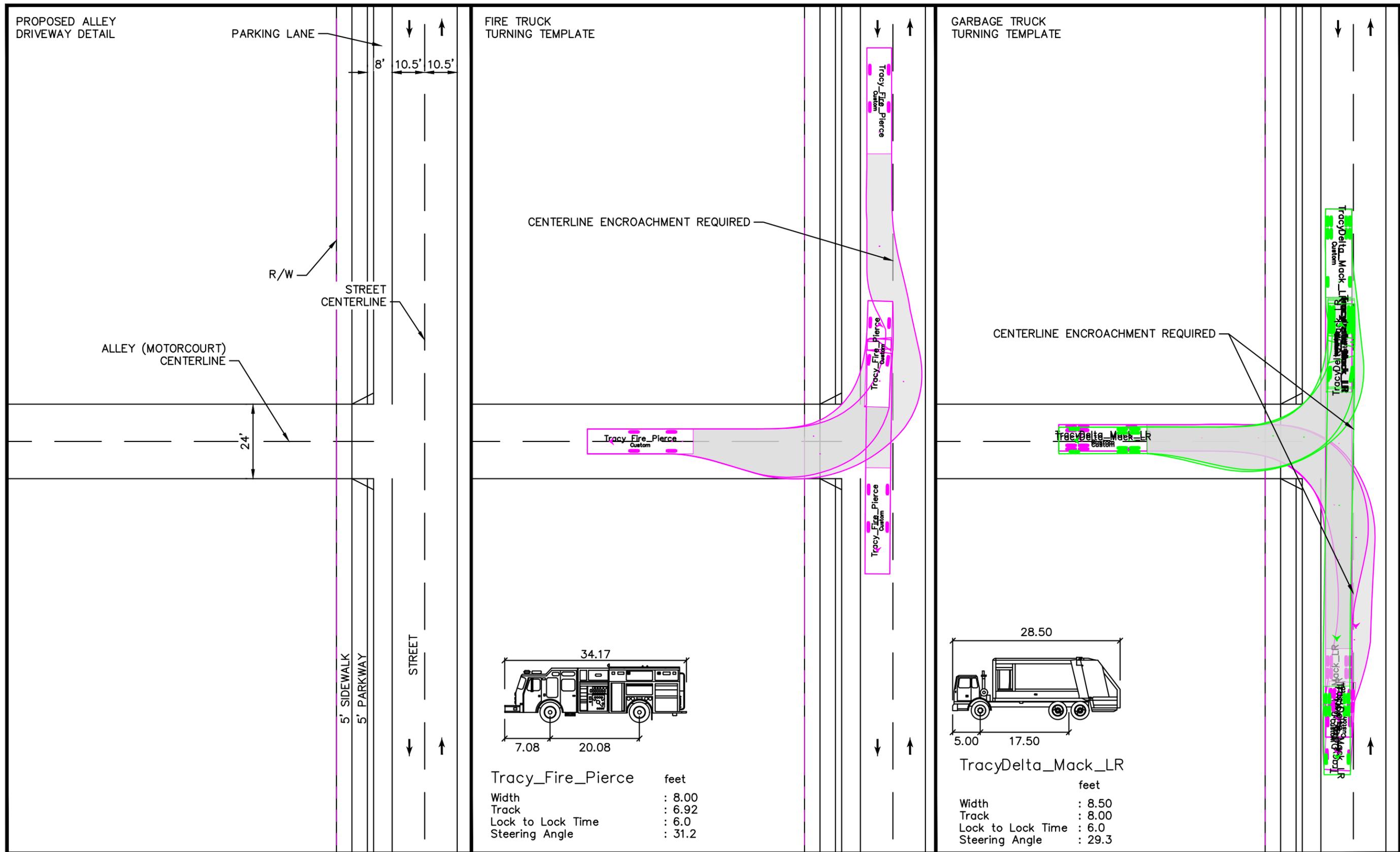
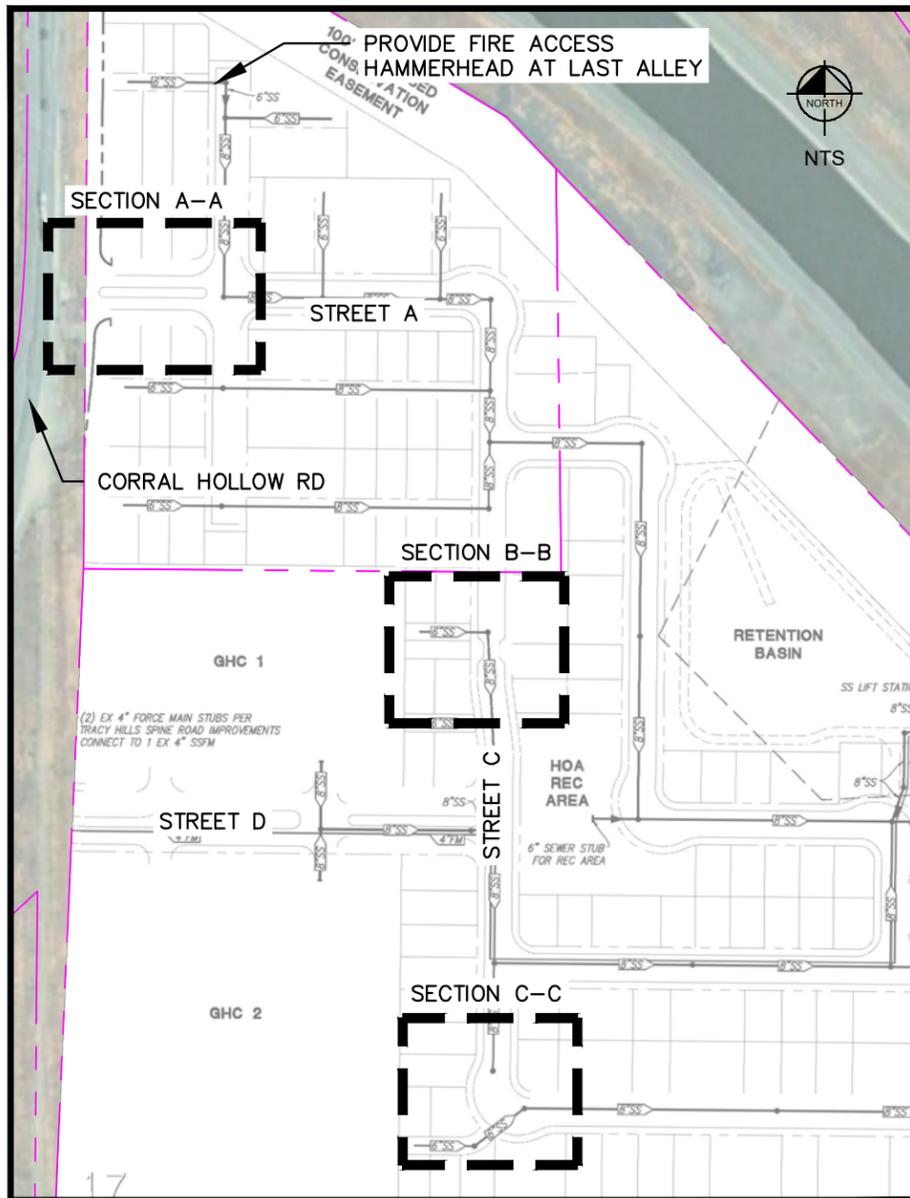
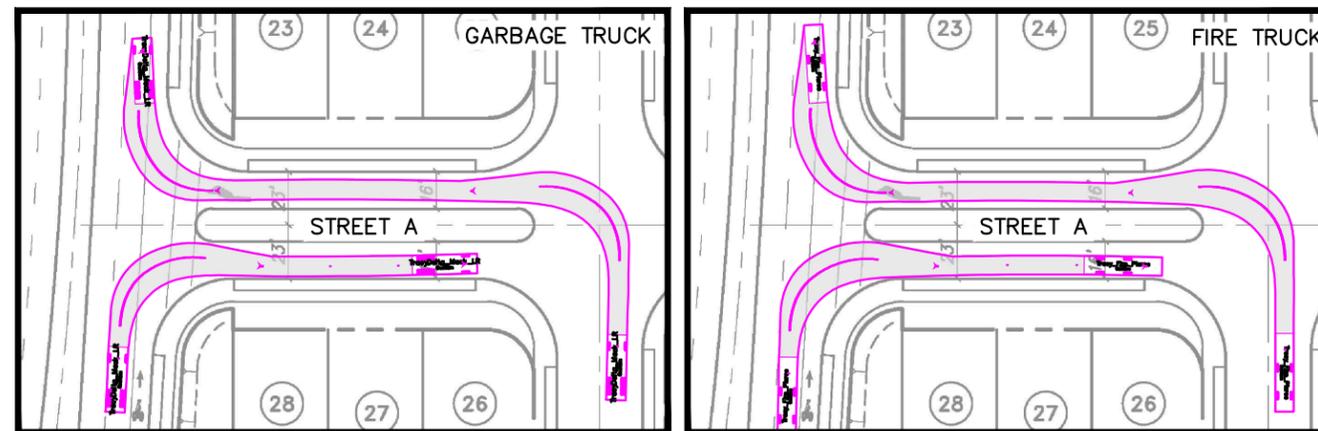


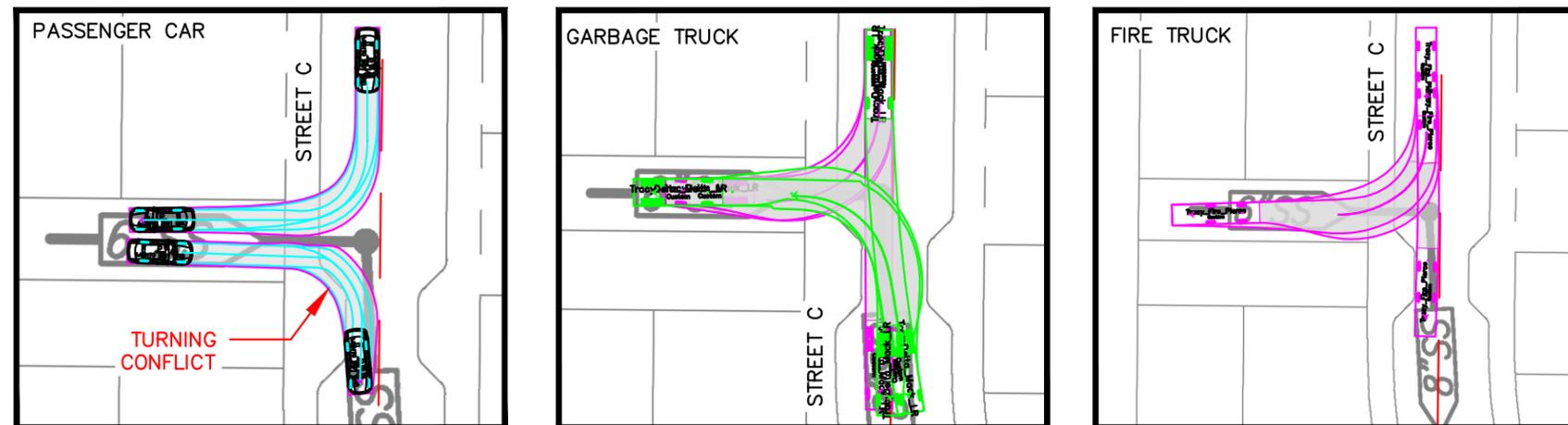
Figure 14
Alley Turning Template Typical Detail



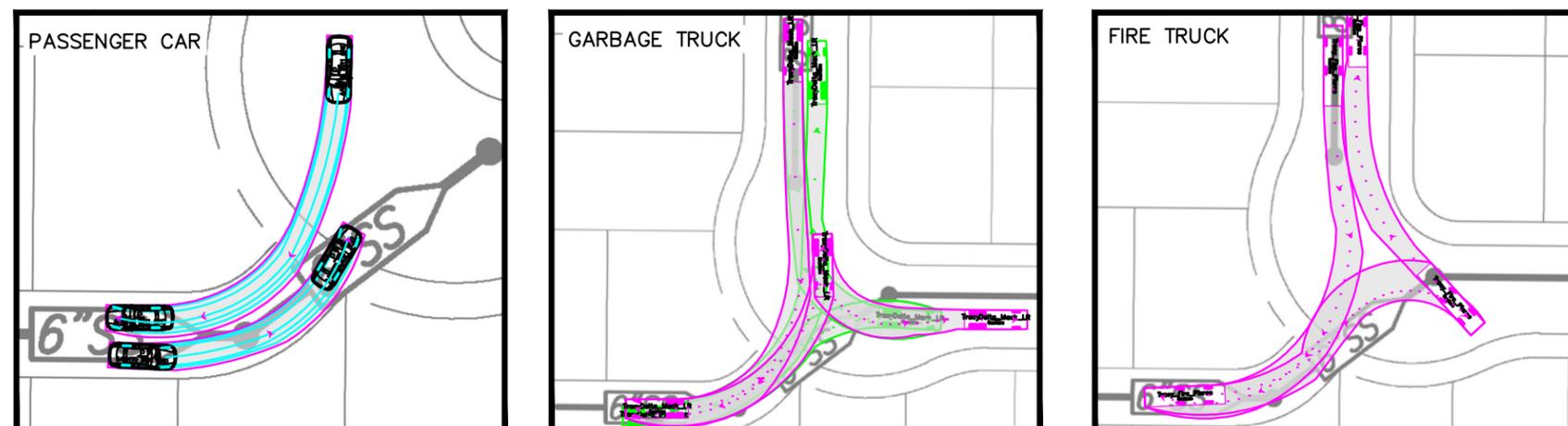
SECTION A-A TURNING TEMPLATES (NTS)



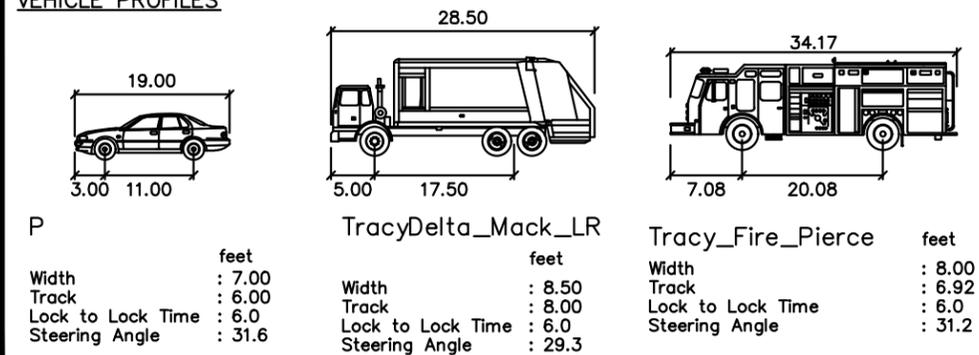
SECTION B-B TURNING TEMPLATES (NTS)



SECTION C-C TURNING TEMPLATES



VEHICLE PROFILES



4.2.6 Summary of Internal Roadway Review

Table 10 summarizes the results provided in **Section 4.2 Internal Roadway Network Review**.

Table 10 – Summary of Internal Roadway Review

Review Items		Recommendations
Roadway Cross Sections (Section 4.2.1)	Street D	<ul style="list-style-type: none"> • Add Class I bikeway
	Residential	<ul style="list-style-type: none"> • Add cross section at traffic calming choker
Street Knuckle Detail (Section 4.2.2)		<ul style="list-style-type: none"> • Provide dimension for R3 • Provide Striping Detail 22
Bicycle and Pedestrian Network (Section 4.2.3)		<ul style="list-style-type: none"> • Provide a Class I bikeway along the north side of Street D. • Widen the 8-foot trail to 10 feet to match cross sections in the THSP. • Add trail connection to/from Street B. • Provide pedestrian crossings to/from park areas. • Provide pedestrian crossings across all stop-controlled legs.
Roundabout (Section 4.2.4)		<ul style="list-style-type: none"> • Provide 120' ICD single lane roundabout with EBR bypass
Turning Templates (Section 4.2.5)	Passenger Car	<ul style="list-style-type: none"> • Passenger cars are unable to complete turning movement at choker located along C Street

5. KT External Network Review

The following scenarios were studied for the external network review:

- Near-Term (2025) Plus Phase 1A Conditions
- Near-Term (2025) Plus Phase 1A Mitigated Conditions
- Near-Term (2025) Plus Phase 1A Mitigated Plus KT Homes Conditions

The study intersections were the following:

2. Corral Hollow Road and Tracy Hills Drive/Street D
6. Corral Hollow Road and Street A (Right In / Right Out)
8. Corral Hollow Road and I-580 Eastbound Ramps
9. Corral Hollow Road and I-580 Westbound Ramps
10. Corral Hollow Road and Linne Road

The Project site and external study intersections are shown in **Figure 16**.

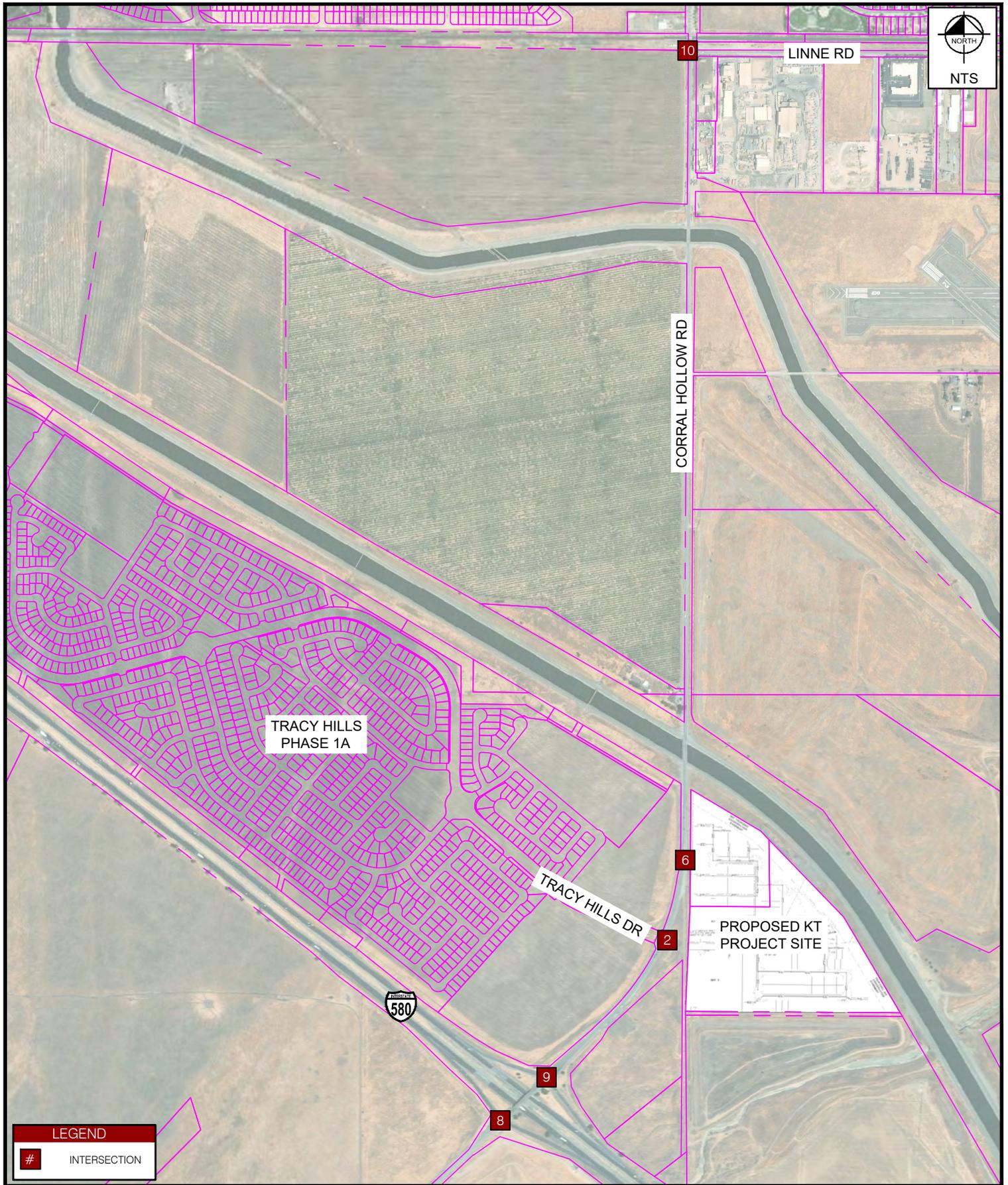


Figure 16

External Study Intersections

KT VESTING TENTATIVE MAP REVIEW

5.1 Near-Term (2025) Plus Phase 1A Conditions

To determine potential significant impacts related to the proposed Project, Near-Term (2025) Plus Phase 1A Conditions were analyzed as the base condition. For this scenario, it was assumed that Tracy Hills Phase 1A would be completed and traffic from the development would be added to Tracy Hills Drive and the existing roadway network.

Roadway geometry and traffic control for the Phase 1A development were determined by the Tracy Hills Tentative Map Review and the Tracy Hills EIR. Mitigations and roadway improvements identified in the EIR (October 2015) were incorporated into the Near-Term (2025) Plus Phase 1A traffic control and roadway geometry and forms the baseline conditions for this analysis. For the Phase 1A trip generation, refer to the **Appendix**.

The roadway geometry and Near-Term (2025) Plus Phase 1A volumes are shown in **Figure 17** and **Figure 18**, respectively.

5.1.1 LOS Results

For Near-Term (2025) Plus Phase 1A Conditions, it was determined that the following intersections would not meet LOS standards:

- Intersection 8: Corral Hollow Road and I-580 Eastbound Ramps – PM peak hour
- Intersection 9: Corral Hollow Road and I-580 Westbound Ramps – AM peak hour
- Intersection 10: Corral Hollow Road and Linne Road – PM peak hour

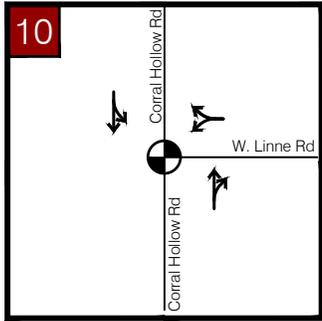
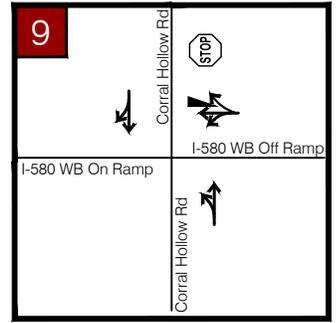
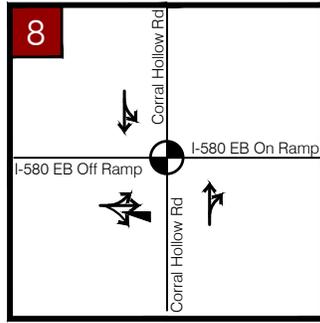
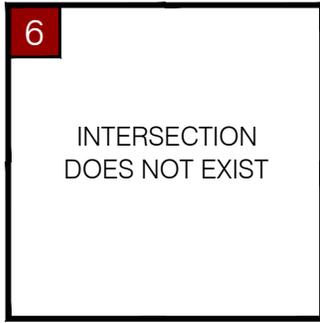
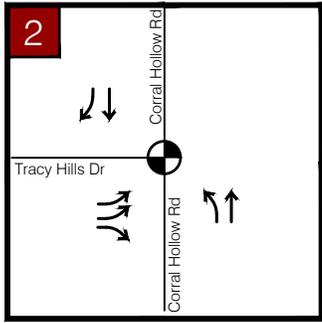
Near-Term (2025) Plus Phase 1A LOS results are shown in **Table 11**.

Table 11 – Near Term (2025) Plus 1A Conditions LOS Results

#	Intersection ¹	LOS Standard ^{2,3}	Control Type ⁴	NT (2025) + Phase 1A Conditions					
				AM Peak Hour			PM Peak Hour		
				MVMT	Delay	LOS	MVMT	Delay	LOS
2	Corral Hollow Rd & Tracy Hills Dr/Street D	D	Signal	-	19.5	B	-	18.9	B
6	Corral Hollow Rd & Street A	INTERSECTION DOES NOT EXIST							
8	Corral Hollow Rd & I-580 EB Ramps	C/D	Signal	-	19.6	B	-	45.0	D
9	Corral Hollow Rd & I-580 WB Ramps	C/D	SSSC	-	-	-	-	-	-
			<i>Worst Approach</i>	WB	30.0	D	WB	16.7	C
10	Corral Hollow Rd & Linne Rd	D	Signal	-	33.3	C	-	71.2	E

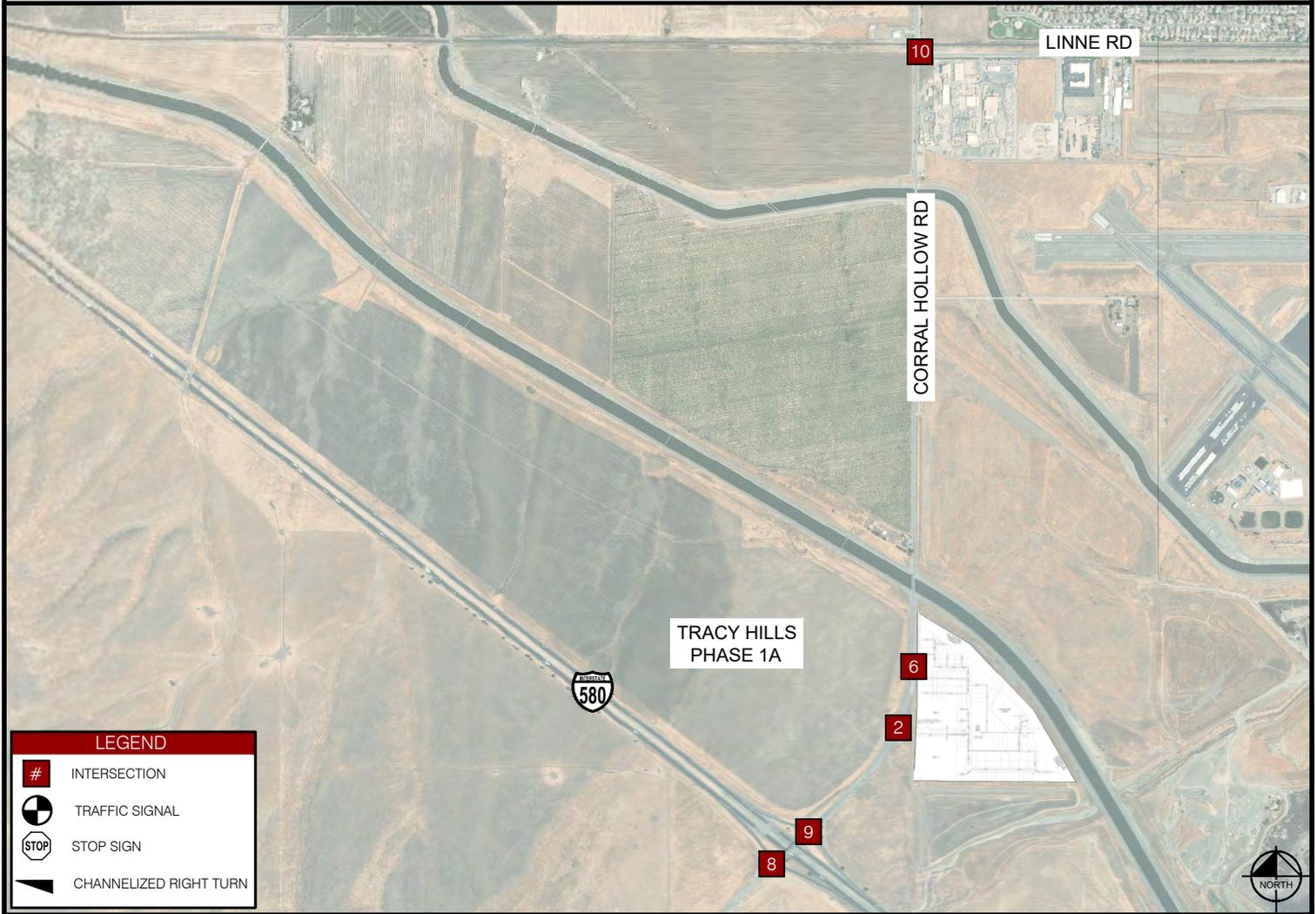
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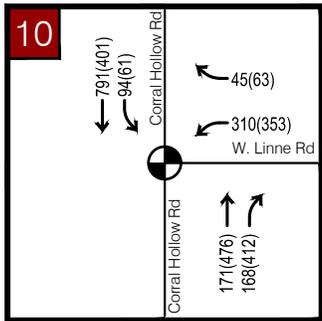
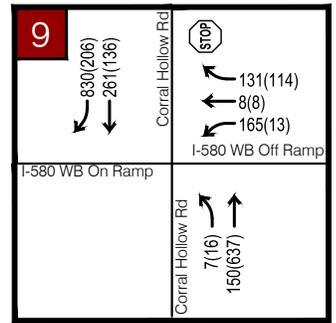
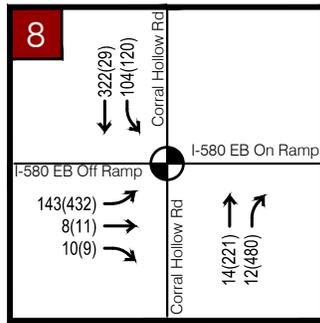
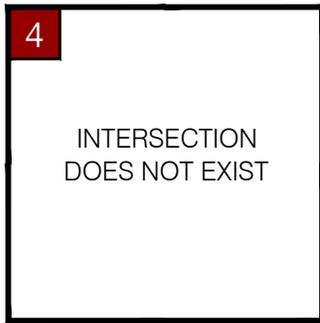
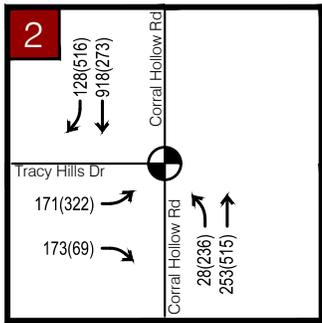
1. Analysis performed using HCM 6 methodologies.
2. Overall level of service (LOS) standard for the City is D.
3. Overall level of service (LOS) standard for Caltrans is C/D
4. SSSC – Side Street Stop Control Intersection, Signal – Signal Control Intersection
5. Delay indicated in seconds/vehicle.
6. Intersections that fall below LOS standards are shown in **bold**.



GENERAL NOTES:

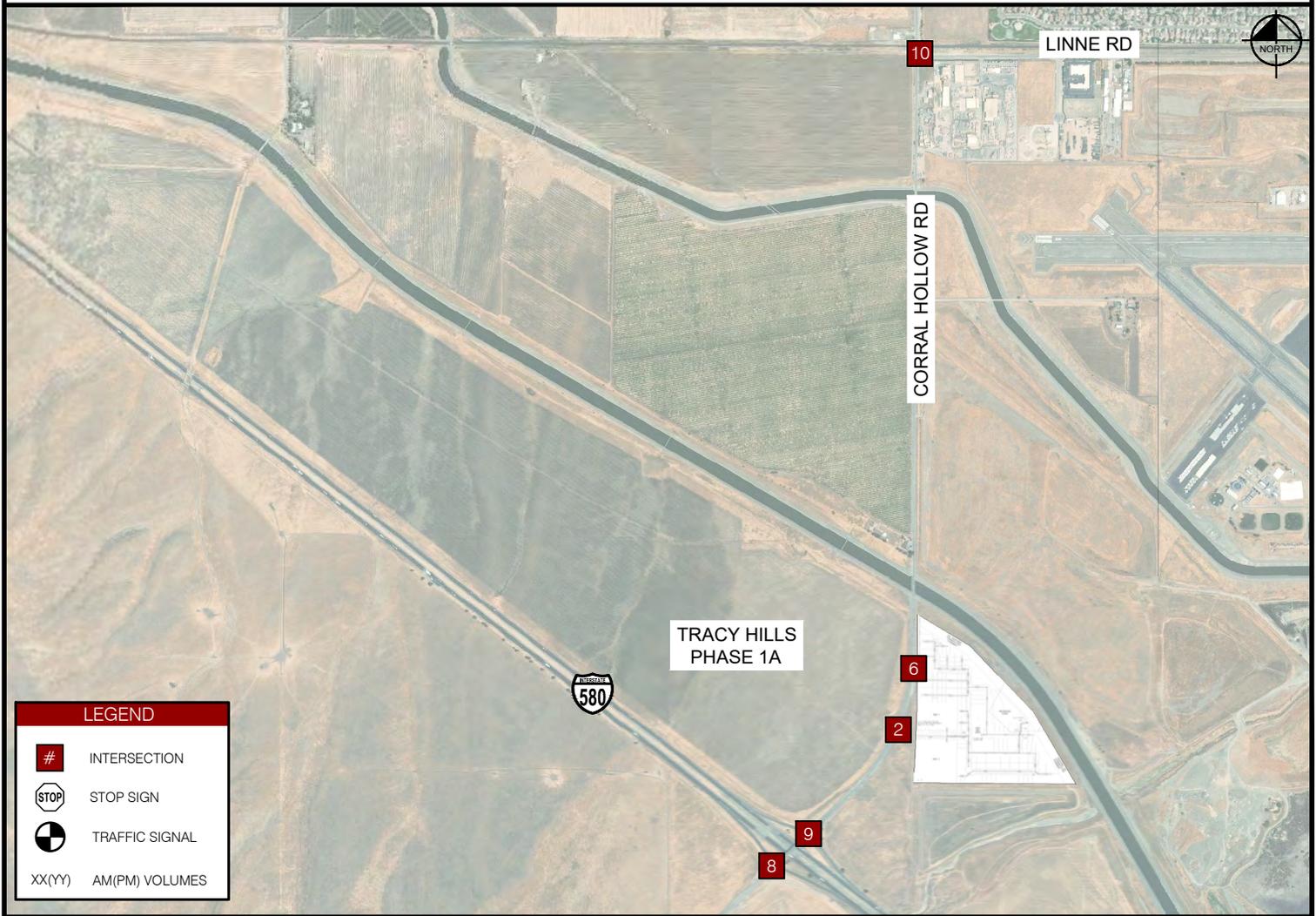
- INTERSECTIONS 1, 3, 4, 5, & 7 NOT APPLICABLE TO THIS ANALYSIS





GENERAL NOTES:

- INTERSECTIONS 1, 3, 4, 5, & 7 NOT APPLICABLE TO THIS ANALYSIS



5.1.2 Mitigations

As has been discussed in the *Tracy Hills 1A/B/C Plus KT Network Analysis* (dated December 23, 2019), the EIR mitigations for the study intersections identified below do not provide adequate LOS for this study condition. Further mitigations were analyzed for the Near-Term (2025) Plus Phase 1A Conditions and the following recommendations are proposed:

1. Intersection 8: Corral Hollow Road and I-580 Eastbound Ramps
 - Install a single lane roundabout with northbound right turn bypass lane.
2. Intersection 9: Corral Hollow Road and I-580 Westbound Ramps
 - Install a single lane roundabout with southbound right turn bypass lane.
3. Intersection 10: Corral Hollow Road and Linne Road
 - Install a northbound right turn lane, a southbound left turn lane, and provide a westbound right turn pocket.

The KT Project has a proportionate share in these improvements and will pay the City Traffic Impact Fees consistent with the findings of the approved Tracy Hills EIR.

Table 12 provides the LOS results for the proposed mitigations. All mitigations improve intersection operations to an acceptable LOS.

Table 12 – Near-Term (2025) Plus Phase 1A Conditions Mitigated LOS Results

#	Intersection ¹	LOS Standard ^{2,3}	Control Type ⁴	NT (2025) + Phase 1A (MIT) Conditions					
				AM Peak Hour			PM Peak Hour		
				Delay	V/C	LOS	Delay	V/C	LOS
2	Corral Hollow Rd & Tracy Hills Dr/Street D	D	Signal	-	-	-	-	-	-
6	Corral Hollow Rd & Street A	INTERSECTION DOES NOT EXIST							
8	Corral Hollow Rd & I-580 EB Ramps	C/D	RAB	7.4	0.400	A	6.9	0.423	A
9	Corral Hollow Rd & I-580 WB Ramps	C/D	RAB	9.4	0.703	A	7	0.524	A
10	Corral Hollow Rd & Linne Rd	D	Signal	-	-	-	12.5	-	B

Notes:

1. Analysis performed using HCM 6 methodologies.
2. Overall level of service (LOS) standard for the City is D.
3. Overall level of service (LOS) standard for Caltrans is C/D
4. Signal – Signal Control Intersection, RAB - roundabout
5. Delay indicated in seconds/vehicle.
6. Intersections that fall below LOS standards are shown in **bold**.

5.2 Project Trip Generation, Distribution and Assignment

5.2.1 Project Trip Generation

Trip generation was prepared using rates from the Tracy Hills Specific Plan Recirculated Draft Subsequent EIR. **Table 13** provides the estimated trip generation used for this analysis.

Table 13 – KT Homes Only Trip Generation

Trip Generation Rates ¹	ITE Land Use Code/Reference	Units	Weekday AM			Weekday PM		
			Rate	IN	OUT	Rate	IN	OUT
Low/Mid Density Residential & Residential Estate	Tracy Model	DU	0.55	25%	75%	1.05	63%	37%
Trip Generation Rates	Units		Weekday AM			Weekday PM		
			Total	IN	OUT	Total	IN	OUT
Gross Trips								
KT Homes (Project)								
Low/Mid Density Residential & Residential Estate	185	DU	102	26	76	194	122	72
Gross KT Trips			102	26	76	194	122	72

Notes

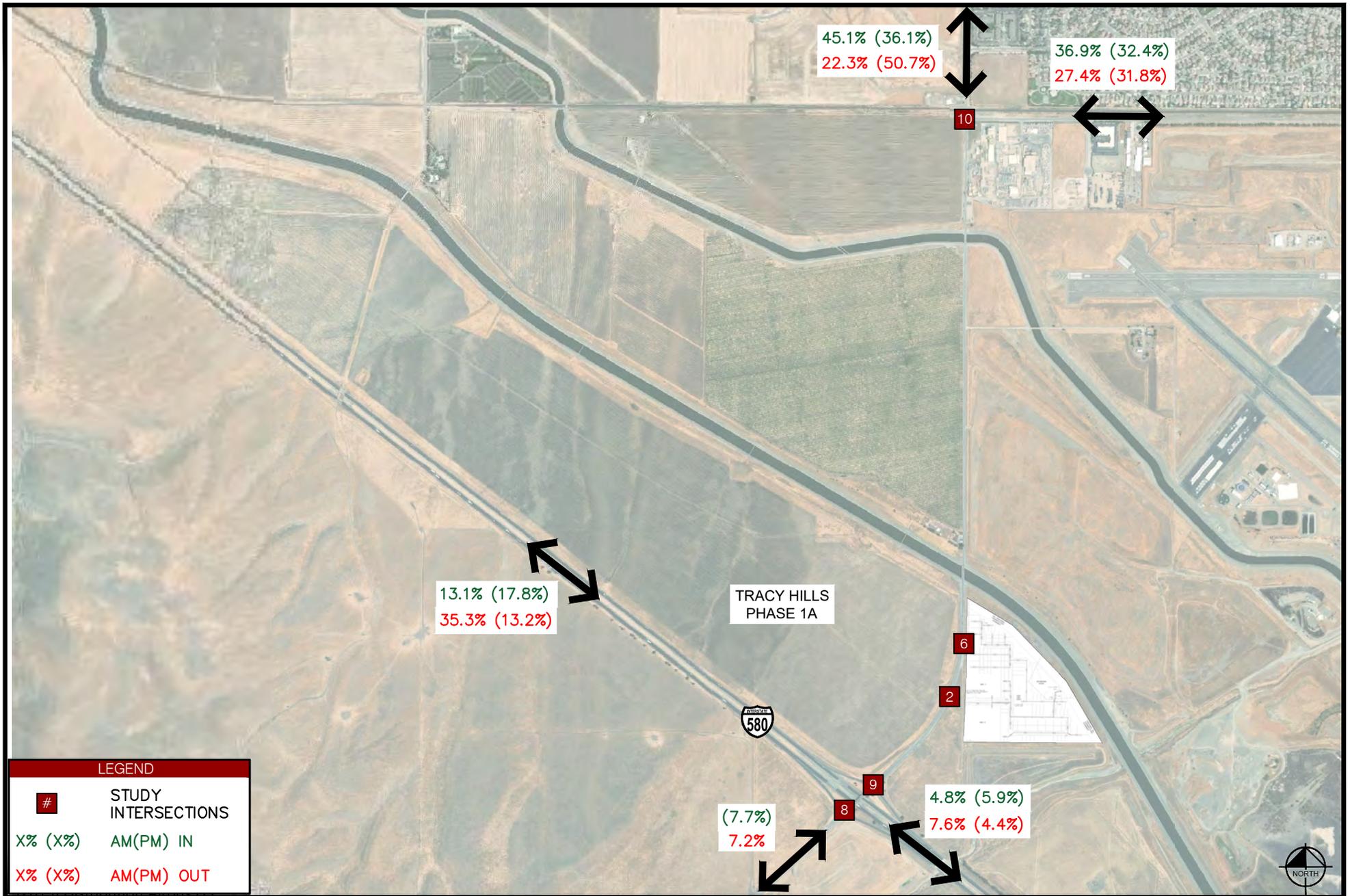
1. Rates from Tracy Hills Specific Plan Recirculated Draft Subsequent EIR (October, 2015)

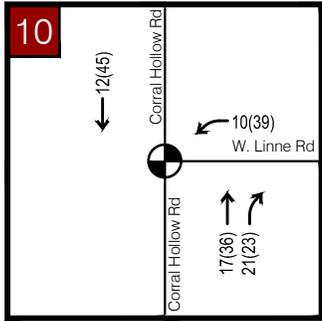
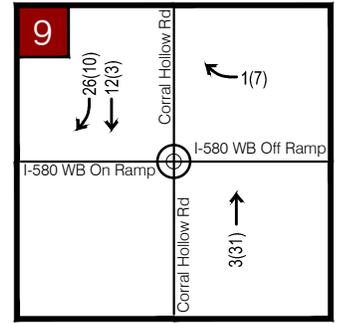
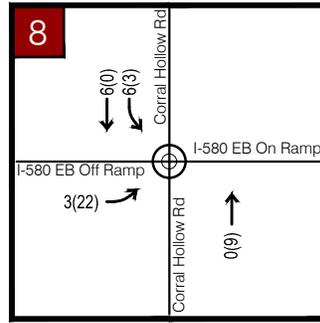
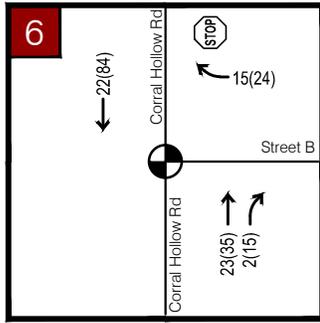
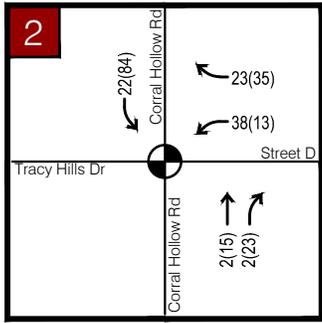
5.2.2 Project Trip Distribution and Assignment

For this scenario, the trip distributions were based on the Phase 1A distributions provided by Figure 4.13-20 of the Tracy Hills EIR (October 2015) with a few minor changes. Distribution was added to and from south Corral Hollow Road (Tesla Road) to reflect current travel patterns. The following illustrates the distribution for the Project:

- Corral Hollow Road North of Linne Road
 - AM – 45.1% IN / 22.3% OUT
 - PM – 36.1% IN / 50.7% OUT
- Linne Road East of Corral Hollow Road
 - AM – 36.9% IN / 27.4% OUT
 - PM – 32.4% IN / 31.8% OUT
- I-580 West of Corral Hollow Road
 - AM – 13.1% IN / 35.3% OUT
 - PM – 17.8% IN / 13.2% OUT
- I-580 East of Corral Hollow Road
 - AM – 4.8% IN / 7.6% OUT
 - PM – 5.9% IN / 4.4% OUT
- Corral Hollow Road South of I-580
 - AM – 0% IN / 7.7% OUT
 - PM – 7.2% IN / 0% OUT

Refer to **Figure 19** and **Figure 20** for the trip distribution and trip assignment, respectively.





GENERAL NOTES:

- INTERSECTIONS 1, 3, 4, 5, & 7 NOT APPLICABLE TO THIS ANALYSIS



5.4 Near-Term (2025) Plus Phase 1A Plus KT Homes Conditions

To determine potential significant impacts related to the proposed Project, Near-Term (2025) Plus Phase 1A Plus KT Homes Conditions were analyzed.

It was assumed that all the KT homes would be constructed with the Project and the proposed commercial would be constructed at a later time. In addition, it was assumed that all the mitigations identified in the previous baseline analysis would be implemented to determine if the KT project would require additional mitigations.

The roadway geometry and Near-Term (2025) Plus Phase 1A Plus KT Homes volumes are shown in **Figure 21** and **Figure 22**, respectively.

5.4.1 LOS Results for Intersections and Segments

For Near-Term (2025) Plus Phase 1A Plus KT Homes Conditions, it was determined that all intersections will operate at an acceptable LOS.

Near-Term (2025) Plus Phase 1A Plus KT Homes intersection LOS results are shown in **Table 14**.

Table 14 – Near-Term (2025) Plus Phase 1A Plus KT Homes Conditions LOS Results

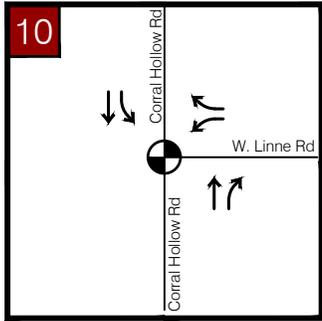
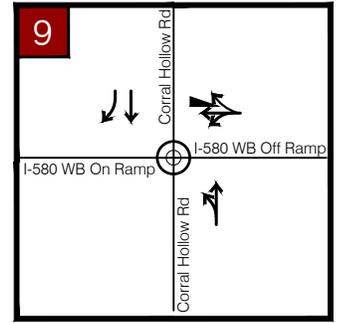
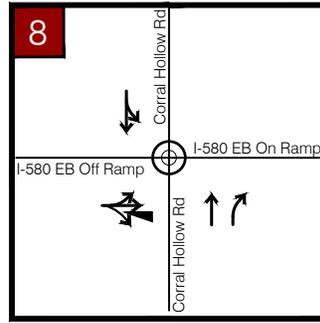
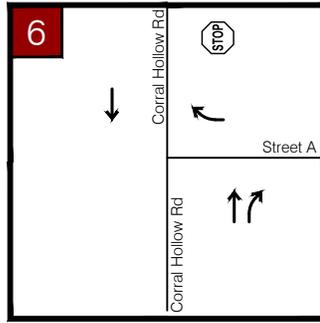
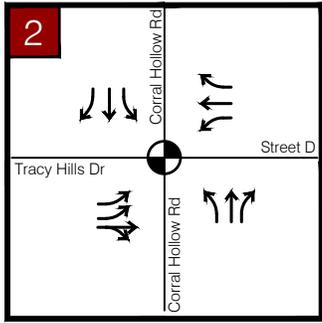
#	Intersection ¹	LOS Standard ^{2,3}	Control Type ⁴	NT (2025) + Phase 1A + KT Homes Conditions					
				AM Peak Hour			PM Peak Hour		
				V/C	Delay	LOS	V/C	Delay	LOS
2	Corral Hollow Rd & Tracy Hills Dr/Street D	D	Signal	-	29.0	C	-	44.9	D
6	Corral Hollow Rd & Street A	INTERSECTION NOT ANALYZED FOR LOS							
8	Corral Hollow Rd & I-580 EB Ramps	C/D	RAB	0.407	7.5	A	0.452	7.2	A
9	Corral Hollow Rd & I-580 WB Ramps	C/D	RAB	0.730	10.0	A	0.548	7.3	A
10	Corral Hollow Rd & Linne Rd	D	Signal	-	19.2	B	-	15.0	B

Notes:

1. Analysis performed using HCM 6 methodologies.
2. Overall level of service (LOS) standard for the City is D.
3. Overall level of service (LOS) standard for Caltrans is C/D
4. Signal – Signal Control Intersection, RAB - roundabout
5. Delay indicated in seconds/vehicle.
6. Intersections that fall below LOS standard are shown in **bold**.
7. This condition assumes mitigations identified in **Section 5.1** are implemented
8. Volumes at study Intersections 8 and 9 in Figure 20 are slightly different from what is analyzed in Table 14. The LOS results in Table 14 will, however, remain consistent with the small volumes changes.

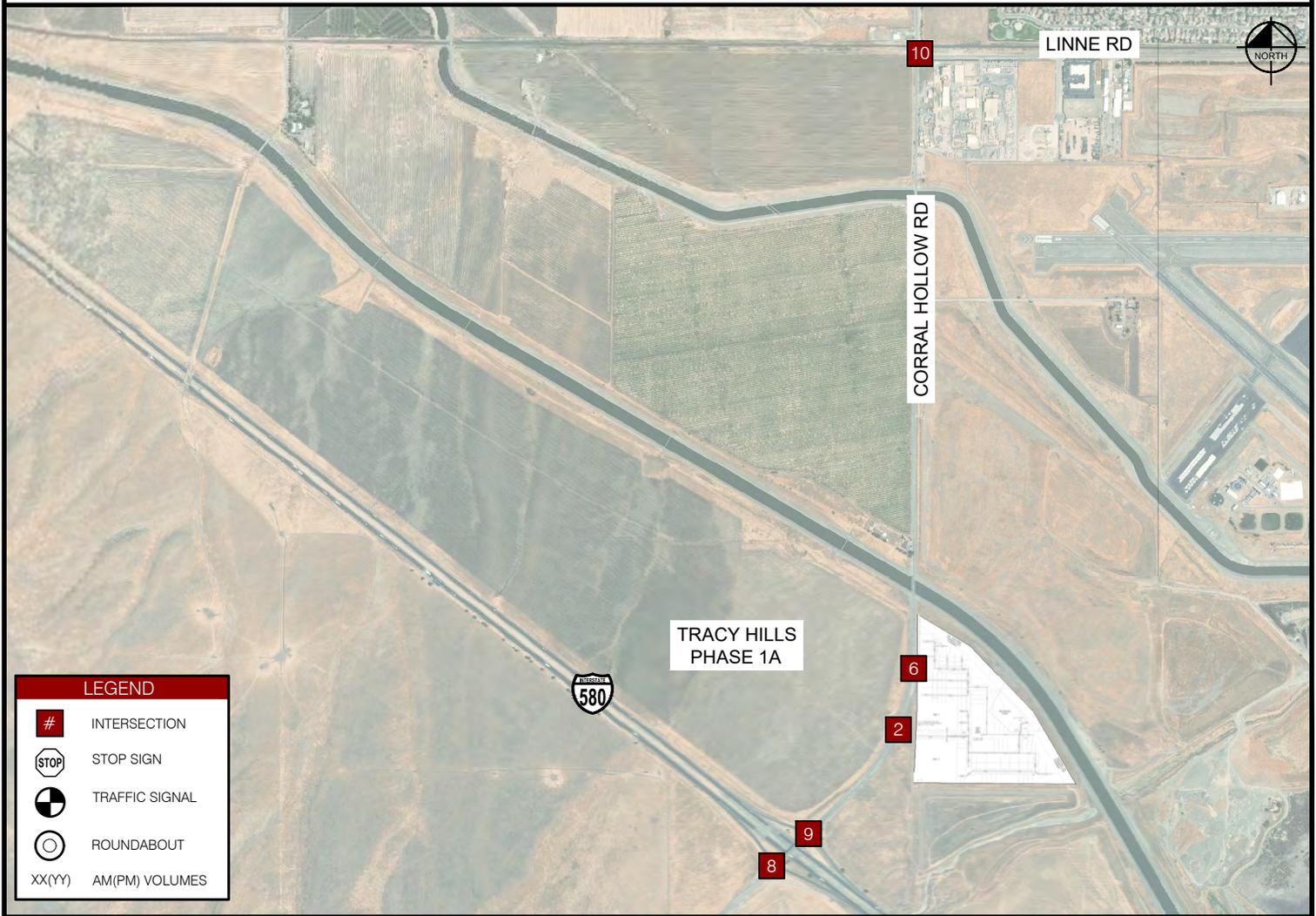
5.5 Roadway Segment LOS Results

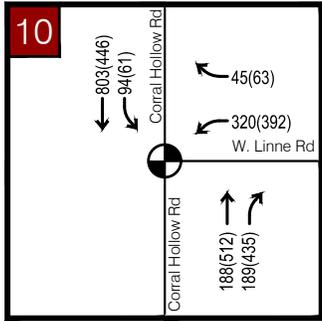
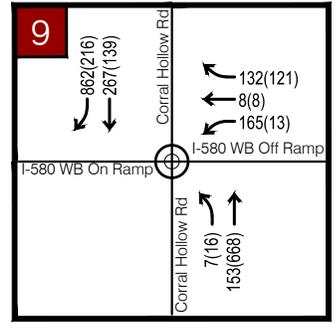
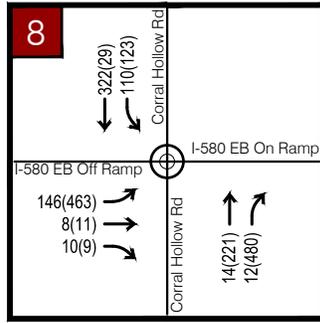
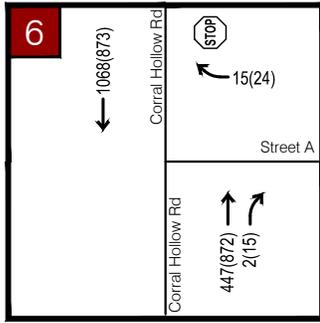
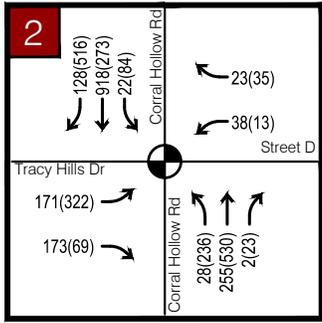
Segment analysis for Corral Hollow Road north and south of Tracy Hills Drive shows that the roadway segments operate unacceptably for Near-Term (2025) Plus Phase 1A Plus KT Homes Conditions. **Table 15** shows the peak directional volumes for AM and PM peak hours. This analysis is however very conservative, and it is not recommended to widen Corral Hollow Road to four lanes until four lanes are required at study intersections.



GENERAL NOTES:

- INTERSECTIONS 1, 3, 4, 5, & 7 NOT APPLICABLE TO THIS ANALYSIS





GENERAL NOTES:

- INTERSECTIONS 1, 3, 4, 5, & 7 NOT APPLICABLE TO THIS ANALYSIS

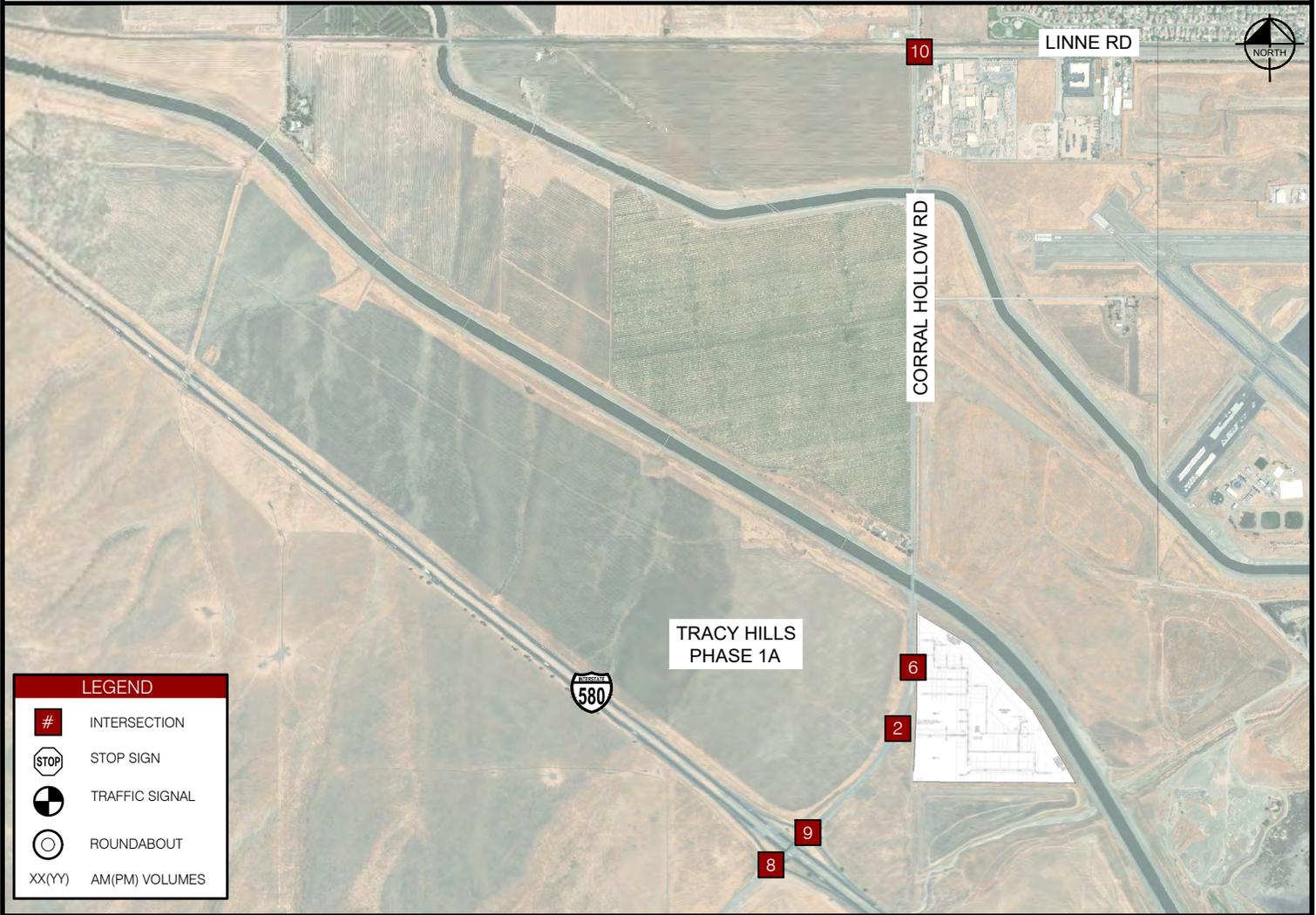


Table 15: Roadway Segment LOS Analysis

Location		AM Volumes	PM Volumes	Maximum Peak Hour Directional Volume (vph)	LOS ¹
North of Tracy Hills Drive	Northbound	462	896	1068	F
	Southbound	1068	873		
South of Tracy Hills Drive	Northbound	285	789	1129	F
	Southbound	1129	355		

Notes:

1. Analysis performed using level of service criteria for two-lane highways in the THSP EIR Table 4.13-4.

5.6 Corral Hollow Road South of I-580 Fair Share

Project distributions for this analysis have been modified from those used during the THSP EIR study to reflect current travel patterns. As the I-580 Altamont Pass between Livermore and Tracy becomes more congested, an increasing number of commuters are using alternate routes such as Corral Hollow Road (Tesla Road). Existing volumes are nearing Horizon Year (2035) projections in the AM peak hour and have exceeded projections in the PM peak hour. A review of the existing counts on Corral Hollow Road show that 17% of AM trips southbound and 30% of PM trips northbound have their origin or destination within Tracy.

In order to fund improvements to Corral Hollow Road south of I-580, from the interchange to the city limits, a fair share analysis was conducted for the KT Homes scenario. The background projects of The Avenues, Tracy Hills Phase 1B and Tracy Hills Phase 1C are included in the analysis. See **Table 16** for the fair share results. The Project is anticipated to pay its fair share.

Table 16: South Corral Hollow Road Fair Share

Project	Original Trips using I-580		Redirected Trips now using Tesla Rd	
	AM	PM	AM	PM
The Avenues	18	35	3	11
Tracy Hills KT Homes	32	31	6	9
Tracy Hills Phase 1B	45	122	8	37
Tracy Hills Phase 1C	34	90	6	27

Appendix

A.1 – Traffic Counts

A.2 – Phase 1A Site Plan & Trip Generation

A.3 – Near Term (2025) + Phase 1A + KT (Homes and Retail) + South Retail Synchro Outputs

A.4 – Near Term (2025) + Phase 1A + KT (Homes and Retail) + South Retail Mitigated Synchro Outputs

A.5 – Near Term (2025) + Phase 1A + KT (Homes and Retail) + South Retail Mitigated Sidra Outputs

A.6 – Near Term (2025) + Phase 1A (MIT) Synchro Outputs

A.7 – Near Term (2025) + Phase 1A (MIT) Additional Mitigated Synchro Outputs

A.8 – Near Term (2025) + Phase 1A (MIT) Additional Mitigated Sidra Outputs

A.9 – Near Term (2025) + Phase 1A (MIT) + KT (Homes Only) Additional Mitigations Synchro Outputs

A.10 – Near Term (2025) + Phase 1A (MIT) + KT (Homes Only) Additional Mitigations Sidra Outputs

A.11 – Near Term (2025) + Phase 1A (MIT) + KT (Homes Only) Westbound Alternative Synchro Outputs

A.12 – Near Term (2025) + Phase 1A + KT (Homes and Retail) Synchro Outputs

A.13 – KT Tentative Map Redlines

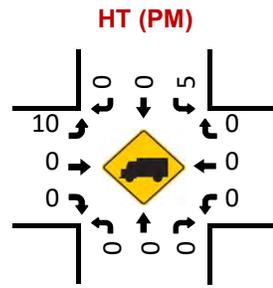
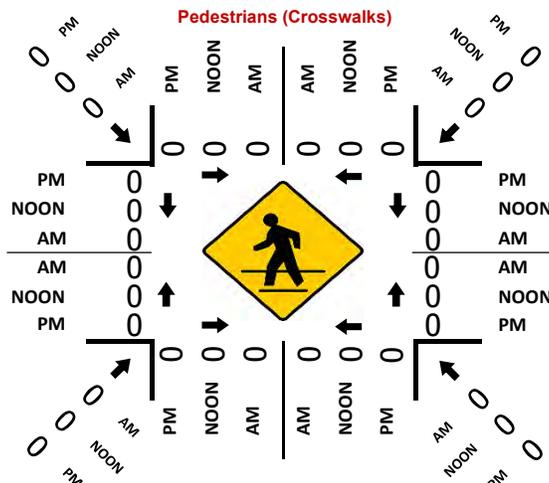
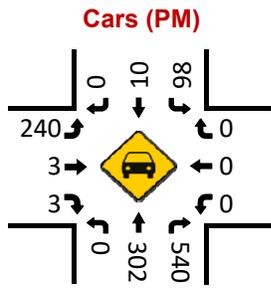
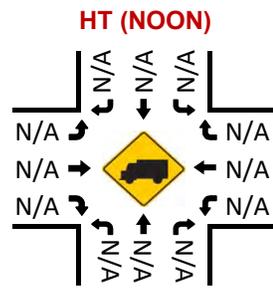
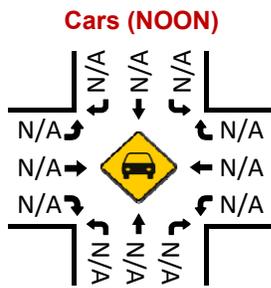
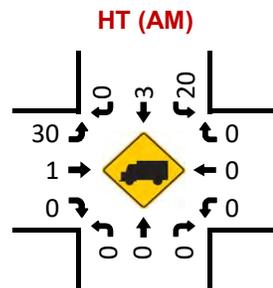
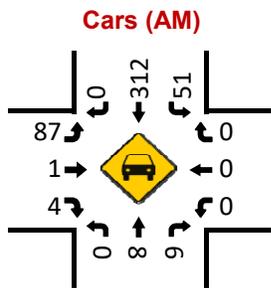
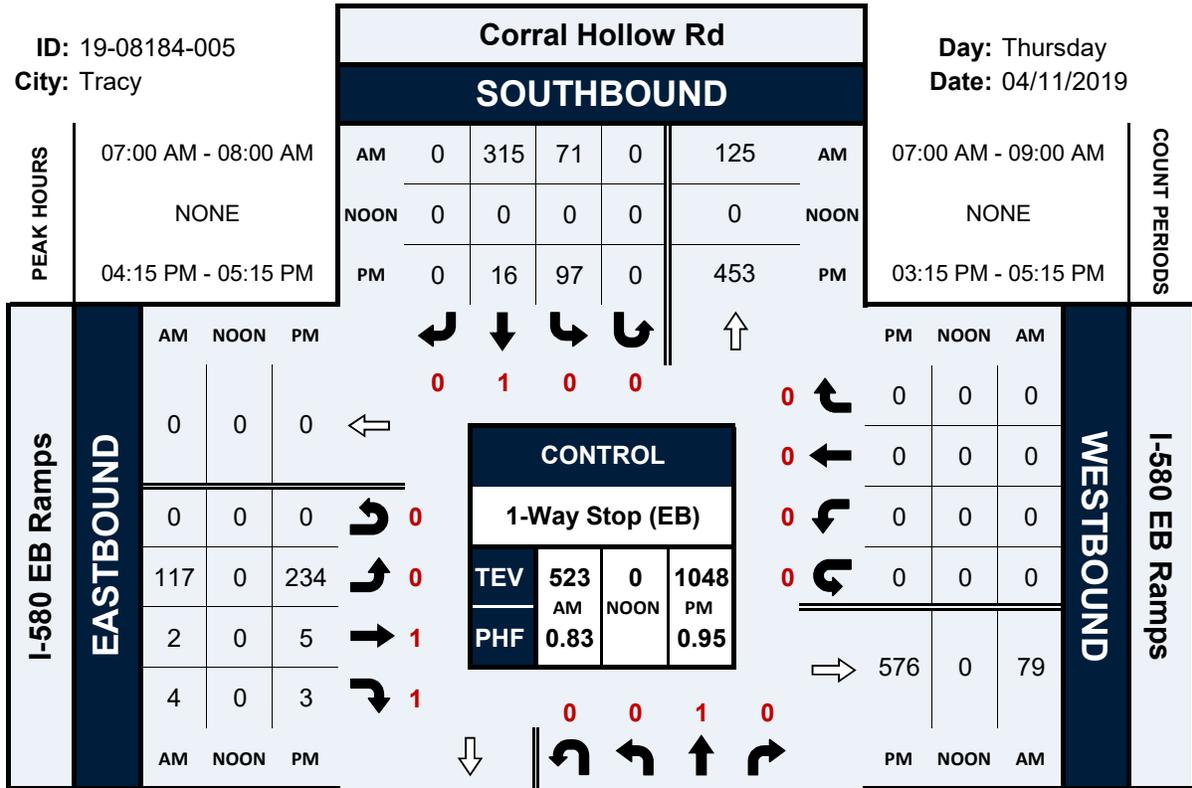
A.1 - Traffic Counts

Corral Hollow Rd & I-580 EB Ramps

Peak Hour Turning Movement Count

ID: 19-08184-005
City: Tracy

Day: Thursday
Date: 04/11/2019

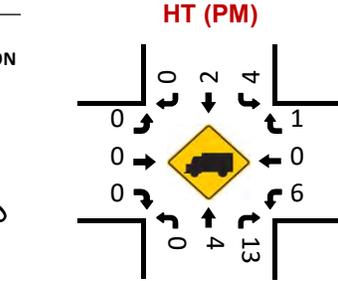
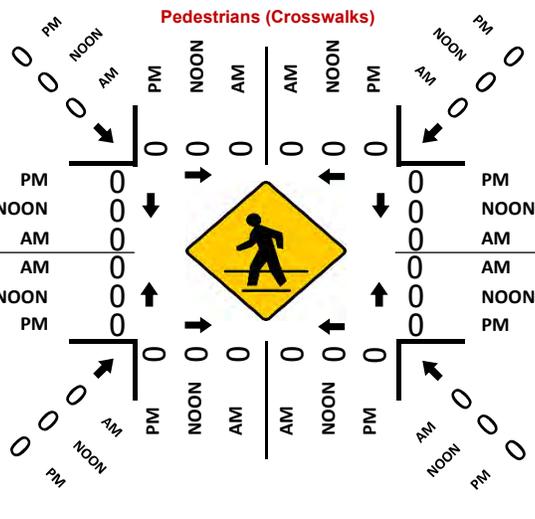
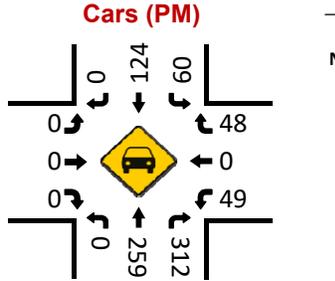
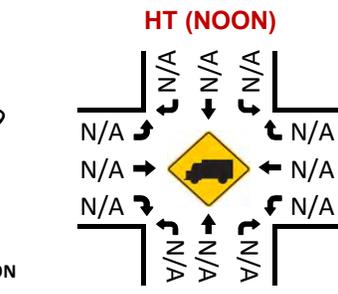
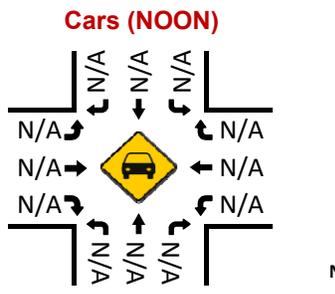
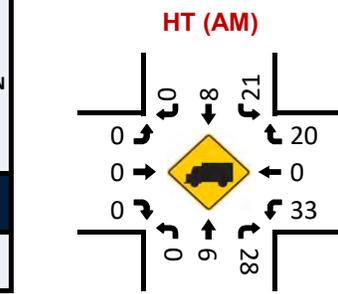
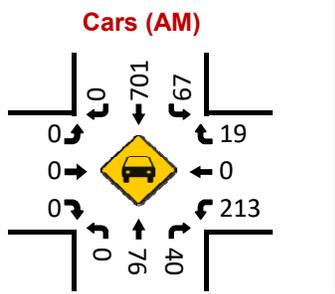
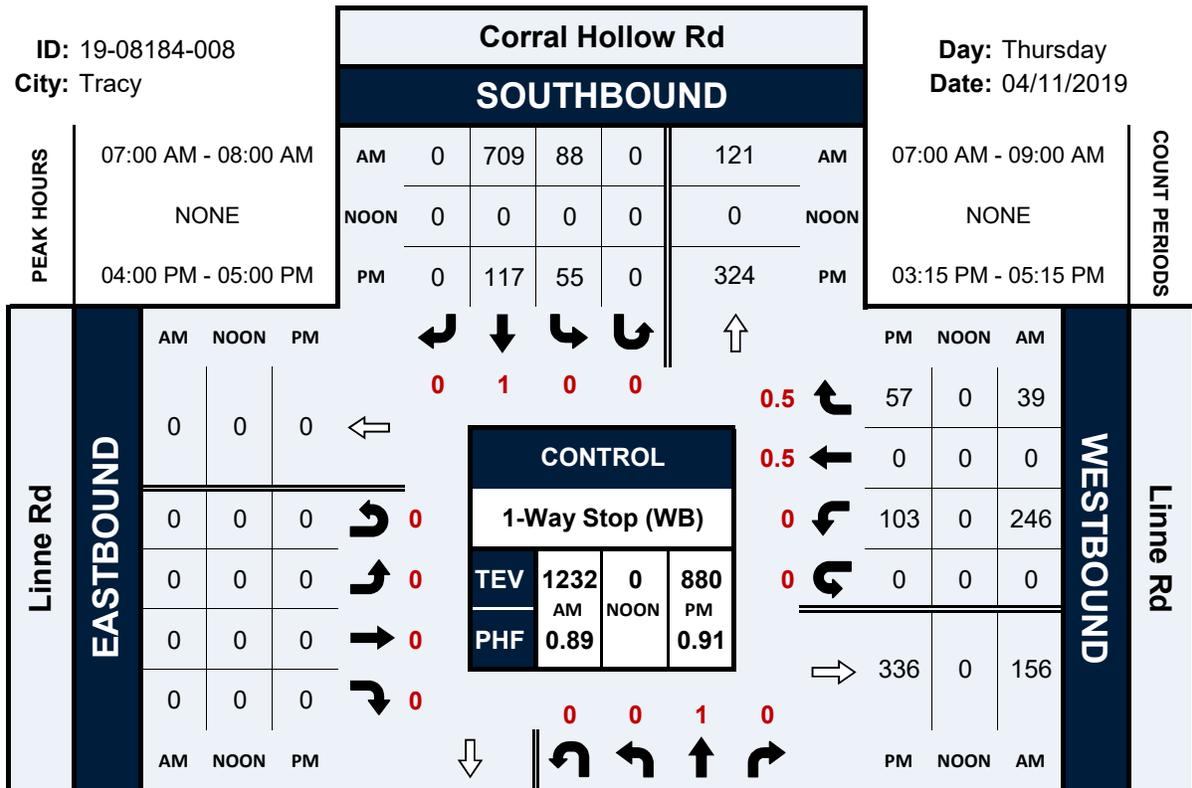


Corral Hollow Rd & Linne Rd

Peak Hour Turning Movement Count

ID: 19-08184-008
City: Tracy

Day: Thursday
Date: 04/11/2019

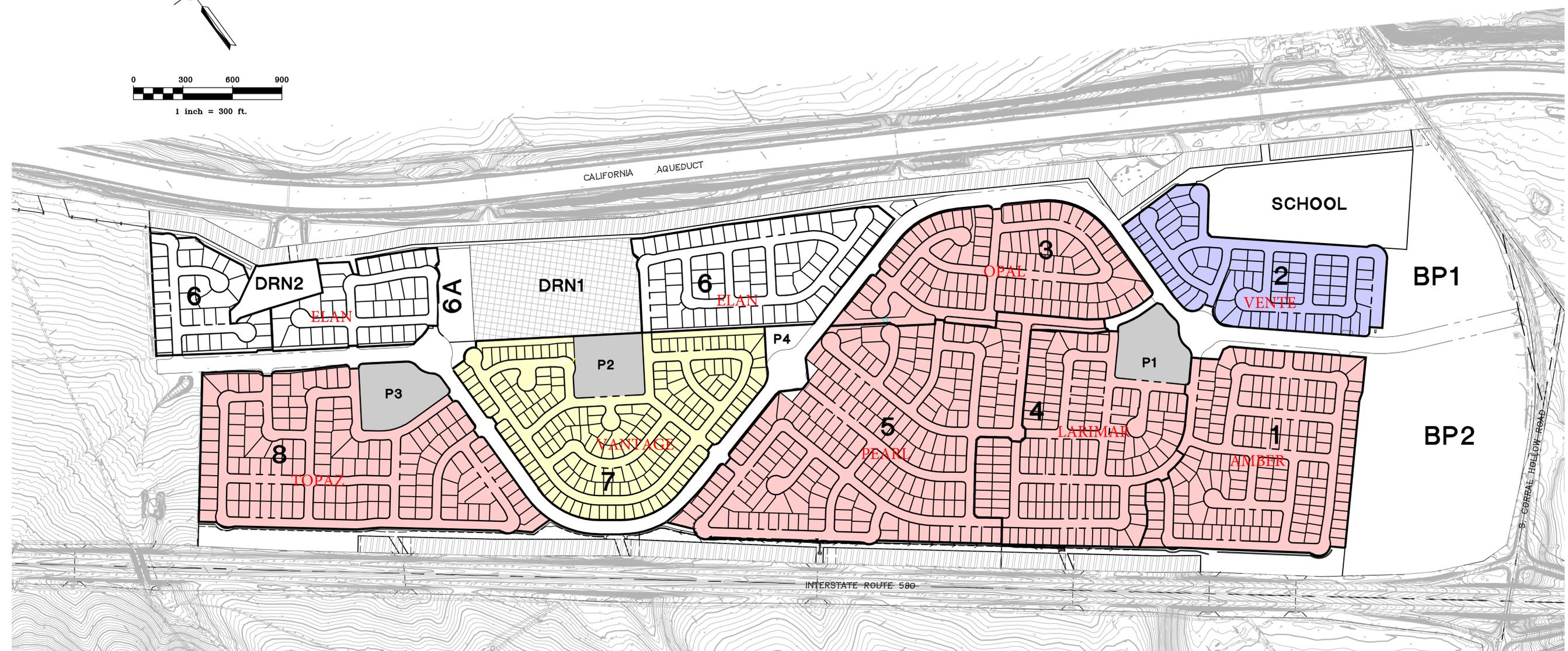
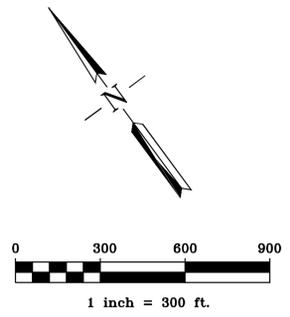


A.2 – Phase 1A Site Plan and Trip Generation

Trip Generation Rates ¹	ITE Land Use Code/Reference	Units	Weekday AM		Weekday PM	
			Rate	IN / OUT	Rate	IN / OUT
Low/Mid Density Residential & Residential Estate	Tracy Model	DU	0.55	25% / 75%	1.05	63% / 37%
Elementary School	ITE LU 520	Students	0.45	55% / 45%	0.15	49% / 51%
Middle School	ITE LU 522	Students	0.54	55% / 45%	0.16	49% / 51%
Trip Generation Rates	Units		Weekday AM		Weekday PM	
			Total	IN / OUT	Total	IN / OUT
Phase 1A (No Business Park)(Background)						
Low/Mid Density Residential & Residential Estate	1,137	DU	625	156 / 469	1,194	752 / 442
Gross Phase 1A Home Trips			625	156 / 469	1,194	752 / 442
Elementary School ²	533	Students	240	132 / 108	80	40 / 40
Middle School ²	267	Students	145	80 / 65	43	22 / 21
Gross Phase 1A School Trips²			385	212 / 173	123	62 / 61
Internal Capture Trips³						
Phase 1A (No Business Park)(Background)						
	Internal Trip to School (Credit)		212	0 / 212	51	0 / 51
	School to External Network		87	0 / 87	0	0 / 0
	School Trips ³		(125)	0 / (125)	(51)	0 / (51)
Total Phase 1A Internal Capture Trips			(125)	0 / (125)	(51)	0 / (51)
Primary Trips						
Phase 1A (No Business Park)(Background)						
Total Phase 1A Primary Trips			500	156 / 344	1,143	752 / 391

Notes

1. Rates from Tracy Hills Specific Plan Recirculated Draft Subsequent EIR (October, 2015)
2. School trips are shown for informational purposes only and do not generate new trips.
3. School internal capture trips represent trips that stay within Phase 1A and do not reach the external roadway network.



LOT SUMMARY			
NEIGHBORHOOD	ACRES	LOT COUNT	TYPICAL LOT SIZE
1	35.9	160	55'x90'
2	19.0	74	55'x100'
3	25.3	103	55'x100'
4	35.1	149	50'x100'
5	51.8	196	60'x100'
6	54.7	136	70'x100'
6A	2.7	6	70'x100'
7	36.3	182	50'x80'
8	48.0	139	65'x100'
TOTAL	317.1	1,145	-

LENNAR
LENNAR TOTAL ACRES: 219.6
LENNAR TOTAL LOT COUNT: 747

MERITAGE
LENNAR TOTAL ACRES: 36.3
LENNAR TOTAL LOT COUNT: 182

SHEA
LENNAR TOTAL ACRES: 19.0
LENNAR TOTAL LOT COUNT: 74

PARK SUMMARY		
PARK	ACRES	OWNER
P1	3.8	CITY
P2	3.6	CITY
P3	3.9	CITY
P4	0.8	HOA
TOTAL	12.1	-

OTHER LAND USES	
USE	ACRES
SPINE ROAD	23.2
CORRAL HOLLOW RD. ULT. R/W	1.3
SCHOOL	14.0
BP1 (NET)	13.2
BP2 (NET)	31.9
DRN1-FOR DRAINAGE	13.9
DRN2-FOR DRAINAGE	3.0
TOTAL	100.5

LEGEND:

- PUBLIC PARK (CITY OWNED & MAINTAINED)
- PUMP STATION (CITY OWNED & MAINTAINED)
- PROPOSED 20' UTILITY AND ACCESS EASEMENT (HOA OWNED & MAINTAINED PARCELS, CITY MAINTAINED UTILITIES)
- EXISTING CONSERVATION EASEMENT (HOA OWNED & MAINTAINED)
- IN TRACT OPEN SPACE (HOA OWNED & MAINTAINED)
- RETENTION BASIN (CITY OWNED & MAINTAINED)

NOTES
(1) ACCESS SHALL BE RELINQUISHED ALONG THE FOLLOWING PARCELS:
A) BP1 & BP2 ALONG CORRAL HOLLOW ROAD
B) INDIVIDUAL RESIDENTIAL LOTS THAT BACK TO THE SPINE ROAD
C) INDIVIDUAL RESIDENTIAL LOTS ALONG SIDE YARD/PUBLIC ROADWAY

NOTE: THE 6 UNITS IN VILLAGE 6A WILL BE USED AS A RETENTION BASIN, REDUCING THE OVERALL LOT COUNT TO 1,139.

TRACT 3788
TRACY HILLS NEIGHBORHOOD PLAN
CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

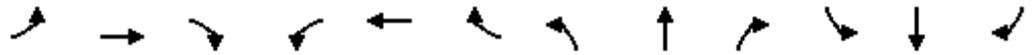
RJA
RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
2541 WARREN DRIVE, SUITE 100 • ROCKLIN, CA 95677
PHONE: (916) 630-8900 • FAX: (916) 630-8909

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A.3 - Near Term (2025) Plus Phase 1A Plus KT (Homes and Retail) Plus South Retail Synchro Output Sheets

KT Tentative Map Review
 2: CORRAL HOLLOW RD & TRACY HILLS DR/STREET D

NT+1A+KT+South Retail
 Timing Plan: AM PEAK



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↖↖	↗		↖	↖	↖	↖	↖	↖	↖	↖	↖
Traffic Volume (veh/h)	171	0	173	270	0	85	28	427	38	645	918	128
Future Volume (veh/h)	171	0	173	270	0	85	28	427	38	645	918	128
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870
Adj Flow Rate, veh/h	186	0	188	293	0	92	30	464	41	701	998	139
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	238	0	208	251	380	322	38	462	392	599	1050	890
Arrive On Green	0.07	0.00	0.13	0.14	0.00	0.20	0.02	0.25	0.25	0.34	0.56	0.56
Sat Flow, veh/h	3456	0	1585	1781	1870	1585	1781	1870	1585	1781	1870	1585
Grp Volume(v), veh/h	186	0	188	293	0	92	30	464	41	701	998	139
Grp Sat Flow(s),veh/h/ln	1728	0	1585	1781	1870	1585	1781	1870	1585	1781	1870	1585
Q Serve(g_s), s	7.9	0.0	17.4	20.9	0.0	7.3	2.5	36.7	3.0	49.9	74.5	6.3
Cycle Q Clear(g_c), s	7.9	0.0	17.4	20.9	0.0	7.3	2.5	36.7	3.0	49.9	74.5	6.3
Prop In Lane	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	238	0	208	251	380	322	38	462	392	599	1050	890
V/C Ratio(X)	0.78	0.00	0.90	1.17	0.00	0.29	0.78	1.00	0.10	1.17	0.95	0.16
Avail Cap(c_a), veh/h	419	0	224	251	380	322	48	462	392	599	1050	890
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	68.1	0.0	63.6	63.8	0.0	50.0	72.3	55.9	43.2	49.3	30.6	15.6
Incr Delay (d2), s/veh	5.6	0.0	33.8	110.2	0.0	0.5	47.5	42.8	0.1	93.9	17.1	0.1
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	3.7	0.0	8.9	17.1	0.0	2.9	1.6	22.2	1.2	36.9	35.6	2.3
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	73.6	0.0	97.4	174.0	0.0	50.5	119.8	98.7	43.3	143.2	47.7	15.7
LnGrp LOS	E	A	F	F	A	D	F	F	D	F	D	B
Approach Vol, veh/h		374			385			535			1838	
Approach Delay, s/veh		85.6			144.5			95.7			81.7	
Approach LOS		F			F			F			F	
Timer - Assigned Phs	1	2	3	4	5	6	7	8				
Phs Duration (G+Y+Rc), s	55.0	42.9	26.0	24.6	8.3	89.6	15.3	35.3				
Change Period (Y+Rc), s	5.1	6.2	5.1	5.1	5.1	6.2	5.1	5.1				
Max Green Setting (Gmax), s	49.9	36.7	20.9	21.0	4.0	82.6	18.0	23.9				
Max Q Clear Time (g_c+I1), s	51.9	38.7	22.9	19.4	4.5	76.5	9.9	9.3				
Green Ext Time (p_c), s	0.0	0.0	0.0	0.2	0.0	3.5	0.3	0.2				

Intersection Summary												
HCM 6th Ctrl Delay				92.3								
HCM 6th LOS				F								

KT Tentative Map Review
 4: Commercial Dwy 4/Commercial Dwy 3 & STREET D

NT+1A+KT+South Retail
 Timing Plan: AM PEAK

Intersection												
Int Delay, s/veh	4.6											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↑	↗		↘			↕			↕	
Traffic Vol, veh/h	81	23	519	2	61	0	244	0	2	0	0	25
Future Vol, veh/h	81	23	519	2	61	0	244	0	2	0	0	25
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None									
Storage Length	-	-	0	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	100	100	100	100	100	100	100	100	100	100	100	100
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	81	23	519	2	61	0	244	0	2	0	0	25

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	61	0	0	542	0	0	263	250	23	511	769	61
Stage 1	-	-	-	-	-	-	185	185	-	65	65	-
Stage 2	-	-	-	-	-	-	78	65	-	446	704	-
Critical Hdwy	4.12	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.218	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.318
Pot Cap-1 Maneuver	1542	-	-	1027	-	-	690	653	1054	473	332	1004
Stage 1	-	-	-	-	-	-	817	747	-	946	841	-
Stage 2	-	-	-	-	-	-	931	841	-	591	440	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1542	-	-	1027	-	-	630	598	1054	442	304	1004
Mov Cap-2 Maneuver	-	-	-	-	-	-	630	598	-	442	304	-
Stage 1	-	-	-	-	-	-	750	686	-	868	839	-
Stage 2	-	-	-	-	-	-	906	839	-	542	404	-

Approach	EB			WB			NB			SB		
HCM Control Delay, s	1			0.3			14.3			8.7		
HCM LOS							B			A		

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	632	1542	-	-	1027	-	-	1004
HCM Lane V/C Ratio	0.389	0.053	-	-	0.002	-	-	0.025
HCM Control Delay (s)	14.3	7.5	-	-	8.5	-	-	8.7
HCM Lane LOS	B	A	-	-	A	-	-	A
HCM 95th %tile Q(veh)	1.8	0.2	-	-	0	-	-	0.1

KT Tentative Map Review
5: Street C & STREET D

NT+1A+KT+South Retail
Timing Plan: AM PEAK

Intersection						
Int Delay, s/veh	5					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	T			T		
Traffic Vol, veh/h	14	11	30	0	0	33
Future Vol, veh/h	14	11	30	0	0	33
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	100	100	100	100	100	100
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	14	11	30	0	0	33

Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	77	17	33	0	-	0
Stage 1	17	-	-	-	-	-
Stage 2	60	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	926	1062	1579	-	-	-
Stage 1	1006	-	-	-	-	-
Stage 2	963	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	908	1062	1579	-	-	-
Mov Cap-2 Maneuver	908	-	-	-	-	-
Stage 1	987	-	-	-	-	-
Stage 2	963	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	8.8	7.3	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1579	-	970	-	-
HCM Lane V/C Ratio	0.019	-	0.026	-	-
HCM Control Delay (s)	7.3	0	8.8	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0.1	-	0.1	-	-

KT Tentative Map Review
7: STREET A & Street B

NT+1A+KT+South Retail
Timing Plan: AM PEAK

Intersection												
Int Delay, s/veh	4.8											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	0	1	1	0	5	0	5	0	0	0	0	4
Future Vol, veh/h	0	1	1	0	5	0	5	0	0	0	0	4
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None									
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	100	100	100	100	100	100	100	100	100	100	100	100
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	0	1	1	0	5	0	5	0	0	0	0	4

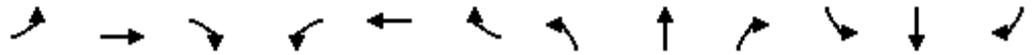
Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	5	0	0	2	0	0	9	7	2	7	7	5
Stage 1	-	-	-	-	-	-	2	2	-	5	5	-
Stage 2	-	-	-	-	-	-	7	5	-	2	2	-
Critical Hdwy	4.12	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.218	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.318
Pot Cap-1 Maneuver	1616	-	-	1620	-	-	1010	888	1082	1013	888	1078
Stage 1	-	-	-	-	-	-	1021	894	-	1017	892	-
Stage 2	-	-	-	-	-	-	1015	892	-	1021	894	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1616	-	-	1620	-	-	1006	888	1082	1013	888	1078
Mov Cap-2 Maneuver	-	-	-	-	-	-	1006	888	-	1013	888	-
Stage 1	-	-	-	-	-	-	1021	894	-	1017	892	-
Stage 2	-	-	-	-	-	-	1011	892	-	1021	894	-

Approach	EB			WB			NB			SB		
HCM Control Delay, s	0			0			8.6			8.4		
HCM LOS							A			A		

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	1006	1616	-	-	1620	-	-	1078
HCM Lane V/C Ratio	0.005	-	-	-	-	-	-	0.004
HCM Control Delay (s)	8.6	0	-	-	0	-	-	8.4
HCM Lane LOS	A	A	-	-	A	-	-	A
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0

KT Tentative Map Review
 2: CORRAL HOLLOW RD & TRACY HILLS DR/STREET D

NT+1A+KT+South Retail
 Timing Plan: PM PEAK



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↖↖	↗		↖	↖	↖	↖	↖	↖	↖	↖	↖
Traffic Volume (veh/h)	260	76	55	126	20	503	268	1434	150	475	444	464
Future Volume (veh/h)	260	76	55	126	20	503	268	1434	150	475	444	464
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870
Adj Flow Rate, veh/h	283	83	60	137	22	547	291	1559	163	516	483	504
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	340	189	137	162	336	285	317	755	640	298	735	623
Arrive On Green	0.10	0.19	0.19	0.09	0.18	0.18	0.18	0.40	0.40	0.17	0.39	0.39
Sat Flow, veh/h	3456	1009	730	1781	1870	1585	1781	1870	1585	1781	1870	1585
Grp Volume(v), veh/h	283	0	143	137	22	547	291	1559	163	516	483	504
Grp Sat Flow(s),veh/h/ln	1728	0	1739	1781	1870	1585	1781	1870	1585	1781	1870	1585
Q Serve(g_s), s	11.5	0.0	10.4	10.8	1.4	25.7	22.9	57.7	9.8	23.9	30.2	40.4
Cycle Q Clear(g_c), s	11.5	0.0	10.4	10.8	1.4	25.7	22.9	57.7	9.8	23.9	30.2	40.4
Prop In Lane	1.00		0.42	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	340	0	326	162	336	285	317	755	640	298	735	623
V/C Ratio(X)	0.83	0.00	0.44	0.84	0.07	1.92	0.92	2.06	0.25	1.73	0.66	0.81
Avail Cap(c_a), veh/h	513	0	326	310	336	285	403	755	640	298	735	623
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	63.2	0.0	51.4	63.9	48.6	58.6	57.7	42.6	28.3	59.5	35.5	38.6
Incr Delay (d2), s/veh	7.1	0.0	0.9	11.2	0.1	426.1	22.4	483.3	0.2	343.0	2.1	7.8
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	5.4	0.0	4.6	5.4	0.7	44.0	12.0	126.6	3.8	38.9	13.6	16.8
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	70.3	0.0	52.3	75.2	48.7	484.7	80.1	525.9	28.5	402.5	37.6	46.4
LnGrp LOS	E	A	D	E	D	F	F	F	C	F	D	D
Approach Vol, veh/h		426			706			2013			1503	
Approach Delay, s/veh		64.3			391.6			421.2			165.8	
Approach LOS		E			F			F			F	
Timer - Assigned Phs	1	2	3	4	5	6	7	8				
Phs Duration (G+Y+Rc), s	29.0	63.9	18.1	31.9	30.5	62.4	19.2	30.8				
Change Period (Y+Rc), s	5.1	6.2	5.1	5.1	5.1	6.2	5.1	5.1				
Max Green Setting (Gmax), s	23.9	57.7	24.9	22.0	32.3	49.3	21.2	25.7				
Max Q Clear Time (g_c+I1), s	25.9	59.7	12.8	12.4	24.9	42.4	13.5	27.7				
Green Ext Time (p_c), s	0.0	0.0	0.2	0.4	0.5	2.7	0.6	0.0				
Intersection Summary												
HCM 6th Ctrl Delay			301.4									
HCM 6th LOS			F									

KT Tentative Map Review
 4: Commercial Dwy 4/Commercial Dwy 3 & STREET D

NT+1A+KT+South Retail
 Timing Plan: PM PEAK

Intersection												
Int Delay, s/veh	54.4											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↑	↗		↘			↕			↕	
Traffic Vol, veh/h	105	89	463	36	41	12	514	0	33	47	0	53
Future Vol, veh/h	105	89	463	36	41	12	514	0	33	47	0	53
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None									
Storage Length	-	-	0	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	100	100	100	100	100	100	100	100	100	100	100	100
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	105	89	463	36	41	12	514	0	33	47	0	53

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	53	0	0	552	0	0	445	424	89	666	881	47
Stage 1	-	-	-	-	-	-	299	299	-	119	119	-
Stage 2	-	-	-	-	-	-	146	125	-	547	762	-
Critical Hdwy	4.12	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.218	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.318
Pot Cap-1 Maneuver	1553	-	-	1018	-	-	523	522	969	373	285	1022
Stage 1	-	-	-	-	-	-	710	666	-	885	797	-
Stage 2	-	-	-	-	-	-	857	792	-	521	414	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1553	-	-	1018	-	-	~ 444	450	969	322	246	1022
Mov Cap-2 Maneuver	-	-	-	-	-	-	~ 444	450	-	322	246	-
Stage 1	-	-	-	-	-	-	635	596	-	792	768	-
Stage 2	-	-	-	-	-	-	783	763	-	450	371	-

Approach	EB			WB			NB			SB		
HCM Control Delay, s	1.2			3.5			133.9			13.9		
HCM LOS							F			B		

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	459	1553	-	-	1018	-	-	506
HCM Lane V/C Ratio	1.192	0.068	-	-	0.035	-	-	0.198
HCM Control Delay (s)	133.9	7.5	-	-	8.7	-	-	13.9
HCM Lane LOS	F	A	-	-	A	-	-	B
HCM 95th %tile Q(veh)	20.8	0.2	-	-	0.1	-	-	0.7

Notes
 -: Volume exceeds capacity \$: Delay exceeds 300s +: Computation Not Defined *: All major volume in platoon

KT Tentative Map Review
5: Street C & STREET D

NT+1A+KT+South Retail
Timing Plan: PM PEAK

Intersection						
Int Delay, s/veh	7.6					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	T			T		T
Traffic Vol, veh/h	85	84	44	0	0	45
Future Vol, veh/h	85	84	44	0	0	45
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	100	100	100	100	100	100
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	85	84	44	0	0	45

Major/Minor	Minor2	Major1		Major2	
Conflicting Flow All	111	23	45	0	0
Stage 1	23	-	-	-	-
Stage 2	88	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-
Pot Cap-1 Maneuver	886	1054	1563	-	-
Stage 1	1000	-	-	-	-
Stage 2	935	-	-	-	-
Platoon blocked, %				-	-
Mov Cap-1 Maneuver	861	1054	1563	-	-
Mov Cap-2 Maneuver	861	-	-	-	-
Stage 1	972	-	-	-	-
Stage 2	935	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.6	7.4	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1563	-	947	-	-
HCM Lane V/C Ratio	0.028	-	0.178	-	-
HCM Control Delay (s)	7.4	0	9.6	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0.1	-	0.6	-	-

Intersection												
Int Delay, s/veh	4.1											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	3	3	3	0	5	0	4	0	0	0	0	4
Future Vol, veh/h	3	3	3	0	5	0	4	0	0	0	0	4
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None									
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	100	100	100	100	100	100	100	100	100	100	100	100
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	3	3	3	0	5	0	4	0	0	0	0	4

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	5	0	0	6	0	0	18	16	5	16	17	5
Stage 1	-	-	-	-	-	-	11	11	-	5	5	-
Stage 2	-	-	-	-	-	-	7	5	-	11	12	-
Critical Hdwy	4.12	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.218	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.318
Pot Cap-1 Maneuver	1616	-	-	1615	-	-	996	878	1078	999	877	1078
Stage 1	-	-	-	-	-	-	1010	886	-	1017	892	-
Stage 2	-	-	-	-	-	-	1015	892	-	1010	886	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1616	-	-	1615	-	-	991	876	1078	997	875	1078
Mov Cap-2 Maneuver	-	-	-	-	-	-	991	876	-	997	875	-
Stage 1	-	-	-	-	-	-	1008	884	-	1015	892	-
Stage 2	-	-	-	-	-	-	1011	892	-	1008	884	-

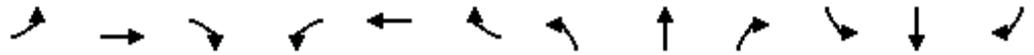
Approach	EB	WB	NB	SB
HCM Control Delay, s	2.4	0	8.6	8.4
HCM LOS			A	A

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	991	1616	-	-	1615	-	-	1078
HCM Lane V/C Ratio	0.004	0.002	-	-	-	-	-	0.004
HCM Control Delay (s)	8.6	7.2	0	-	0	-	-	8.4
HCM Lane LOS	A	A	A	-	A	-	-	A
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0

**A.4 - Near Term (2025) Plus Phase 1A Plus KT (Homes and Retail) Plus South Retail Mitigated
Synchro Output Sheets**

KT Tentative Map Review
 2: CORRAL HOLLOW RD & TRACY HILLS DR/STREET D

NT+1A+KT+South Retail (MIT)
 Timing Plan: PM PEAK



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↔↔	↔		↔	↔	↔	↔↔	↕↕	↔	↔↔	↕↕	↔
Traffic Volume (veh/h)	260	76	55	126	20	503	268	1434	150	475	444	464
Future Volume (veh/h)	260	76	55	126	20	503	268	1434	150	475	444	464
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870
Adj Flow Rate, veh/h	283	83	60	137	0	562	291	1559	163	516	483	504
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	336	153	111	160	0	946	345	1622	866	531	1814	963
Arrive On Green	0.10	0.15	0.15	0.09	0.00	0.14	0.10	0.46	0.46	0.15	0.51	0.51
Sat Flow, veh/h	3456	1009	730	1781	0	3170	3456	3554	1585	3456	3554	1585
Grp Volume(v), veh/h	283	0	143	137	0	562	291	1559	163	516	483	504
Grp Sat Flow(s),veh/h/ln	1728	0	1739	1781	0	1585	1728	1777	1585	1728	1777	1585
Q Serve(g_s), s	11.7	0.0	11.0	11.0	0.0	21.0	12.0	61.7	7.5	21.6	11.2	26.6
Cycle Q Clear(g_c), s	11.7	0.0	11.0	11.0	0.0	21.0	12.0	61.7	7.5	21.6	11.2	26.6
Prop In Lane	1.00		0.42	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	336	0	264	160	0	946	345	1622	866	531	1814	963
V/C Ratio(X)	0.84	0.00	0.54	0.86	0.00	0.59	0.84	0.96	0.19	0.97	0.27	0.52
Avail Cap(c_a), veh/h	436	0	280	195	0	946	467	1638	873	531	1814	963
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	64.5	0.0	56.9	65.1	0.0	43.4	64.2	38.2	16.7	61.1	20.1	16.4
Incr Delay (d2), s/veh	11.2	0.0	1.8	25.6	0.0	1.0	10.1	14.0	0.1	31.9	0.1	0.5
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	5.7	0.0	5.0	6.1	0.0	8.7	5.6	28.3	2.8	11.5	4.5	9.5
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	75.7	0.0	58.7	90.7	0.0	44.5	74.4	52.2	16.8	93.0	20.2	16.9
LnGrp LOS	E	A	E	F	A	D	E	D	B	F	C	B
Approach Vol, veh/h		426			699			2013			1503	
Approach Delay, s/veh		70.0			53.5			52.6			44.1	
Approach LOS		E			D			D			D	
Timer - Assigned Phs	1	2	3	4	5	6	7	8				
Phs Duration (G+Y+Rc), s	27.4	72.5	18.1	27.2	19.6	80.3	19.2	26.1				
Change Period (Y+Rc), s	5.1	6.2	5.1	5.1	5.1	6.2	5.1	5.1				
Max Green Setting (Gmax), s	22.3	66.9	15.9	23.4	19.6	69.6	18.3	21.0				
Max Q Clear Time (g_c+I1), s	23.6	63.7	13.0	13.0	14.0	28.6	13.7	23.0				
Green Ext Time (p_c), s	0.0	2.6	0.1	0.5	0.5	5.2	0.4	0.0				

Intersection Summary

HCM 6th Ctrl Delay	51.6
HCM 6th LOS	D

Notes

User approved volume balancing among the lanes for turning movement.

A.5 - Near Term (2025) Plus Phase 1A 1A Plus KT (Homes and Retail) Plus South Retail Mitigated Sidra Output Sheets

LANE SUMMARY

 Site: 101 [4. Street D & Commercial Dwy 3 & 4_PM]

New Site
 Site Category: (None)
 Roundabout

Lane Use and Performance													
	Demand Flows			Deg. Satn	Lane Util.	Average Delay	Level of Service	95% Back of Queue Veh	Queue Dist ft	Lane Config	Lane Length ft	Cap. Adj. %	Prob. Block. %
	Total veh/h	HV %	Cap. veh/h	v/c	%	sec							
South: Commercial Dwy 4													
Lane 1 ^d	596	1.0	1042	0.572	100	10.8	LOS B	5.1	129.4	Full	1600	0.0	0.0
Approach	596	1.0		0.572		10.8	LOS B	5.1	129.4				
East: Street D													
Lane 1 ^d	97	1.0	681	0.142	100	6.9	LOS A	0.6	14.4	Full	1600	0.0	0.0
Approach	97	1.0		0.142		6.9	LOS A	0.6	14.4				
North: Commercial Dwy 3													
Lane 1 ^d	110	1.0	704	0.156	100	6.8	LOS A	0.6	16.0	Full	1600	0.0	0.0
Approach	110	1.0		0.156		6.8	LOS A	0.6	16.0				
West: Street D													
Lane 1 ^d	211	1.0	1278	0.165	100	4.2	LOS A	0.7	18.2	Full	1600	0.0	0.0
Lane 2	503	1.0	1339	0.376	100	6.2	LOS A	2.2	55.1	Full	1600	0.0	0.0
Approach	714	1.0		0.376		5.6	LOS A	2.2	55.1				
Intersection	1516	1.0		0.572		7.8	LOS A	5.1	129.4				

Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Roundabout LOS Method: Same as Sign Control.

Lane LOS values are based on average delay and v/c ratio (degree of saturation) per lane.

LOS F will result if v/c > 1 irrespective of lane delay value (does not apply for approaches and intersection).

Intersection and Approach LOS values are based on average delay for all lanes (v/c not used as specified in HCM 6).

Roundabout Capacity Model: US HCM 6.

HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

Gap-Acceptance Capacity: Traditional M1.

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

^d Dominant lane on roundabout approach

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Organisation: KIMLEY-HORN & ASSOCIATES INC | Processed: Friday, January 31, 2020 2:53:56 PM

Project: K:\SJC_TPTO\City of Tracy\097008261 - Tracy Hills KT Tentative Map\05 Design & Analysis\Sidra\Tentative Map Review\NT+1A+KT+South Retail.sip8

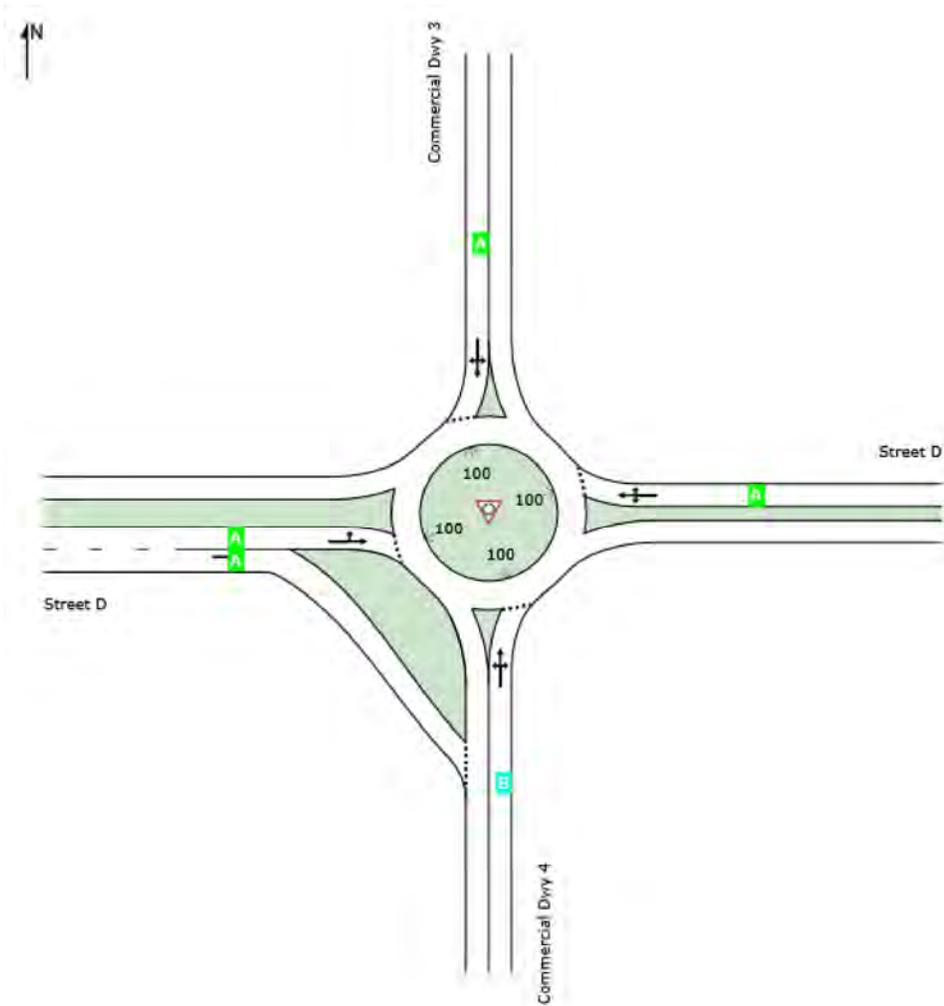
LANE LEVEL OF SERVICE

Lane Level of Service

 Site: 101 [4. Street D & Commercial Dwy 3 & 4_PM]

New Site
 Site Category: (None)
 Roundabout

	Approaches				Intersection
	South	East	North	West	
LOS	B	A	A	A	A



Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Roundabout LOS Method: Same as Sign Control.

Lane LOS values are based on average delay and v/c ratio (degree of saturation) per lane.

LOS F will result if $v/c > 1$ irrespective of lane delay value (does not apply for approaches and intersection).

Intersection and Approach LOS values are based on average delay for all lanes (v/c not used as specified in HCM 6).

HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

A.6 - Near Term (2025) Plus Phase 1A (MIT) Synchro Output Sheets

Tracy Hills KT External
2: CORRAL HOLLOW RD & TRACY HILLS DR

NT+1A(MIT)
Timing Plan: AM PEAK



Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Volume (veh/h)	171	173	28	253	918	128
Future Volume (veh/h)	171	173	28	253	918	128
Initial Q (Qb), veh	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00	1.00	1.00			1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No			No	No	
Adj Sat Flow, veh/h/ln	1870	1870	1870	1870	1870	1870
Adj Flow Rate, veh/h	186	188	30	275	998	139
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Percent Heavy Veh, %	2	2	2	2	2	2
Cap, veh/h	530	243	45	1287	1107	938
Arrive On Green	0.15	0.15	0.03	0.69	0.59	0.59
Sat Flow, veh/h	3456	1585	1781	1870	1870	1585
Grp Volume(v), veh/h	186	188	30	275	998	139
Grp Sat Flow(s),veh/h/ln	1728	1585	1781	1870	1870	1585
Q Serve(g_s), s	3.4	8.1	1.2	3.8	33.3	2.8
Cycle Q Clear(g_c), s	3.4	8.1	1.2	3.8	33.3	2.8
Prop In Lane	1.00	1.00	1.00			1.00
Lane Grp Cap(c), veh/h	530	243	45	1287	1107	938
V/C Ratio(X)	0.35	0.77	0.67	0.21	0.90	0.15
Avail Cap(c_a), veh/h	872	400	100	1592	1353	1147
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	27.0	29.0	34.5	4.1	12.7	6.5
Incr Delay (d2), s/veh	0.4	5.2	15.9	0.1	7.5	0.1
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.4	0.4	0.7	0.8	11.5	0.0
Unsig. Movement Delay, s/veh						
LnGrp Delay(d),s/veh	27.4	34.2	50.4	4.1	20.3	6.6
LnGrp LOS	C	C	D	A	C	A
Approach Vol, veh/h	374			305	1137	
Approach Delay, s/veh	30.8			8.7	18.6	
Approach LOS	C			A	B	
Timer - Assigned Phs		2		4	5	6
Phs Duration (G+Y+Rc), s		55.3		16.0	6.9	48.4
Change Period (Y+Rc), s		6.2		5.1	5.1	6.2
Max Green Setting (Gmax), s		60.7		18.0	4.0	51.6
Max Q Clear Time (g_c+I1), s		5.8		10.1	3.2	35.3
Green Ext Time (p_c), s		1.5		0.8	0.0	6.9
Intersection Summary						
HCM 6th Ctrl Delay			19.5			
HCM 6th LOS			B			

Tracy Hills KT External
 8: CORRAL HOLLOW RD & I-580 EB OFF RAMP/I-580 EB ON RAMP

NT+1A(MIT)
 Timing Plan: AM PEAK



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕	↗					↖			↕	
Traffic Volume (veh/h)	143	8	10	0	0	0	0	14	12	104	322	0
Future Volume (veh/h)	143	8	10	0	0	0	0	14	12	104	322	0
Initial Q (Qb), veh	0	0	0				0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00				1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00				1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No						No			No	
Adj Sat Flow, veh/h/ln	1900	1159	1900				0	1900	1900	1885	1885	0
Adj Flow Rate, veh/h	172	10	0				0	17	14	125	388	0
Peak Hour Factor	0.83	0.83	0.83				0.83	0.83	0.83	0.83	0.83	0.83
Percent Heavy Veh, %	0	50	0				0	0	0	1	1	0
Cap, veh/h	201	12					0	85	70	151	469	0
Arrive On Green	0.19	0.19	0.00				0.00	0.09	0.09	0.33	0.33	0.00
Sat Flow, veh/h	1046	61	1610				0	964	794	454	1409	0
Grp Volume(v), veh/h	182	0	0				0	0	31	513	0	0
Grp Sat Flow(s),veh/h/ln	107	0	1610				0	0	1757	1862	0	0
Q Serve(g_s), s	7.2	0.0	0.0				0.0	0.0	0.7	11.5	0.0	0.0
Cycle Q Clear(g_c), s	7.2	0.0	0.0				0.0	0.0	0.7	11.5	0.0	0.0
Prop In Lane	0.95		1.00				0.00		0.45	0.24		0.00
Lane Grp Cap(c), veh/h	212	0					0	0	155	620	0	0
V/C Ratio(X)	0.86	0.00					0.00	0.00	0.20	0.83	0.00	0.00
Avail Cap(c_a), veh/h	468	0					0	0	723	1022	0	0
HCM Platoon Ratio	1.00	1.00	1.00				1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	0.00				0.00	0.00	1.00	1.00	0.00	0.00
Uniform Delay (d), s/veh	17.7	0.0	0.0				0.0	0.0	19.1	13.9	0.0	0.0
Incr Delay (d2), s/veh	9.6	0.0	0.0				0.0	0.0	0.6	3.0	0.0	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0				0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	2.1	0.0	0.0				0.0	0.0	0.3	3.8	0.0	0.0
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	27.3	0.0	0.0				0.0	0.0	19.7	16.9	0.0	0.0
LnGrp LOS	C	A					A	A	B	B	A	A
Approach Vol, veh/h		182	A					31		513		
Approach Delay, s/veh		27.3						19.7		16.9		
Approach LOS		C						B		B		
Timer - Assigned Phs		2	4	6								
Phs Duration (G+Y+Rc), s		10.2	13.8	21.2								
Change Period (Y+Rc), s		6.2	5.1	6.2								
Max Green Setting (Gmax), s		18.6	19.1	24.8								
Max Q Clear Time (g_c+I1), s		2.7	9.2	13.5								
Green Ext Time (p_c), s		0.0	0.5	1.6								

Intersection Summary

HCM 6th Ctrl Delay	19.6
HCM 6th LOS	B

Notes

Unsignalized Delay for [EBR] is excluded from calculations of the approach delay and intersection delay.

Tracy Hills KT External
 9: CORRAL HOLLOW RD & I-580 WB ON RAMP/I-580 WB OFF RAMP

NT+1A(MIT)
 Timing Plan: AM PEAK

Intersection												
Int Delay, s/veh	5.9											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations					↕	↕		↕			↕	
Traffic Vol, veh/h	0	0	0	165	8	131	7	150	0	0	261	830
Future Vol, veh/h	0	0	0	165	8	131	7	150	0	0	261	830
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	Yield	-	-	None	-	-	None
Storage Length	-	-	-	-	-	50	-	-	-	-	-	-
Veh in Median Storage, #	-	2	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	87	87	87	87	87	87	87	87	87	87	87	87
Heavy Vehicles, %	0	0	0	2	0	22	0	24	0	0	9	3
Mvmt Flow	0	0	0	190	9	151	8	172	0	0	300	954

Major/Minor	Minor1		Major1		Major2		
Conflicting Flow All	965	1442	172	1254	0	-	0
Stage 1	188	188	-	-	-	-	-
Stage 2	777	1254	-	-	-	-	-
Critical Hdwy	6.42	6.5	6.42	4.1	-	-	-
Critical Hdwy Stg 1	5.42	5.5	-	-	-	-	-
Critical Hdwy Stg 2	5.42	5.5	-	-	-	-	-
Follow-up Hdwy	3.518	4	3.498	2.2	-	-	-
Pot Cap-1 Maneuver	283	134	822	562	-	0	0
Stage 1	844	748	-	-	-	0	0
Stage 2	453	246	-	-	-	0	0
Platoon blocked, %					-	-	-
Mov Cap-1 Maneuver	278	0	822	562	-	-	-
Mov Cap-2 Maneuver	278	0	-	-	-	-	-
Stage 1	830	0	-	-	-	-	-
Stage 2	453	0	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	30	0.5	0
HCM LOS	D		

Minor Lane/Major Mvmt	NBL	NBTWBLn1	WBLn2	SBT	SBR
Capacity (veh/h)	562	-	278	822	-
HCM Lane V/C Ratio	0.014	-	0.715	0.183	-
HCM Control Delay (s)	11.5	0	44.8	10.4	-
HCM Lane LOS	B	A	E	B	-
HCM 95th %tile Q(veh)	0	-	5	0.7	-

Tracy Hills KT External
10: CORRAL HOLLOW RD & LINNE

NT+1A(MIT)
Timing Plan: AM PEAK



Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (veh/h)	310	45	171	168	94	791
Future Volume (veh/h)	310	45	171	168	94	791
Initial Q (Qb), veh	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00	1.00		1.00	1.00	
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No		No			No
Adj Sat Flow, veh/h/ln	1900	1900	1796	1796	1885	1885
Adj Flow Rate, veh/h	348	51	192	189	106	889
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89
Percent Heavy Veh, %	0	0	7	7	1	1
Cap, veh/h	366	54	500	492	134	937
Arrive On Green	0.26	0.26	0.60	0.60	0.60	0.60
Sat Flow, veh/h	1393	204	831	818	147	1557
Grp Volume(v), veh/h	400	0	0	381	995	0
Grp Sat Flow(s),veh/h/ln	1601	0	0	1649	1704	0
Q Serve(g_s), s	21.7	0.0	0.0	10.6	38.9	0.0
Cycle Q Clear(g_c), s	21.7	0.0	0.0	10.6	49.5	0.0
Prop In Lane	0.87	0.13		0.50	0.11	
Lane Grp Cap(c), veh/h	420	0	0	992	1070	0
V/C Ratio(X)	0.95	0.00	0.00	0.38	0.93	0.00
Avail Cap(c_a), veh/h	420	0	0	1023	1102	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	0.00	1.00	1.00	0.00
Uniform Delay (d), s/veh	32.0	0.0	0.0	9.1	17.0	0.0
Incr Delay (d2), s/veh	31.7	0.0	0.0	0.2	13.3	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	11.5	0.0	0.0	3.0	18.4	0.0
Unsig. Movement Delay, s/veh						
LnGrp Delay(d),s/veh	63.8	0.0	0.0	9.4	30.2	0.0
LnGrp LOS	E	A	A	A	C	A
Approach Vol, veh/h	400		381		995	
Approach Delay, s/veh	63.8		9.4		30.2	
Approach LOS	E		A		C	
Timer - Assigned Phs		2			6	8
Phs Duration (G+Y+Rc), s		59.4			59.4	29.0
Change Period (Y+Rc), s		6.2			6.2	5.8
Max Green Setting (Gmax), s		54.8			54.8	23.2
Max Q Clear Time (g_c+I1), s		12.6			51.5	23.7
Green Ext Time (p_c), s		1.6			1.7	0.0

Intersection Summary

HCM 6th Ctrl Delay	33.3
HCM 6th LOS	C

Notes

User approved volume balancing among the lanes for turning movement.

Tracy Hills TIA
2: CORRAL HOLLOW RD & TRACY HILLS DR

NT+1A(MIT)
Timing Plan: PM PEAK



Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	↖↗	↖	↖	↑	↑	↖
Traffic Volume (veh/h)	322	69	236	515	273	516
Future Volume (veh/h)	322	69	236	515	273	516
Initial Q (Qb), veh	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00	1.00	1.00			1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No			No	No	
Adj Sat Flow, veh/h/ln	1870	1870	1870	1870	1870	1870
Adj Flow Rate, veh/h	350	75	257	560	297	561
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Percent Heavy Veh, %	2	2	2	2	2	2
Cap, veh/h	507	233	310	1244	760	644
Arrive On Green	0.15	0.15	0.17	0.67	0.41	0.41
Sat Flow, veh/h	3456	1585	1781	1870	1870	1585
Grp Volume(v), veh/h	350	75	257	560	297	561
Grp Sat Flow(s),veh/h/ln	1728	1585	1781	1870	1870	1585
Q Serve(g_s), s	5.8	2.5	8.4	8.6	6.7	19.6
Cycle Q Clear(g_c), s	5.8	2.5	8.4	8.6	6.7	19.6
Prop In Lane	1.00	1.00	1.00			1.00
Lane Grp Cap(c), veh/h	507	233	310	1244	760	644
V/C Ratio(X)	0.69	0.32	0.83	0.45	0.39	0.87
Avail Cap(c_a), veh/h	971	445	412	1611	1020	865
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	24.4	23.0	24.0	4.8	12.6	16.4
Incr Delay (d2), s/veh	1.7	0.8	10.2	0.3	0.3	7.5
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	2.3	0.1	3.9	1.5	2.2	1.3
Unsig. Movement Delay, s/veh						
LnGrp Delay(d),s/veh	26.0	23.8	34.2	5.1	12.9	23.9
LnGrp LOS	C	C	C	A	B	C
Approach Vol, veh/h	425			817	858	
Approach Delay, s/veh	25.6			14.2	20.1	
Approach LOS	C			B	C	
Timer - Assigned Phs		2		4	5	6
Phs Duration (G+Y+Rc), s		46.2		13.9	15.6	30.6
Change Period (Y+Rc), s		6.2		5.1	5.1	6.2
Max Green Setting (Gmax), s		51.8		16.9	13.9	32.8
Max Q Clear Time (g_c+I1), s		10.6		7.8	10.4	21.6
Green Ext Time (p_c), s		3.5		1.0	0.2	2.9
Intersection Summary						
HCM 6th Ctrl Delay			18.9			
HCM 6th LOS			B			

Tracy Hills TIA
 8: CORRAL HOLLOW RD & I-580 EB OFF RAMP/I-580 EB ON RAMP

NT+1A(MIT)
 Timing Plan: PM PEAK



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕	↗					↖			↕	
Traffic Volume (veh/h)	432	11	9	0	0	0	0	221	480	120	29	0
Future Volume (veh/h)	432	11	9	0	0	0	0	221	480	120	29	0
Initial Q (Qb), veh	0	0	0				0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00				1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00				1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No					No		No			No
Adj Sat Flow, veh/h/ln	1900	1900	1900				0	1900	1900	1900	1900	0
Adj Flow Rate, veh/h	455	12	0				0	233	505	126	31	0
Peak Hour Factor	0.95	0.95	0.95				0.95	0.95	0.95	0.95	0.95	0.95
Percent Heavy Veh, %	0	0	0				0	0	0	0	0	0
Cap, veh/h	501	13					0	240	519	166	41	0
Arrive On Green	0.28	0.28	0.00				0.00	0.45	0.45	0.11	0.11	0.00
Sat Flow, veh/h	1765	47	1610				0	534	1158	1466	361	0
Grp Volume(v), veh/h	467	0	0				0	0	738	157	0	0
Grp Sat Flow(s),veh/h/ln	1812	0	1610				0	0	1692	1827	0	0
Q Serve(g_s), s	19.4	0.0	0.0				0.0	0.0	33.3	6.5	0.0	0.0
Cycle Q Clear(g_c), s	19.4	0.0	0.0				0.0	0.0	33.3	6.5	0.0	0.0
Prop In Lane	0.97		1.00				0.00		0.68	0.80		0.00
Lane Grp Cap(c), veh/h	514	0					0	0	759	207	0	0
V/C Ratio(X)	0.91	0.00					0.00	0.00	0.97	0.76	0.00	0.00
Avail Cap(c_a), veh/h	581	0					0	0	759	422	0	0
HCM Platoon Ratio	1.00	1.00	1.00				1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	0.00				0.00	0.00	1.00	1.00	0.00	0.00
Uniform Delay (d), s/veh	26.9	0.0	0.0				0.0	0.0	21.0	33.5	0.0	0.0
Incr Delay (d2), s/veh	17.0	0.0	0.0				0.0	0.0	25.8	5.6	0.0	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0				0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	10.4	0.0	0.0				0.0	0.0	17.3	3.1	0.0	0.0
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	43.9	0.0	0.0				0.0	0.0	46.9	39.1	0.0	0.0
LnGrp LOS	D	A					A	A	D	D	A	A
Approach Vol, veh/h		467	A					738		157		
Approach Delay, s/veh		43.9						46.9		39.1		
Approach LOS		D						D		D		
Timer - Assigned Phs		2		4			6					
Phs Duration (G+Y+Rc), s		39.0		26.1			12.8					
Change Period (Y+Rc), s		4.0		4.0			4.0					
Max Green Setting (Gmax), s		35.0		25.0			18.0					
Max Q Clear Time (g_c+I1), s		35.3		21.4			8.5					
Green Ext Time (p_c), s		0.0		0.7			0.3					
Intersection Summary												
HCM 6th Ctrl Delay			45.0									
HCM 6th LOS			D									
Notes												
Unsignalized Delay for [EBR] is excluded from calculations of the approach delay and intersection delay.												

Tracy Hills TIA
 9: CORRAL HOLLOW RD & I-580 WB ON RAMP/I-580 WB OFF RAMP

NT+1A(MIT)
 Timing Plan: PM PEAK

Intersection												
Int Delay, s/veh	2.1											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations					↕	↕		↕			↕	
Traffic Vol, veh/h	0	0	0	13	8	114	16	637	0	0	136	206
Future Vol, veh/h	0	0	0	13	8	114	16	637	0	0	136	206
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	Yield	-	-	None	-	-	None
Storage Length	-	-	-	-	-	50	-	-	-	-	-	-
Veh in Median Storage, #	-	2	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	94	94	94	94	94	94	94	94	94	94	94	94
Heavy Vehicles, %	0	0	0	0	0	8	0	2	0	0	4	8
Mvmt Flow	0	0	0	14	9	121	17	678	0	0	145	219

Major/Minor	Minor1		Major1		Major2		
Conflicting Flow All	967	1076	678	364	0	-	0
Stage 1	712	712	-	-	-	-	-
Stage 2	255	364	-	-	-	-	-
Critical Hdwy	6.4	6.5	6.28	4.1	-	-	-
Critical Hdwy Stg 1	5.4	5.5	-	-	-	-	-
Critical Hdwy Stg 2	5.4	5.5	-	-	-	-	-
Follow-up Hdwy	3.5	4	3.372	2.2	-	-	-
Pot Cap-1 Maneuver	284	221	442	1206	-	0	0
Stage 1	490	439	-	-	-	0	0
Stage 2	792	627	-	-	-	0	0
Platoon blocked, %					-	-	-
Mov Cap-1 Maneuver	277	0	442	1206	-	-	-
Mov Cap-2 Maneuver	277	0	-	-	-	-	-
Stage 1	479	0	-	-	-	-	-
Stage 2	792	0	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	16.7	0.2	0
HCM LOS	C		

Minor Lane/Major Mvmt	NBL	NBTWBLn1	WBLn2	SBT	SBR
Capacity (veh/h)	1206	-	277	442	-
HCM Lane V/C Ratio	0.014	-	0.081	0.274	-
HCM Control Delay (s)	8	0	19.1	16.2	-
HCM Lane LOS	A	A	C	C	-
HCM 95th %tile Q(veh)	0	-	0.3	1.1	-

Tracy Hills TIA
10: CORRAL HOLLOW RD & LINNE

NT+1A(MIT)
Timing Plan: PM PEAK



Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (veh/h)	353	63	476	412	61	401
Future Volume (veh/h)	353	63	476	412	61	401
Initial Q (Qb), veh	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00	1.00		1.00	1.00	
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No		No			No
Adj Sat Flow, veh/h/ln	1900	1900	1870	1870	1870	1870
Adj Flow Rate, veh/h	388	69	523	453	67	441
Peak Hour Factor	0.91	0.91	0.91	0.91	0.91	0.91
Percent Heavy Veh, %	0	0	2	2	2	2
Cap, veh/h	374	67	562	487	59	366
Arrive On Green	0.27	0.27	0.61	0.61	0.61	0.61
Sat Flow, veh/h	1376	245	925	801	31	601
Grp Volume(v), veh/h	458	0	0	976	508	0
Grp Sat Flow(s),veh/h/ln	1624	0	0	1726	632	0
Q Serve(g_s), s	27.2	0.0	0.0	51.0	9.8	0.0
Cycle Q Clear(g_c), s	27.2	0.0	0.0	51.0	60.8	0.0
Prop In Lane	0.85	0.15		0.46	0.13	
Lane Grp Cap(c), veh/h	442	0	0	1049	425	0
V/C Ratio(X)	1.04	0.00	0.00	0.93	1.20	0.00
Avail Cap(c_a), veh/h	442	0	0	1049	425	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	0.00	1.00	1.00	0.00
Uniform Delay (d), s/veh	36.4	0.0	0.0	17.7	22.1	0.0
Incr Delay (d2), s/veh	52.6	0.0	0.0	14.0	108.8	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	16.4	0.0	0.0	20.0	17.6	0.0
Unsig. Movement Delay, s/veh						
LnGrp Delay(d),s/veh	89.0	0.0	0.0	31.7	130.9	0.0
LnGrp LOS	F	A	A	C	F	A
Approach Vol, veh/h	458		976		508	
Approach Delay, s/veh	89.0		31.7		130.9	
Approach LOS	F		C		F	
Timer - Assigned Phs		2			6	8
Phs Duration (G+Y+Rc), s		67.0			67.0	33.0
Change Period (Y+Rc), s		6.2			6.2	5.8
Max Green Setting (Gmax), s		60.8			60.8	27.2
Max Q Clear Time (g_c+I1), s		53.0			62.8	29.2
Green Ext Time (p_c), s		3.2			0.0	0.0
Intersection Summary						
HCM 6th Ctrl Delay			71.2			
HCM 6th LOS			E			

A.7 - Near Term (2025) Plus Phase 1A (MIT) Additional Mitigations Synchro Output Sheets

Tracy Hills TIA
10: CORRAL HOLLOW RD & LINNE



Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (veh/h)	353	63	476	412	61	401
Future Volume (veh/h)	353	63	476	412	61	401
Initial Q (Qb), veh	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00	1.00		1.00	1.00	
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No		No		No	
Adj Sat Flow, veh/h/ln	1737	1870	1870	1841	1811	1870
Adj Flow Rate, veh/h	388	69	523	453	67	441
Peak Hour Factor	0.91	0.91	0.91	0.91	0.91	0.91
Percent Heavy Veh, %	11	2	2	4	6	2
Cap, veh/h	479	459	776	647	282	776
Arrive On Green	0.29	0.29	0.42	0.42	0.42	0.42
Sat Flow, veh/h	1654	1585	1870	1560	558	1870
Grp Volume(v), veh/h	388	69	523	453	67	441
Grp Sat Flow(s),veh/h/ln	1654	1585	1870	1560	558	1870
Q Serve(g_s), s	8.8	1.3	9.2	9.7	4.5	7.3
Cycle Q Clear(g_c), s	8.8	1.3	9.2	9.7	13.7	7.3
Prop In Lane	1.00	1.00		1.00	1.00	
Lane Grp Cap(c), veh/h	479	459	776	647	282	776
V/C Ratio(X)	0.81	0.15	0.67	0.70	0.24	0.57
Avail Cap(c_a), veh/h	700	671	957	798	336	957
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(l)	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	13.4	10.7	9.7	9.8	15.2	9.1
Incr Delay (d2), s/veh	4.6	0.1	1.4	2.1	0.4	0.7
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	2.7	0.3	2.3	2.2	0.5	1.9
Unsig. Movement Delay, s/veh						
LnGrp Delay(d),s/veh	18.0	10.9	11.0	11.9	15.7	9.8
LnGrp LOS	B	B	B	B	B	A
Approach Vol, veh/h	457		976		508	
Approach Delay, s/veh	16.9		11.4		10.5	
Approach LOS	B		B		B	
Timer - Assigned Phs		2			6	8
Phs Duration (G+Y+Rc), s		23.1			23.1	17.6
Change Period (Y+Rc), s		6.2			6.2	5.8
Max Green Setting (Gmax), s		20.8			20.8	17.2
Max Q Clear Time (g_c+I1), s		11.7			15.7	10.8
Green Ext Time (p_c), s		2.9			1.1	1.0
Intersection Summary						
HCM 6th Ctrl Delay			12.5			
HCM 6th LOS			B			

Tracy Hills TIA
5: CORRAL HOLLOW RD & LINNE



Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (veh/h)	353	63	476	412	61	401
Future Volume (veh/h)	353	63	476	412	61	401
Initial Q (Qb), veh	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00	1.00		1.00	1.00	
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No		No		No	
Adj Sat Flow, veh/h/ln	1737	1870	1870	1841	1811	1870
Adj Flow Rate, veh/h	388	69	523	453	67	441
Peak Hour Factor	0.91	0.91	0.91	0.91	0.91	0.91
Percent Heavy Veh, %	11	2	2	4	6	2
Cap, veh/h	479	459	776	647	282	776
Arrive On Green	0.29	0.29	0.42	0.42	0.42	0.42
Sat Flow, veh/h	1654	1585	1870	1560	558	1870
Grp Volume(v), veh/h	388	69	523	453	67	441
Grp Sat Flow(s),veh/h/ln	1654	1585	1870	1560	558	1870
Q Serve(g_s), s	8.8	1.3	9.2	9.7	4.5	7.3
Cycle Q Clear(g_c), s	8.8	1.3	9.2	9.7	13.7	7.3
Prop In Lane	1.00	1.00		1.00	1.00	
Lane Grp Cap(c), veh/h	479	459	776	647	282	776
V/C Ratio(X)	0.81	0.15	0.67	0.70	0.24	0.57
Avail Cap(c_a), veh/h	700	671	957	798	336	957
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	13.4	10.7	9.7	9.8	15.2	9.1
Incr Delay (d2), s/veh	4.6	0.1	1.4	2.1	0.4	0.7
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	2.7	0.3	2.3	2.2	0.5	1.9
Unsig. Movement Delay, s/veh						
LnGrp Delay(d),s/veh	18.0	10.9	11.0	11.9	15.7	9.8
LnGrp LOS	B	B	B	B	B	A
Approach Vol, veh/h	457		976		508	
Approach Delay, s/veh	16.9		11.4		10.5	
Approach LOS	B		B		B	
Timer - Assigned Phs		2			6	8
Phs Duration (G+Y+Rc), s		23.1			23.1	17.6
Change Period (Y+Rc), s		6.2			6.2	5.8
Max Green Setting (Gmax), s		20.8			20.8	17.2
Max Q Clear Time (g_c+I1), s		11.7			15.7	10.8
Green Ext Time (p_c), s		2.9			1.1	1.0
Intersection Summary						
HCM 6th Ctrl Delay			12.5			
HCM 6th LOS			B			

A.8 - Near Term (2025) Plus Phase 1A (MIT) Additional Mitigations Sidra Output Sheets

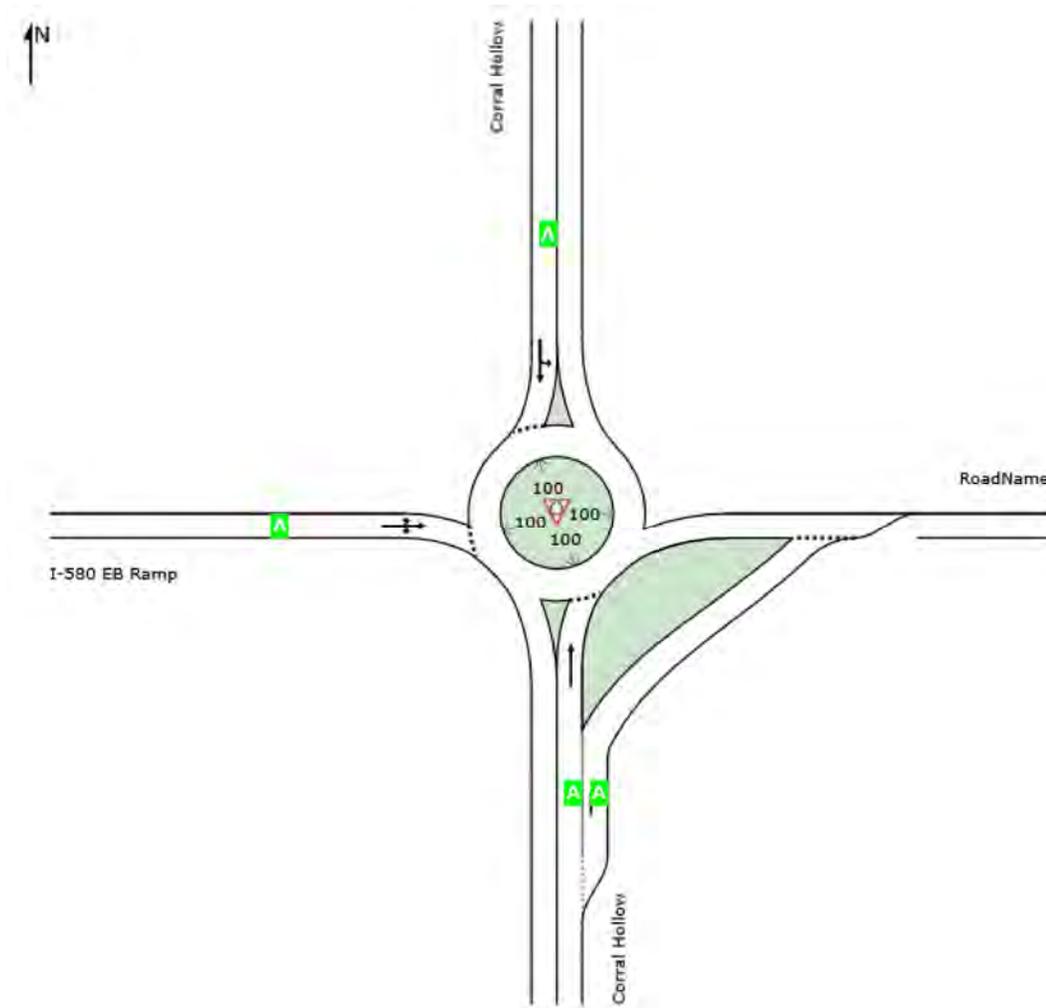
LANE LEVEL OF SERVICE

Lane Level of Service

 Site: 101 [1. Corral Hollow & I-580 EB Ramps_AM]

New Site
 Site Category: (None)
 Roundabout

	Approaches			Intersection
	South	North	West	
LOS	A	A	A	A



Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).
 Roundabout LOS Method: Same as Sign Control.
 Lane LOS values are based on average delay and v/c ratio (degree of saturation) per lane.
 LOS F will result if $v/c > 1$ irrespective of lane delay value (does not apply for approaches and intersection).
 Intersection and Approach LOS values are based on average delay for all lanes (v/c not used as specified in HCM 6).
 HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

MOVEMENT SUMMARY

 Site: 101 [1. Corral Hollow & I-580 EB Ramps_AM]

New Site
Site Category: (None)
Roundabout

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance ft	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed mph
South: Corral Hollow												
8	T1	17	0.0	0.017	3.8	LOS A	0.1	1.6	0.42	0.27	0.42	36.0
18	R2	14	0.0	0.012	3.1	LOS A	0.0	1.1	0.27	0.13	0.27	35.2
Approach		31	0.0	0.017	3.4	LOS A	0.1	1.6	0.35	0.20	0.35	35.6
North: Corral Hollow												
7	L2	125	28.0	0.400	7.2	LOS A	0.0	0.0	0.00	0.00	0.00	36.6
4	T1	388	1.0	0.400	6.5	LOS A	0.0	0.0	0.00	0.00	0.00	37.6
Approach		513	7.6	0.400	6.7	LOS A	0.0	0.0	0.00	0.00	0.00	37.3
West: I-580 EB Ramp												
5	L2	172	26.0	0.310	9.9	LOS A	1.1	33.3	0.61	0.60	0.61	30.1
2	T1	10	50.0	0.310	11.0	LOS B	1.1	33.3	0.61	0.60	0.61	30.0
12	R2	12	0.0	0.310	8.7	LOS A	1.1	33.3	0.61	0.60	0.61	29.9
Approach		194	25.6	0.310	9.9	LOS A	1.1	33.3	0.61	0.60	0.61	30.1
All Vehicles		739	12.0	0.400	7.4	LOS A	1.1	33.3	0.17	0.17	0.17	35.0

Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Roundabout LOS Method: Same as Sign Control.

Vehicle movement LOS values are based on average delay and v/c ratio (degree of saturation) per movement.

LOS F will result if v/c > 1 irrespective of movement delay value (does not apply for approaches and intersection).

Intersection and Approach LOS values are based on average delay for all movements (v/c not used as specified in HCM 6).

Roundabout Capacity Model: US HCM 6.

HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

Gap-Acceptance Capacity: Traditional M1.

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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Project: K:\SJC_TPTO\City of Tracy\097008261 - Tracy Hills KT Tentative Map\05 Design & Analysis\Sidra\NT+1A.sip8

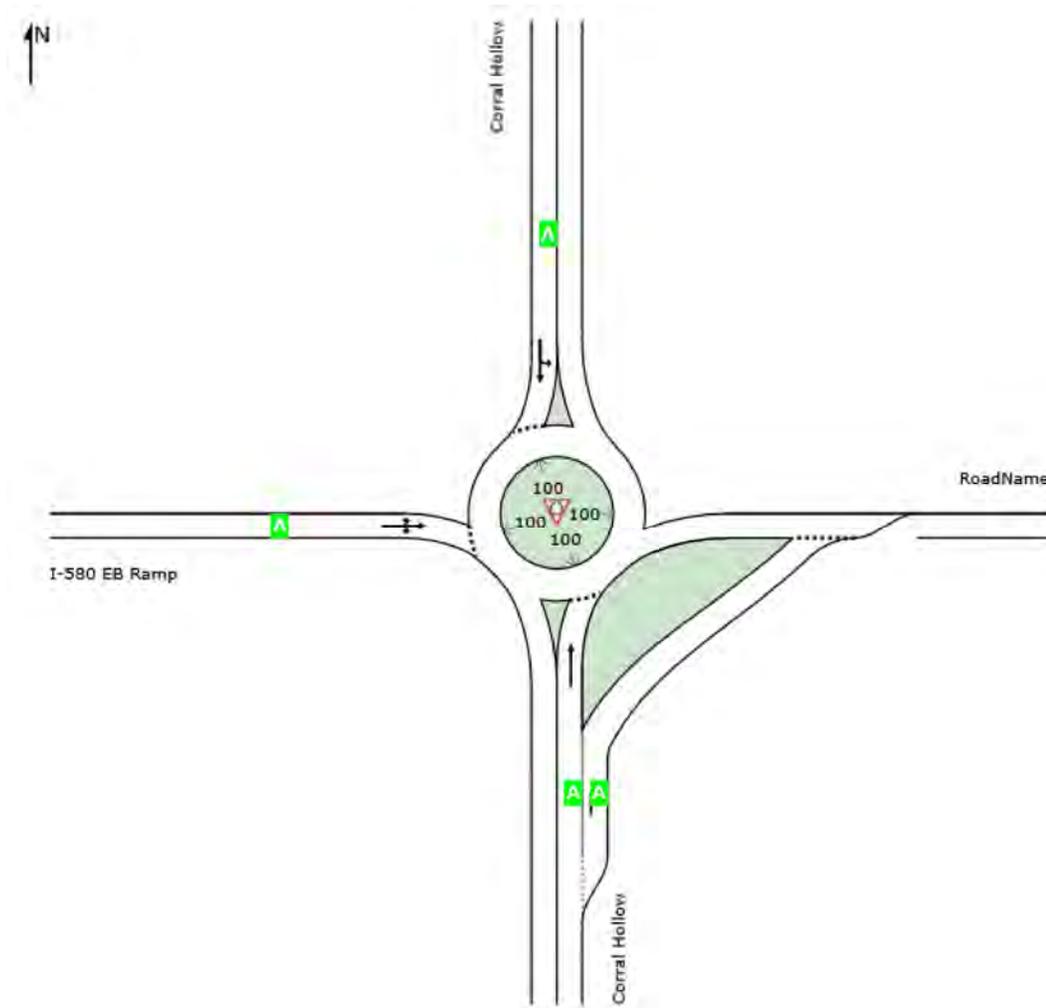
LANE LEVEL OF SERVICE

Lane Level of Service

 Site: 101 [1. Corral Hollow & I-580 EB Ramps_PM]

New Site
 Site Category: (None)
 Roundabout

	Approaches			Intersection
	South	North	West	
LOS	A	A	A	A



Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).
 Roundabout LOS Method: Same as Sign Control.
 Lane LOS values are based on average delay and v/c ratio (degree of saturation) per lane.
 LOS F will result if $v/c > 1$ irrespective of lane delay value (does not apply for approaches and intersection).
 Intersection and Approach LOS values are based on average delay for all lanes (v/c not used as specified in HCM 6).
 HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

MOVEMENT SUMMARY

 Site: 101 [1. Corral Hollow & I-580 EB Ramps_PM]

New Site
 Site Category: (None)
 Roundabout

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back Vehicles veh	of Queue Distance ft	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed mph
South: Corral Hollow												
8	T1	233	0.0	0.287	7.7	LOS A	1.2	30.8	0.61	0.61	0.61	33.9
18	R2	505	0.0	0.406	6.9	LOS A	2.4	59.8	0.38	0.23	0.38	33.2
Approach		738	0.0	0.406	7.1	LOS A	2.4	59.8	0.45	0.35	0.45	33.4
North: Corral Hollow												
7	L2	126	5.0	0.118	3.7	LOS A	0.0	0.0	0.00	0.00	0.00	35.5
4	T1	31	0.0	0.118	3.6	LOS A	0.0	0.0	0.00	0.00	0.00	35.5
Approach		157	4.0	0.118	3.7	LOS A	0.0	0.0	0.00	0.00	0.00	35.5
West: I-580 EB Ramp												
5	L2	455	4.0	0.423	7.6	LOS A	2.5	65.6	0.44	0.29	0.44	31.4
2	T1	12	0.0	0.423	7.5	LOS A	2.5	65.6	0.44	0.29	0.44	31.5
12	R2	9	0.0	0.423	7.5	LOS A	2.5	65.6	0.44	0.29	0.44	30.7
Approach		476	3.8	0.423	7.6	LOS A	2.5	65.6	0.44	0.29	0.44	31.4
All Vehicles		1371	1.8	0.423	6.9	LOS A	2.5	65.6	0.39	0.29	0.39	32.9

Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Roundabout LOS Method: Same as Sign Control.

Vehicle movement LOS values are based on average delay and v/c ratio (degree of saturation) per movement.

LOS F will result if v/c > 1 irrespective of movement delay value (does not apply for approaches and intersection).

Intersection and Approach LOS values are based on average delay for all movements (v/c not used as specified in HCM 6).

Roundabout Capacity Model: US HCM 6.

HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

Gap-Acceptance Capacity: Traditional M1.

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

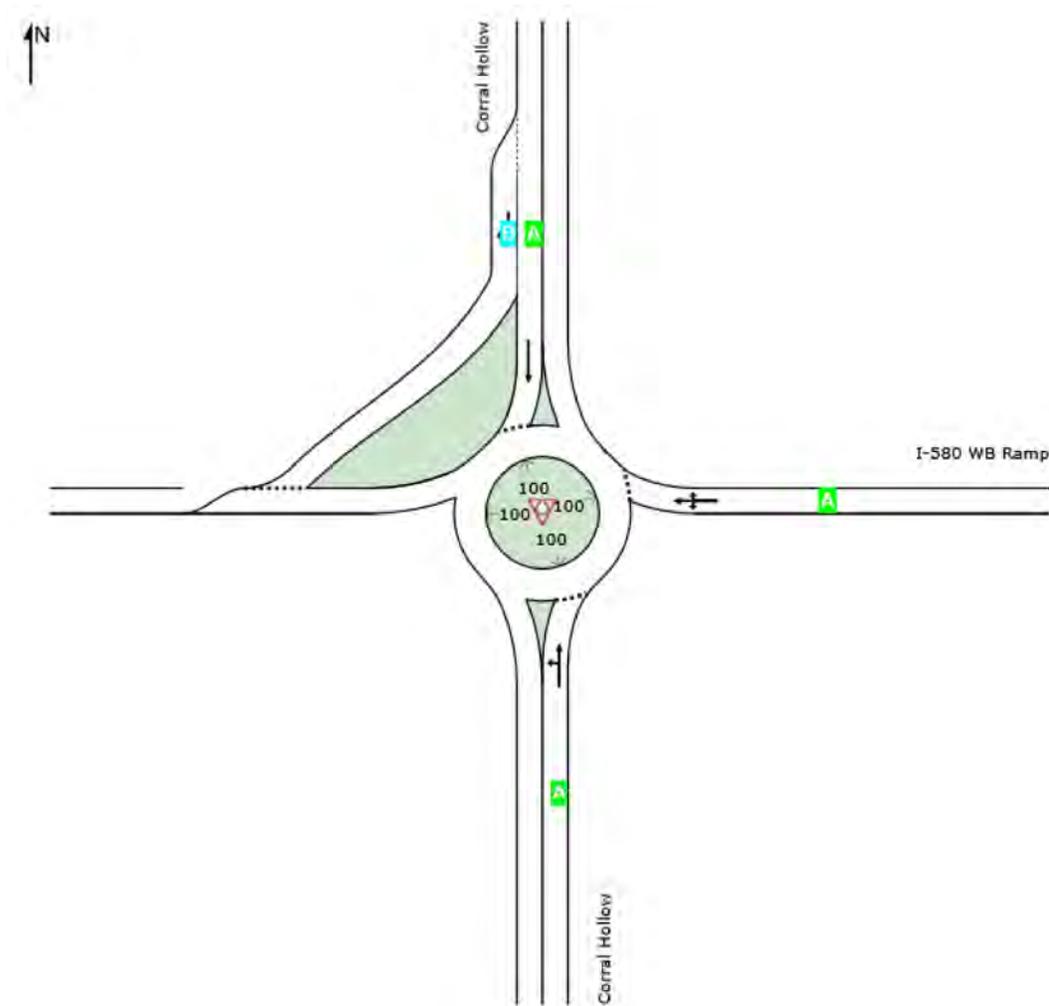
LANE LEVEL OF SERVICE

Lane Level of Service

 Site: 101 [2. Corral Hollow & I-580 WB Ramps_AM]

New Site
 Site Category: (None)
 Roundabout

	Approaches			Intersection
	South	East	North	
LOS	A	A	B	A



Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).
 Roundabout LOS Method: Same as Sign Control.
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 LOS F will result if $v/c > 1$ irrespective of lane delay value (does not apply for approaches and intersection).
 Intersection and Approach LOS values are based on average delay for all lanes (v/c not used as specified in HCM 6).
 HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

MOVEMENT SUMMARY

 Site: 101 [2. Corral Hollow & I-580 WB Ramps_AM]

New Site
 Site Category: (None)
 Roundabout

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	of Queue Distance ft	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed mph
South: Corral Hollow												
3	L2	8	0.0	0.161	4.0	LOS A	0.0	0.0	0.00	0.00	0.00	38.2
8	T1	172	24.0	0.161	4.7	LOS A	0.0	0.0	0.00	0.00	0.00	37.6
Approach		180	22.9	0.161	4.6	LOS A	0.0	0.0	0.00	0.00	0.00	37.6
East: I-580 WB Ramp												
1	L2	190	2.0	0.351	7.0	LOS A	1.7	46.8	0.45	0.33	0.45	32.4
6	T1	9	0.0	0.351	7.0	LOS A	1.7	46.8	0.45	0.33	0.45	32.4
16	R2	151	22.0	0.351	7.7	LOS A	1.7	46.8	0.45	0.33	0.45	31.1
Approach		349	10.6	0.351	7.3	LOS A	1.7	46.8	0.45	0.33	0.45	31.9
North: Corral Hollow												
4	T1	300	9.0	0.279	6.0	LOS A	1.2	32.8	0.38	0.26	0.38	34.6
14	R2	954	3.0	0.703	12.2	LOS B	8.0	204.8	0.22	0.06	0.22	30.7
Approach		1254	4.4	0.703	10.7	LOS B	8.0	204.8	0.26	0.11	0.26	31.6
All Vehicles		1784	7.5	0.703	9.4	LOS A	8.0	204.8	0.27	0.14	0.27	32.2

Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Roundabout LOS Method: Same as Sign Control.

Vehicle movement LOS values are based on average delay and v/c ratio (degree of saturation) per movement.

LOS F will result if v/c > 1 irrespective of movement delay value (does not apply for approaches and intersection).

Intersection and Approach LOS values are based on average delay for all movements (v/c not used as specified in HCM 6).

Roundabout Capacity Model: US HCM 6.

HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

Gap-Acceptance Capacity: Traditional M1.

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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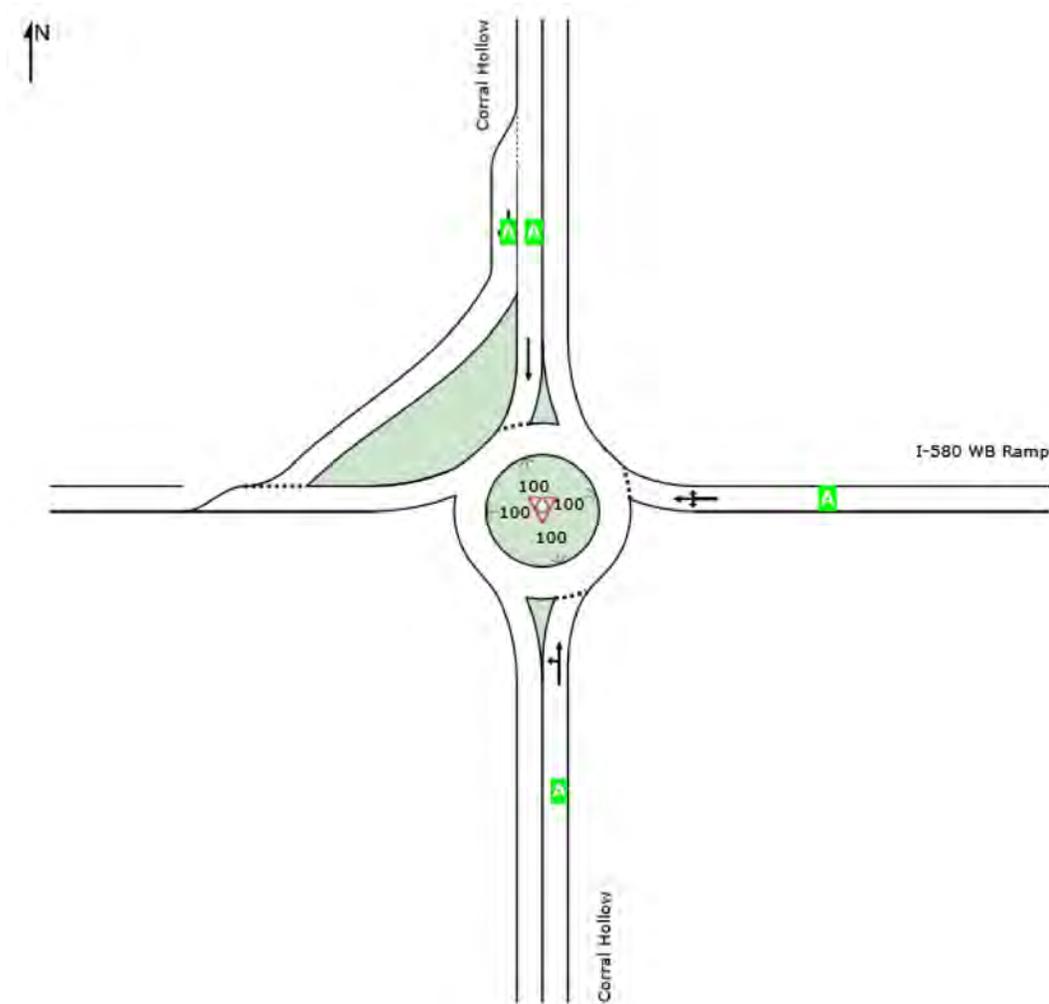
LANE LEVEL OF SERVICE

Lane Level of Service

 Site: 101 [2. Corral Hollow & I-580 WB Ramps_PM]

New Site
 Site Category: (None)
 Roundabout

	Approaches			Intersection
	South	East	North	
LOS	A	A	A	A



Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).
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 Intersection and Approach LOS values are based on average delay for all lanes (v/c not used as specified in HCM 6).
 HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

MOVEMENT SUMMARY

 Site: 101 [2. Corral Hollow & I-580 WB Ramps_PM]

New Site
Site Category: (None)
Roundabout

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back Vehicles veh	of Queue Distance ft	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed mph
South: Corral Hollow												
3	L2	17	0.0	0.524	8.1	LOS A	0.0	0.0	0.00	0.00	0.00	38.3
8	T1	692	2.0	0.524	8.2	LOS A	0.0	0.0	0.00	0.00	0.00	38.1
Approach		710	2.0	0.524	8.2	LOS A	0.0	0.0	0.00	0.00	0.00	38.2
East: I-580 WB Ramp												
1	L2	14	0.0	0.237	8.4	LOS A	0.9	24.6	0.65	0.65	0.65	33.0
6	T1	9	0.0	0.237	8.4	LOS A	0.9	24.6	0.65	0.65	0.65	32.9
16	R2	124	8.0	0.237	8.9	LOS A	0.9	24.6	0.65	0.65	0.65	31.8
Approach		147	6.8	0.237	8.8	LOS A	0.9	24.6	0.65	0.65	0.65	32.0
North: Corral Hollow												
4	T1	148	4.0	0.112	3.6	LOS A	0.5	11.9	0.13	0.04	0.13	36.0
14	R2	224	8.0	0.174	4.3	LOS A	0.7	19.6	0.11	0.03	0.11	34.4
Approach		372	6.4	0.174	4.0	LOS A	0.7	19.6	0.12	0.04	0.12	35.0
All Vehicles		1228	3.9	0.524	7.0	LOS A	0.9	24.6	0.11	0.09	0.11	36.4

Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Roundabout LOS Method: Same as Sign Control.

Vehicle movement LOS values are based on average delay and v/c ratio (degree of saturation) per movement.

LOS F will result if v/c > 1 irrespective of movement delay value (does not apply for approaches and intersection).

Intersection and Approach LOS values are based on average delay for all movements (v/c not used as specified in HCM 6).

Roundabout Capacity Model: US HCM 6.

HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

Gap-Acceptance Capacity: Traditional M1.

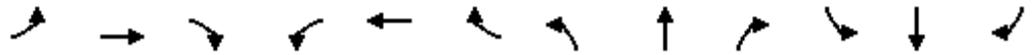
HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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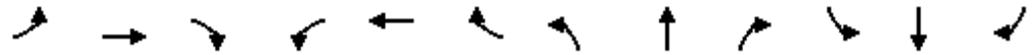
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**A.9 - Near Term (2025) Plus Phase 1A (MIT) Plus KT (Homes Only) Additional Mitigations
Synchro Output Sheets**



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	171	0	173	38	0	23	28	255	2	22	918	128
Future Volume (veh/h)	171	0	173	38	0	23	28	255	2	22	918	128
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870
Adj Flow Rate, veh/h	186	0	188	41	0	25	30	277	2	24	998	139
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	266	0	230	52	182	154	41	1098	930	35	1092	925
Arrive On Green	0.08	0.00	0.15	0.03	0.00	0.10	0.02	0.59	0.59	0.02	0.58	0.58
Sat Flow, veh/h	3456	0	1585	1781	1870	1585	1781	1870	1585	1781	1870	1585
Grp Volume(v), veh/h	186	0	188	41	0	25	30	277	2	24	998	139
Grp Sat Flow(s),veh/h/ln	1728	0	1585	1781	1870	1585	1781	1870	1585	1781	1870	1585
Q Serve(g_s), s	5.2	0.0	11.3	2.2	0.0	1.4	1.6	7.0	0.1	1.3	46.7	3.9
Cycle Q Clear(g_c), s	5.2	0.0	11.3	2.2	0.0	1.4	1.6	7.0	0.1	1.3	46.7	3.9
Prop In Lane	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	266	0	230	52	182	154	41	1098	930	35	1092	925
V/C Ratio(X)	0.70	0.00	0.82	0.79	0.00	0.16	0.74	0.25	0.00	0.69	0.91	0.15
Avail Cap(c_a), veh/h	634	0	488	160	400	339	73	1399	1186	111	1439	1220
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	44.2	0.0	40.7	47.3	0.0	40.6	47.7	9.8	8.4	47.8	18.2	9.3
Incr Delay (d2), s/veh	3.3	0.0	7.0	22.4	0.0	0.5	22.8	0.1	0.0	21.4	7.6	0.1
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	2.3	0.0	4.7	1.3	0.0	0.6	1.0	2.5	0.0	0.8	18.5	1.3
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	47.5	0.0	47.6	69.7	0.0	41.1	70.5	9.9	8.4	69.2	25.8	9.4
LnGrp LOS	D	A	D	E	A	D	E	A	A	E	C	A
Approach Vol, veh/h		374			66			309			1161	
Approach Delay, s/veh		47.5			58.9			15.8			24.8	
Approach LOS		D			E			B			C	
Timer - Assigned Phs	1	2	3	4	5	6	7	8				
Phs Duration (G+Y+Rc), s	7.0	63.8	8.0	19.3	7.3	63.5	12.7	14.6				
Change Period (Y+Rc), s	5.1	6.2	5.1	5.1	5.1	6.2	5.1	5.1				
Max Green Setting (Gmax), s	6.1	73.4	8.8	30.2	4.0	75.5	18.0	21.0				
Max Q Clear Time (g_c+I1), s	3.3	9.0	4.2	13.3	3.6	48.7	7.2	3.4				
Green Ext Time (p_c), s	0.0	1.5	0.0	1.0	0.0	8.5	0.4	0.0				
Intersection Summary												
HCM 6th Ctrl Delay			29.0									
HCM 6th LOS			C									



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕	↗					↑	↗		↕	
Traffic Volume (veh/h)	146	8	10	0	0	0	0	14	12	110	322	0
Future Volume (veh/h)	146	8	10	0	0	0	0	14	12	110	322	0
Initial Q (Qb), veh	0	0	0				0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00				1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00				1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No						No			No	
Adj Sat Flow, veh/h/ln	1900	1159	1900				0	1900	1900	1885	1885	0
Adj Flow Rate, veh/h	176	10	0				0	17	14	133	388	0
Peak Hour Factor	0.83	0.83	0.83				0.83	0.83	0.83	0.83	0.83	0.83
Percent Heavy Veh, %	0	50	0				0	0	0	1	1	0
Cap, veh/h	205	12					0	165	140	160	466	0
Arrive On Green	0.20	0.20	0.00				0.00	0.09	0.09	0.34	0.34	0.00
Sat Flow, veh/h	1047	59	1610				0	1900	1610	475	1386	0
Grp Volume(v), veh/h	186	0	0				0	17	14	521	0	0
Grp Sat Flow(s),veh/h/ln	1107	0	1610				0	1900	1610	1861	0	0
Q Serve(g_s), s	7.5	0.0	0.0				0.0	0.4	0.4	11.9	0.0	0.0
Cycle Q Clear(g_c), s	7.5	0.0	0.0				0.0	0.4	0.4	11.9	0.0	0.0
Prop In Lane	0.95		1.00				0.00		1.00	0.26		0.00
Lane Grp Cap(c), veh/h	217	0					0	165	140	626	0	0
V/C Ratio(X)	0.86	0.00					0.00	0.10	0.10	0.83	0.00	0.00
Avail Cap(c_a), veh/h	460	0					0	761	645	1013	0	0
HCM Platoon Ratio	1.00	1.00	1.00				1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	0.00				0.00	1.00	1.00	1.00	0.00	0.00
Uniform Delay (d), s/veh	17.9	0.0	0.0				0.0	19.3	19.3	14.1	0.0	0.0
Incr Delay (d2), s/veh	9.4	0.0	0.0				0.0	0.3	0.3	3.3	0.0	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0				0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	2.2	0.0	0.0				0.0	0.1	0.1	4.0	0.0	0.0
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	27.3	0.0	0.0				0.0	19.6	19.6	17.3	0.0	0.0
LnGrp LOS	C	A					A	B	B	B	A	A
Approach Vol, veh/h		186	A					31			521	
Approach Delay, s/veh		27.3						19.6			17.3	
Approach LOS		C						B			B	
Timer - Assigned Phs		2		4				6				
Phs Duration (G+Y+Rc), s		10.2		14.1				21.6				
Change Period (Y+Rc), s		6.2		5.1				6.2				
Max Green Setting (Gmax), s		18.4		19.1				25.0				
Max Q Clear Time (g_c+I1), s		2.4		9.5				13.9				
Green Ext Time (p_c), s		0.0		0.5				1.6				

Intersection Summary

HCM 6th Ctrl Delay	19.9
HCM 6th LOS	B

Notes

Unsignalized Delay for [EBR] is excluded from calculations of the approach delay and intersection delay.



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations						↕ ↗		↕			↕ ↗	
Traffic Volume (veh/h)	0	0	0	165	8	132	7	153	0	0	267	862
Future Volume (veh/h)	0	0	0	165	8	132	7	153	0	0	267	862
Initial Q (Qb), veh				0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)				1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj				1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach				No		No		No				No
Adj Sat Flow, veh/h/ln				1574	1900	1574	1544	1544	0	0	1767	1856
Adj Flow Rate, veh/h				190	9	0	8	176	0	0	307	991
Peak Hour Factor				0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87
Percent Heavy Veh, %				22	0	22	24	24	0	0	9	3
Cap, veh/h				253	12		89	1012	0	0	1221	1087
Arrive On Green				0.15	0.15	0.00	0.69	0.69	0.00	0.00	0.69	0.69
Sat Flow, veh/h				1731	82	1334	18	1464	0	0	1767	1572
Grp Volume(v), veh/h				199	0	0	184	0	0	0	307	991
Grp Sat Flow(s),veh/h/ln				1813	0	1334	1482	0	0	0	1767	1572
Q Serve(g_s), s				5.2	0.0	0.0	0.0	0.0	0.0	0.0	3.2	25.9
Cycle Q Clear(g_c), s				5.2	0.0	0.0	2.1	0.0	0.0	0.0	3.2	25.9
Prop In Lane				0.95		1.00	0.04		0.00	0.00		1.00
Lane Grp Cap(c), veh/h				265	0		1101	0	0	0	1221	1087
V/C Ratio(X)				0.75	0.00		0.17	0.00	0.00	0.00	0.25	0.91
Avail Cap(c_a), veh/h				664	0		1101	0	0	0	1221	1087
HCM Platoon Ratio				1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)				1.00	0.00	0.00	1.00	0.00	0.00	0.00	1.00	1.00
Uniform Delay (d), s/veh				20.1	0.0	0.0	2.7	0.0	0.0	0.0	2.8	6.3
Incr Delay (d2), s/veh				4.3	0.0	0.0	0.3	0.0	0.0	0.0	0.5	12.9
Initial Q Delay(d3),s/veh				0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln				2.2	0.0	0.0	0.2	0.0	0.0	0.0	0.3	5.0
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh				24.4	0.0	0.0	3.0	0.0	0.0	0.0	3.3	19.2
LnGrp LOS				C	A		A	A	A	A	A	B
Approach Vol, veh/h				199		A	184				1298	
Approach Delay, s/veh				24.4			3.0				15.5	
Approach LOS				C			A				B	
Timer - Assigned Phs		2				6		8				
Phs Duration (G+Y+Rc), s		38.0				38.0		11.2				
Change Period (Y+Rc), s		4.0				4.0		4.0				
Max Green Setting (Gmax), s		34.0				34.0		18.0				
Max Q Clear Time (g_c+I1), s		4.1				27.9		7.2				
Green Ext Time (p_c), s		0.7				3.5		0.5				

Intersection Summary

HCM 6th Ctrl Delay	15.2
HCM 6th LOS	B

Notes

Unsignalized Delay for [WBR] is excluded from calculations of the approach delay and intersection delay.

Tracy Hills TIA
10: CORRAL HOLLOW RD & LINNE

NT+1A(MIT)+KT Additional Mitigations
Timing Plan: AM PEAK

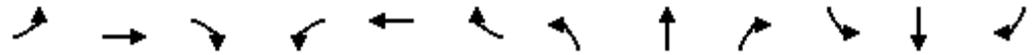


Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (veh/h)	320	45	188	189	94	803
Future Volume (veh/h)	320	45	188	189	94	803
Initial Q (Qb), veh	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00	1.00		1.00	1.00	
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No		No		No	
Adj Sat Flow, veh/h/ln	1707	1144	1796	1292	1544	1885
Adj Flow Rate, veh/h	360	51	211	212	106	902
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89
Percent Heavy Veh, %	13	51	7	41	24	1
Cap, veh/h	417	249	952	581	500	1000
Arrive On Green	0.26	0.26	0.53	0.53	0.53	0.53
Sat Flow, veh/h	1626	970	1796	1095	796	1885
Grp Volume(v), veh/h	360	51	211	212	106	902
Grp Sat Flow(s),veh/h/ln	1626	970	1796	1095	796	1885
Q Serve(g_s), s	11.9	2.3	3.5	6.3	4.6	24.2
Cycle Q Clear(g_c), s	11.9	2.3	3.5	6.3	8.1	24.2
Prop In Lane	1.00	1.00		1.00	1.00	
Lane Grp Cap(c), veh/h	417	249	952	581	500	1000
V/C Ratio(X)	0.86	0.21	0.22	0.37	0.21	0.90
Avail Cap(c_a), veh/h	497	296	1143	697	585	1200
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	20.0	16.4	7.0	7.7	9.2	11.9
Incr Delay (d2), s/veh	12.8	0.4	0.1	0.4	0.2	8.5
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	5.2	0.5	0.9	1.0	0.6	8.5
Unsig. Movement Delay, s/veh						
LnGrp Delay(d),s/veh	32.8	16.8	7.1	8.1	9.4	20.4
LnGrp LOS	C	B	A	A	A	C
Approach Vol, veh/h	411		423			1008
Approach Delay, s/veh	30.8		7.6			19.3
Approach LOS	C		A			B
Timer - Assigned Phs		2			6	8
Phs Duration (G+Y+Rc), s		36.0			36.0	20.2
Change Period (Y+Rc), s		6.2			6.2	5.8
Max Green Setting (Gmax), s		35.8			35.8	17.2
Max Q Clear Time (g_c+I1), s		8.3			26.2	13.9
Green Ext Time (p_c), s		1.7			3.6	0.6
Intersection Summary						
HCM 6th Ctrl Delay			19.2			
HCM 6th LOS			B			

Tracy Hills TIA
2: CORRAL HOLLOW RD & SPINE RD

NT+1A(MIT)+KT Additional Mitigations

Timing Plan: PM PEAK



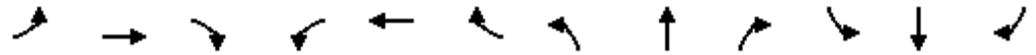
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↖↗	↗		↖	↖	↖	↖	↖	↖	↖	↖	↖
Traffic Volume (veh/h)	322	0	69	13	0	35	236	530	23	84	273	516
Future Volume (veh/h)	322	0	69	13	0	35	236	530	23	84	273	516
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870
Adj Flow Rate, veh/h	350	0	75	14	0	38	257	576	25	91	297	561
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	454	0	261	24	87	74	304	919	778	118	723	613
Arrive On Green	0.13	0.00	0.16	0.01	0.00	0.05	0.17	0.49	0.49	0.07	0.39	0.39
Sat Flow, veh/h	3456	0	1585	1781	1870	1585	1781	1870	1585	1781	1870	1585
Grp Volume(v), veh/h	350	0	75	14	0	38	257	576	25	91	297	561
Grp Sat Flow(s),veh/h/ln	1728	0	1585	1781	1870	1585	1781	1870	1585	1781	1870	1585
Q Serve(g_s), s	7.9	0.0	3.4	0.6	0.0	1.9	11.3	18.4	0.7	4.1	9.4	27.3
Cycle Q Clear(g_c), s	7.9	0.0	3.4	0.6	0.0	1.9	11.3	18.4	0.7	4.1	9.4	27.3
Prop In Lane	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	454	0	261	24	87	74	304	919	778	118	723	613
V/C Ratio(X)	0.77	0.00	0.29	0.59	0.00	0.52	0.85	0.63	0.03	0.77	0.41	0.92
Avail Cap(c_a), veh/h	720	0	662	88	484	410	547	1146	971	239	823	698
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	34.1	0.0	29.7	39.8	0.0	37.8	32.6	15.2	10.7	37.3	18.1	23.6
Incr Delay (d2), s/veh	2.8	0.0	0.6	21.1	0.0	5.5	6.4	0.7	0.0	10.3	0.4	15.6
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	3.4	0.0	1.3	0.4	0.0	0.8	5.0	6.6	0.2	2.0	3.6	12.0
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	36.9	0.0	30.3	60.9	0.0	43.3	39.0	15.9	10.7	47.6	18.5	39.3
LnGrp LOS	D	A	C	E	A	D	D	B	B	D	B	D
Approach Vol, veh/h		425			52			858			949	
Approach Delay, s/veh		35.7			48.0			22.7			33.6	
Approach LOS		D			D			C			C	
Timer - Assigned Phs	1	2	3	4	5	6	7	8				
Phs Duration (G+Y+Rc), s	10.5	46.0	6.2	18.4	18.9	37.6	15.8	8.9				
Change Period (Y+Rc), s	5.1	6.2	5.1	5.1	5.1	6.2	5.1	5.1				
Max Green Setting (Gmax), s	10.9	49.7	4.0	33.9	24.9	35.7	16.9	21.0				
Max Q Clear Time (g_c+I1), s	6.1	20.4	2.6	5.4	13.3	29.3	9.9	3.9				
Green Ext Time (p_c), s	0.1	3.6	0.0	0.4	0.5	2.1	0.7	0.1				

Intersection Summary

HCM 6th Ctrl Delay	30.2
HCM 6th LOS	C

Notes

User approved pedestrian interval to be less than phase max green.



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↖	↗					↑	↗		↖	
Traffic Volume (veh/h)	463	11	9	0	0	0	0	221	480	123	29	0
Future Volume (veh/h)	463	11	9	0	0	0	0	221	480	123	29	0
Initial Q (Qb), veh	0	0	0				0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00				1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00				1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No						No			No	
Adj Sat Flow, veh/h/ln	1900	1900	1900				0	1900	1900	1900	1900	0
Adj Flow Rate, veh/h	487	12	0				0	233	505	129	31	0
Peak Hour Factor	0.95	0.95	0.95				0.95	0.95	0.95	0.95	0.95	0.95
Percent Heavy Veh, %	0	0	0				0	0	0	0	0	0
Cap, veh/h	562	14					0	631	535	189	45	0
Arrive On Green	0.32	0.32	0.00				0.00	0.33	0.33	0.13	0.13	0.00
Sat Flow, veh/h	1768	44	1610				0	1900	1610	1473	354	0
Grp Volume(v), veh/h	499	0	0				0	233	505	160	0	0
Grp Sat Flow(s),veh/h/ln	1812	0	1610				0	1900	1610	1826	0	0
Q Serve(g_s), s	14.0	0.0	0.0				0.0	5.1	16.5	4.5	0.0	0.0
Cycle Q Clear(g_c), s	14.0	0.0	0.0				0.0	5.1	16.5	4.5	0.0	0.0
Prop In Lane	0.98		1.00				0.00		1.00	0.81		0.00
Lane Grp Cap(c), veh/h	576	0					0	631	535	234	0	0
V/C Ratio(X)	0.87	0.00					0.00	0.37	0.94	0.68	0.00	0.00
Avail Cap(c_a), veh/h	736	0					0	631	535	607	0	0
HCM Platoon Ratio	1.00	1.00	1.00				1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	0.00				0.00	1.00	1.00	1.00	0.00	0.00
Uniform Delay (d), s/veh	17.4	0.0	0.0				0.0	13.8	17.6	22.6	0.0	0.0
Incr Delay (d2), s/veh	8.7	0.0	0.0				0.0	0.4	25.6	3.5	0.0	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0				0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	6.5	0.0	0.0				0.0	2.0	9.1	2.0	0.0	0.0
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	26.1	0.0	0.0				0.0	14.1	43.2	26.1	0.0	0.0
LnGrp LOS	C	A					A	B	D	C	A	A
Approach Vol, veh/h		499	A					738			160	
Approach Delay, s/veh		26.1						34.0			26.1	
Approach LOS		C						C			C	
Timer - Assigned Phs		2		4				6				
Phs Duration (G+Y+Rc), s		22.0		21.2				10.9				
Change Period (Y+Rc), s		4.0		4.0				4.0				
Max Green Setting (Gmax), s		18.0		22.0				18.0				
Max Q Clear Time (g_c+I1), s		18.5		16.0				6.5				
Green Ext Time (p_c), s		0.0		1.2				0.4				

Intersection Summary

HCM 6th Ctrl Delay	30.3
HCM 6th LOS	C

Notes

Unsignalized Delay for [EBR] is excluded from calculations of the approach delay and intersection delay.



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations					↕	↗		↕			↕	↗
Traffic Volume (veh/h)	0	0	0	13	8	121	16	668	0	0	139	216
Future Volume (veh/h)	0	0	0	13	8	121	16	668	0	0	139	216
Initial Q (Qb), veh				0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)				1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj				1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach				No		No		No				No
Adj Sat Flow, veh/h/ln				1781	1900	1781	1870	1870	0	0	1841	1781
Adj Flow Rate, veh/h				14	9	0	17	711	0	0	148	230
Peak Hour Factor				0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94
Percent Heavy Veh, %				8	0	8	2	2	0	0	4	8
Cap, veh/h				27	17		203	1020	0	0	1019	836
Arrive On Green				0.02	0.02	0.00	0.55	0.55	0.00	0.00	0.55	0.55
Sat Flow, veh/h				1122	722	1510	16	1841	0	0	1841	1510
Grp Volume(v), veh/h				23	0	0	728	0	0	0	148	230
Grp Sat Flow(s),veh/h/ln				1844	0	1510	1857	0	0	0	1841	1510
Q Serve(g_s), s				0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.7	1.5
Cycle Q Clear(g_c), s				0.2	0.0	0.0	5.4	0.0	0.0	0.0	0.7	1.5
Prop In Lane				0.61		1.00	0.02		0.00	0.00		1.00
Lane Grp Cap(c), veh/h				44	0		1223	0	0	0	1019	836
V/C Ratio(X)				0.52	0.00		0.60	0.00	0.00	0.00	0.15	0.28
Avail Cap(c_a), veh/h				1751	0		3013	0	0	0	2816	2310
HCM Platoon Ratio				1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)				1.00	0.00	0.00	1.00	0.00	0.00	0.00	1.00	1.00
Uniform Delay (d), s/veh				9.1	0.0	0.0	3.1	0.0	0.0	0.0	2.1	2.2
Incr Delay (d2), s/veh				9.0	0.0	0.0	0.5	0.0	0.0	0.0	0.1	0.2
Initial Q Delay(d3),s/veh				0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln				0.2	0.0	0.0	0.2	0.0	0.0	0.0	0.0	0.0
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh				18.2	0.0	0.0	3.6	0.0	0.0	0.0	2.1	2.4
LnGrp LOS				B	A		A	A	A	A	A	A
Approach Vol, veh/h				23	A		728				378	
Approach Delay, s/veh				18.2			3.6				2.3	
Approach LOS				B			A				A	
Timer - Assigned Phs		2			6		8					
Phs Duration (G+Y+Rc), s		14.5			14.5		4.5					
Change Period (Y+Rc), s		4.0			4.0		4.0					
Max Green Setting (Gmax), s		29.0			29.0		18.0					
Max Q Clear Time (g_c+I1), s		7.4			3.5		2.2					
Green Ext Time (p_c), s		3.1			1.4		0.0					

Intersection Summary

HCM 6th Ctrl Delay	3.4
HCM 6th LOS	A

Notes

Unsignalized Delay for [WBR] is excluded from calculations of the approach delay and intersection delay.

Tracy Hills TIA
10: CORRAL HOLLOW RD & LINNE

NT+1A(MIT)+KT Additional Mitigations

Timing Plan: PM PEAK



Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (veh/h)	392	63	512	435	61	446
Future Volume (veh/h)	392	63	512	435	61	446
Initial Q (Qb), veh	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00	1.00		1.00	1.00	
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No		No		No	
Adj Sat Flow, veh/h/ln	1737	1870	1870	1841	1811	1870
Adj Flow Rate, veh/h	431	69	563	478	67	490
Peak Hour Factor	0.91	0.91	0.91	0.91	0.91	0.91
Percent Heavy Veh, %	11	2	2	4	6	2
Cap, veh/h	507	486	798	665	254	798
Arrive On Green	0.31	0.31	0.43	0.43	0.43	0.43
Sat Flow, veh/h	1654	1585	1870	1560	525	1870
Grp Volume(v), veh/h	431	69	563	478	67	490
Grp Sat Flow(s),veh/h/ln	1654	1585	1870	1560	525	1870
Q Serve(g_s), s	11.0	1.4	11.1	11.4	5.4	9.2
Cycle Q Clear(g_c), s	11.0	1.4	11.1	11.4	16.5	9.2
Prop In Lane	1.00	1.00		1.00	1.00	
Lane Grp Cap(c), veh/h	507	486	798	665	254	798
V/C Ratio(X)	0.85	0.14	0.71	0.72	0.26	0.61
Avail Cap(c_a), veh/h	633	606	865	721	273	865
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	14.6	11.3	10.6	10.7	17.4	10.0
Incr Delay (d2), s/veh	8.8	0.1	2.4	3.2	0.5	1.1
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.1	0.4	3.2	2.9	0.6	2.6
Unsig. Movement Delay, s/veh						
LnGrp Delay(d),s/veh	23.5	11.4	13.0	13.8	17.9	11.2
LnGrp LOS	C	B	B	B	B	B
Approach Vol, veh/h	500		1041			557
Approach Delay, s/veh	21.8		13.4			12.0
Approach LOS	C		B			B
Timer - Assigned Phs		2			6	8
Phs Duration (G+Y+Rc), s		25.4			25.4	19.6
Change Period (Y+Rc), s		6.2			6.2	5.8
Max Green Setting (Gmax), s		20.8			20.8	17.2
Max Q Clear Time (g_c+I1), s		13.4			18.5	13.0
Green Ext Time (p_c), s		2.8			0.7	0.8
Intersection Summary						
HCM 6th Ctrl Delay			15.0			
HCM 6th LOS			B			

**A.10 - Near Term (2025) Plus Phase 1A (MIT) Plus KT (Homes Only) Additional Mitigations
Sidra Output Sheets**

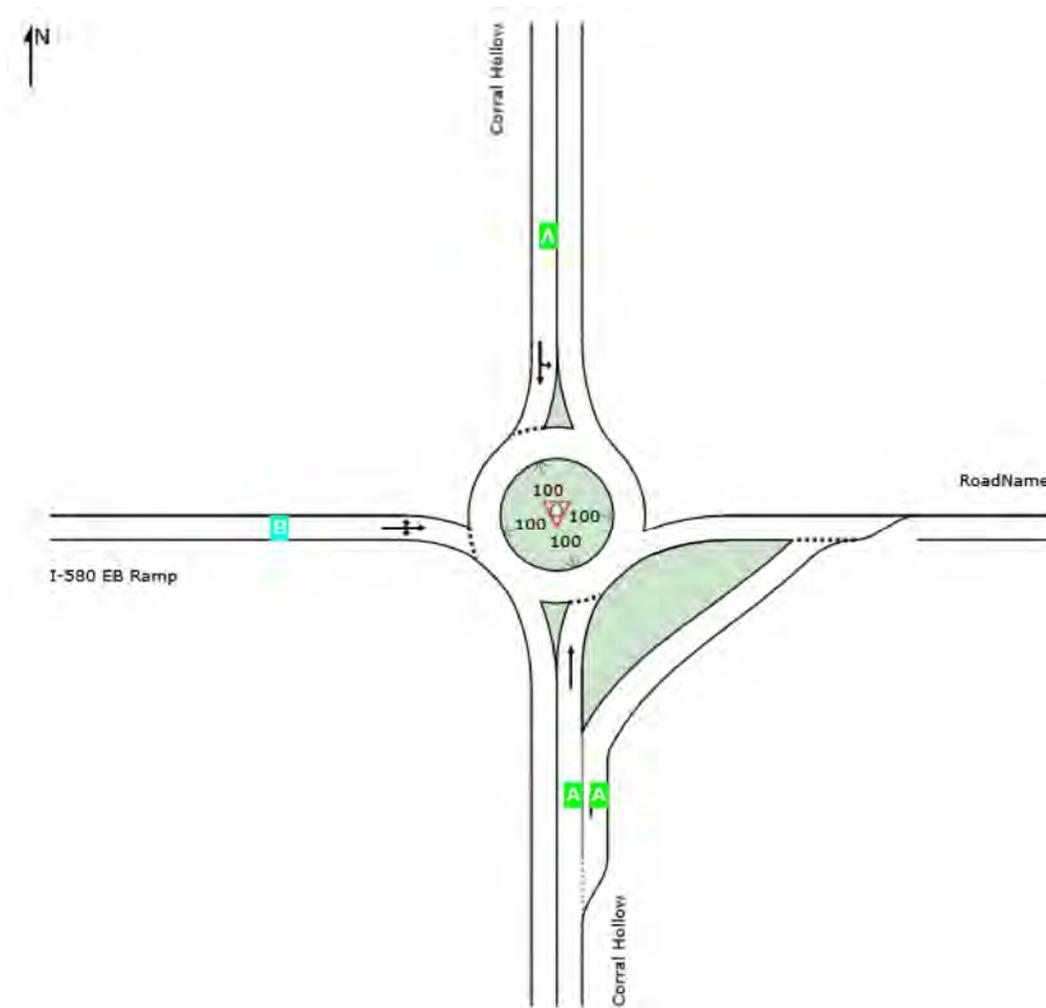
LANE LEVEL OF SERVICE

Lane Level of Service

 Site: 101 [1. Corral Hollow & I-580 EB Ramps_AM]

New Site
 Site Category: (None)
 Roundabout

	Approaches			Intersection
	South	North	West	
LOS	A	A	B	A



Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).
 Roundabout LOS Method: Same as Sign Control.
 Lane LOS values are based on average delay and v/c ratio (degree of saturation) per lane.
 LOS F will result if $v/c > 1$ irrespective of lane delay value (does not apply for approaches and intersection).
 Intersection and Approach LOS values are based on average delay for all lanes (v/c not used as specified in HCM 6).
 HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

MOVEMENT SUMMARY

 Site: 101 [1. Corral Hollow & I-580 EB Ramps_AM]

New Site
Site Category: (None)
Roundabout

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back Vehicles veh	of Queue Distance ft	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed mph
South: Corral Hollow												
8	T1	17	0.0	0.017	3.8	LOS A	0.1	1.6	0.42	0.28	0.42	36.0
18	R2	14	0.0	0.012	3.1	LOS A	0.0	1.1	0.28	0.13	0.28	35.2
Approach		31	0.0	0.017	3.5	LOS A	0.1	1.6	0.36	0.21	0.36	35.6
North: Corral Hollow												
7	L2	133	28.0	0.407	7.3	LOS A	0.0	0.0	0.00	0.00	0.00	36.6
4	T1	388	1.0	0.407	6.6	LOS A	0.0	0.0	0.00	0.00	0.00	37.5
Approach		520	7.9	0.407	6.8	LOS A	0.0	0.0	0.00	0.00	0.00	37.3
West: I-580 EB Ramp												
5	L2	176	26.0	0.319	10.1	LOS B	1.1	34.3	0.61	0.61	0.61	30.0
2	T1	10	50.0	0.319	11.2	LOS B	1.1	34.3	0.61	0.61	0.61	29.9
12	R2	12	0.0	0.319	8.9	LOS A	1.1	34.3	0.61	0.61	0.61	29.8
Approach		198	25.6	0.319	10.1	LOS B	1.1	34.3	0.61	0.61	0.61	30.0
All Vehicles		749	12.2	0.407	7.5	LOS A	1.1	34.3	0.18	0.17	0.18	34.9

Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Roundabout LOS Method: Same as Sign Control.

Vehicle movement LOS values are based on average delay and v/c ratio (degree of saturation) per movement.

LOS F will result if v/c > 1 irrespective of movement delay value (does not apply for approaches and intersection).

Intersection and Approach LOS values are based on average delay for all movements (v/c not used as specified in HCM 6).

Roundabout Capacity Model: US HCM 6.

HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

Gap-Acceptance Capacity: Traditional M1.

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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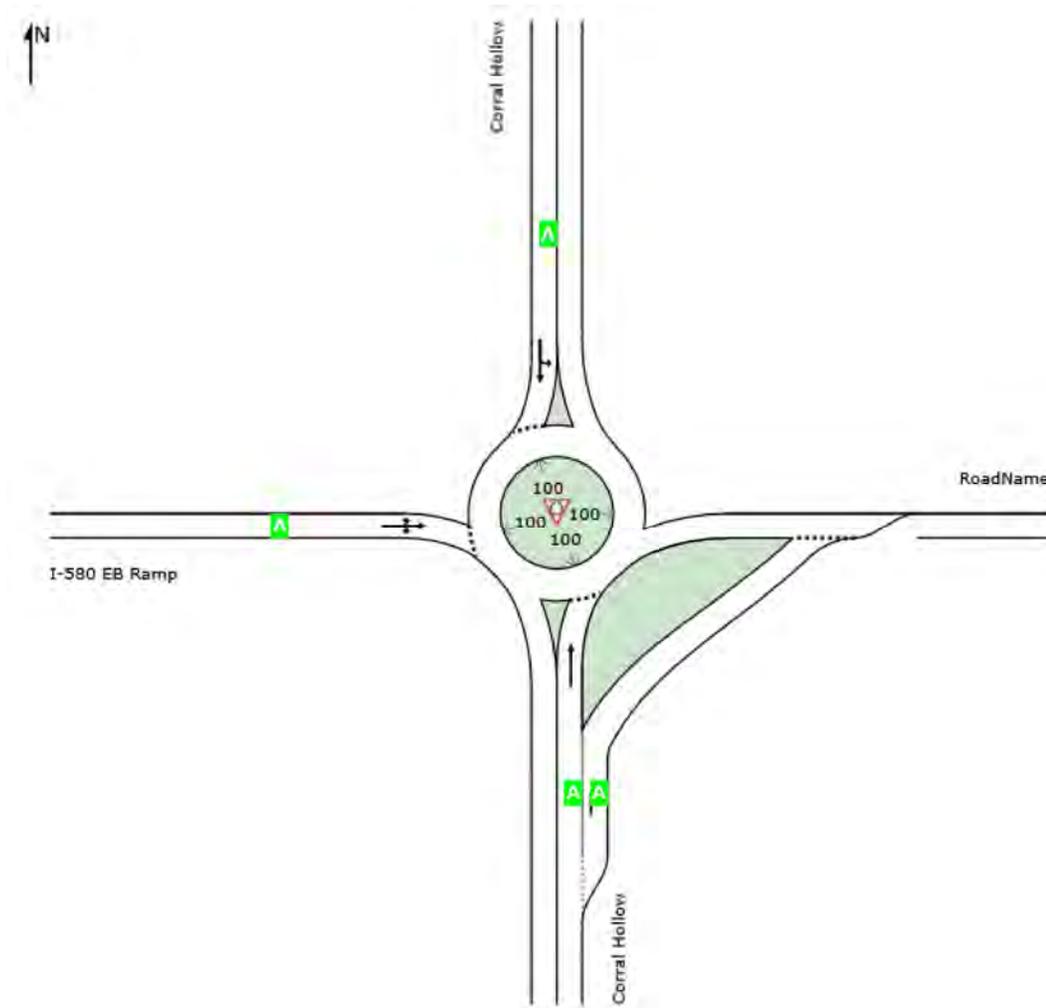
LANE LEVEL OF SERVICE

Lane Level of Service

 Site: 101 [1. Corral Hollow & I-580 EB Ramps_PM]

New Site
 Site Category: (None)
 Roundabout

	Approaches			Intersection
	South	North	West	
LOS	A	A	A	A



Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).
 Roundabout LOS Method: Same as Sign Control.
 Lane LOS values are based on average delay and v/c ratio (degree of saturation) per lane.
 LOS F will result if $v/c > 1$ irrespective of lane delay value (does not apply for approaches and intersection).
 Intersection and Approach LOS values are based on average delay for all lanes (v/c not used as specified in HCM 6).
 HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

MOVEMENT SUMMARY

 Site: 101 [1. Corral Hollow & I-580 EB Ramps_PM]

New Site
Site Category: (None)
Roundabout

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance ft	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed mph
South: Corral Hollow												
8	T1	233	0.0	0.297	8.0	LOS A	1.3	31.7	0.62	0.62	0.62	33.7
18	R2	505	0.0	0.407	6.9	LOS A	2.4	59.9	0.38	0.24	0.38	33.2
Approach		738	0.0	0.407	7.3	LOS A	2.4	59.9	0.46	0.36	0.46	33.4
North: Corral Hollow												
7	L2	129	5.0	0.121	3.7	LOS A	0.0	0.0	0.00	0.00	0.00	35.5
4	T1	31	0.0	0.121	3.6	LOS A	0.0	0.0	0.00	0.00	0.00	35.5
Approach		160	4.0	0.121	3.7	LOS A	0.0	0.0	0.00	0.00	0.00	35.5
West: I-580 EB Ramp												
5	L2	486	4.0	0.452	8.1	LOS A	2.8	72.7	0.46	0.31	0.46	31.2
2	T1	12	0.0	0.452	8.0	LOS A	2.8	72.7	0.46	0.31	0.46	31.3
12	R2	9	0.0	0.452	8.0	LOS A	2.8	72.7	0.46	0.31	0.46	30.5
Approach		507	3.8	0.452	8.1	LOS A	2.8	72.7	0.46	0.31	0.46	31.2
All Vehicles		1405	1.8	0.452	7.2	LOS A	2.8	72.7	0.41	0.30	0.41	32.8

Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Roundabout LOS Method: Same as Sign Control.

Vehicle movement LOS values are based on average delay and v/c ratio (degree of saturation) per movement.

LOS F will result if v/c > 1 irrespective of movement delay value (does not apply for approaches and intersection).

Intersection and Approach LOS values are based on average delay for all movements (v/c not used as specified in HCM 6).

Roundabout Capacity Model: US HCM 6.

HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

Gap-Acceptance Capacity: Traditional M1.

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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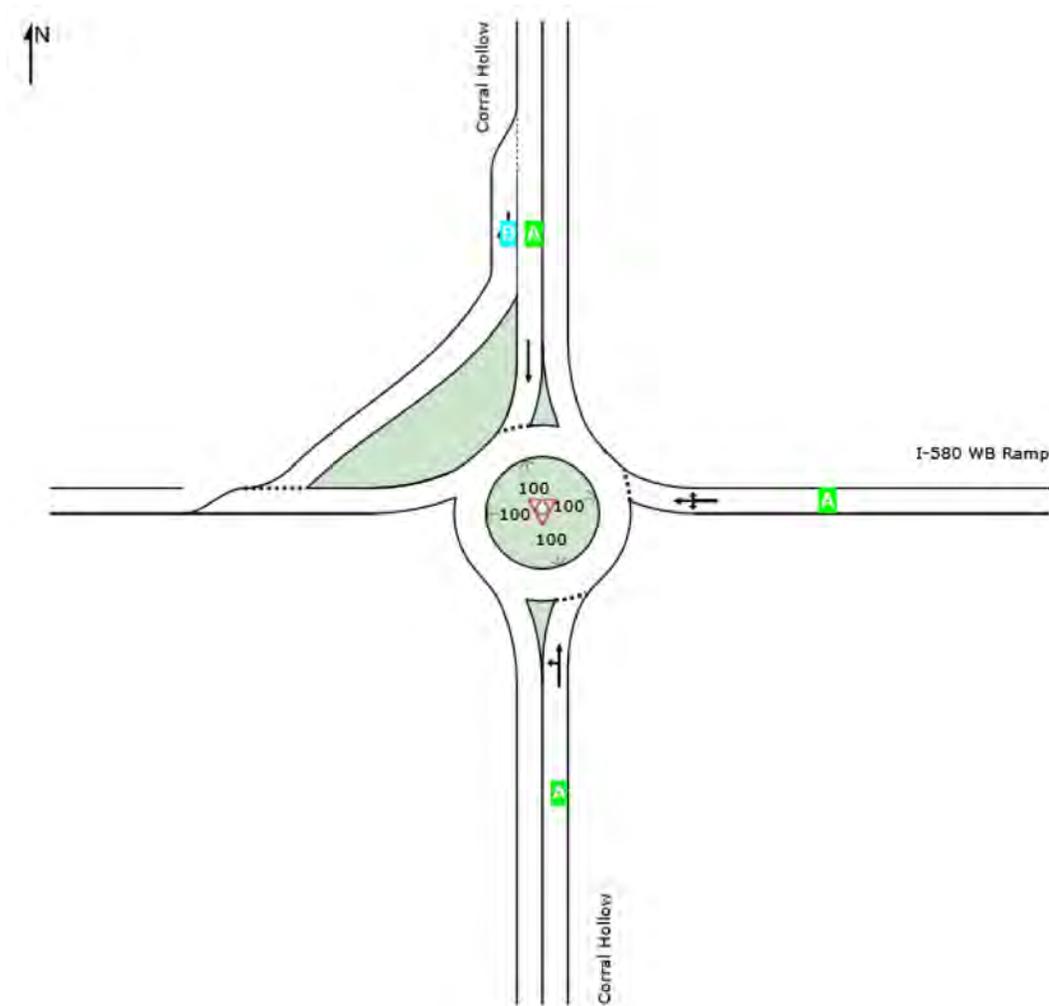
LANE LEVEL OF SERVICE

Lane Level of Service

 Site: 101 [2. Corral Hollow & I-580 WB Ramps_AM]

New Site
 Site Category: (None)
 Roundabout

	Approaches			Intersection
	South	East	North	
LOS	A	A	B	A



Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).
 Roundabout LOS Method: Same as Sign Control.
 Lane LOS values are based on average delay and v/c ratio (degree of saturation) per lane.
 LOS F will result if $v/c > 1$ irrespective of lane delay value (does not apply for approaches and intersection).
 Intersection and Approach LOS values are based on average delay for all lanes (v/c not used as specified in HCM 6).
 HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

MOVEMENT SUMMARY

 Site: 101 [2. Corral Hollow & I-580 WB Ramps_AM]

New Site
 Site Category: (None)
 Roundabout

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back Vehicles veh	of Queue Distance ft	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed mph
South: Corral Hollow												
3	L2	8	0.0	0.164	4.1	LOS A	0.0	0.0	0.00	0.00	0.00	38.2
8	T1	176	24.0	0.164	4.7	LOS A	0.0	0.0	0.00	0.00	0.00	37.6
Approach		184	23.0	0.164	4.7	LOS A	0.0	0.0	0.00	0.00	0.00	37.6
East: I-580 WB Ramp												
1	L2	190	2.0	0.354	7.1	LOS A	1.7	47.2	0.46	0.33	0.46	32.4
6	T1	9	0.0	0.354	7.0	LOS A	1.7	47.2	0.46	0.33	0.46	32.4
16	R2	152	22.0	0.354	7.8	LOS A	1.7	47.2	0.46	0.33	0.46	31.1
Approach		351	10.6	0.354	7.4	LOS A	1.7	47.2	0.46	0.33	0.46	31.8
North: Corral Hollow												
4	T1	307	9.0	0.285	6.1	LOS A	1.3	33.7	0.38	0.26	0.38	34.6
14	R2	991	3.0	0.730	13.1	LOS B	9.0	230.9	0.24	0.07	0.24	30.3
Approach		1298	4.4	0.730	11.4	LOS B	9.0	230.9	0.27	0.11	0.27	31.3
All Vehicles		1832	7.5	0.730	10.0	LOS A	9.0	230.9	0.28	0.14	0.28	31.9

Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Roundabout LOS Method: Same as Sign Control.

Vehicle movement LOS values are based on average delay and v/c ratio (degree of saturation) per movement.

LOS F will result if v/c > 1 irrespective of movement delay value (does not apply for approaches and intersection).

Intersection and Approach LOS values are based on average delay for all movements (v/c not used as specified in HCM 6).

Roundabout Capacity Model: US HCM 6.

HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

Gap-Acceptance Capacity: Traditional M1.

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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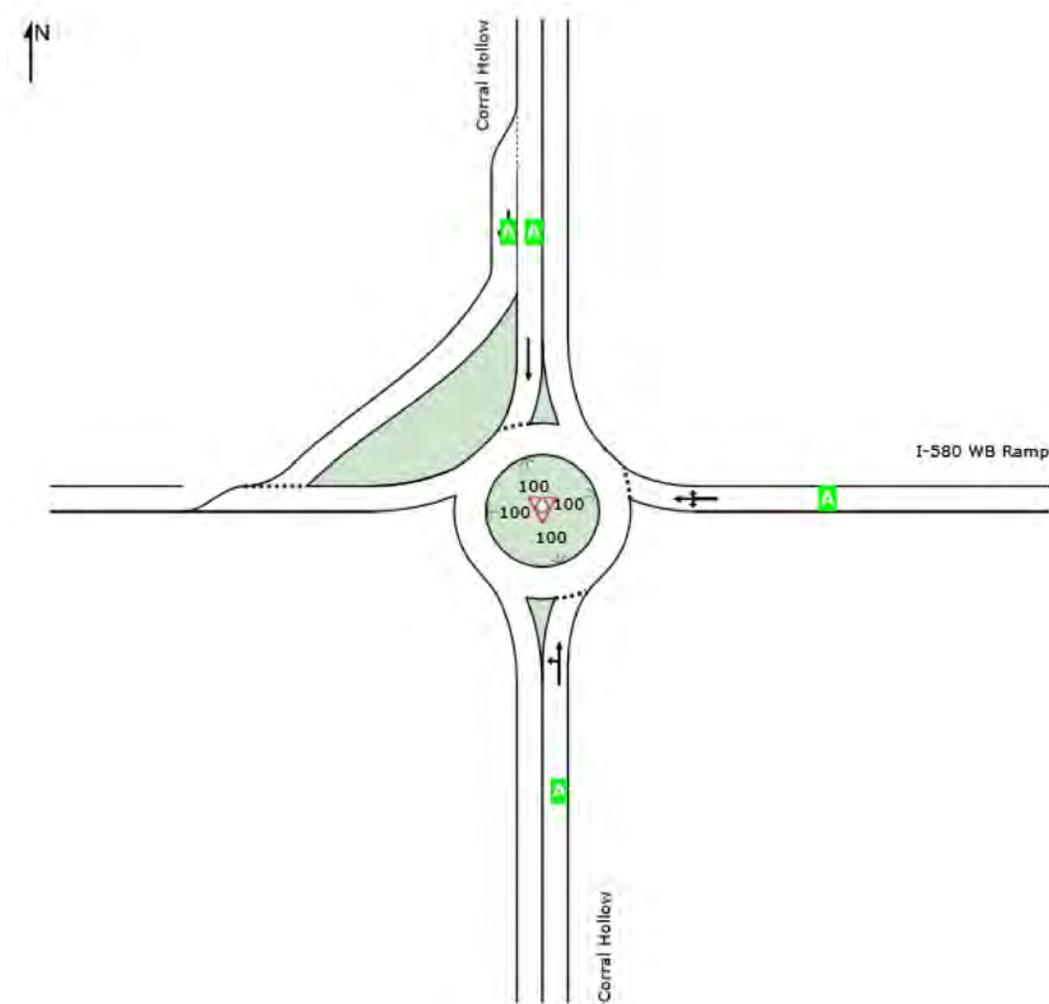
LANE LEVEL OF SERVICE

Lane Level of Service

 Site: 101 [2. Corral Hollow & I-580 WB Ramps_PM]

New Site
 Site Category: (None)
 Roundabout

	Approaches			Intersection
	South	East	North	
LOS	A	A	A	A



Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).
 Roundabout LOS Method: Same as Sign Control.
 Lane LOS values are based on average delay and v/c ratio (degree of saturation) per lane.
 LOS F will result if $v/c > 1$ irrespective of lane delay value (does not apply for approaches and intersection).
 Intersection and Approach LOS values are based on average delay for all lanes (v/c not used as specified in HCM 6).
 HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

MOVEMENT SUMMARY

 Site: 101 [2. Corral Hollow & I-580 WB Ramps_PM]

New Site
 Site Category: (None)
 Roundabout

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance ft	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed mph
South: Corral Hollow												
3	L2	17	0.0	0.548	8.5	LOS A	0.0	0.0	0.00	0.00	0.00	38.3
8	T1	725	2.0	0.548	8.6	LOS A	0.0	0.0	0.00	0.00	0.00	38.2
Approach		742	2.0	0.548	8.6	LOS A	0.0	0.0	0.00	0.00	0.00	38.2
East: I-580 WB Ramp												
1	L2	14	0.0	0.259	9.0	LOS A	1.0	26.8	0.66	0.66	0.66	32.8
6	T1	9	0.0	0.259	9.0	LOS A	1.0	26.8	0.66	0.66	0.66	32.6
16	R2	132	8.0	0.259	9.5	LOS A	1.0	26.8	0.66	0.66	0.66	31.6
Approach		154	6.8	0.259	9.4	LOS A	1.0	26.8	0.66	0.66	0.66	31.7
North: Corral Hollow												
4	T1	151	4.0	0.115	3.7	LOS A	0.5	12.2	0.13	0.04	0.13	36.0
14	R2	235	8.0	0.183	4.3	LOS A	0.8	20.7	0.11	0.03	0.11	34.3
Approach		386	6.4	0.183	4.1	LOS A	0.8	20.7	0.12	0.04	0.12	35.0
All Vehicles		1283	3.9	0.548	7.3	LOS A	1.0	26.8	0.12	0.09	0.12	36.3

Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Roundabout LOS Method: Same as Sign Control.

Vehicle movement LOS values are based on average delay and v/c ratio (degree of saturation) per movement.

LOS F will result if v/c > 1 irrespective of movement delay value (does not apply for approaches and intersection).

Intersection and Approach LOS values are based on average delay for all movements (v/c not used as specified in HCM 6).

Roundabout Capacity Model: US HCM 6.

HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

Gap-Acceptance Capacity: Traditional M1.

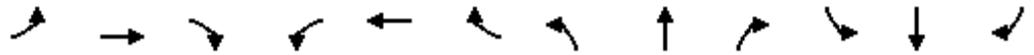
HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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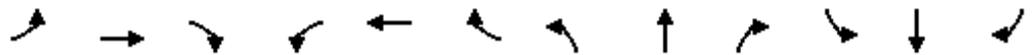
A.11 – Near Term (2025) Plus Phase 1A (MIT) Plus KT (Homes Only) Westbound Alternative



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	171	0	173	38	0	23	28	255	2	22	918	128
Future Volume (veh/h)	171	0	173	38	0	23	28	255	2	22	918	128
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870
Adj Flow Rate, veh/h	186	0	188	41	0	25	30	277	2	24	998	139
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	266	0	230	52	0	154	41	1098	930	35	1092	925
Arrive On Green	0.08	0.00	0.15	0.03	0.00	0.10	0.02	0.59	0.59	0.02	0.58	0.58
Sat Flow, veh/h	3456	0	1585	1781	0	1585	1781	1870	1585	1781	1870	1585
Grp Volume(v), veh/h	186	0	188	41	0	25	30	277	2	24	998	139
Grp Sat Flow(s),veh/h/ln	1728	0	1585	1781	0	1585	1781	1870	1585	1781	1870	1585
Q Serve(g_s), s	5.2	0.0	11.3	2.2	0.0	1.4	1.6	7.0	0.1	1.3	46.7	3.9
Cycle Q Clear(g_c), s	5.2	0.0	11.3	2.2	0.0	1.4	1.6	7.0	0.1	1.3	46.7	3.9
Prop In Lane	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	266	0	230	52	0	154	41	1098	930	35	1092	925
V/C Ratio(X)	0.70	0.00	0.82	0.79	0.00	0.16	0.74	0.25	0.00	0.69	0.91	0.15
Avail Cap(c_a), veh/h	634	0	488	160	0	339	73	1399	1186	111	1439	1220
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	44.2	0.0	40.7	47.3	0.0	40.6	47.7	9.8	8.4	47.8	18.2	9.3
Incr Delay (d2), s/veh	3.3	0.0	7.0	22.4	0.0	0.5	22.8	0.1	0.0	21.4	7.6	0.1
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	2.3	0.0	4.7	1.3	0.0	0.6	1.0	2.5	0.0	0.8	18.5	1.3
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	47.5	0.0	47.6	69.7	0.0	41.1	70.5	9.9	8.4	69.2	25.8	9.4
LnGrp LOS	D	A	D	E	A	D	E	A	A	E	C	A
Approach Vol, veh/h		374			66			309			1161	
Approach Delay, s/veh		47.5			58.9			15.8			24.8	
Approach LOS		D			E			B			C	
Timer - Assigned Phs	1	2	3	4	5	6	7	8				
Phs Duration (G+Y+Rc), s	7.0	63.8	8.0	19.3	7.3	63.5	12.7	14.6				
Change Period (Y+Rc), s	5.1	6.2	5.1	5.1	5.1	6.2	5.1	5.1				
Max Green Setting (Gmax), s	6.1	73.4	8.8	30.2	4.0	75.5	18.0	21.0				
Max Q Clear Time (g_c+I1), s	3.3	9.0	4.2	13.3	3.6	48.7	7.2	3.4				
Green Ext Time (p_c), s	0.0	1.5	0.0	1.0	0.0	8.5	0.4	0.1				

Intersection Summary

HCM 6th Ctrl Delay			29.0									
HCM 6th LOS			C									



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	322	0	69	13	0	35	236	530	23	84	273	516
Future Volume (veh/h)	322	0	69	13	0	35	236	530	23	84	273	516
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870
Adj Flow Rate, veh/h	350	0	75	14	0	38	257	576	25	91	297	561
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	473	0	278	24	0	83	200	823	697	117	735	623
Arrive On Green	0.14	0.00	0.18	0.01	0.00	0.05	0.11	0.44	0.44	0.07	0.39	0.39
Sat Flow, veh/h	3456	0	1585	1781	0	1585	1781	1870	1585	1781	1870	1585
Grp Volume(v), veh/h	350	0	75	14	0	38	257	576	25	91	297	561
Grp Sat Flow(s),veh/h/ln	1728	0	1585	1781	0	1585	1781	1870	1585	1781	1870	1585
Q Serve(g_s), s	6.8	0.0	2.9	0.5	0.0	1.6	7.9	17.5	0.6	3.5	8.1	23.4
Cycle Q Clear(g_c), s	6.8	0.0	2.9	0.5	0.0	1.6	7.9	17.5	0.6	3.5	8.1	23.4
Prop In Lane	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	473	0	278	24	0	83	200	823	697	117	735	623
V/C Ratio(X)	0.74	0.00	0.27	0.58	0.00	0.46	1.28	0.70	0.04	0.78	0.40	0.90
Avail Cap(c_a), veh/h	830	0	764	101	0	473	200	917	777	154	869	737
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	29.2	0.0	25.1	34.5	0.0	32.4	31.2	15.9	11.2	32.4	15.4	20.0
Incr Delay (d2), s/veh	2.3	0.0	0.5	19.9	0.0	3.9	160.6	2.1	0.0	16.6	0.4	12.7
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	2.8	0.0	1.1	0.4	0.0	0.7	12.0	6.4	0.2	1.9	2.9	9.8
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	31.5	0.0	25.6	54.4	0.0	36.3	191.8	18.0	11.2	49.0	15.8	32.8
LnGrp LOS	C	A	C	D	A	D	F	B	B	D	B	C
Approach Vol, veh/h		425			52			858			949	
Approach Delay, s/veh		30.4			41.2			69.9			29.0	
Approach LOS		C			D			E			C	
Timer - Assigned Phs	1	2	3	4	5	6	7	8				
Phs Duration (G+Y+Rc), s	9.7	37.2	6.1	17.4	13.0	33.9	14.7	8.8				
Change Period (Y+Rc), s	5.1	6.2	5.1	5.1	5.1	6.2	5.1	5.1				
Max Green Setting (Gmax), s	6.1	34.5	4.0	33.9	7.9	32.7	16.9	21.0				
Max Q Clear Time (g_c+I1), s	5.5	19.5	2.5	4.9	9.9	25.4	8.8	3.6				
Green Ext Time (p_c), s	0.0	2.9	0.0	0.4	0.0	2.3	0.8	0.1				

Intersection Summary

HCM 6th Ctrl Delay	44.9
HCM 6th LOS	D

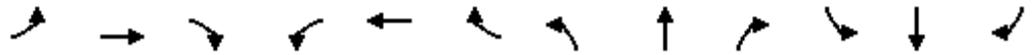
Notes

User approved pedestrian interval to be less than phase max green.

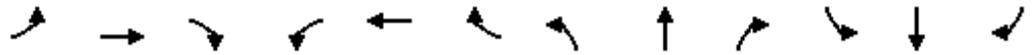
A.12 – Near Term (2025) Plus Phase 1A (MIT) Plus KT (Homes and Retail) Synchro Outputs

KT Tentative Map Review
 2: CORRAL HOLLOW RD & TRACY HILLS DR/STREET D

NT+1A+KT (Homes and Retail)
 Timing Plan: AM PEAK



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	171	0	173	100	0	85	28	255	36	186	917	128
Future Volume (veh/h)	171	0	173	100	0	85	28	255	36	186	917	128
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870
Adj Flow Rate, veh/h	186	0	188	109	0	92	30	277	39	202	997	139
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	256	0	220	136	265	347	75	965	939	267	1069	1024
Arrive On Green	0.07	0.00	0.14	0.08	0.00	0.14	0.02	0.52	0.52	0.08	0.57	0.57
Sat Flow, veh/h	3456	0	1585	1781	1870	1585	3456	1870	1585	3456	1870	1585
Grp Volume(v), veh/h	186	0	188	109	0	92	30	277	39	202	997	139
Grp Sat Flow(s),veh/h/ln	1728	0	1585	1781	1870	1585	1728	1870	1585	1728	1870	1585
Q Serve(g_s), s	5.9	0.0	13.0	6.8	0.0	5.4	1.0	9.5	1.2	6.4	55.0	3.8
Cycle Q Clear(g_c), s	5.9	0.0	13.0	6.8	0.0	5.4	1.0	9.5	1.2	6.4	55.0	3.8
Prop In Lane	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	256	0	220	136	265	347	75	965	939	267	1069	1024
V/C Ratio(X)	0.73	0.00	0.85	0.80	0.00	0.27	0.40	0.29	0.04	0.76	0.93	0.14
Avail Cap(c_a), veh/h	553	0	323	255	349	419	123	1091	1046	427	1255	1181
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	51.0	0.0	47.3	51.1	0.0	36.4	54.3	15.5	9.6	50.8	22.1	7.7
Incr Delay (d2), s/veh	3.9	0.0	13.7	10.2	0.0	0.4	3.4	0.2	0.0	4.3	11.4	0.1
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	2.7	0.0	5.9	3.4	0.0	2.1	0.4	3.7	0.4	2.8	23.9	1.2
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	54.9	0.0	61.0	61.3	0.0	36.8	57.8	15.6	9.6	55.2	33.5	7.8
LnGrp LOS	D	A	E	E	A	D	E	B	A	E	C	A
Approach Vol, veh/h		374			201			346			1338	
Approach Delay, s/veh		58.0			50.1			18.6			34.1	
Approach LOS		E			D			B			C	
Timer - Assigned Phs	1	2	3	4	5	6	7	8				
Phs Duration (G+Y+Rc), s	13.8	64.3	13.7	20.7	7.5	70.5	13.4	21.0				
Change Period (Y+Rc), s	5.1	6.2	5.1	5.1	5.1	6.2	5.1	5.1				
Max Green Setting (Gmax), s	13.9	65.6	16.1	22.9	4.0	75.5	18.0	21.0				
Max Q Clear Time (g_c+I1), s	8.4	11.5	8.8	15.0	3.0	57.0	7.9	7.4				
Green Ext Time (p_c), s	0.3	1.6	0.1	0.6	0.0	7.3	0.4	0.2				
Intersection Summary												
HCM 6th Ctrl Delay			37.1									
HCM 6th LOS			D									



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	306	20	65	9	20	254	230	488	150	144	246	502
Future Volume (veh/h)	306	20	65	9	20	254	230	488	150	144	246	502
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870
Adj Flow Rate, veh/h	333	22	71	10	22	276	250	530	163	157	267	546
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	439	119	384	18	352	405	294	659	575	232	626	732
Arrive On Green	0.13	0.31	0.31	0.01	0.19	0.19	0.09	0.35	0.35	0.07	0.33	0.33
Sat Flow, veh/h	3456	389	1255	1781	1870	1585	3456	1870	1585	3456	1870	1585
Grp Volume(v), veh/h	333	0	93	10	22	276	250	530	163	157	267	546
Grp Sat Flow(s),veh/h/ln	1728	0	1644	1781	1870	1585	1728	1870	1585	1728	1870	1585
Q Serve(g_s), s	7.6	0.0	3.4	0.5	0.8	12.7	5.8	20.8	5.9	3.6	9.0	23.0
Cycle Q Clear(g_c), s	7.6	0.0	3.4	0.5	0.8	12.7	5.8	20.8	5.9	3.6	9.0	23.0
Prop In Lane	1.00		0.76	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	439	0	502	18	352	405	294	659	575	232	626	732
V/C Ratio(X)	0.76	0.00	0.19	0.56	0.06	0.68	0.85	0.80	0.28	0.68	0.43	0.75
Avail Cap(c_a), veh/h	767	0	659	143	484	516	294	781	678	238	751	838
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	34.2	0.0	20.7	40.0	27.0	27.2	36.6	23.7	18.4	37.0	21.0	17.9
Incr Delay (d2), s/veh	2.7	0.0	0.2	25.2	0.1	2.5	20.5	5.2	0.3	7.2	0.5	3.2
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	3.2	0.0	1.3	0.3	0.3	4.8	3.1	9.0	2.1	1.6	3.6	8.2
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	36.9	0.0	20.9	65.2	27.1	29.8	57.1	29.0	18.6	44.2	21.4	21.1
LnGrp LOS	D	A	C	E	C	C	E	C	B	D	C	C
Approach Vol, veh/h		426			308			943			970	
Approach Delay, s/veh		33.4			30.7			34.6			24.9	
Approach LOS		C			C			C			C	
Timer - Assigned Phs	1	2	3	4	5	6	7	8				
Phs Duration (G+Y+Rc), s	10.5	34.8	5.9	29.9	12.0	33.3	15.4	20.4				
Change Period (Y+Rc), s	5.1	6.2	5.1	5.1	5.1	6.2	5.1	5.1				
Max Green Setting (Gmax), s	5.6	33.9	6.5	32.5	6.9	32.6	18.0	21.0				
Max Q Clear Time (g_c+I1), s	5.6	22.8	2.5	5.4	7.8	25.0	9.6	14.7				
Green Ext Time (p_c), s	0.0	2.7	0.0	0.5	0.0	2.2	0.8	0.6				
Intersection Summary												
HCM 6th Ctrl Delay			30.4									
HCM 6th LOS			C									

A.13 – KT Tentative Map Redlines

BASIS OF BEARING:

THE BEARING BETWEEN THE FOUND MONUMENTS IN CORRAL HOLLOW ROAD AT THE NORTHWEST CORNER AND THE WEST 1/4 CORNER OF SECTION 17, T. 3 S., R. 5 E., TAKEN AS NORTH 00°25'03" EAST.

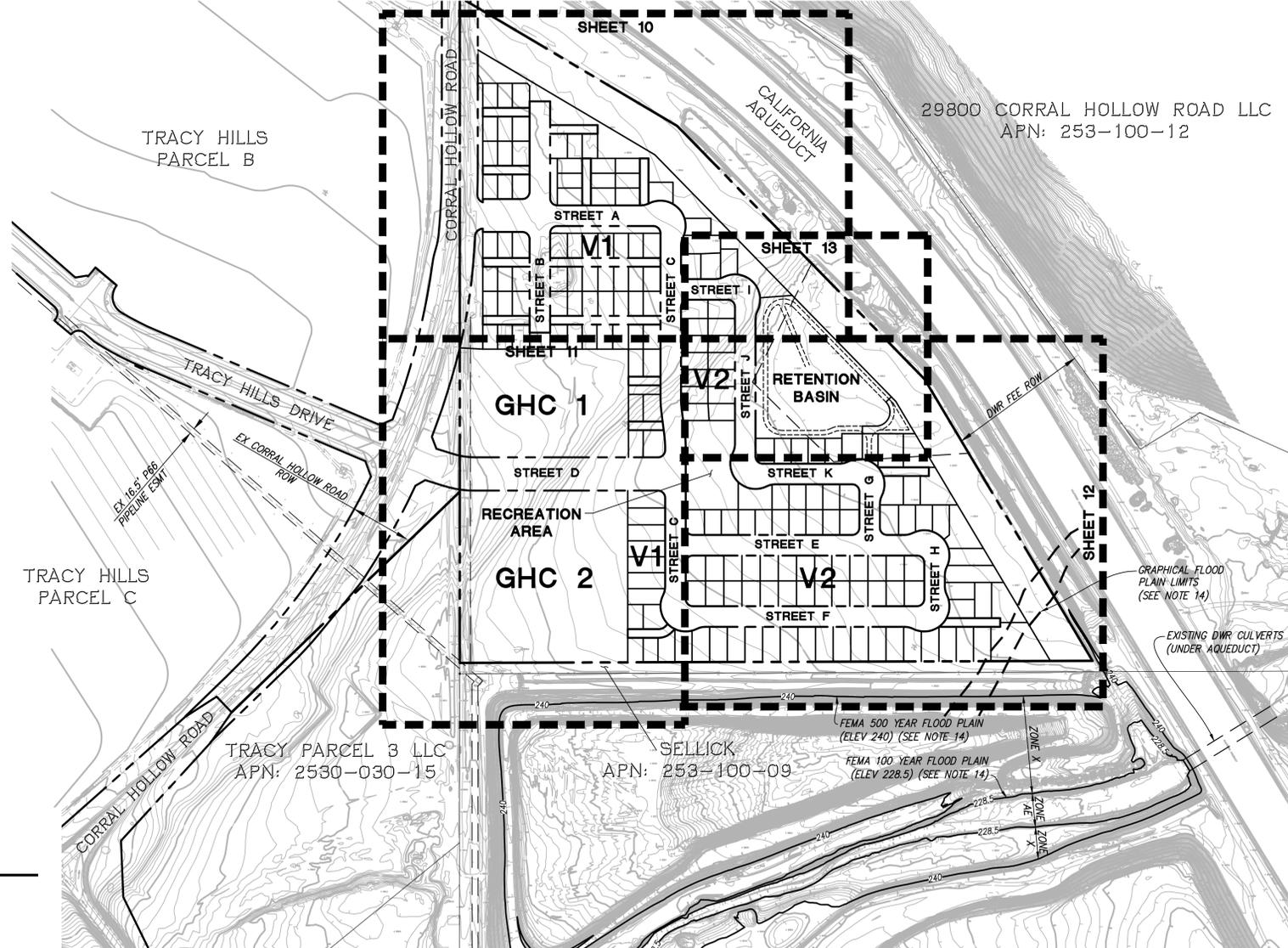
BENCHMARK:

BASIS OF ELEVATIONS:
PER GEOLOGIC CONTROL NETWORK RECORD OF SURVEY FOR CITY OF TRACY. RECORDED BOOK 36 PAGE 118 ELEVATION SHOWN ARE IN TERMS OF NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). BASED LOCALLY UPON ELEVATION FOR THE FOLLOWING BENCHMARKS AS PUBLISHED BY THE NATIONAL GEOLOGIC SURVEY:
PT. 3022 "L1259 1974" ELEV. 250.25'

VESTING TENTATIVE MAP - TRACT 4013

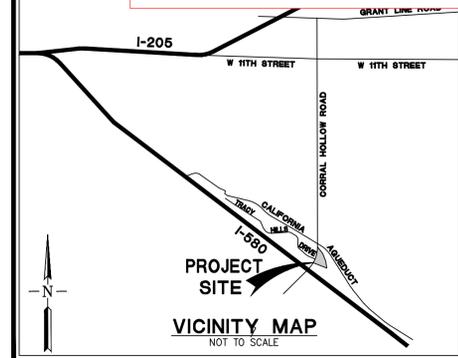
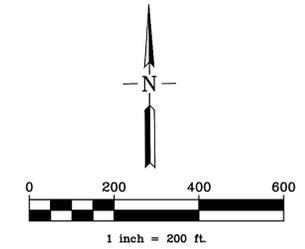
KT PROPERTY

CITY OF TRACY, COUNTY OF SAN JOAQUIN, CALIFORNIA



LOCATION/INDEX MAP
SCALE: 1"=200'

KIMLEY-HORN REVIEW
2/17/20



GENERAL NOTES:

- OWNER/DEVELOPER: KPMW INTEGRAL, LLC
672 W. 11TH STREET, SUITE 104
TRACY, CA 95376
CONTACT: JOHN PALMER
- CIVIL ENGINEER: RUGGERI-JENSEN-AZAR
2541 WARREN DRIVE, SUITE 100
ROCKLIN, CA 95677
(916) 630-8900
CONTACT: CHRIS RUGGERI, RCE 60901
- GEOTECHNICAL ENGINEER: ENGO INCORPORATED
580 N. WILMA AVENUE, SUITE A
RIPON, CA 95366
(209) 835-0610
CONTACT: STEVE HARRIS, GE
- ASSESSOR'S PARCEL NUMBERS: 253-100-150 & 253-100-16
- LEGAL DESCRIPTION: PER FIRST AMERICAN TITLE PRELIMINARY REPORT ORDER NUMBER 0131-623114a DATED: OCTOBER 3, 2018

REAL PROPERTY IN THE CITY OF TRACY, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THAT CERTAIN PARCEL BEING A PORTION OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 5 EAST, MOUNT DIABLO BASE AND MERIDAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 17; THENCE NORTH 0°24'05" EAST ALONG WESTERLY LINE OF SAID NORTHWEST 1/4, BEING ALSO THE CENTER LINE OF CORRAL HOLLOW ROAD (60 FEET WIDE), 30.00 FEET TO THE POINT OF BEGINNING; THE FROM SAID POINT OF BEGINNING; NORTH 0°24'05" EAST ALONG THE AFOREMENTIONED WESTERLY LINE AND CENTER LINE, 1840.75 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID STATE OF CALIFORNIA AQUEDUCT; THENCE ALONG SAID SOUTHWESTERLY LINE OF SAID STATE OF CALIFORNIA AQUEDUCT THE FOLLOWING COURSES AND DISTANCES:

SOUTH 59°04'11" EAST, 702.86 FEET; SOUTH 44°03'00" EAST, 980.90 FEET; SOUTH 30°30'00" EAST, 907.37 FEET TO A POINT ON THE NORTHERLY LINE OF A 30 FOOT WIDE STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES RIGHT OF WAY, THE SOUTHERLY LINE OF SAID RIGHT OF WAY BEING THE SOUTHERLY LINE OF THE NORTHWEST 1/4 OF SAID SECTION 17; THENCE NORTH 89°45'34" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, 1758.35 FEET TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION OF SAID LAND SHOWN AS:

PARCEL "A", AS DESIGNATED ON THAT CERTAIN PARCEL MAP FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN JOAQUIN COUNTY, CALIFORNIA ON JUNE 5, 1981, IN VOL. 10 OF PARCEL MAPS, PAGE 64, BEING A PORTION OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 5 EAST, MOUNT DIABLO BASE AND MERIDAN.

- CURRENT USE: AGRICULTURAL/GRAZING
- ZONING: TRACY HILLS SPECIFIC PLAN
- GENERAL PLAN LAND USE DESIGNATION: GENERAL HIGHWAY COMMERCIAL (GHC-TH)
- GROSS AREA: 45.1± ACRES
- TOTAL PROPOSED RESIDENTIAL LOTS: 185 LOTS

11. UTILITIES:
- | | |
|-----------------|------------------------|
| WATER: | CITY OF TRACY |
| GAS & ELECTRIC: | PACIFIC GAS & ELECTRIC |
| SANITARY SEWER: | CITY OF TRACY |
| STORM DRAIN: | CITY OF TRACY |
| FIRE: | CITY OF TRACY |
| TELEPHONE: | AT&T |
| CABLE TV: | COMCAST |

- TOPOGRAPHY SHOWN IS BASED ON AN AERIAL TOPOGRAPHIC MAP PREPARED BY TETRATECH IN JANUARY 2013.
- BOUNDARY AS SHOWN IS BASED ON A RESOLVED BOUNDARY PREPARED BY RUGGERI-JENSEN-AZAR IN JULY 2019.
- PER FLOOD INSURANCE RATE (FIRM) MAP NUMBER 06077C0740F, EFFECTIVE DATE, OCTOBER 20, 2016, THE 100 YEAR FLOOD ELEVATION IS DEFINED AS 228.5. ALTHOUGH THE FIRM MAP SHOWS A GRAPHICAL ENCROACHMENT ONTO THE CORNER OF THIS PROJECT, ACTUAL ELEVATIONS SHOW NO SPECIAL FLOOD HAZARDS WITHIN THE PROPOSED DEVELOPMENT BASED ON ABOVE PUBLISHED ELEVATIONS AND EXISTING SITE TOPOGRAPHY.
- THE DEVELOPER MAY FILE MULTIPLE FINAL MAPS AFTER TENTATIVE MAP APPROVAL.
- IMPROVEMENTS SHOWN ON THIS VTM ARE SUBJECT TO REVISION IN FINAL DESIGN.

CITY ENGINEER'S STATEMENT
I HEREBY CERTIFY THAT THIS MAP HAS BEEN REVIEWED FOR COMPLIANCE WITH THE REQUIREMENTS OF THE TRACY MUNICIPAL CODE AND THE SUBDIVISION MAP ACT AS TO FORM AND CONTENT.

CITY ENGINEER DATE

PLANNING COMMISSION FILING CERTIFICATE
TENTATIVE MAP FILED THIS ____ DAY OF ____ 20__ IN THE OFFICE OF THE TRACY PLANNING COMMISSION, TRACY, CALIFORNIA. ACCOMPANIED WITH APPROPRIATE FILING FEES. THIS CERTIFICATE DOES NOT DEEM THIS APPLICATION COMPLETE.

CITY COUNCIL CERTIFICATE
I HEREBY CERTIFY THAT THE CITY COUNCIL OF TRACY HAS CONDITIONALLY APPROVED THIS TENTATIVE MAP ____ BY RESOLUTION NO. ____

CITY CLERK DATE

ENGINEER'S STATEMENT
THIS MAP WAS PREPARED BY RUGGERI-JENSEN-AZAR UNDER MY DIRECTION

CHRISTOPHER P. RUGGERI, RCE 60901 DATE

OWNER/DEVELOPER

JOHN STANEK, TRACY PHASE 1B, LLC DATE



ABBREVIATIONS

(#)	DENOTES SHEET NOTE NUMBER	JUT	JOINT UTILITY TRENCH
AB	AGGREGATE BASE	LP	LOW POINT
AC	ASPHALT CONCRETE	P	PAD ELEVATION
BLDG	BUILDING	PAE	PRIVATE ACCESS EASEMENT
C & G	CURB & GUTTER	PUE	PUBLIC UTILITY EASEMENT
CMP	CORRUGATED METAL PIPE	R	RADIUS
DC	DECOMPOSED GRANITE	RCW	RECLAIMED WATER
DRN	DRAINAGE OPEN SPACE	REC	RECREATIONAL
EX	EXISTING	RET	RETAINING WALL
FSW	FRONT OF SIDEWALK	ROW	RIGHT OF WAY
GB	GRADE BREAK	SD	STORM DRAIN
HP	HIGH POINT	SS	SANITARY SEWER
		SSFM	SANITARY SEWER FORCE MAIN
		TC	TOP OF CURB
		W	WATER

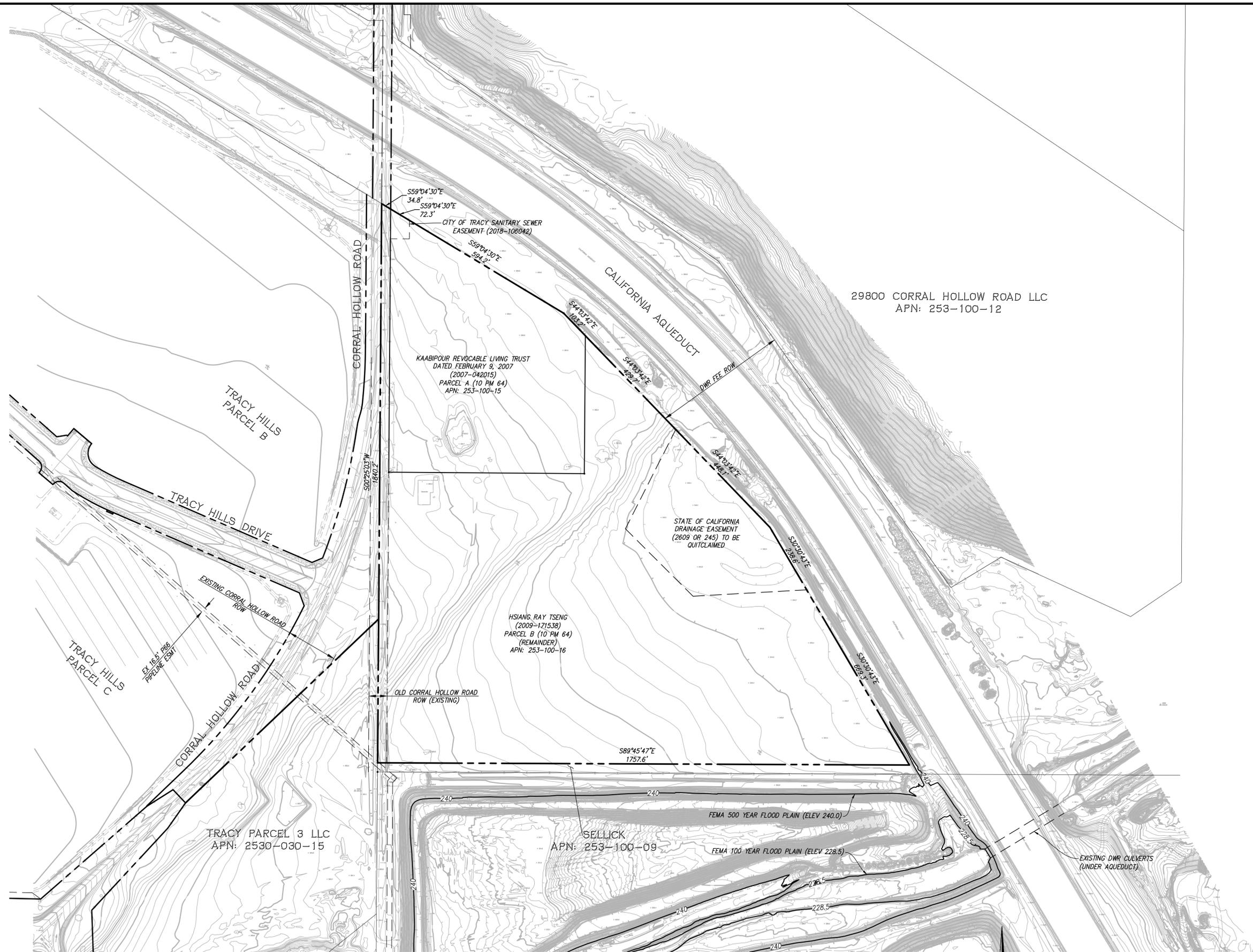
LEGEND

PROPOSED	DESCRIPTION	EXISTING
---	TRACT BOUNDARY	---
---	EASEMENT LINE	---
---	LOT LINE	---
---	RIGHT OF WAY	---
---	CENTER LINE	---
---	FLOW LINE	---
---	STORM DRAIN	---
---	SANITARY SEWER	---
---	WATER	---
---	RECLAIMED WATER	---
---	RETAINING WALL	---
---	SOUND WALL	---
---	DRAINAGE DITCH/SWALE	---
---	CURB & GUTTER	---
---	SIDEWALK	---
---	PAVED ACCESS ROAD/EVA	---
---	TRAIL	---
---	STORM WATER INLET	---
---	FIELD INLET	---
---	MANHOLE	---
---	FIRE HYDRANT	---
---	BLOWOFF RISER	---
---	GATE VALVE	---
---	FENCE	---
---	SLOPE	---
---	CONTOUR ELEVATIONS	---
---	SPOT ELEVATION	---
---	MONUMENT	---

SHEET INDEX

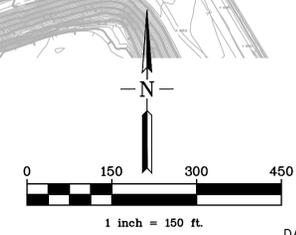
SHEET NO.	DESCRIPTION
1	TITLE SHEET
2	EXISTING CONDITION PLAN
3A	STREET SECTIONS AND DETAILS
3B	GRADING DETAILS
4	STORM DRAIN DETAILS
5	RESIDENTIAL LOT AREA SUMMARY
6	OWNERSHIP EXHIBIT
7	OVERALL SANITARY SEWER PLAN
8	OVERALL STORM DRAIN SYSTEM PLAN
9	OVERALL WATER SYSTEM & HYDRANT PLAN
10	VILLAGE 1
11	VILLAGE 1, GHC PARCEL 1 & GHC PARCEL 2
12	VILLAGE 2
13	RETENTION BASIN, RECREATION CENTER & PARK

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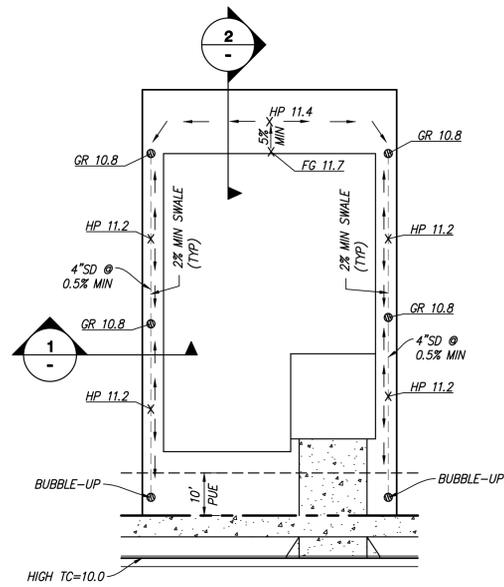
VESTING TENTATIVE MAP - TRACT 4013
EXISTING CONDITION PLAN

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
 FOR: INTEGRAL COMMUNITIES



RJA
RUGGERI-JENSEN-AZAR
 ENGINEERS • PLANNERS • SURVEYORS
 2541 WARREN DRIVE, SUITE 200, ROCKLIN, CA 95677
 PHONE: (916) 630-8900 FAX: (916) 630-8909

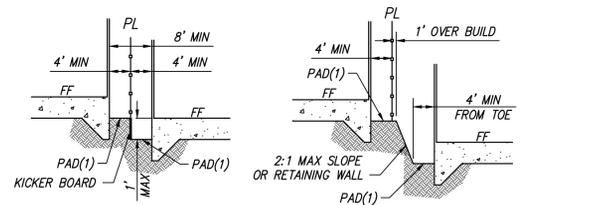
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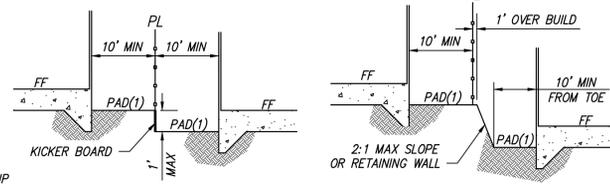
47'x70' TYPICAL LOT GRADING DETAIL

SCALE: 1"=20'

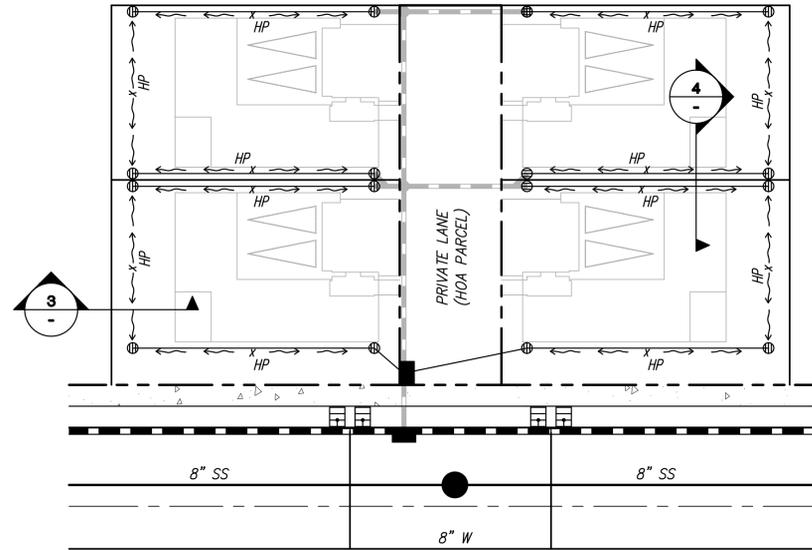
(1) SEE SWALE DETAIL HEREON



SECTION 1



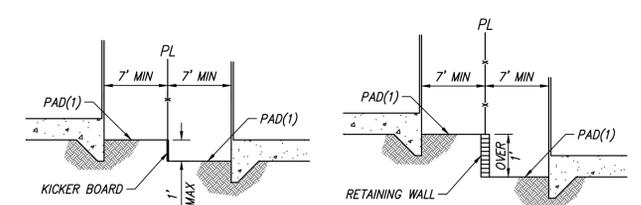
SECTION 2



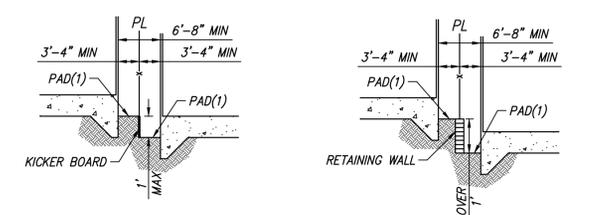
41'x68' TYPICAL PRIVATE LANE GRADING DETAIL

SCALE: 1"=20'

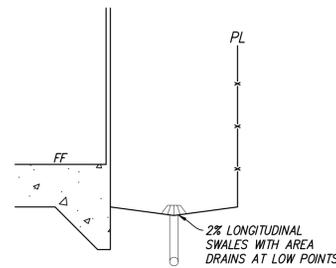
(1) SEE SWALE DETAIL HEREON



SECTION 3



SECTION 4



SWALE DETAIL

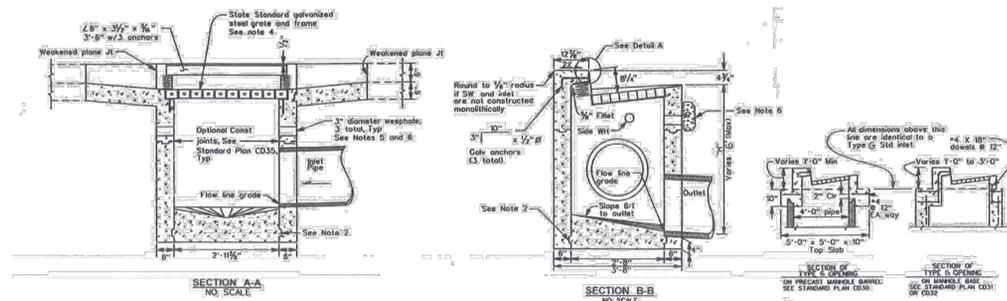
NOT TO SCALE

NOTE: SWALES TO BE SHOWN ON PLOT PLANS

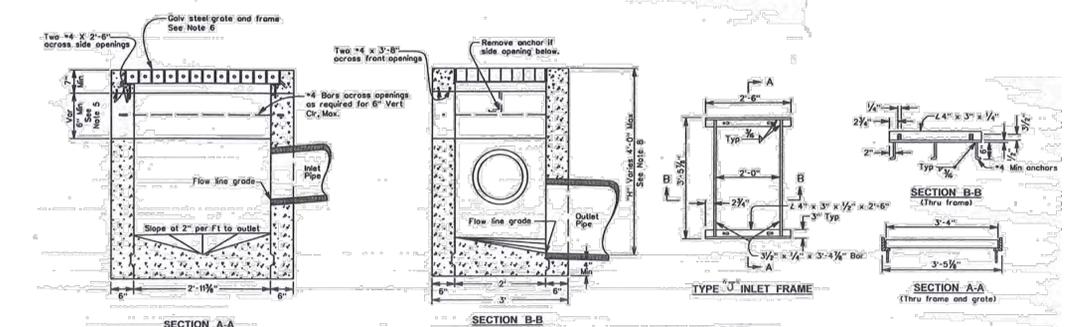
VESTING TENTATIVE MAP - TRACT 4013 STREET SECTIONS AND DETAILS

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

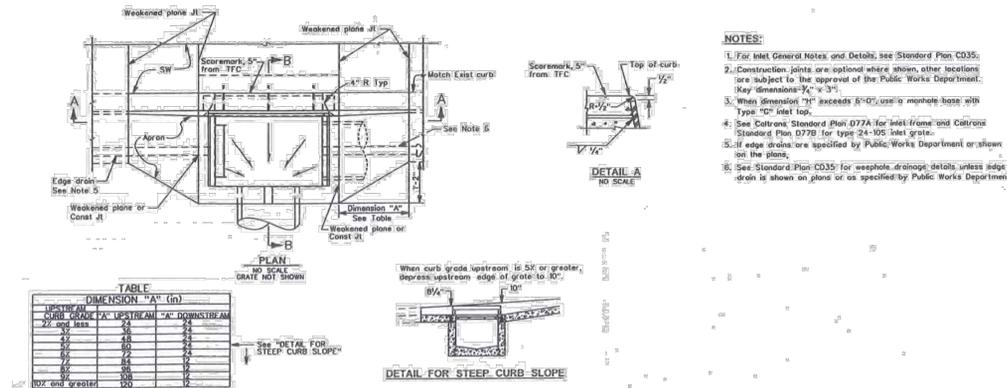
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CD 27 - TYPE "G" INLET
NO SCALE



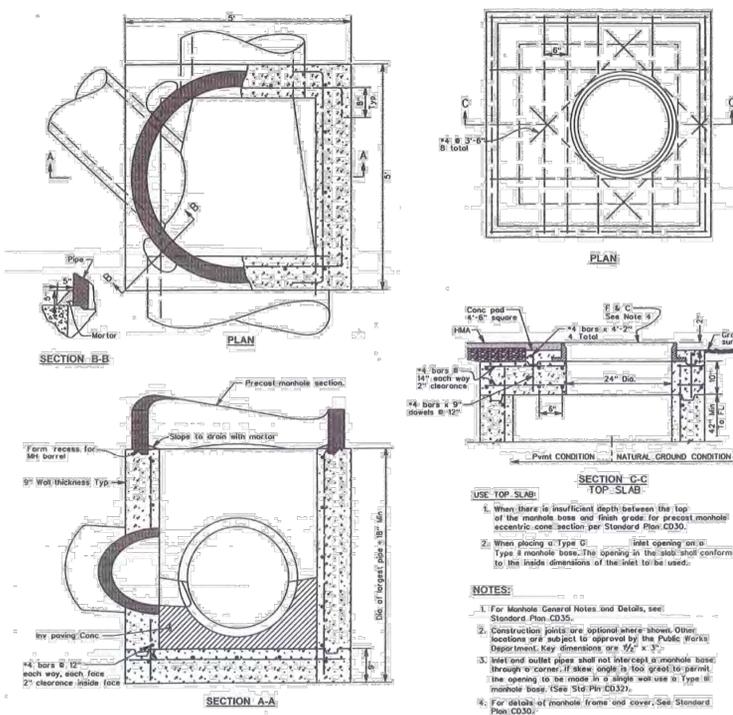
CD 29 - TYPE "J" INLET
NO SCALE



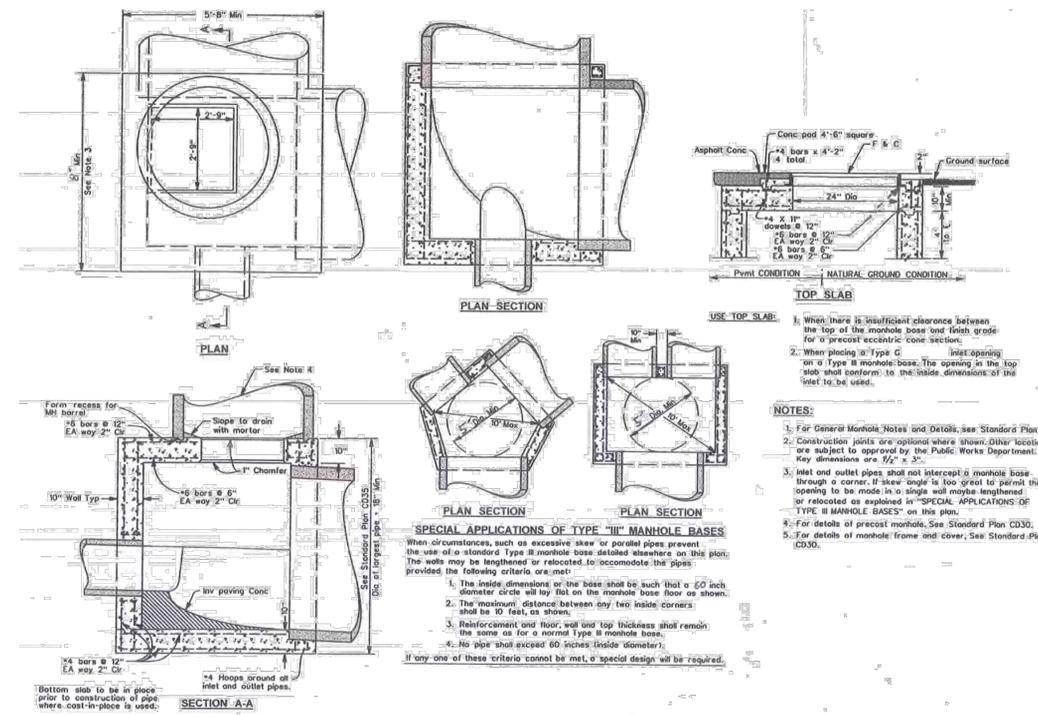
CD 30 - TYPE I MANHOLE BASE
NO SCALE

NOTES:
 1. For Inlet General Notes and Details, see Standard Plan CD35.
 2. Construction joints are optional where shown. Other locations are subject to the approval of the Public Works Department. Key dimensions are 1/2\"/>

STORM DRAIN DETAILS SHOWN FOR REFERENCE ONLY - SEE TRACY HILLS DESIGN GUIDELINES



CD 31 - TYPE II MANHOLE BASE
NO SCALE



CD 32 - TYPE III MANHOLE BASE
NO SCALE

VESTING TENTATIVE MAP - TRACT 4013
STORM DRAIN DETAILS

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

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VILLAGE 1 41'X68'	
LOT #	AREA (SF)
1	3,663
2	3,264
3	2,788
4	2,788
5	2,788
6	2,788
7	3,264
8	3,326
9	2,836
10	2,831
11	3,264
12	2,788
13	2,924
14	3,240
15	2,788
16	2,788
17	2,788
18	2,788
19	3,264
20	3,264
21	2,788
22	2,788
23	2,788
24	2,788
25	3,178
26	3,370
27	2,952
28	2,952
29	2,788
30	2,788
31	3,264
32	3,264
33	2,788
34	2,788
35	2,788
36	2,788
37	3,264
38	3,288
39	2,808
40	2,808
41	3,003
42	3,003

VILLAGE 1 41'X68'	
LOT #	AREA (SF)
43	2,808
44	3,288
45	3,263
46	2,789
47	2,981
48	2,981
49	2,788
50	2,788
51	3,264
52	3,264
53	2,788
54	2,788
55	2,981
56	2,981
57	2,789
58	3,263
59	3,264
60	2,788
61	2,788
62	3,006
63	2,957
64	2,788
65	3,264
66	3,648
67	3,116
68	3,075
69	3,741
70	4,424
71	3,075
72	4,906
73	4,864
74	4,576
75	4,576
76	4,576
77	4,575
78	4,264
79	2,935
80	3,733
81	3,511
82	2,780
83	2,921

VILLAGE 2 47'X70'	
LOT #	AREA (SF)
1	3,355
2	5,470
3	3,764
4	3,903
5	3,447
6	3,814
7	3,814
8	3,525
9	3,525
10	3,525
11	3,525
12	3,525
13	3,525
14	3,525
15	3,525
16	3,525
17	3,523
18	3,454
19	3,454
20	3,554
21	3,290
22	3,290
23	3,290
24	3,297
25	4,261
26	6,522
27	5,634
28	6,967
29	3,760
30	4,557
31	4,230
32	3,809
33	3,353
34	3,984
35	7,352
36	5,162
37	6,959
38	3,754
39	3,720
40	4,637
41	7,091
42	13,987
43	4,582
44	4,589
45	4,596
46	4,221
47	4,429
48	4,702
49	4,710
50	4,717
51	4,725

VILLAGE 2 47'X70'	
LOT #	AREA (SF)
52	4,732
53	4,740
54	4,747
55	4,755
56	4,762
57	4,770
58	4,777
59	4,626
60	4,122
61	3,799
62	3,535
63	3,535
64	3,535
65	3,535
66	3,535
67	3,535
68	3,320
69	3,500
70	3,535
71	3,535
72	3,535
73	3,799
74	3,799
75	3,535
76	3,535
77	3,535
78	3,500
79	3,320
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87	3,554
88	3,290
89	3,290
90	3,290
91	3,290
92	3,290
93	3,290
94	3,290
95	3,290
96	3,735
97	3,735
98	3,290
99	3,290
100	3,290
101	3,288
102	5,870

VESTING TENTATIVE MAP - TRACT 4013 RESIDENTIAL LOT AREA SUMMARY - 185 UNITS

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES



LOT SUMMARY			
VILLAGE	ACRES	LOT COUNT	TYPICAL LOT SIZE
1	11.53	83	41' X 68'
2	13.45	102	47' X 70'
TOTAL	24.98	185	--

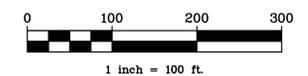
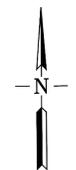
PARCEL SUMMARY		
PARCEL	OWNER	ACRES
A	HOA	1.13
B	HOA	0.11
C	CITY	0.15
D	HOA	0.28
E	HOA	0.78
F	CITY	2.41
G	DEVELOPER	3.49
H	DEVELOPER	5.10
I	HOA	0.08
J	HOA	5.62
K	CITY	0.92
L	HOA	0.06
M	HOA	0.14
N	HOA	0.06
P	HOA	0.05
TOTAL		20.38

OTHER LAND USES		
PARCEL	USE	ACRES
C	LIFT STATION	0.15
F	RETENTION BASIN	2.41
G	COMMERCIAL	3.49
H	COMMERCIAL	5.10
I	UTILITY CORRIDOR	0.08
J	CONSERVATION EASEMENT	5.62
K	CORRAL HOLLOW ROAD ULTIMATE ROW	0.92
AA-NN	PRIVATE LANE	N/A

PARK SUMMARY		
PARCEL	OWNER	ACRES
A (LINEAR PARK)	HOA	1.13
E (HOA REC AREA)	HOA	0.78
P (LINEAR PARK)	HOA	0.05
TOTAL		1.96

LEGEND

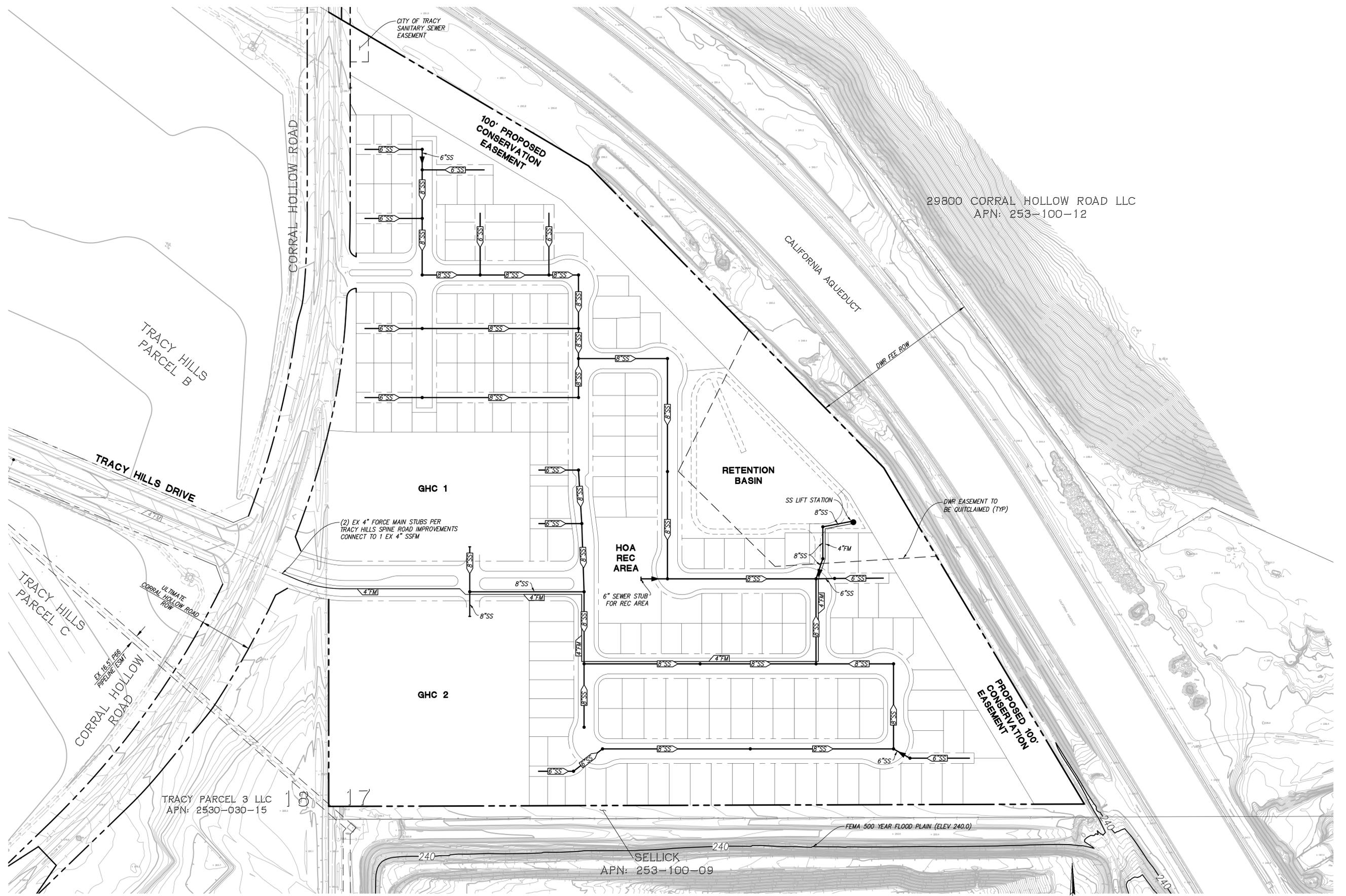
-  LINEAR PARK (HOA OWNED & MAINTAINED)
-  PROPOSED 100' CONSERVATION EASEMENT (HOA OWNED & MAINTAINED)
-  IN TRACT OPEN SPACE (HOA OWNED & MAINTAINED)
-  RETENTION BASIN (CITY OWNED & MAINTAINED)
-  EXISTING CORRAL HOLLOW ROAD ROW TO BE VACATED



VESTING TENTATIVE MAP - TRACT 4013 OWNERSHIP EXHIBIT

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

02/04/2020 10:13:20 AM RYAN WHEELER

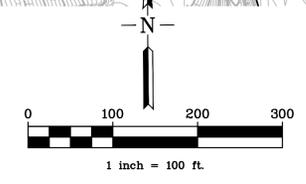


NOTES:
 1. SANITARY SEWER SYSTEM LAYOUT SHOWN IN INDIVIDUAL VILLAGES IS SCHEMATIC. ULTIMATE DESIGN/LAYOUT TO BE APPROVED BY THE CITY AS PART OF IMPROVEMENT PLANS.

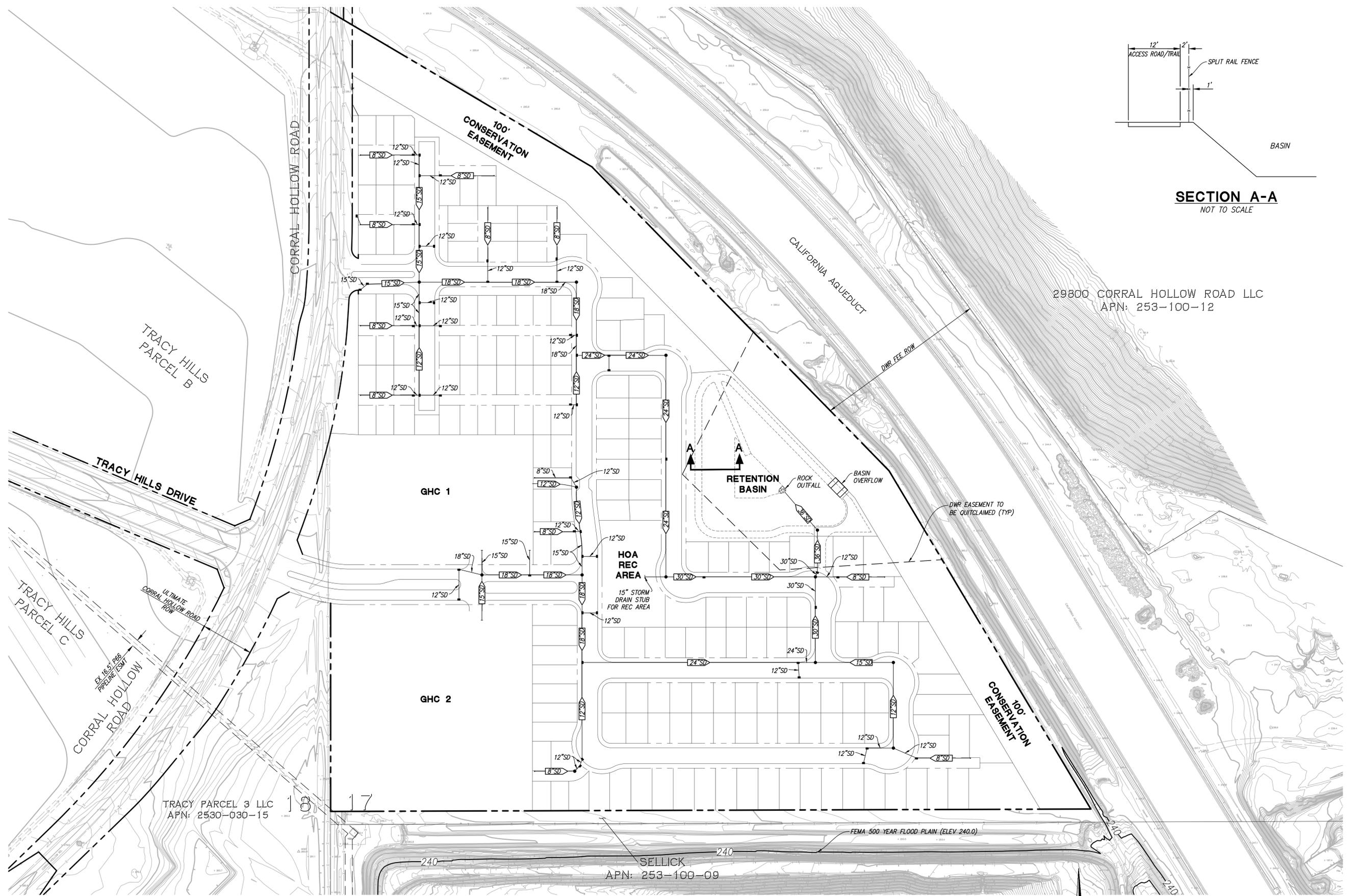
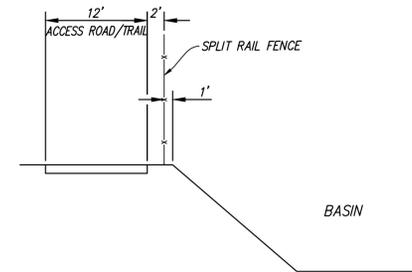
VESTING TENTATIVE MAP - TRACT 4013

OVERALL SANITARY SEWER PLAN

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
 FOR: INTEGRAL COMMUNITIES



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 2541 WARREN DRIVE, SUITE 200, ROCKLIN, CA 95677
 PHONE: (916) 630-8900 FAX: (916) 630-8909



SECTION A-A
NOT TO SCALE

29800 CORRAL HOLLOW ROAD LLC
APN: 253-100-12

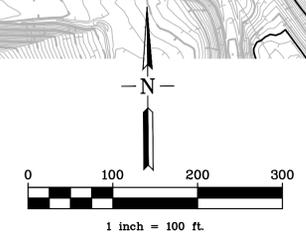
TRACY PARCEL 3 LLC
APN: 2530-030-15

SELICK
APN: 253-100-09

VESTING TENTATIVE MAP - TRACT 4013
OVERALL STORM DRAIN SYSTEM PLAN

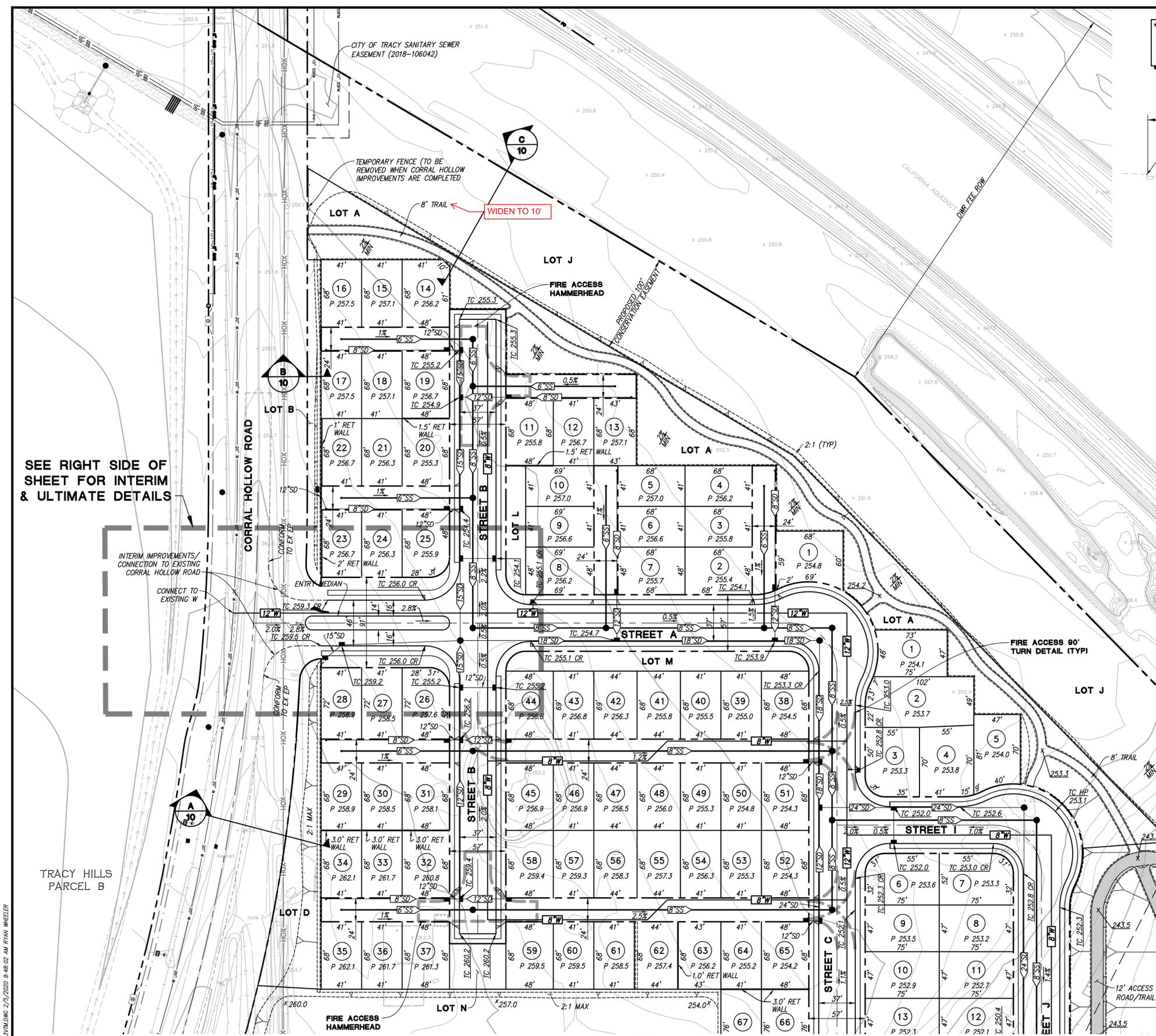
CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

NOTES:
1. STORM DRAIN SYSTEM LAYOUT SHOWN IN INDIVIDUAL VILLAGES IS SCHEMATIC. ULTIMATE DESIGN/LAYOUT TO BE APPROVED BY THE CITY AS PART OF IMPROVEMENT PLANS.

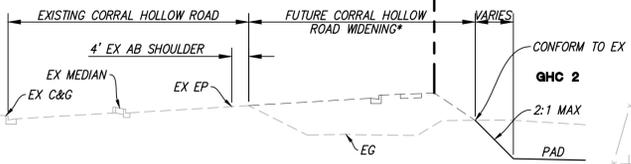


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C:\JOB\2018\185023\TMAP\08-SD-185023\T.MXD 2/2/2020 10:18:43 AM RYAN WHEELER



SEE SHEET 10



SECTION A
NOT TO SCALE

*PROJECT CONDITIONS WILL ADDRESS THE REQUIREMENTS FOR CONSTRUCTION OF CORRAL HOLLOW ROAD IMPROVEMENTS RELATIVE TO SCOPE & TIMING WITH RESPECT TO THE DEVELOPMENT OF THE KT PROPERTY

SEE PREVIOUS TURNING TEMPLATE ANALYSIS AND REVISE CHOKER ACCORDINGLY.



KEYMAP
NOT TO SCALE

PROVIDE CROSS SECTION

SHOW LANE GEOMETRY

RIGHT LANE TO BE CONVERTED INTO SHARED THRU/RIGHT LANE

ADD CROSSWALK

NOTE: SIGNAL MODIFICATION REQUIRED FOR 4-LEG INTERSECTION.

INTERIM PAVING IMPROVEMENTS/CONNECTION TO EXISTING CORRAL HOLLOW ROAD

PROVIDE CLASS I BIKEWAY

ADD CURB RAMP AND CROSSWALKS

PROVIDE SIDEWALK CONNECTION AND CURB RAMP

INTERIM CORRAL HOLLOW ROAD / STREET D INTERSECTION
NOT TO SCALE

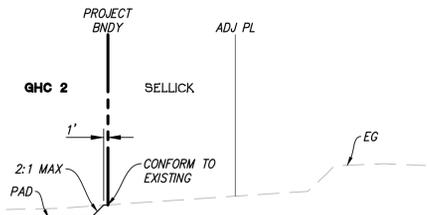
ADD RIGHT TURN DECELERATION LANE

RIGHT LANE TO BE CONVERTED INTO SHARED THRU/RIGHT LANE

NOTE: SIGNAL MODIFICATION REQUIRED FOR 4-LEG INTERSECTION.

PROVIDE CLASS I BIKEWAY

ULTIMATE CORRAL HOLLOW ROAD / STREET D INTERSECTION
NOT TO SCALE



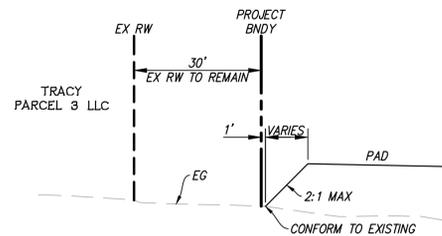
SECTION C
NOT TO SCALE

SEE RIGHT SIDE OF SHEET FOR INTERIM & ULTIMATE DETAILS

SHOW ROUNDABOUT LAYOUT

SEE SHEET 12

SECTION B
NOT TO SCALE



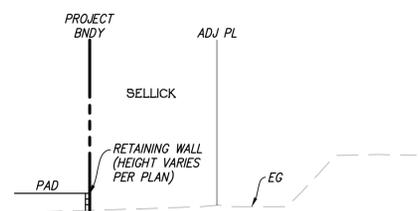
VESTING TENTATIVE MAP - TRACT 4013 VILLAGE 1, GHC PARCEL 1 & GHC PARCEL 2

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

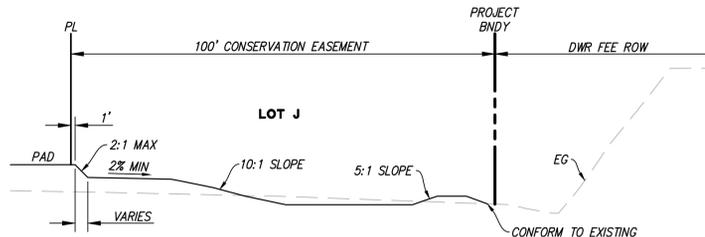


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PHONE: (916) 630-8900 FAX: (916) 630-8909

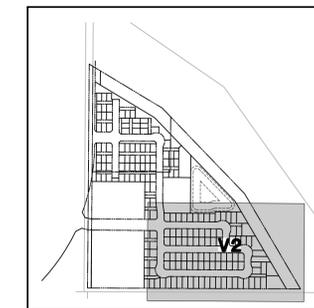
02/04/2020 10:23:34 AM RYAN WHEELER



SECTION A
NOT TO SCALE

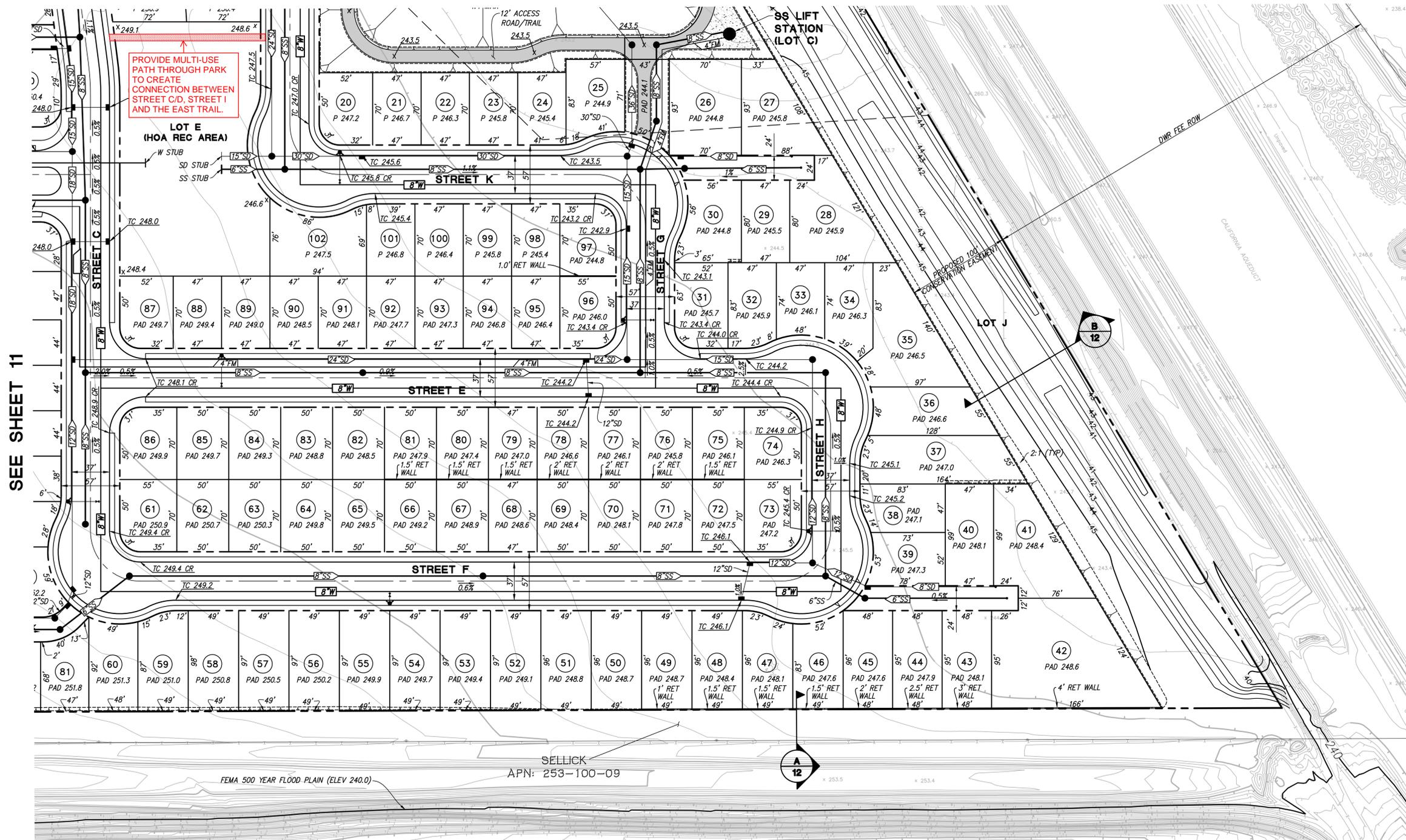


SECTION B
NOT TO SCALE



KEYMAP
NOT TO SCALE

SEE SHEET 13

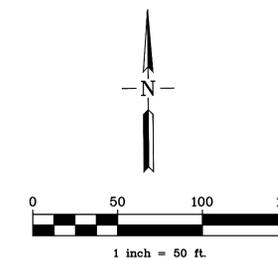


SEE SHEET 11

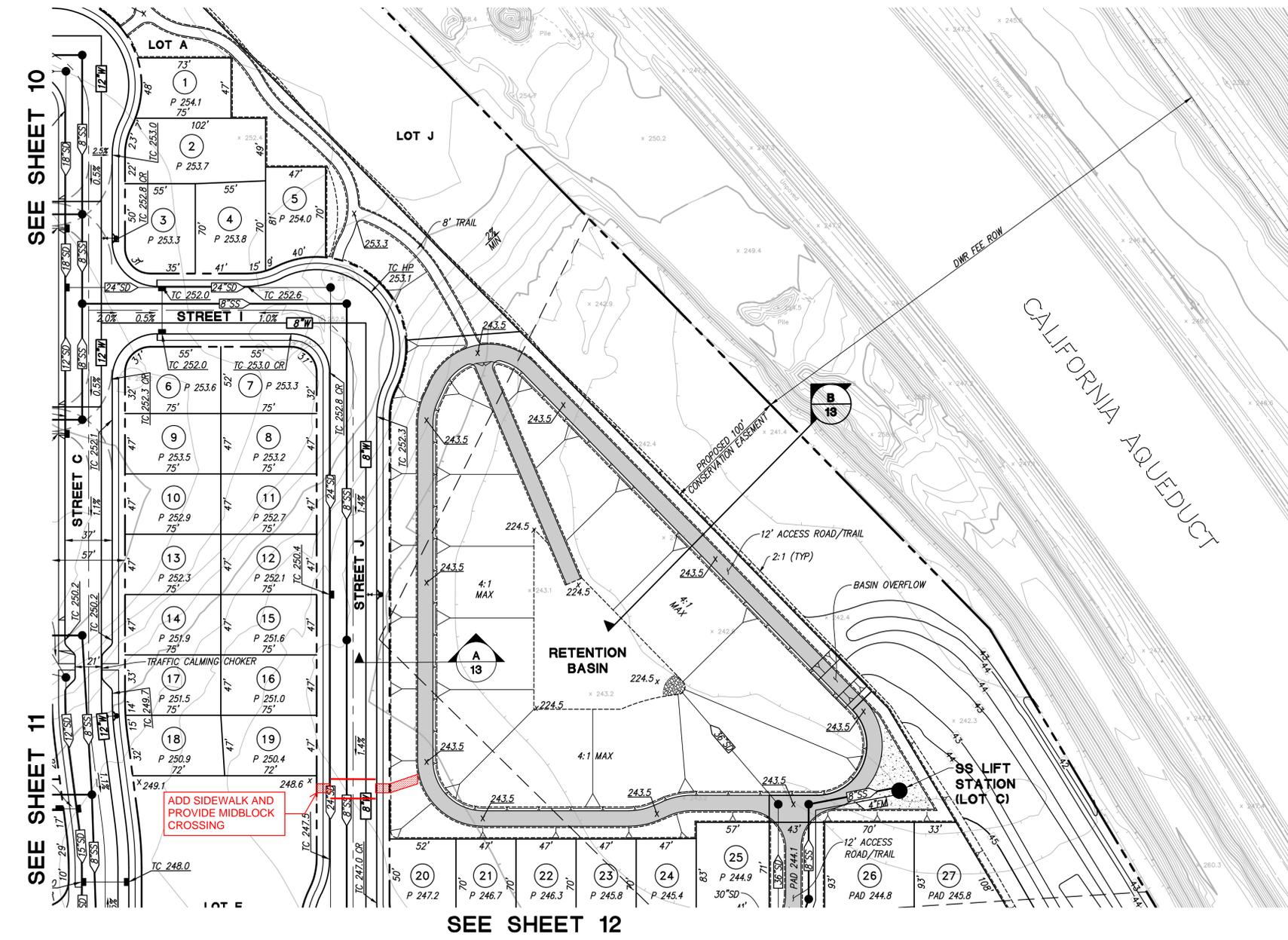
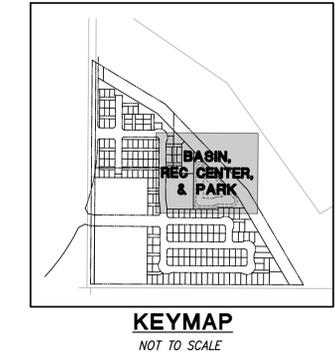
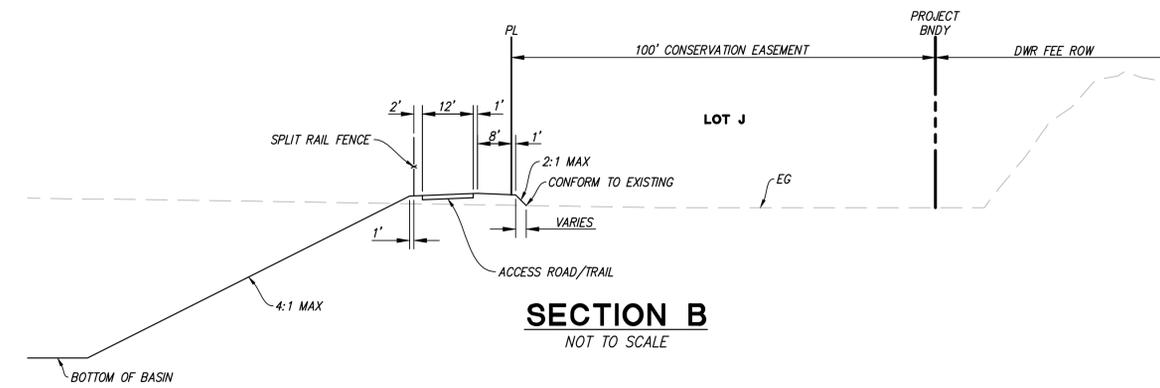
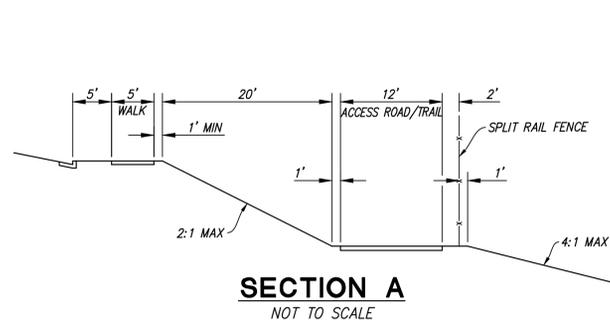
SELICK
APN: 253-100-09

VESTING TENTATIVE MAP - TRACT 4013
VILLAGE 2

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES



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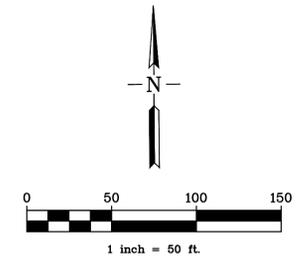
SEE SHEET 10

SEE SHEET 11

SEE SHEET 12

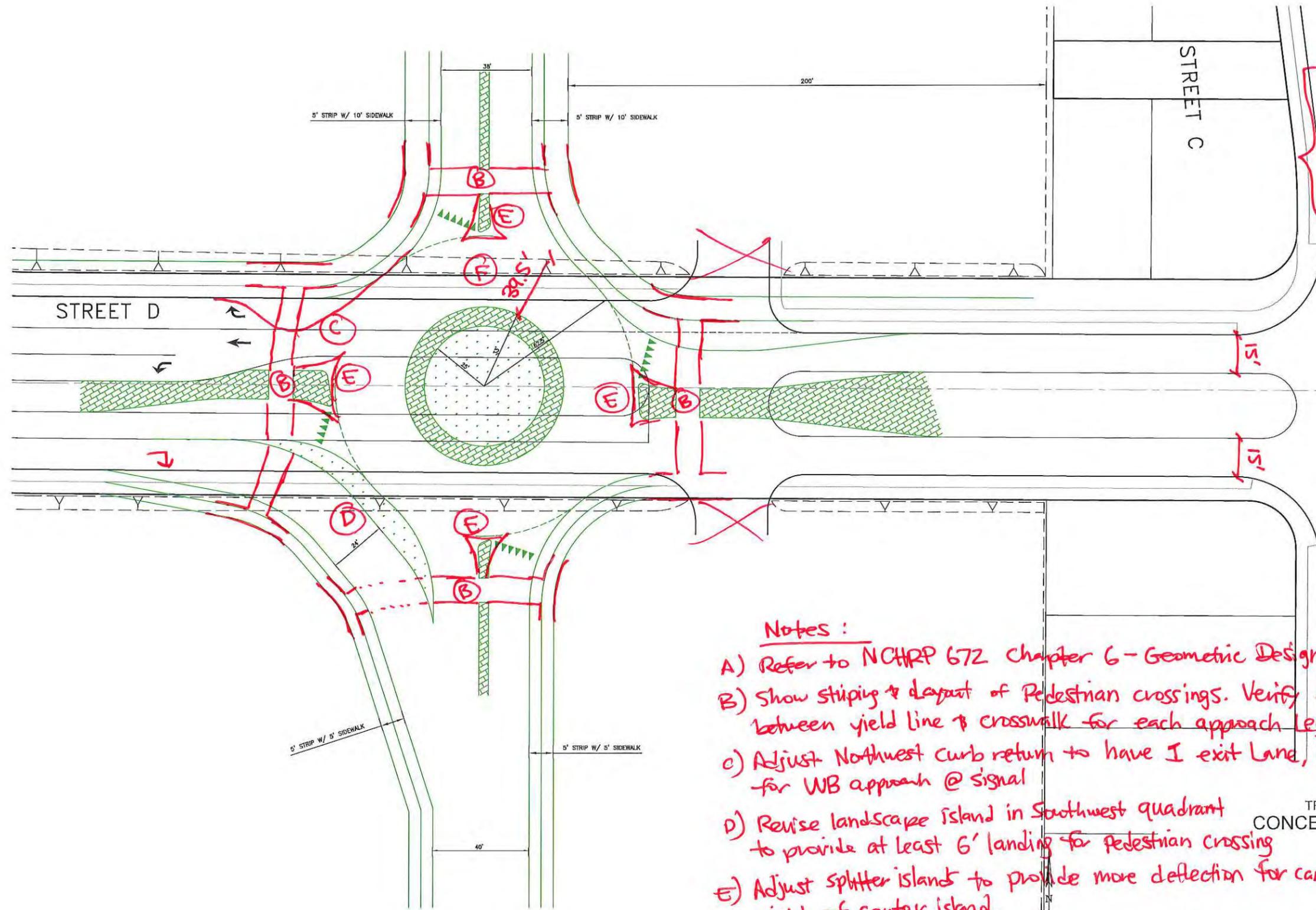
ADD SIDEWALK AND PROVIDE MIDBLOCK CROSSING

VESTING TENTATIVE MAP - TRACT 4013
RETENTION BASIN, RECREATION CENTER & PARK
 CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
 FOR: INTEGRAL COMMUNITIES



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 PHONE: (916) 630-8900 FAX: (916) 630-8909

G:\082018\185023\TM\13-PARK-185023\DWG\12272020_S:10:52 PM:RYAN WHEELER



ISD: 125'
 Circulatory: 39.5'
 Apron: 8'
 Center Island: 66 R

Notes :

- A) Refer to NCHRP 672 Chapter 6 - Geometric Design for design checks
- B) Show striping & layout of Pedestrian crossings. Verify at least 1 car length between yield line & crosswalk for each approach leg.
- C) Adjust Northwest curb return to have 1 exit lane, create right turn pocket for WB approach @ signal
- D) Revise landscape island in Southwest quadrant to provide at least 6' landing for pedestrian crossing
- E) Adjust splitter islands to provide more deflection for cars to follow right of center island.
- F) Circulatory roadway width too wide. 39.5' ~ 3 lanes
 ↳ Enlarge center island with larger apron and narrow circulatory width to ~20-feet

TRACY HILLS KT PROJECT
 CONCEPTUAL ROUNDABOUT
 OPTION 2
 TRACY, CALIFORNIA
 FEBRUARY 13, 2020

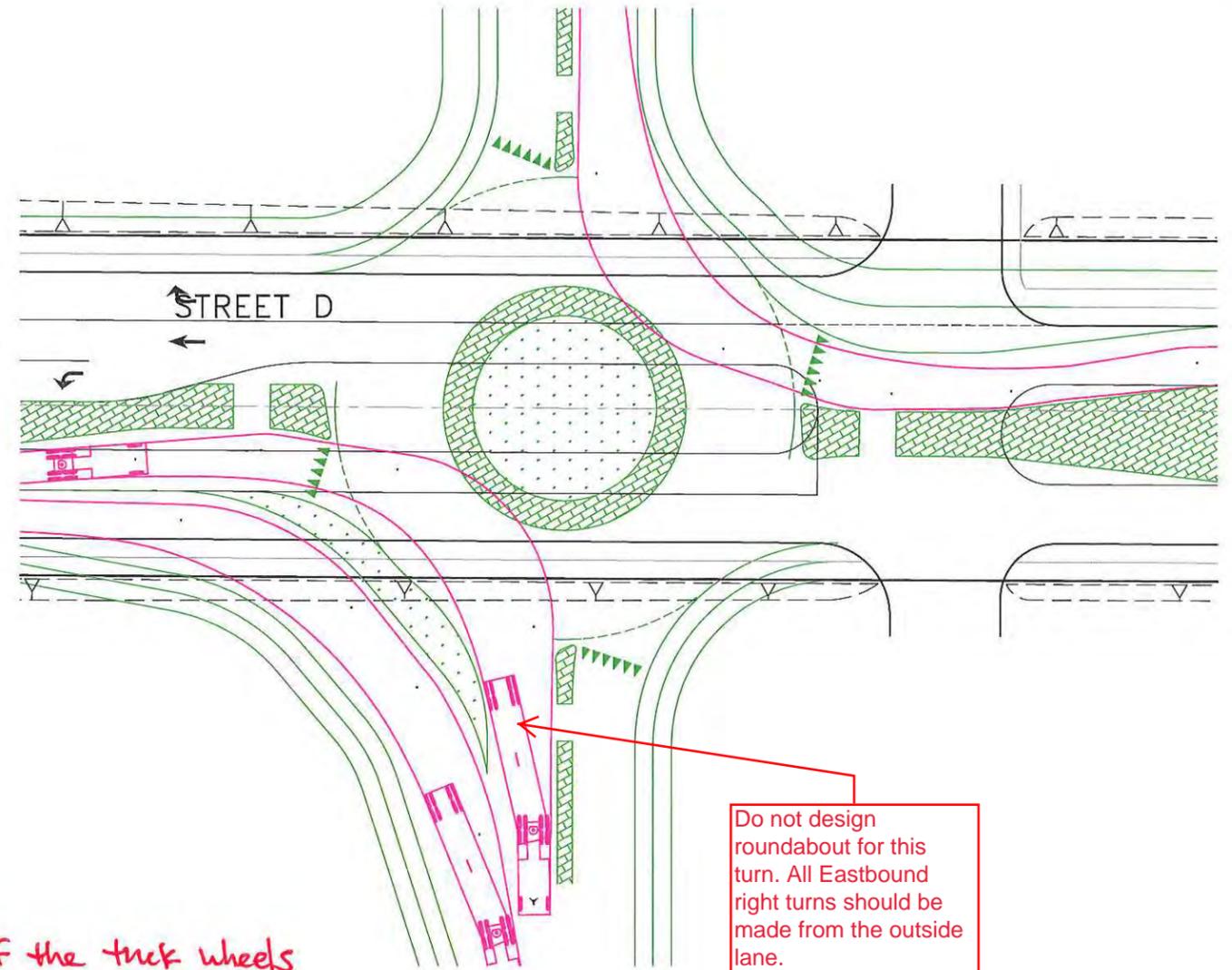
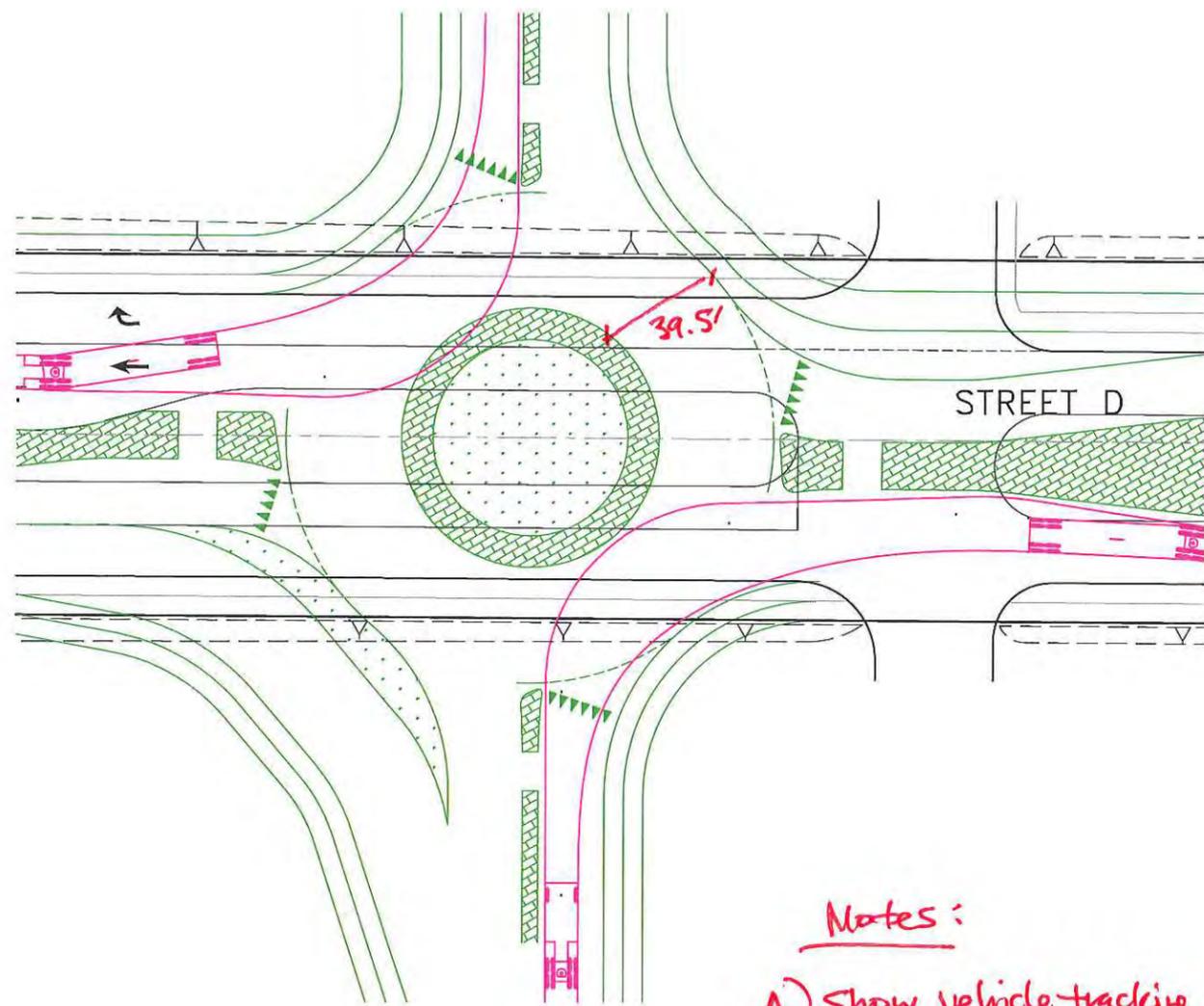


RUGGERI-JENSEN-AZAR
 ENGINEERS • PLANNERS • SURVEYORS
 8055 CAMINO ARROYO GILROY, CA 95020
 PHONE: (408) 848-0300 FAX: (408) 848-0302

JOB NUMBER: 185023

SHEET 1 OF 3

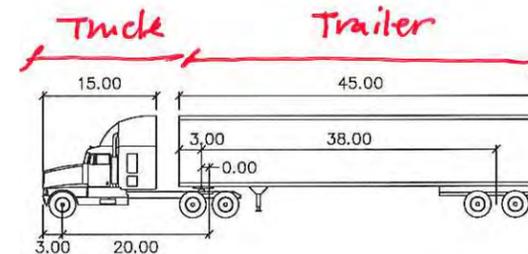
PLOT DATE: February 14, 2020
FILE PATH: \\G:\ADSRV\Work\Jobs\18185023 - Tracy RBT\Drawings\Plan\Conceptual Layout\Conceptual RAB-Option 2.dwg



Do not design roundabout for this turn. All Eastbound right turns should be made from the outside lane.

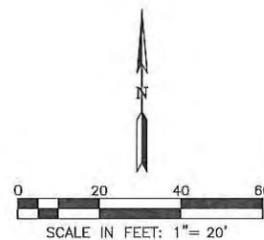
Notes:

- A) Show vehicle tracking of the truck wheels
 - ↳ Truck wheels should not encroach over curbs or center apron
 - ↳ Trailer wheels can encroach into ^{back} apron



CA LEGAL-65 FT feet

Tractor Width	: 8.50	Lock to Lock Time	: 6.0
Trailer Width	: 8.50	Steering Angle	: 25.3
Tractor Track	: 8.50	Articulating Angle	: 70.0
Trailer Track	: 8.50		



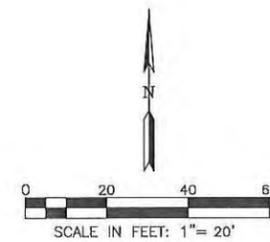
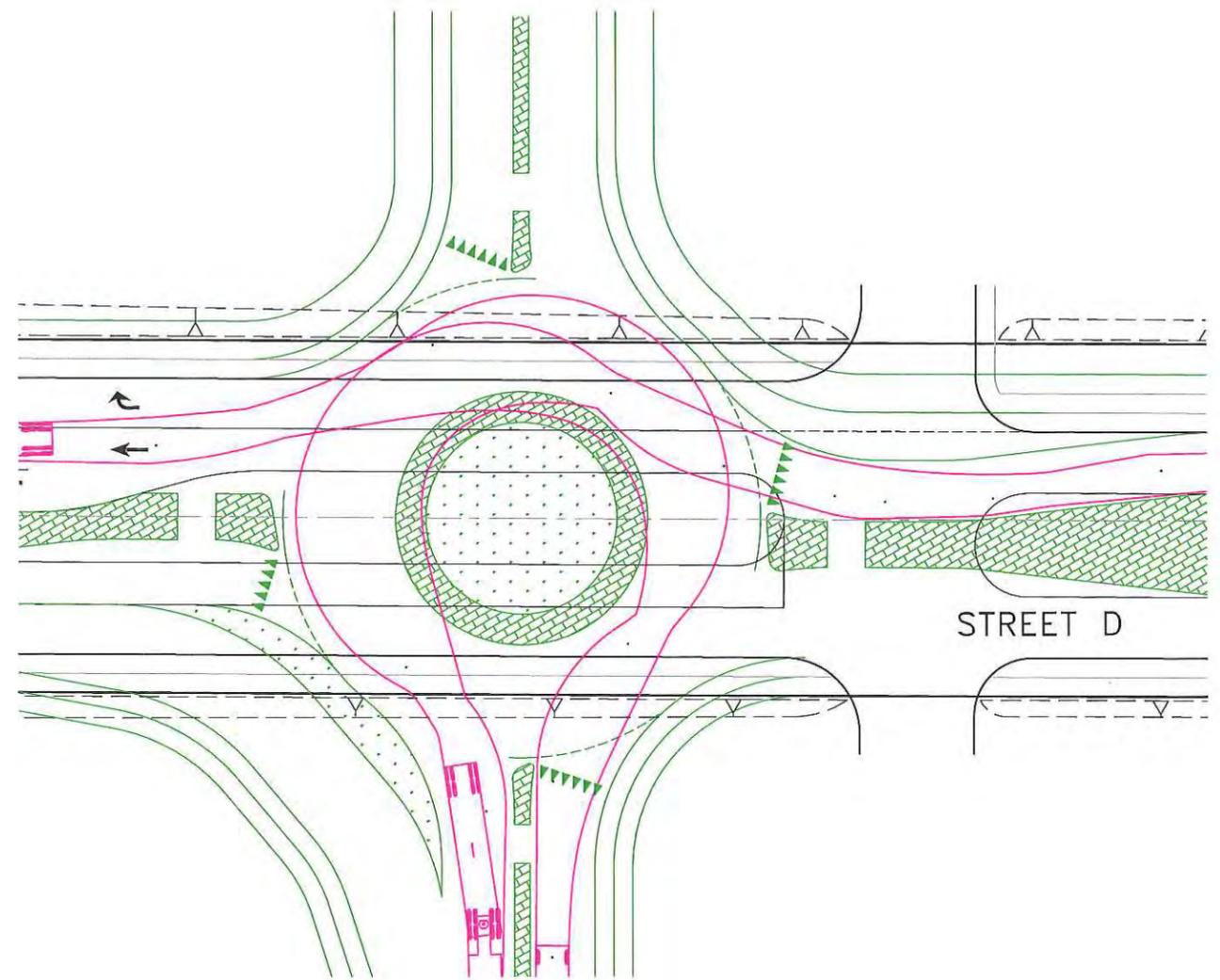
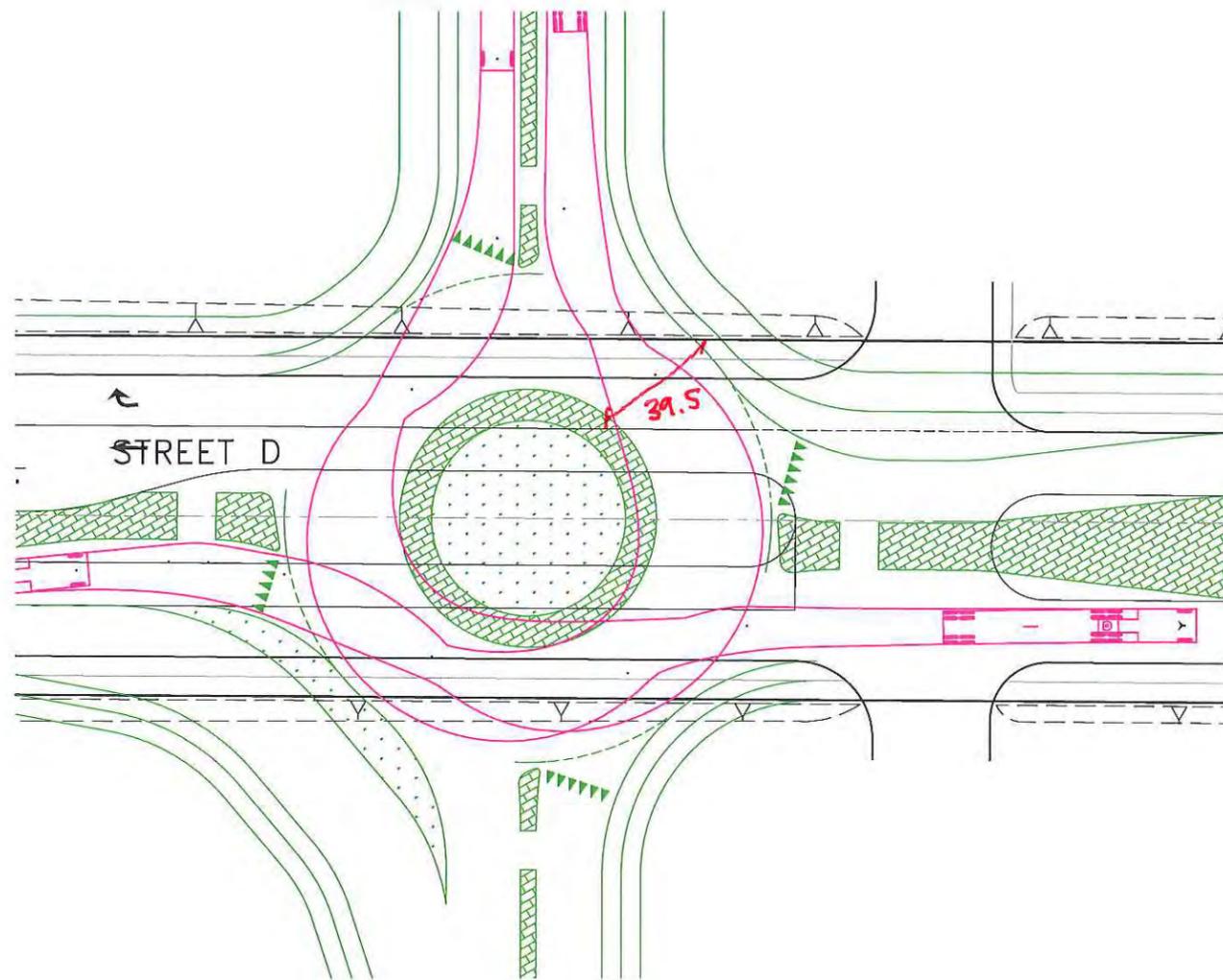
TRACY HILLS KT PROJECT
TRUCK TURNING TEMPLATES
TRACY, CALIFORNIA
FEBRUARY 13, 2020

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
8055 CAMINO ARROYO GILROY, CA 95020
PHONE: (408) 848-0300 FAX: (408) 848-0302

JOB NUMBER: 185023

SHEET 2 OF 3

PLOT DATE: February 14, 2020
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TRACY HILLS KT PROJECT
TRUCK TURNING TEMPLATES
TRACY, CALIFORNIA
FEBRUARY 13, 2020

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PHONE: (408) 848-0300 FAX: (408) 848-0302

JOB NUMBER: 185023

SHEET 3 OF 3

RESOLUTION 2020-_____

APPROVING A GENERAL PLAN AMENDMENT AND CONSIDERING AN ADDENDUM TO
THE TRACY HILLS SPECIFIC PLAN SUBSEQUENT ENVIRONMENTAL IMPACT REPORT
PREPARED FOR THE TRACY HILLS KT PROJECT,
APPLICATION NUMBER GPA19-0003

WHEREAS, The Tracy Hills Specific Plan consists of approximately 2,732 acres located in the vicinity of the existing Corral Hollow Road interchange and the proposed Lammers Road interchange on Interstate 580, and

WHEREAS, On April 5, 2016, City Council certified an Environmental Impact Report and approved a General Plan Amendment, a comprehensive update to the Tracy Hills Specific Plan, and a Vesting Tentative Subdivision Map for approximately 1,160 single-family residential lots in Phase 1A, and

WHEREAS, In 2019, an application was submitted for a General Plan Amendment regarding the Tracy Hills KT Project, Application Number GPA19-0003, and

WHEREAS, The Tracy Hills KT Project consists of approximately 45 acres located east of Corral Hollow Road in the vicinity of Tracy Hills Drive, and

WHEREAS, The proposed General Plan Amendment includes changing the General Plan land use designation on approximately 27 acres within the KT Project area from Commercial to Residential Medium, which is a change to the General Plan Land Use Designations map, Figure 2-2, and

WHEREAS, The proposed General Plan Amendment also includes updating descriptive text for the Tracy Hills Specific Plan to now include the KT Project. The updated text would state that the estimated number of residential units in the Tracy Hills Specific Plan area would be approximately 5,700, which is a revision from the currently stated maximum of 5,499 residential units, and

WHEREAS, The proposed General Plan Amendment also includes adding language to the Tracy Hills section under Areas of Special Consideration. The proposed language states that a portion of the Tracy Hills Specific Plan area with a General Plan land use designation of Commercial may be developed as Medium or High Density Residential, if permitted by the Tracy Hills Specific Plan, and

WHEREAS, The Tracy Hills Specific Plan Subsequent Environmental Impact Report (EIR) was certified by the City Council on April 5, 2016, and

WHEREAS, An Addendum to the EIR has been prepared consistent with the requirements of California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164 to address the proposed General Plan Amendment for the Tracy Hills KT Project. No new significant environmental impacts were identified for the Tracy Hills KT Project and therefore, no further environmental review is necessary, and

WHEREAS, The Planning Commission considered this matter at a duly noticed public hearing held on February 26, 2020 and recommended that the City Council approve a General

Plan Amendment for the Tracy Hills KT Project, Application Number GPA19-0003, and

WHEREAS, The City Council considered this matter at a duly noticed public hearing held on March 17, 2020;

NOW, THEREFORE BE IT RESOLVED, That the City Council of the City of Tracy considered the Addendum to the Tracy Hills Specific Plan Subsequent EIR and hereby approves a General Plan Amendment, Application Number GPA19-0003, as attached.

* * * * *

The foregoing Resolution 2020-_____ was passed and adopted by the City Council of the City of Tracy on the 17th day of March 2020, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

ORDINANCE _____

AN ORDINANCE OF THE CITY OF TRACY APPROVING AN AMENDMENT TO THE TRACY HILLS SPECIFIC PLAN FOR THE TRACY HILLS KT PROJECT

WHEREAS, The Tracy Hills Specific Plan consists of approximately 2,732 acres located in the vicinity of the existing Corral Hollow Road interchange and the proposed Lammers Road interchange on Interstate 580, and

WHEREAS, On April 5, 2016, City Council certified an Environmental Impact Report and approved a General Plan Amendment, a comprehensive update to the Tracy Hills Specific Plan, and a Vesting Tentative Subdivision Map for approximately 1,160 single-family residential lots in Phase 1A, and

WHEREAS, In 2019, an application was submitted for an amendment to the Tracy Hills Specific Plan for the Tracy Hills KT Project, Application Number SPA19-0004, and

WHEREAS, The Tracy Hills KT Project consists of approximately 45 acres located east of Corral Hollow Road in the vicinity of Tracy Hills Drive, and

WHEREAS, The proposed Tracy Hills Specific Plan Amendment (SPA) for the KT Project includes rezoning approximately 21.3 acres from General Highway Commercial (GHC-TH) to Medium Density Residential (MDR-TH) and approximately 5.6 acres of GHC-TH to Tracy Hills Conservation (C-TH), and

WHEREAS, The proposed SPA also includes a series of updates to the development standards for the MDR-TH zoning district to allow for small-lot residential development, such as lot sizes of less than 3,000 square feet, maximum lot coverage of 70%, and 3-foot minimum side setbacks, and

WHEREAS, The proposed SPA also includes establishing a Medium Density Residential (MDR-TH) Overlay Zone, which would be applied to approximately 8.9 acres in the KT Project area. The Medium Density Residential Overlay Zone would allow the subject property to develop in accordance with the permitted uses and development standards of either the MDR-TH zoning district or the underlying zoning district of GHC-TH, and

WHEREAS, The proposed SPA also includes the addition of Appendix A, KT Project Landscape Design Guidelines, which would establish the landscape design guidelines and implementation details for the KT Project phase, and

WHEREAS, The proposed SPA also includes the addition of Appendix B, Community Gateway Icon, which would increase the number of Community Gateway Icons in the Tracy Hills Specific Plan area from one to two, and

WHEREAS, The proposed SPA would allow the second Community Gateway Icon to be erected without requiring a Development Review permit, due to Appendix B including sufficient detail in terms of the height, design and location of the Community Gateway Icons, and

WHEREAS, The proposed SPA is consistent with the General Plan, as amended, and

WHEREAS, An Environmental Impact Report (EIR) was certified by the City Council on April 5, 2016 for the Tracy Hills Specific Plan, and

WHEREAS, An Addendum to the EIR has been prepared consistent with the requirements of California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164 to address the proposed Tracy Hills Specific Plan Amendment for the Tracy Hills KT Project. No new significant environmental impacts were identified for the Tracy Hills KT Project and therefore, no further environmental review is necessary, and

WHEREAS, The Planning Commission considered this matter at a duly noticed public hearing held on February 26, 2020 and recommended that the City Council approve the proposed Tracy Hills Specific Plan Amendment for the Tracy Hills KT Project, Application Number SPA19-0004, and

WHEREAS, The City Council considered this matter at a duly noticed public hearing held on March 17, 2020;

The City Council of the City of Tracy does ordain as follows:

SECTION 1. The foregoing recitals are true and correct and are incorporated herein as findings.

SECTION 2. The City Council hereby approves the Tracy Hills Specific Plan Amendment for the Tracy Hills KT Project, Application Number SPA19-0004, as attached to the March 17, 2020 City Council staff report as Attachment B.

SECTION 3. This Ordinance shall take effect 30 days after its final passage and adoption.

SECTION 4. This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the ordinance. (Gov't. Code §36933.)

* * * * *

This Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the 17th day of March 2020, and finally adopted on the _____ day of April, 2020, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

RESOLUTION 2020-_____

APPROVING A VESTING TENTATIVE SUBDIVISION MAP FOR THE TRACY HILLS KT PROJECT TO CREATE APPROXIMATELY 185 SINGLE-FAMILY RESIDENTIAL LOTS, TWO COMMERCIAL PARCELS, AND VARIOUS OTHER PARCELS, INCLUDING A LINEAR PARK AND HOA RECREATION AREA, CONSISTING OF APPROXIMATELY 45 ACRES LOCATED EAST OF CORRAL HOLLOW ROAD IN THE VICINITY OF TRACY HILLS DRIVE

WHEREAS, The Tracy Hills Specific Plan consists of approximately 2,732 acres located in the vicinity of the existing Corral Hollow Road interchange and the proposed Lammers Road interchange on Interstate 580, and

WHEREAS, On April 5, 2016, City Council certified an Environmental Impact Report and approved a General Plan Amendment, a comprehensive update to the Tracy Hills Specific Plan, and a Vesting Tentative Subdivision Map for approximately 1,160 single-family residential lots in Phase 1A, and

WHEREAS, In 2019, an application was submitted for a Vesting Tentative Subdivision Map for the Tracy Hills KT Project to create approximately 185 single-family residential lots, two commercial parcels, and various other parcels, including a linear park and an HOA recreation area, consisting of approximately 45 acres located east of Corral Hollow Road in the vicinity of Tracy Hills Drive, Application Number TSM19-0005, and

WHEREAS, The proposed Vesting Tentative Subdivision Map is consistent with the General Plan and the Tracy Hills Specific Plan, as amended, and

WHEREAS, The proposed Vesting Tentative Subdivision Map is consistent with the Tracy Municipal Code, Title 12, Subdivisions, and

WHEREAS, The site is physically suitable for the type of development and will be developed in accordance with City standards, and

WHEREAS, The site is physically suitable for the proposed density of development. The proposed density of 7.4 dwelling units per gross acre for the residential portion of the site is consistent with the General Plan, Residential Medium designation, which provides for a density range of 5.9 to 12.0 dwelling units per acre. Traffic circulation is designed in accordance with City standards for the proposed density to ensure adequate traffic service levels are met, and

WHEREAS, The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, and

WHEREAS, The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision, and

WHEREAS, The Project complies with all other applicable ordinances, regulations and guidelines of the City, including but not limited to, the local floodplain ordinance. The subject property is not located within any floodplain and the Project, with conditions, will meet all applicable City design and improvement standards, and

WHEREAS, All public facilities necessary to serve the subdivision or mitigate any impacts created by the subdivision will be constructed or assured before approval of a final map or issuance of a building or grading permit, and

WHEREAS, An Environmental Impact Report (EIR) was certified by the City Council on April 5, 2016 for the Tracy Hills Specific Plan, and

WHEREAS, An Addendum to the EIR has been prepared consistent with the requirements of California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164 to address the Vesting Tentative Subdivision Map for the Tracy Hills KT Project. No new significant environmental impacts were identified for the Tracy Hills KT Project and therefore, no further environmental review is necessary, and

WHEREAS, The Planning Commission considered this matter at a duly noticed public hearing held on February 26, 2020 and recommended that the City Council approve the Vesting Tentative Subdivision Map for the Tracy Hills KT Project, Application Number TSM19-0005, and

WHEREAS, The City Council considered this matter at a duly noticed public hearing held on March 17, 2020;

NOW, THEREFORE BE IT RESOLVED, That the City Council of the City of Tracy hereby approves a Vesting Tentative Subdivision Map for the Tracy Hills KT Project to create approximately 185 single-family residential lots, two commercial parcels, and various other parcels, including a linear park and an HOA recreation area, consisting of approximately 45 acres located east of Corral Hollow Road in the vicinity of Tracy Hills Drive, Application Number TSM19-0005, subject to the conditions stated in Exhibit "1" attached and made part hereof.

* * * * *

The foregoing Resolution 2020-_____ was passed and adopted by the City Council of the City of Tracy on the 17th day of March 2020, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

**Conditions of Approval for Tracy Hills KT Project
Vesting Tentative Subdivision Map
Application Number TSM19-0005
March 17, 2020**

Project: These Conditions of Approval shall apply to the Vesting Tentative Subdivision Map for Tracy Hills KT Project, Application Number TSM19-0005, including approximately 185 single-family residential lots, a linear park, a retention basin, an HOA recreation area, and 2 commercial parcels.

Property: The property consists of approximately 45.1 acres located in the Tracy Hills Specific Plan Area, east of Corral Hollow Road in the vicinity of Tracy Hills Drive, Application Number TSM19-0005.

Community Facilities Districts: Certain conditions of approval herein involve the establishment of or annexation into one or more Community Facilities Districts (CFDs) to implement the Project. The imposition of conditions requiring or involving the establishment of or annexation into CFDs on the Property shall not limit the City from establishing additional CFDs over the Property, subject to an affirmative vote of the Property owner(s).

A. Definitions; Abbreviations.

The definitions in the City's zoning regulations (Tracy Municipal Code, Title 10, Chapter 10.08) and subdivision ordinance (Tracy Municipal Code, Title 12, Chapter 12.08) apply, and in addition:

1. "Applicant" means any person, or other legal entity, defined as a "Subdivider" by Section 12.08.010 of the City of Tracy Municipal Code.
2. "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 here. (The Development Services Director is also referred to in the Tracy Municipal Code as the Development and Engineering Services Director.)
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 Hills Specific Plan, the Tracy Municipal Code, ordinances, resolutions, written policies, written procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
4. "Conditions of Approval" or "Conditions" means these conditions of approval.

The following abbreviations may be used in these Conditions:

EIR	Environmental Impact Report	PI&RA	Park Improvement and Reimbursement Agreement
DIA	Deferred Improvement Agreement	PUE	Public Utility Easement
OIA	Offsite Improvement Agreement	TMC	Tracy Municipal Code

B. Planning Division Conditions of Approval

1. Compliance with laws. The Subdivider shall comply with all laws (federal, state, and local) related to the development of real property within the Project boundaries, 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 the California Environmental Quality Act (California Administrative Code, title 14, sections 15000, et seq., “CEQA Guidelines”).
2. City Regulations. Unless specifically modified by these Conditions of Approval, the Subdivider shall comply with all City Regulations.
3. Mitigation Measures. The Subdivider shall comply with all applicable mitigation measures in the Final Subsequent Environmental Impact Report (EIR) for the Tracy Hills Specific Plan Project (State Clearinghouse No. 2013102053), which was certified by the City Council on April 5, 2016, and the Addendum to the EIR, which was prepared for the Tracy Hills KT Project consistent with the requirements of California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164.
4. Notice of protest period. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Subdivider that the 90-day approval period (in which the Subdivider may protest the imposition of any fees, dedications, reservations, or other exactions that are within the purview of the Mitigation Fee Act [Government Code section 66000 et seq.] (“Exactions”) and imposed on this Project by these Conditions of Approval) shall begin on the date of the conditional approval of this Project. If the Subdivider fails to file a protest of the Exactions complying with all of the requirements of Government Code Section 66020 within this 90-day period, the Subdivider will be legally barred from later challenging any of the Exactions. The terms of this paragraph shall not affect any other deadlines or statutes of limitations set forth in the Mitigation Fee Act or other applicable law, or constitute a waiver of any affirmative defenses available to the City.
5. Conformance with Vesting Tentative Subdivision Map. All Final Maps shall be in substantial conformance with the approved Vesting Tentative Subdivision Map (Application Number TSM19-0005), which was date stamped as received by the Development Services Department on February 7, 2020 and approved by the City Council on March 17, 2020, unless modified by these Conditions.

6. Maintenance for Project Public Landscaping. Before approval of the first Final Map, the Subdivider shall assure that there will be sufficient funding for the ongoing costs related to public landscaping maintenance. Subdivider shall prepare public landscaping improvement plans and a public landscaping budget analysis (to be reviewed and approved by the City Public Works Director) to establish the scope of and cost estimates for public landscaping maintenance.

As used in these Conditions of Approval:

“Public landscaping maintenance costs” include but are not limited to all costs associated with the maintenance, operation, repair and replacement of public landscaping included in the Project. Labor costs shall be based upon and be paid at “prevailing wages,” as that term is used in Section 1771 of the California Labor Code.

“Public landscaping” includes but is not limited to the following public areas and public improvements within or adjacent to the Project: public walls, special public amenities, ground cover, turf, shrubs, trees, irrigation systems, drainage and electrical systems, masonry walls or other fencing, entryway monuments or other ornamental structures, furniture, recreation equipment, hardscape and any associated appurtenances within medians, parkways, dedicated easements, channel-ways, public parks and public open space areas. It does not include public streets and street sweeping, but may include street lights.

Before approval of the first Final Map, Subdivider shall enter into an agreement with the City, which shall be recorded against the entire Tracy Hills KT Project property, which adopts and implements one or more of the following three options (a., b. or c.), subject to the approval of the City’s Finance Director:

- a. CFD or other funding mechanism. Before final inspection or occupancy of the first dwelling (except for up to ten model homes), the Subdivider shall, at its expense, form or annex into a Community Facilities District (CFD) or establish another lawful funding mechanism that is reasonably acceptable to the City for the entire Project area for funding or performing the on-going maintenance of public landscaping. 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 Property will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment. If funds are needed to pay for such public landscaping maintenance costs before collection of the first Special Services Tax (the “deficit”), then before final inspection or occupancy of the first dwelling (except for up to ten model homes), the Subdivider shall deposit to the CFD (by submittal to the City’s Finance Director) the amount of the deficit;

Or

b. HOA and dormant CFD. If the HOA is the chosen funding mechanism, the Subdivider must do the following:

- (1) Form a Homeowner’s Association (HOA) or other maintenance association, with CC&Rs reasonably acceptable to the City, to assume the obligation for the on-going maintenance of all public landscaping areas within the entire tentative subdivision map area;
- (2) Cause the HOA to enter into an agreement with the City, in a form to be approved by the City and to be recorded concurrently with the first Final Map, setting forth, among other things, the required maintenance obligations, the standards of maintenance, and all other associated obligation(s) to ensure the long-term maintenance by the HOA of all public landscape areas within the entire tentative subdivision map area;
- (3) For each Final Map, make and submit to the City, in a form reasonably acceptable to the City, an irrevocable offer of dedication of all public landscape areas within the Final Map area;
- (4) Before final inspection or occupancy of the first dwelling (except for up to ten model homes), annex into a CFD in a “dormant” capacity, to be triggered if the HOA fails (as determined by the City in its sole and exclusive discretion) to perform the required level of public landscape maintenance. The dormant tax or assessment shall be disclosed to all homebuyers and non-residential property owners, even during the dormant period.

Or

c. Direct funding. Before final inspection or occupancy of the first dwelling (except for up to ten model homes), the Subdivider shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the full costs of public landscaping maintenance as identified by the approved landscaping budget analysis.

7. Maintenance for Public Landscaping for Major Program Roadways. Before approval of the first Final Map, the Subdivider shall assure that there will be sufficient funding to pay the Subdivider’s proportionate share of the ongoing public landscaping maintenance costs associated with major program roadways, by entering into an agreement with the City, which shall be recorded against the entire Tracy Hills KT Project property, which adopts and

implements one of the following two options (a. or b.), subject to the approval of the City's Finance Director:

- a. CFD. Before final inspection or occupancy of the first dwelling (except for up to ten model homes), Subdivider shall, at its sole expense, form or annex into a Community Facilities District (CFD) for the entire Project area, for funding the Subdivider's proportionate share of the ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan. 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 Property will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment. If funds are needed to pay for such public landscaping maintenance costs before collection of the first Special Services Tax (the "deficit"), then before final inspection or occupancy of the first dwelling (except for up to ten model homes), the Subdivider shall deposit to the CFD (by submittal to the City's Finance Director) the amount of the deficit;

Or

- b. Direct Funding. Before final inspection or occupancy of the first dwelling (except for up to ten model homes), the Subdivider shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the full costs of funding the Subdivider's proportionate share of the ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan.
8. Parks. Before approval of the first Final Map, the Subdivider shall enter into an agreement with the City, which shall be recorded against the property, which stipulates that within 18 months following final inspection or occupancy of the first dwelling (except for up to ten model homes), the linear park shall be completed and accepted by the City.
9. Schools. Before issuance of a building permit for each new dwelling, the Subdivider shall document compliance with all applicable school mitigation requirements and provide to the City a certificate of compliance for such requirements from the Jefferson School District and Tracy Unified School District.
10. Public Services. Before approval of the first Final Map, the Subdivider shall do one of the following, subject to the approval of the City's Finance Director:
 - a. CFD or other funding mechanism. The Subdivider shall enter into an agreement with the City, to be signed by the Finance Director, which shall be recorded against the Property, which stipulates that prior to issuance of a building permit (except for up to ten model homes), the

Subdivider will form or annex into 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, 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. The Subdivider shall be responsible for all costs associated with the formation or annexation proceedings. 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 Subdivider shall enter into an agreement with the City, which shall be recorded against the property, which stipulates that prior to issuance of a building permit (except for up to ten model homes), the Subdivider 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, 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.

If the provisions for adequate funding of the on-going operational costs of providing Police services, Public Works services and other City services are met prior to issuance of the first building permit for the project, subject to the Finance Director's review and approval, the terms of this condition shall be considered to have been met and this condition shall become null and void.

C. **Engineering Division Conditions of Approval**

C.1. General Conditions

- C.1.1 Subdivider shall comply with the applicable requirements of the approved documents, technical analyses/reports prepared for the Project listed as follows:
- a) *Tracy Hills Specific Plan* approved by City Council and any amendments thereto.
 - b) *Tracy Hills Specific Plan Recirculated Draft Subsequent Environmental Impact Report and Addendum to the Subsequent Environmental Impact Report dated February 2020 ("EIR")*
 - c) *Tracy Hills Vesting Tentative Map Review Memorandum* prepared by Kimley-Horn Associates, dated February 10, 2020 ("Traffic Study").

- d) *Tracy Hills KT Property Sanitary Sewer Study Technical Memorandum* prepared by Carollo, dated February 21, 2020 (“*Sanitary Sewer Study*”).
- e) *Tracy Hills Water Study Technical Memorandum* prepared by West Yost Associates, dated November 8, 2019 (“*Water Study*”).
- f) *Tracy Hills Storm Drainage Master Plan* prepared by Ruggeri-Jensen-Azar, dated July 2019 and reviewed by Stormwater Consulting, Inc. as outlined in the memo dated January 6, 2020 (“*Storm Drainage Study*”).
- g) *Citywide Water System Master Plan* dated December 2012, prepared by West Yost Associates.
- h) *Plan Line Study – Corral Hollow Road* prepared by Ruggeri-Jensen-Azar (“*Corral Hollow Road Plan Line*”).
- i) *Any Finance Implementation Plan (“FIP”), as described in Section 10.20.060(b)(3)(B) of the Tracy Municipal Code, that is approved by the City Council for the property described in the Tracy Hills KT Property Vesting Tentative Subdivision Map, Application No. TSM19-0005.*

C.1.2 Timing of Compliance: The Applicant shall satisfy each of the following conditions prior to filing the first Final Map unless a different time for compliance is specifically stated in these Conditions of Approval. Any condition requiring an improvement that has already been designed, completed or under a City-approved agreement may be considered satisfied at the discretion of the City Engineer.

For the purpose of these Conditions of Approval, if the first Final Map to be filed within the boundaries of the Project (for commercial Parcels G and H) is filed solely for financing purposes only, and no permits will be requested pursuant to such final map, then the requirements listed in these Conditions of Approval shall not apply to the final map for financing purposes only.

C.2. Improvement Plans

C.2.1 General.

The Subdivider shall complete Improvement Plans to comply with all applicable laws, including the City Regulations (defined above) and these Conditions of Approval. Improvement Plans shall contain the design, construction details and specifications of improvements that are required to serve the Project. The Improvement Plans shall be drawn on a 24” x 36” size 4-mil thick polyester film (mylar) and shall be prepared under the supervision of, and stamped and signed by a Registered Civil,

Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

C.2.2 Site Grading

C.2.2.1 Erosion Control

Grading Plans shall specify the method of erosion control to be employed and materials to be used.

C.2.2.2 Grading and Drainage Plans

Submit a Grading and Drainage Plan prepared by a Registered Civil Engineer and accompanied by the Project's Geo-technical /Soils Engineering report. The report shall provide recommendations regarding adequacy of the site relative to the stability of soils such as soil types and classification, percolation rate, soil bearing capacity, highest observed ground water elevation, and others.

C.2.2.3 When the grade differential between the Project site and the adjacent property(s) exceeds 12 inches, a reinforced or masonry block wall, engineered slope, or engineered retaining wall is required for retaining soil. The Subdivider shall submit Retaining Wall Plans that includes the construction detail(s) and structural calculations of the retaining wall or masonry wall for City's review and approval.

C.2.2.4 If an engineered slope is used to retain soil on adjacent property outside the Project boundary, 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.

C.2.2.5 If applicable, show existing irrigation structure(s), channel(s) and pipe(s) that are to remain or relocated or to be removed, after coordinating with the irrigation district or owner of the irrigation facilities. If there are irrigation facilities including tile drains, that are required to remain to serve existing adjacent agricultural uses, the Subdivider shall design, coordinate and construct required modifications to the facilities to the reasonable satisfaction of the owner of the irrigation facilities and the City.

C.2.3. Grading Permit

The City will not accept a grading permit application for the Project as complete until the Subdivider has provided all relevant documents

related to the grading permit required by the City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer.

C.2.4. Storm Drainage

- C.2.4.1 Site grading shall be designed such that the Project's storm drainage overland release point will be directed to storm drainage easement or to public streets. If overland release is intended to be onto DWR property adjacent to the Project, Subdivider shall submit to the City documentation from DWR approving such discharge overland release onto DWR property as required by the City Engineer.
- C.2.4.2 All permanent underground storm drainage lines and structures to be maintained by the City shall be located within right-of-way to be dedicated to the City or within an easement. If applicable, interim facilities, storm drain lines, and collection basins shall be maintained by the Subdivider.
- C.2.4.3 Storm drainage plans are to be submitted with the required hydrologic and hydraulic calculations for the sizing of storm drainage pipe(s) and shall comply with Storm Drainage Study and City Regulations.
- C.2.4.4 Since the Project will construct a terminal retention basin, it has been determined that the Project will be exempt from the Post Construction Stormwater Quality Standards. However, should new Federal or State regulations come into effect during the buildout of the Project that would require future compliance, then the Project would not be exempted from those new requirements. SWPPP's shall be implemented during project construction. In addition, the Project may implement stormwater control measures such as disconnected roof leaders, non-contiguous street sidewalks (providing landscape strips/parkways), tree planting in parkways and use of drought tolerant landscape with drip irrigation systems and "intelligent" controllers. Similarly, public education measures regarding the damaging effects of pollutants to water quality may also be implemented.
- C.2.4.5 All Storm Water structural and construction details that are not part of the City Standard Plans or City Design Standards shall be provided by the Subdivider and submitted to the City for approval as part of the improvement plans.

C.2.4.6 Storm drainage Retention Basin shall be contained within storm drainage parcels suitable for dedication to the City of Tracy. This basin shall be provided with appropriate fencing with warning signs, access roadways to and from public roadways and access roadways into the ponds for maintenance purposes as approved by the City Engineer. All storm drainage inlets into this basin shall have inlet structures with design acceptable to the City Engineer.

C.2.4.7 Fixed vertical sediment depth markers shall be installed near discharge points into the Retention Basin to assist with measurements of sediment deposition over time and future assessments of the need for maintenance activities.

C.2.5. Sanitary Sewer

C.2.5.1 All sanitary sewer lines and associated improvements shall be designed and installed per the Sanitary Sewer Study and City Regulations. Before approval of Final Map(s) for the Project, Subdivider shall submit improvement plans and obtain approval for the plans for all on-site sewer improvements.

C.2.5.2 The Subdivider shall design and construct the Sanitary Sewer Pump Station (SSPS) with sufficient capacity to service the Project per City Standards and Sanitary Sewer Study. This Pump Station shall be constructed on land to be dedicated by Subdivider, as approved and required by the City. Upon satisfactory completion of the SSPS improvements, as determined by City, the City will accept the land dedication and SSPS improvements for maintenance. Maintenance of the SSPS shall be included in the Community Facilities District (CFD) to be established for the Project.

C.2.5.3 No final inspection of any residential building will be performed or certificate of occupancy for commercial building will be issued, with the exception of Model Homes, until the improvements listed above are completed and functional, as determined by the City Engineer.

C.2.5.4 Subdivider shall pay impact fees at the time of issuance of building permit. In addition, the Subdivider shall pre-pay impact fees for wastewater treatment for all remaining residential lots no later than one year after issuance of first building permit for production home.

C.2.5.5 Prior to the City's approval of the first Final Map within Project, the Subdivider shall dedicate to the City utility

maintenance easements necessary for all sanitary sewer lines (gravity or force mains). All requirements relating to the access and maintenance by the Utilities Department and Public Works Department shall be incorporated into the improvement plans.

C.2.5.6 Subdivider shall coordinate with Utilities Department and Public Works Department for determining the access, parking, security fencing, lighting and other related improvements at the Sanitary Sewer Pump Station. The requirements identified shall be incorporated into the design of the SSPS for review and approval by the City Engineer.

C.2.5.7 Parcel “I” (Utility Corridor) access road shall be paved with structural section per City standards adequate to support maintenance vehicles accessing the Retention basin and the SSPS.

C.2.6. Water Distribution System

C.2.6.1 All potable water lines and associated improvements as identified in the Water Study (Water Line Improvements) shall be designed and installed per City Regulations.

C.2.6.2 During the construction phases (vertical construction) of the Project, the Subdivider shall be responsible for providing water infrastructure (temporary or permanent) capable of delivering adequate fire flows and pressure appropriate to the various stages of construction and as approved by the Fire Marshall.

C.2.6.3 Prior to approval of each Final Map, the Subdivider shall submit calculations and improvement plans as required by the Fire Marshall and the City Engineer, and obtain a letter from the Fire Marshall that the fire flow parameters per Tracy Design Standards Section 6.02 are met for the phased construction of water lines to the satisfaction of the Fire Marshal.

C.2.6.4 Subdivider shall install Recycled Water mains in Street “D” required to serve the Project.

Initially, the 8-in Recycled Water Main will be connected to a potable water supply (with a stub in place to future recycled water) as approved by the City until the program backbone Recycled Water facilities are in place. Once the Recycled Water system network is online, the 8-in Recycled Water distribution main will be disconnected from the

Potable Water system and connected to the Recycled Water System as part of the Recycled Water Project by the City.

- C.2.6.5 Domestic and Irrigation Water Services – The HOA will be responsible for the repair and maintenance of all valves, fittings on services related to landscaping on all parcels to be owned by HOA and within HOA easements.
- C.2.6.6 Where pressures at individual water services will be 80 psi or more, the Subdivider shall provide pressure-reducing valves at the location approved by the City Engineer. The design of the individual pressure reducing valves for services shall be subject to approval by the Building Official.
- C.2.6.7 Fire Service Line – The Subdivider shall design and install fire hydrants at the locations approved by the Fire Marshall. Before the approval of the Improvement Plans, the Subdivider shall obtain written approval from the Fire Marshall for the design, location and construction details of the fire service connections to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

C.2.7. Street Improvements

- C.2.7.1 Subdivider is required to design and construct on-site and frontage roadway improvements to serve the Project as identified in the Traffic Study and these Conditions of Approval. All improvements shall comply with City Regulations, and Tracy Hills Design Standards. Such improvements shall include, but are not limited to, roadways, water distribution system, sewer system, storm drainage systems, curb and gutter, sidewalks, street lighting system, traffic signals, ITS systems, pavement and crosswalk striping, bicycle lanes and trails, roadway signage and street signs, median islands, turn lanes, landscaping, and all necessary related improvements as required by the City. Timing of completion of street improvements shall comply with these Conditions of Approval.

C.2.7.2 Corral Hollow Road Right-of-Way

Per the Citywide Roadway & Transportation Master Plan (CRTMP) that was adopted by City Council on November 26, 2012, pursuant to Resolution No. 2012-240, amended on November 19, 2013, Corral Hollow Road will be a 4-lane major arterial street with a raised median, sidewalks, bicycle

facilities and landscaping, and depicted Corral Hollow Road Plan Line.

The Corral Hollow Road Plan Line established the amount of right-of-way to be dedicated from the Project along Corral Hollow Road. The Subdivider shall dedicate all rights-of-way necessary for the widening of Corral Hollow Road along the entire frontage of the Property on Corral Hollow Road. The dedication shall include additional right-of-way for turn lanes and transitions where applicable. If required, the Subdivider shall also dedicate right-of-way for construction of intersection improvements including traffic signal modifications at Tracy Hills Road / Corral Hollow Road for buildout requirements.

The Subdivider shall be eligible for fee Credits and/or reimbursements for right-of-way dedication beyond Project's frontage obligation per the CRTMP requirements. Temporary / interim improvements are not eligible for fee credits or reimbursements.

- C.2.7.3 Abandonment of Right-of-way on Corral Hollow Road
The Subdivider shall submit request to the City for vacation of existing Corral Hollow Road right-of-way and pay for all costs of processing of vacation of right-of-way and recordation of documents.

Potential impacts to access to adjacent parcels (Sellick APN 253-100-09) due to abandonment of Corral Hollow Road right-of-way (such as providing curb cut/ driveway on Street "D" or other improvements as deemed necessary by the City Engineer) shall be mitigated as approved by the City. All costs of such mitigations shall be paid for by the Subdivider.

C.2.7.4. Corral Hollow Road Improvements

The Subdivider shall design and construct the Corral Hollow Road Improvements in accordance with the Traffic Study, Corral Hollow Road Plan Line and City Regulations. The improvements will include, but are not limited to, construction of asphalt concrete pavement, traffic signal modifications, pavement markings and striping, traffic signage, street lighting, roadway section construction and/or replacement, asphalt concrete overlay (where required), pavement transitions and other street and utilities improvements that are required to serve the Project based on the phasing plan approved by the City Engineer.

Roadway design shall conform to STAA truck traffic requirements and Caltrans requirements.

C.2.7.5. Corral Hollow Road Improvements for Residential Units

Prior to issuance of final inspection or occupancy of Model Homes and residential units, the Subdivider shall complete the following Corral Hollow Road Improvements to provide adequate and safe traffic conditions on Corral Hollow Road to the satisfaction of the City Engineer.

Subdivider shall prepare improvement plans for Corral Hollow Road Improvements and obtain approval by the City Engineer before approval of the first Final Map within the Project.

a. Corral Hollow Road/ Tracy Hills Drive/ Street D:

1. Southbound: One left turn, one right turn and one through lane
2. Northbound: One left turn, one right turn and one through lane
3. Westbound: One left turn, one shared through and right turn lane. However, this layout may result in interim curb, signal and pedestrian crossing, which will be funded by the project as interim improvements. The developer must provide intersection layouts indicating this geometry for review. The layouts must show the ultimate layout as well.
4. Eastbound: Same as existing - One shared through and right turn lane, two left turn lanes
5. Signal timing: Modified signal timing plans for AM and PM and school midday.
6. Add signal poles and curb/sidewalk as required.

b. Corral Hollow Road/ Street A (RIRO Driveway):

1. Northbound: One right turn lane to separate through traffic from right turning vehicles.
2. Provide a raised median on Corral Hollow Drive to prevent left turns in and out of the site.
3. Westbound: one right turn lane exiting the development.

C.2.7.6. Corral Hollow Road Improvements for Commercial Parcels

Prior to issuance of final occupancy of for any buildings on the Commercial parcels, the Subdivider shall complete the

following Corral Hollow Road Improvements to provide adequate and safe traffic conditions on Corral Hollow Road to the satisfaction of the City Engineer.

a. Corral Hollow Road/ Tracy Hills Drive/ Street D:

1. Southbound: Two left turns, one right turn, and one through lane
2. Northbound: Two left turns, one right turn, and one through lane
3. Westbound: One through, one left, and one right turn lane
4. Eastbound: Same as existing - One shared through and right turn lane, two left turn lanes
5. Signal timing: Modified signal timing plans for AM and PM and school midday
6. Add signal poles and curb/sidewalk as required.

C.2.7.7. Fee Credits and/or reimbursements for eligible costs of improvements beyond Project's frontage obligation per the CRTMP, will be determined based on the improvement plans to be approved by the City Engineer. Interim improvements are not eligible for fee credits or reimbursements and are the sole responsibility of the Subdivider.

C.2.7.8. Pavement Repaving/ Overlay on Corral Hollow Road: Subdivider shall pay its fair share of \$50,000 towards the estimated cost of repaving/ overlay from I-580 south right-of-way line to southerly City Limits as directed by the City Engineer.

C.2.7.9 In order to guarantee completion of the Corral Hollow Road Improvements, the Subdivider shall enter into an improvement agreement (SIA or OIA) and post an improvement security in the amounts and form in accordance with section 12.36.080 of the TMC and as required by these Conditions of Approval. The Subdivider shall submit the signed and notarized OIA with the necessary improvement security before approval of the first Final Map within the Project.

C.2.7.10 For any Corral Hollow Road Improvements considered frontage improvements (such as Subdivider's Frontage Obligation per the CRMP including landscape improvements behind the curb) that are not constructed or security posted with OIA at the time of approval of the first Final Map, the Subdivider shall enter into a DIA with the City.

The Subdivider shall submit the signed and notarized DIA before approval of the first Final Map within the Project. The Subdivider shall post improvement security in the amounts and form in accordance with TMC section 12.36.080 at the times specified in the DIA.

- C.2.7.11 Traffic Control Plan - Before starting any work within City's right-of-way on Corral Hollow Road, the Subdivider shall submit a Traffic Control Plan for each phase of work, to show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California. Subdivider shall comply with Caltrans requirements and standards for any work conducted within Caltrans ROW.
- C.2.7.12 The Subdivider shall design and construct Corral Hollow Road Improvements to meet the applicable requirements of the latest edition of the California Department of Transportation Highway Design Manual (CHDM) and the California Manual of Uniform Traffic Control Devices (MUTCD), the Applicable Law, and these Conditions of Approval.
- C.2.7.13 The Tracy Hills Specific Plan EIR ("EIR") identifies the Project's traffic impacts that are to be mitigated by the Subdivider. The mitigation measures are summarized in Table 4.13-68, Transportation & Circulation EIR Mitigation Matrix. Subdivider shall comply with the applicable mitigation measures as outlined in the Traffic Study.
- C.2.7.14 As the properties north of the Project along Corral Hollow Road develop, City will install fiber-optic lines to connect signals on Corral Hollow Road. In the interim, at the time of installation of traffic signals at Corral Hollow Road / Tracy Hills Drive, the Subdivider shall provide a functional communication system acceptable to the City Engineer, to connect the City's Traffic Control Management Center (TCMC) located at the City Hall to the traffic signal. Any required improvements at the TCMC to facilitate communications in the interim condition that is not part of the Master Plan Facilities, shall be installed at Subdivider's cost, and no fee credits or reimbursements will be applicable.
- C.2.7.15 Bus shelter and turnout on Corral Hollow Road : The bus shelter and turnout on Corral Hollow Road shall be

constructed as part of the Frontage Improvements on Corral Hollow Road. The City will provide the construction details and materials specifications of the bus shelter. Timing of construction of bus shelters will be determined in the future based on the extension of TRACER's Fixed Route to serve the Project. In order to assure completion of construction of the bus shelters, the Subdivider may either enter into a DIA with security, or pay to the City the estimated cost for bus shelter on Corral Hollow Road at the time of approval of the first Final Map within the Project.

C.2.7.16 Encroachment Permit. Before starting any work to be performed and improvements to be constructed within City's right-of-way, the Subdivider shall obtain an Encroachment Permit from the City. The Subdivider or its authorized representative shall submit all documents that are required to process the Encroachment Permit including but not limited to, approved Improvement Plans, Traffic Control Plan, payment of engineering review fees, copy of the Contractor's license, Contractor's Tracy business license, and certificate of insurance naming the City of Tracy as additional insured or as a certificate holder.

C.2.7.17 Dead-End Streets. A standard barricade and guardrail with appropriate traffic sign will be required at street ends. Alternatively, turnarounds/ hammerheads meeting the requirements of Fire Marshall shall be provided at the dead-end streets.

C.2.7.18 In-tract Streets. The Subdivider shall dedicate all rights-of-way that are necessary to construct all the in-tract streets based on cross sections shown on the Vesting Tentative Subdivision Map with the Final Map for the respective phase. The width of travel lanes, street median, landscaping strip and sidewalk shall be in accordance with the Vesting Tentative Subdivision Map and Tracy Hills Specific Plan.

Design and construction details of the in-tract streets such as asphalt concrete pavement, curb, gutter, sidewalk, street light, water main, fire hydrant, landscaping with automatic irrigation system, storm drain, catch basin and drop inlets, sanitary sewer main and lateral, water main, individual water service and meter, pavement marking and striping, traffic sign, driveway, handicap ramp and other street improvements shall comply with City Regulations and shall be shown on the Improvement Plans.

Following revisions to the Tentative Map shall be made per the recommendations in the Traffic Study. The improvement plans shall incorporate the recommended changes to the in-tract street system proposed with the Tentative Map:

a. Residential Units:

- 1..Street D between Corral Hollow Road and Street C: 1 lane westbound and 1 lane eastbound. Geometric layout plans indicating proposed and ultimate layouts must be provided for review. Interim improvements that may have to be modified later will be funded by the Subdivider.
2. Modify the ROW at the intersection of Street D and the eastern KT retail driveway be a future single lane roundabout with an eastbound right turn slip lane.
3. Intersection of Street D and Street C to be a mini roundabout or T-intersection with eastbound stop control.
4. Add protected bicycle facilities on Street D. A Class 1 bike path facility per City requirements is required on both sides of Street D that will connect across Corral Hollow Road to Phase 1A at the signal. The path should be a minimum of 8 feet wide abutting the right-of-way with 5' landscape strip between curb and bike path, per Caltrans and City standards. A 2-foot wide easement (overlapping the PUE) shall be dedicated to the City behind the right-of-way to allow the City control over the design of future facilities within the commercial parcel.
5. Provide adequate pedestrian crossings and connections to the parks and trails.

Commercial parcels:

a. Street D & Commercial DWY 3 & 4 (Roundabout):

1. Install single-lane roundabout with an Eastbound channelized right turn lane (drop lane)

b. KT On-site:

1. Street D between Corral Hollow Road and the Retail Roundabout: 3 lanes westbound and 2 lanes eastbound

2. Intersection of Street D and Street C to be a mini roundabout or T-intersection with eastbound stop control.
3. Add protected bicycle facilities on Street D. A Class 1 bike path facility per City requirements is required on both sides of Street D that will connect across Corral Hollow Road to Phase 1A at the signal. The path should be a minimum of 8 feet wide abutting the right-of-way with 5' landscape strip between curb and bike path, per Caltrans and City standards. A 2-foot wide easement (overlapping the PUE) shall be dedicated to the City behind the right-of-way to allow the City control over the design of future facilities within the commercial parcel.
4. Provide adequate pedestrian crossings and connections to the parks and trails.

C.2.7.18 For all phases of the Project, the Subdivider shall install sidewalk to provide pedestrian circulation connecting the subdivisions sidewalks to the CH sidewalk and to the Corral Hollow Road/ Tracy Hills Road Intersection. Cross-walks on Corral Hollow Road to provide pedestrian access to the Tracy Hills Phase 1a subdivision should be provided. Timing and design of pedestrian access shall be as determined by the City Engineer based on the Phasing Plan.

C.2.7.19 All intersections shall be designed to accommodate fire truck movements as required by the Fire Department.

C.2.7.20 Subdivider must provide and verify sight distances, where applicable, with regard to intersections, reverse lots and fence placements as required by the City Engineer.

C.2.9. Public Utility Easements

C.2.9.1 Undergrounding of Overhead Utilities. Any existing overhead lines and poles within the Project boundaries and on the west side of Corral hollow Road within the Project frontage shall be removed or undergrounded.

C.2.9.2 All private utility services to serve the Project such as electric, telephone and cable TV to the building must be installed underground, within right-of-way or a dedicated Public Utility Easement (PUE) and at the location approved by the City and the respective owner(s) of the utilities.

The Subdivider shall submit improvement plans for the installation of electric, gas, telephone and TV cable lines that are to be installed under the sidewalk or within the PUE. Underground utility conduits may be installed under the sidewalks, and underground boxes and structures may be located in the landscaped parkway next to the curb. All above-ground boxes and facilities shall be behind the sidewalk and within the PUE. Pop-outs to provide additional width of PUE where required to accommodate larger above-ground structures will be permitted subject to review and approval by Public Works Director and the City Engineer. Before approval of the first Final Map, the Subdivider shall complete the necessary coordination work with the respective owner(s) of the utilities to for approval.

C.2.9.3 Public Utility Easements on sideyard lots shall be adjusted/ eliminated in final neighborhood designs based on actual joint trench design requirements.

C.2.9.4 The Subdivider shall take necessary actions to accomplish existing DWR easement to be quitclaimed prior to recordation of first Final Map within the Project. If not accomplished prior to first Final Map, the Subdivided shall submit documentation that DWR will quitclaim the easement prior to City's acceptance of the Retention Basin. All costs of the process for the quitclaim shall be borne by the Subdivider.

C.3. Final Map

The City will not approve any Final Map until the Subdivider demonstrates, to the satisfaction of the City Engineer, that all the requirements set forth in these Conditions of Approval are completed, including, but not limited to the following:

C.3.1 Subdivider has submitted one reproducible (mylar) copy of the approved tentative subdivision map for the Project after Subdivider's receipt of a notification of approval of the Tentative Subdivision Map. The signature of the owner of the Property on the Tentative Subdivision Map shall indicate the owner's consent to the preparation of the Tentative Subdivision Map and the proposed subdivision of the Property.

C.3.2 Each Final Map is prepared in accordance with the applicable requirements of the Tracy Municipal Code, these Conditions of Approval, all other applicable City Regulations, and in substantial conformance with the Tentative Subdivision Map.

- C.3.3 Each Final Map includes and shows offer(s) of dedication of all right(s)-of-way and/or temporary or permanent easement(s) required by the Improvement Plans and Final Map, in accordance with City Regulations and these Conditions. If construction easement(s) is/are shown, it/they shall indicate the termination date of the construction easement(s).
- C.3.4 Horizontal and vertical control for the Project shall be based upon the City of Tracy coordinate system and at least three 2nd order Class 1 control points establishing the "Basis of Bearing" and shown as such on the Final Map. The Final Map shall also identify surveyed ties from two of the horizontal control points to a minimum of two separate points adjacent to or within the Property described by the Final Map.
- C.3.5 Subdivider has submitted a signed and stamped Engineer's Estimate that show construction cost of subdivision improvements that are described in Conditions C.2 above plus 10% for construction contingencies.
- C.3.6 Subdivision Improvement Agreement. Before the City's approval of any 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), and post all required improvement security in accordance with City Regulations.

Phasing Plan and Deferred Improvement Agreement - Prior to Subdivider's submittal to the City of the first Final Map for City approval, Subdivider shall submit for the City Engineer's review and reasonable approval a phasing plan for the submittal of all Final Maps to be filed for this Vesting Tentative Subdivision Map. The phasing plan may be subject to subsequent modifications based on market conditions, the rate of development, and Subdivider's disposition of the parcels created by the Final Maps. 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.

- C.3.7 Improvement Security. The Subdivider shall provide improvement security for all public facilities, as required by Subdivision Improvement Agreement or Offsite 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:

- C.3.7.1 Faithful Performance (100% of the estimated cost of constructing the public facilities),
- C.3.7.2 Labor & Material (100% of the estimated cost of constructing the public facilities), and
- C.3.7.3 Warranty (10% of the estimated cost of constructing the public facilities)
- C.3.7.4 Monumentation (\$750 multiplied by the total number of street centerline monuments that are shown on the Final Map)
- C.3.8 Subdivider has paid engineering review fees including improvement plan checking, final map review, agreement processing, and all other fees required by these Conditions of Approval and City Regulations.
- C.3.9 Subdivider has submitted technical or materials specifications, cost estimate, and technical reports related to the design of improvements that are shown on the Improvement Plans and as required by these Conditions.
- C.3.10 Subdivider has submitted hydrologic and storm drainage calculations for the design and sizing of in-tract storm drainage pipes located within the Project.
- C.3.11 Subdivider has submitted signed and stamped Improvement Plans.
- C.3.12 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.
- C.3.13 Signed and notarized Deferred Improvement Agreement (DIA) and Improvement Security, to allow deferment of completion of improvements as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with the DIA and Section 12.36.080 of the TMC.

C.4. Grading and Encroachment Permit

No applications for grading and encroachment permits will be accepted by the City as complete until the Subdivider has provided all documents required by these Conditions and City Regulations, to the reasonable satisfaction of the City Engineer, including, but not limited to, the following:

- C.4.1 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.4.2 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.4.3 Three sets of the Storm Water Pollution Prevention Plan (SWPPP) identical to the reports submitted to the State Water Quality Control Board (SWQCB) and any documentation or written approvals from the SWQCB including a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID). After the completion of the Project, the Subdivider is responsible for filing the Notice of Termination (NOT) required by SWQCB, and shall provide the City, a copy of the completed Notice of Termination.
- C.4.4 Cost of preparing the SWPPP, NOI and NOT including the annual storm drainage fees and the filing fees of the NOI and NOT shall be paid by the Subdivider. The Subdivider shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the Storm Water Regulations adopted by the City in 2008 and any subsequent amendment(s), and the City Regulations.
- C.4.5 Two sets of the Project's Geotechnical Report signed and stamped by a licensed Geo-technical 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, percolation rate, roadway section construction recommendations and elevation of the highest observed groundwater level.
- C.4.6 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 Monitoring and Reporting Program of the Tracy Hills Specific Plan Final Environmental Impact Report (TH-EIR).
- C.4.7 Two sets of Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system.
- C.4.8 Reasonable written permission from irrigation district or affected owner(s), if applicable. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Subdivider.
- C.4.9 Written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), if applicable. 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.

- C.4.10 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.4.11 Two sets of structural calculations for drainage structures and retaining walls within street right-of-way and retention basins signed and stamped by a Structural Engineer licensed in the State of California.
- C.4.12 Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.
- C.4.13 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 No. 2014-059.
- C.4.14 Traffic Control Plan for each phase signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California.
- C.4.15 As required per Mitigation Measure 4.8-2a of the EIR, the Subdivider shall submit, prior to issuance of grading permits, a Phase II ESA focused on soil sampling conducted near the location of the underground crude oil pipelines, as determined by a qualified Phase II/Site Characterization specialist.
- C.4.16 As required per Mitigation Measure 4.8-2b of the EIR, prior to issuance of grading permits, the Subdivider shall work with Conoco Phillips to implement and observe a site damage prevention plan to the satisfaction of the City of Tracy Engineering Division.

C.5. Building Permit

The City will not approve any building permit within the Project boundaries until a Final Map is approved by the City Council and it is recorded at the San Joaquin County Recorder's Office, and the Subdivider demonstrates, to the

reasonable satisfaction of the City Engineer, compliance with all the required Conditions

- C.5.1 Check payment of the applicable City Wide Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park Development Impact Fees (adopted by Resolution No. 2014-010) as these relate to the Project and as required by these Conditions of Approval.
- C.5.2 Check payment of applicable Regional Transportation Impact Fees (RTIF) as required in the Mitigation Monitoring and Reporting Program of the Final Environmental Impact Report and these Conditions of Approval.
- C.5.3 Check payment of any applicable Agricultural Mitigation Fee as required in Chapter 13.28 of the Tracy Municipal Code and Mitigation Measure AG 4.2.1 of the EIR and these Conditions of Approval.
- C.5.4 Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC.
- C.5.5 The Project developer(s) shall be required to pay the Transportation Impact Fee established pursuant to the written Agreement by and between the City of Tracy, LTA, the Sierra Club, the County of Alameda, and the City of Livermore to the City of Tracy prior to issuance of building permits for any residential portion of the Project if reasonably determined by the City Development Services Director and the Applicant that the current project is subject to that Agreement. In the event the Parties determine that the Transportation Impact Fee does not apply to the Project, Applicant shall defend, indemnify, and hold the City harmless from any third-party claims arising out of or relating to the Transportation Impact Fee.

C.6. Final Building Inspection

The City will not perform final building inspection (except for Model Homes) until after the Subdivider provides documentation which demonstrates, to the reasonable satisfaction of the City Engineer, that:

- C.6.1 The Subdivider has completed construction of all public facilities required to serve the building for which a certificate of occupancy is requested or a final building inspection has to be performed unless otherwise defined herein. Unless specifically provided in these Conditions, or the City Regulations, the Subdivider shall take 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).

C.7. Temporary or Final Building Certificate of Occupancy

No Final Building Inspection shall be performed or a Temporary or Final Building Certificate of Occupancy will be issued (except for Model Homes) by the City until after the Subdivider provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:

- C.7.1 The Subdivider has satisfied all the requirements set forth in these Conditions of Approval.
- C.7.2 The Subdivider has completed construction of all required public facilities for the building for which a certificate of occupancy is requested, unless otherwise defined herein. 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).

C.8. Acceptance of Public Improvements

Public improvements will not be considered for City Council's acceptance until after the Subdivider demonstrates to the reasonable satisfaction of the City Engineer, completion of the following:

- C.8.1 All the public improvements shown on the Improvement Plans are completed and all the deficiencies listed in the deficiency report prepared by the assigned Engineering Inspector are all corrected.
- C.8.2 Subdivider has completed the 90-day public landscaping maintenance period.
- C.8.3 Subdivider has submitted Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Subdivider, the City shall temporarily release the originals of the Improvement Plans to the Subdivider so that the Subdivider will be able to document revisions to show the "As Built" configuration of all improvements.
- C.8.4 Where applicable, signed and notarized Grant Deed(s) with legal description(s) and plat maps for the offer of dedication of right-of-way, and Grant of Easements as required per these Conditions of Approval and City Regulations, or dedications shown on the Final Map.

C.9. Release of Improvement Security

City will release Improvement Security(s) to the Subdivider after City Council's acceptance of public improvements, both on-site and off-site, in accordance with TMC section 12.36.080, upon written request and submittal of the recorded Notice of Completion.

C.10. Special Conditions

- C.10.1. All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Regulations, except as otherwise specifically approved in the Tracy Hills Specific Plan.
- C.10.2. When street cuts are made for installation of utilities, the Subdivider is required to install 2 inches thick asphalt concrete overlay with reinforcing fabric at least 25 feet from all sides and for the entire length of the utility trench. A 2 inches deep grind on the existing asphalt concrete pavement will be required where the asphalt concrete overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. If the utility trench extends beyond the median island, the limit of asphalt concrete overlay shall be up to the lip of existing gutter located along that side of the street.
- C.10.3. 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.10.4. Benefit District – The Subdivider may make a written request to the City for the formation of a Benefit District, before the approval of the final map and improvement plans for the public facility(s) considered to be oversized that benefits other property(s) or development(s). Reimbursement request(s) will be processed in accordance with TMC Chapter 12.60.
- C.10.5. Nothing contained in these Conditions shall be construed to permit any violation of City Regulations. Subject, however, to City Regulations, this Condition does not preclude the City from requiring pertinent revisions and additional requirements to the final map, improvement agreements, and improvement plans, before the City Engineer's signature on the final map and improvement plans, if the City Engineer finds it necessary due to public health and safety reasons. (Government Code section 66498.6.) 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.

AGENDA ITEM 3.B

REQUEST

APPROVE A NEW CITY SMALL BUSINESS FORGIVABLE LOAN PROGRAM TO SUPPORT LOCAL SMALL BUSINESSES AFFECTED BY COVID-19 AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO SIGN THE LOAN AGREEMENTS

EXECUTIVE SUMMARY

In response to the coronavirus pandemic, the State of California and the San Joaquin County Public Health Officer issued restrictive Stay-At-Home Orders to all businesses and residents in order to minimize the spread of COVID-19. As such, the effect on the Tracy business community as a result of COVID-19 has been significant.

At the May 5, 2020 City Council meeting, staff requested direction from Council on policy considerations related to loan structure and program qualifications. Staff has incorporated Council's direction in the new program and is seeking approval on a new forgivable loan program that will support local small businesses that have been affected by COVID-19.

BACKGROUND

Staff researched funding sources and evaluated potential program criteria in an effort to support local small businesses that have been affected by COVID-19. In this evaluation, staff determined that a business loan/grant program would be beneficial to our local small businesses and provide them an additional financial assistance option they need to help them cover expenses as their revenues have declined. As a funding source, staff found underutilized Community Development Block Grant (CDBG) public facility funding and in consultation with the National Development Council and Adams Ashby Group, confirmed that business assistance activities supporting low-mod income individuals focused on job retention is a qualifying activity under CDBG and the Department of Housing and Urban Development's (HUD) regulations.

On May 5, 2020, City Council approved the reallocation of approximately \$307,948 in underutilized Community Development Block Grant (CDBG) program funding to create a new small business forgivable loan program. Council also allocated \$175,882 in supplemental CDBG funding to support coronavirus response. The total allocation for the program is approximately \$483,830, of which approximately 10% is to be set aside for program development and administration consultant services, leaving approximately \$435,447 available to support local small businesses affected by COVID-19.

DISCUSSION

On May 5, 2020, staff presented Council with a framework for a forgivable loan program. Council provided staff additional direction in program qualifications and allocation priority. While staff is working through specific qualifying requirements and reporting criteria with our CDBG consultant, the program is generally expected to include the following:

CITY OF TRACY FORGIVABLE LOAN PROGRAM

Qualifying Requirements:

- Must have an active City of Tracy business license.
- Must have been in full operation effective February 1, 2020.
- Must provide statement/evidence of COVID-19 impact (i.e. signed hardship letter).
- Must have no more than 20 employees.
- Employee wages must meet HUD Low to Moderate Income eligibility requirements as provided in Attachment A. For example, \$48,000 household income limit for a 2-person household size.
- Preference will be given to businesses who have not received COVID-19 related federal assistance.
- Application will be processed on a first come, first serve basis.

Loan Amounts:

Loans range from \$5,000 to \$20,000, depending upon number of employees:

- 1-5 employees \$5,000
- 6-10 employees \$10,000
- 11-15 employees \$15,000
- 16-20 employees \$20,000

Forgivable Qualification:

- 100% of loan forgivable when contract terms are fulfilled, which may include employee retention requirements.

Reporting:

- Borrower to provide to the City's consultant monthly, HUD approved, payroll documentation verifying number of employees for 6 consecutive months.

Qualifying requirements and reporting criteria consistent with CDBG requirements is expected to be completed by June 1, 2020, at which time the City will release a Notice of Funding Availability (NOFA), which will include any updated HUD reporting requirements. Staff continues to monitor CDBG funding requirements and waivers to existing qualifying criteria as it relates to use of funds and is working to clarify loan criteria to meet HUD guidelines. Based on proposed employment criteria (20 or under), there are approximately 3,000 businesses in Tracy that may qualify for this program. Every applicant will need to meet the HUD low-mod income requirements to be eligible for loan approval. If Council approves the program, staff will continue to work with HUD to finalize the specific CDBG loan reporting and other requirements and monitor the loan program performance.

STRATEGIC PLAN

This agenda item is an emergency item in response to COVID-19 and does not align with a strategic priority.

FISCAL IMPACT

None; funding for the new program will be provided through the CDBG program.

RECOMMENDATION

Staff recommends that City Council approve, by resolution, a new city small business forgivable loan program to support local small businesses affected by COVID-19 and authorize the City Manager or designee to sign the loan agreements.

Prepared by: Barbara Harb, Economic Development Management Analyst

Reviewed by: Michael Nimon, Economic Development Manager
Karin Schnaider, Finance Director
Andrew Malik, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

Attachment A – 2020 Income Limitations for CDBG and HOME Programs

Attachment A

2020 Income Limitations for the CDBG and HOME Programs

Percent of Median Income

Family Size	0-30%	Very-Low 31-50%	51-60%	Low 61-80%	Median 100%	Moderate 80-120%
1	\$15,750	\$26,250	\$31,500	\$42,000	\$53,550	\$64,250
2	\$18,000	\$30,000	\$36,000	\$48,000	\$61,200	\$73,450
3	\$20,250	\$33,750	\$40,500	\$54,000	\$68,850	\$82,600
4	\$22,500	\$37,500	\$45,000	\$60,000	\$76,500	\$91,800
5	\$24,300	\$40,500	\$48,650	\$64,800	\$82,600	\$99,150
6	\$26,150	\$43,500	\$52,220	\$69,600	\$88,750	\$106,500
7	\$27,900	\$46,500	\$55,780	\$74,400	\$94,850	\$113,850
8	\$29,750	\$49,500	\$59,390	\$79,200	\$101,000	\$121,200

Effective 4/1/2020

RESOLUTION 2020-_____

APPROVING A NEW SMALL BUSINESS FORGIVABLE LOAN PROGRAM TO SUPPORT LOCAL SMALL BUSINESSES AFFECTED BY COVID-19 AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO SIGN THE LOAN AGREEMENTS

WHEREAS, The Tracy City Council recognizes a need to support local small businesses that have been affected by COVID-19, and

WHEREAS, On May 5, 2020, City Council reallocated approximately \$307,948 in underutilized Community Development Block Grant (CDBG) program funding and approximately \$175,882 in supplemental CDBG funding to support coronavirus response to fund a new forgivable loan program, and

WHEREAS, Approximately 10% of allocated funds will be used for program development and administration of the program, resulting in approximately \$435,447 available to fund loans in the new program, and

WHEREAS, All qualifying criteria and reporting requirements will adhere to the Department of Housing and Urban Development (HUD) and CDBG guidelines, and

WHEREAS, Loan funding will be distributed to qualifying local small businesses, giving priority to businesses that have not received any previous COVID-19 related federal assistance, until all funds are expended, and

WHEREAS, The Small Business Forgivable Loan Program details are as follows:

Qualifying Requirements:

- Must have an active City of Tracy business license.
- Must have been in full operation effective February 1, 2020.
- Must provide statement/evidence of COVID-19 impact (i.e. signed hardship letter).
- Must have no more than 20 employees.
- Employee wages must meet HUD Low to Moderate Income eligibility requirements as provided in Attachment A. For example, \$48,000 household income limit for a 2-person household size.
- Preference will be given to businesses who have not received COVID-19 related federal assistance.
- Applications will be processed on a first come, first serve basis.

Loan Amounts:

Loans range from \$5,000 to \$20,000, depending upon number of employees.

- 1-5 employees \$5,000
- 6-10 employees \$10,000
- 11-15 employees \$15,000
- 16-20 employees \$20,000

Forgivable Qualification:

- 100% of loan forgivable when contract terms are fulfilled.

Reporting:

- Borrower to provide to the City’s consultant monthly, HUD approved, payroll documentation verifying number of employees for 6 consecutive months, and

WHEREAS, As quickly as feasible after program approval by City Council, staff will release a Notice of Funding Availability (NOFA) to solicit applications from the local businesses;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves a new small business forgivable loan program to support local small businesses affected by COVID-19 and authorizes the City Manager or designee to sign the loan agreements.

* * * * *

The foregoing Resolution 2020-_____ was passed and adopted by the Tracy City Council on the 19th day of May 2020, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 3.C

REQUEST

APPROVE CANNABIS BUSINESS PERMIT APPLICATION PROCEDURES AND GUIDELINES

EXECUTIVE SUMMARY

This agenda item allows for the discussion and approval of Procedures and Guidelines (Guidelines) for Cannabis Business Permit applications. Staff anticipates receiving applications for cannabis business permits beginning in July 2020, and the enclosed Guidelines provide prospective applicants with the guidance necessary to file an application and obtain a permit.

The Guidelines describe a three-step process to obtain a permit involving, 1) the filing of an application, 2) the review and scoring of the application by staff for eligibility, and 3) the award of a permit, which involves an evaluation and scoring of community benefits. The process includes an opportunity for cannabis businesses to demonstrate local ownership by meeting certain requirements. This agenda item follows City Council meetings on January 21, 2020 and April 21, 2020 where the Guidelines were discussed and modified, especially as it relates to potential community benefit requirements, and local preference criteria.

A separate agenda item addresses the City Council's direction on April 21, 2020 to limit the number of cannabis business permits for all permit types. Those changes will be made to regulatory ordinance for commercial cannabis activities contained in Chapter 6.36 of the Tracy Municipal Code.

DISCUSSION

This discussion follows staff reports and discussion with the City Council on January 21, 2020 and April 21, 2020 where the City Council evaluated draft Guidelines and directed staff to make changes.

The current draft Guidelines include the following changes from April 21, 2020:

- 1) The criteria related to local preference has been weighted with additional points, reflecting City Council's desire to provide additional opportunity for local applicants/business owners;
- 2) The community benefit has been enumerated to reflect a desire on behalf of the City Council to tie community benefits to the City Council's adopted Strategic Priorities;
- 3) The selection criteria in the Community Benefit section have been refined to include opportunities for the applicant to propose monetary contributions and/or volunteer hours to further the community benefit;
- 4) The Guidelines now reflect that there will be a limit on the number of cannabis business permits issued for all permit types, and all applicants will be competing based on a final application score that includes community benefits.

As discussed on January 21, 2020 and April 21, 2020, the final phase of developing the City's cannabis regulations is the adoption of application Guidelines. Pursuant to Chapter 6.36 of the Tracy Municipal Code (TMC), the Guidelines govern the application process and the manner in which the decision to issue a cannabis business permit is made. City staff developed the Guidelines with the intent of presenting clear, easy-to-understand submittal requirements and selection criteria.

The Guidelines establish the required submittal materials, which is comprised of the following key components: application forms, a series of materials in the form of written plans identifying the operational nature of the proposed business, and the required fee to cover City costs incurred for processing the application.

The Guidelines further establish the process of City issuance of the permits. In all cases, the applications are evaluated against the City's cannabis regulatory ordinance and the Guidelines, which may involve the assistance of consultants depending on the materials submitted and the number of permits filed. Section 6.36.050(a) of the TMC provides that the resolution establishing the procedures (or guidelines) shall authorize City staff and/or consultants to provide detailed objective review. The City's cannabis regulatory ordinance requires a quantitative evaluation, and the Guidelines implement this requirement by establishing a point-based merit system. As discussed below, after application submittal, the process contains two phases: Phase 1 is an eligibility review, and Phase 2 is the award of permits, which involves final scoring of permit applications based on the proposed community benefit.

Application Submittal:

Applications would be accepted by the City from July 6, 2020 to August 5, 2020. These dates were selected in order for the City to adopt an application processing fee and finalize the application forms. The Guidelines, shown in Attachment A, establish the materials required for a complete application. The submittal requirements stem from the City's regulatory ordinance on commercial cannabis activities, contained in Chapter 6.36 of the TMC and include an appendix clarifying each aspect of the required submittal materials. Included in this list of required submittal materials is proof of completion or initiation of the background check process. At the close of the application period, staff would initiate Phase 1 of the selection process.

Phase 1 Eligibility Review:

Upon closure of the application period, applications would be routed to City staff (and possibly to consultants) for review of the materials for compliance with the Guidelines and the City's ordinances. The City's review process is anticipated to take up to 90 days; however this time frame could be extended or shortened depending on the number of applications filed. This review involves scoring applications against the criteria, and will result in an eligibility list of those applications receiving a score of 80% or higher. Those applications that have scored 80% or higher will be deemed eligible to continue on to Phase 2.

Phase 2 Evaluation of Community Benefit Contribution and City Issuance of Cannabis Business Permits:

For all permit types, the City's regulatory ordinance (as will be amended per City Council direction on April 21, 2020) will only allow up to four (4) permits, and the City expects to receive more applicants than the maximum four permits available, per business type. The Guidelines establish that after the applications are screened for eligibility in Phase 1; those eligible applicants would be able to submit a proposed community benefit, which would be scored as part of Phase 2. For all eligible applications, the cumulative score from Phase 1 and Phase 2 would become the final score, and the four highest point earners per business type would be eligible to receive permits from the Chief of Police. In the event of a tie in final scores for applicants, the Chief of Police would use a random drawing selection process at a public hearing in order to break the tie.

Following issuance of the Cannabis Business Permit by the Chief of Police, applicants will proceed with the remaining regulatory requirements: State permits, conditional use permit, building permit(s), business licenses, etc.

Community Benefit

City Council directed staff on January 21, 2020 to include community benefit contributions as a criterion for the merit based evaluation of applications. That direction was further refined on April 21, 2020. The following are possible examples of what could comprise a potential community benefit that an applicant could propose as part of its application. Whereas the City Council broadly stated that the benefit should be tied to the adopted Strategic Priorities, City Council also desired that applicants have the flexibility to interpret and present their own ideas of how to best implement those Strategic Priorities. The method of ensuring the community benefit has been included as a requirement prior to operating a cannabis business (either a Community Benefit Agreement or a Development Agreement).

The applicants will have to enter into an agreement with the City to ensure the public benefit contribution. Such an agreement may take the form of a Community Benefit Agreement or a Development Agreement. The use of either a Community Benefit Agreement or a Development Agreement depending on the permit type and circumstances.

Property Owner Consent/Acknowledgment

At the April 21, 2020 City Council meeting, City Council affirmed the requirement for property owner consent/acknowledgment as part of the application. TMC Section 6.36.050(a) requires applicants to submit information regarding their business operations. For applicants that are not the property owner of record, the required information regarding their business operations includes document(s) demonstrating that the property owner is fully aware that an applicant intends to use the property for cannabis business purposes.

FISCAL IMPACT

Staff will return to the City Council in June 2020 with a fee resolution to set the application-processing fee. The City Council has directed staff to place cannabis general tax measure on a future ballot.

STRATEGIC PLAN

This agenda item is consistent with the Economic Development City Council Strategic Priority, to enhance the competitiveness of the City while further developing a strong and diverse economic base, Goal #2: to develop and implement cannabis regulations, including (1) establish a cannabis application and permit process, (2) facilitate partnerships with cannabis businesses, and to (3) accept applications in Spring 2020.

RECOMMENDATION

City staff recommends that City Council adopt the Cannabis Business Permit Procedures and Guidelines.

Next steps:

- June 2020: City Council adoption of an application processing fee.
- July 6 – August 5, 2020: Application filing period open.
- September – November 2020: City to issue up to 4 Cannabis Business Permits per cannabis business type (if any).
- Permitted applicants and City draft Community Benefit Agreement (or other agreement as necessary) to ensure community benefits.
- Permitted applicants begin application process to obtain Conditional Use Permits, consistent with TMC Title 10.
- Permitted applicants obtain building permits for tenant improvements, as necessary.

Prepared by: Bill Dean, Assistant Development Services Director

Reviewed by: Alex Neicu, Police Captain
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager
Andrew Malik, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

Attachment A – Approval Resolution and Cannabis Business Permit Application Procedures and Guidelines and Merit Based Evaluation Criteria



City of Tracy

Development Services Department
333 Civic Center Drive
Tracy, CA 95376
P: 209.831.6400

APPLICATION PROCEDURES & GUIDELINES FOR A CITY OF TRACY CANNABIS BUSINESS PERMIT

OPENS – July 6, 2020
CLOSES – August 5, 2020 @ 3:00 PM

The City of Tracy may issue Cannabis Business Permits to individuals interested in operating a cannabis cultivation, distribution, manufacturing, testing laboratory, retail (storefront and non-storefront), or microbusiness in accordance with Chapter 6.36 of the Tracy Municipal Code (TMC). The application process to obtain a permit to operate a Cannabis Business in Tracy will open on July 6, 2020. Applications will be available from the Development Services Department located in City Hall or online on the City's website, www.cityoftracy.org.

The City's Cannabis Business Permit application process consists of two phases. Phase 1 is a merit-based evaluation/eligibility screening during which applications will be reviewed for completeness and compliance with these guidelines and applicable provisions of the TMC and California state cannabis laws and regulations, as well as evaluated against the selection criteria contained herein by the City's review committee. It is important to note that applications will be evaluated against one-another and provided an eligibility score. The applications will be reviewed and evaluated for clarity and responsiveness to the criteria in Appendix A, and the City will select the applications that best meet the City's criteria.

Phase 2 is the final evaluation and scoring by the City which precedes the award by the Chief of Police of the Cannabis Business Permits, if any. Applicants must submit a form with a property owner acknowledgement that the applicant intends to use the property for cannabis related business and activities. However, applicants do not need to have secured a physical location in order to submit an application for a Cannabis Business Permit.

For questions regarding the application process, please review the information on the City's website: www.cityoftracy.org which outlines the application process, forms and other required materials, FAQs, and other information relevant to engaging in commercial cannabis activity in Tracy. Additional information relevant to the application process can be found in California state cannabis laws, regulations and resources, and TMC Chapter 6.36 and Section 10.08.3196.

To be considered for a Cannabis Business Permit, applications **must be** submitted by August 5, 2020 to the City Development Services Department located at 333 Civic Center Plaza, Tracy, CA, 95376 by 3:00 PM. This application process is established pursuant to Section 6.36.050(a)

of the TMC.

Applicants should monitor the City's website for any additional information, FAQs or updates. It is the responsibility of the applicant to stay informed of any changes or new information during the application and selection process.

CITY'S RESERVATION OF RIGHTS

The City reserves the right to reject any and/or all applications, with or without any cause or reason. The City may modify, postpone, or cancel the application submittal date for a Cannabis Business Permit application without liability, obligation, or commitment to any party, firm, or organization. Persons submitting applications assume the risk that all or any part of the program, or any particular category or permit potentially authorized under TMC Chapter 6.36, may be cancelled at any time prior to Cannabis Business Permit issuance. In addition, the City reserves the right to request and obtain additional information from any applicant submitting an application. Late applications WILL BE REJECTED. Furthermore, an application RISKS BEING REJECTED for the following reasons:

1. The Cannabis Business Permit Application is incomplete, non-responsive, or inconsistent with the application form and/or these Application Procedures & Guidelines, or the provisions of TMC Section 6.36.070.

Furthermore, it is anticipated that the City will be placing a Cannabis Tax Measure on the November 2020 ballot for the voters to consider which would tax the sale of cannabis. Therefore, every applicant should be mindful that this should be a component of their business plan and failure to acknowledge or comply with this requirement may disqualify them from eligibility for a Cannabis Business Permit.

COMMUNITY BENEFIT REQUIREMENT

Applicants acknowledge by signing the application form that a requirement of the Cannabis Business Permit award process includes providing community benefits. Those applicants and obtaining a screening score of 80% will be eligible to compete for a final score. The final score is determined after evaluating the community benefit. These procedures are further described below.

AMENDMENTS TO APPLICATIONS

Applicants will not be permitted to make amendments to their application or to supplement their application, except as otherwise specifically permitted in these procedures, as may be amended from time to time. At the conclusion of Phase 1, all applicants will be notified as to the status of their application and eligibility to proceed to Phase 2. Those applicants proceeding to Phase 2 will be eligible to submit information pertaining to the proposed community benefit; such information is required to be submitted to the City no later than 15 City business days from notification of eligibility to proceed to Phase 2.

Public Records Requests and Proprietary Data

All applications will become property of the City when received. Information received in the applications may become subject to disclosure under the California Public Records Act. Any

sections or pages the applicant considers proprietary should be clearly marked within the application, although such marking is not determinative of whether it is proprietary under state law. The City retains the right to disclose and/or withhold any information contained therein in accordance with the law.

DRAFT

APPLICATION PROCESS INSTRUCTIONS TO THE APPLICANT:

The information you provide in your application will be used to evaluate your application for a Cannabis Business Permit. Any interested applicants are advised to review the information regarding the application process and list of required documents. Review your application in its entirety to ensure that it is complete and accurate. Review the information regarding the Cannabis Business Permit application on the City website www.cityoftracy.org. The following procedures outline the application evaluation and selection process, required materials, and other information necessary to apply for a Cannabis Business Permit to operate in Tracy.

The City's application process to obtain a Cannabis Business Permit involves the following:

- 1) Application submittal to the City
- 2) Phase 1 Eligibility Review: City review of the applications for completeness and evaluation against the selection criteria. During Phase 1, all applications scoring a minimum of 80% will be deemed eligible to proceed to Phase 2. During Phase 1, the City will also evaluate each application against any automatic disqualifying criteria. The results of Phase 1 shall be communicated in writing to each applicant and the Chief of Police.
- 3) Phase 2 Final Scoring and Permit Award: Applicants for all types receiving a minimum score of 80% will be permitted to advance to Phase 2 during which applicants must submit to the City the extent of the proposed Community Benefit for final scoring of the applications. During this Phase, subject to approval up to the maximum number of cannabis businesses of each type authorized to operate in Tracy (TMC Section 6.36.040 (a)(vi.)) the Chief of Police awards Cannabis Business Permits, if any. The permits may be awarded to the four (4) applicants of each business type identified as receiving the highest cumulative score from Phase 1 and Phase 2.
- 4) In the event of a tie in final (Phase 2) scores for applicants, such that there are more than four applications in the top four scoring slots, the City, at a noticed public hearing, will conduct a random drawing or multiple random drawings, if necessary, between the applicants in those top slots in order to issue a maximum of four permits per business type. The random drawing would be conducted only when necessary to break a tie.

Prior to commencing cannabis business operations, Cannabis Business Permittees must obtain additional permits, including a Conditional Use Permit, Cannabis Employee Permits, and a City Business License. Information on those permits and processes can be found on page four (4) of these Procedures and Guidelines.

Background Check

As part of the application submittal requirements, each owner must undergo a criminal background check demonstrating they do not provide "good cause" for denial per TMC Section 6.36.060 and 6.36.070 and pay applicable fees and charges. The Background Check Authorization Form will be available on the City website or in the Police Department located at 1000 Civic Center Drive, Tracy, CA 95376 (adjacent to City Hall). Owners must submit the Background Check Authorization Form to the Police Department. After the Background Check Authorization Form has been processed, owners will receive a Request for Live Scan services, State of California Form BCIA 8016 from the Police Department. At that time, the owners may conduct the Live Scan at the Police Department or visit other Live Scan background service providers. Visit the California Department of Justice website <https://oag.ca.gov/fingerprints/locations?county=San%20Joaquin> for a list of Live Scan service

providers in San Joaquin County. Documentation demonstrating that owners background checks have been completed or are in process is required on or before 3:00 pm on August 5, 2020 in order for your application to proceed. Owners who do not meet criminal history eligibility requirements will be disqualified and their application will be deemed disqualified.

APPLICATION SUBMITTAL REQUIREMENTS

Applicants must hand-deliver five hard copy of all materials, and a complete electronic copy (PDF format) of all materials on a USB thumb drive (i.e. flashdrive), at the time of application submittal. All applicants must submit, with the exception of site or building plans, all hard copy materials single sided in a simple 3-ring binder of 8.5 x 11 inch sized paper, not to exceed 125 one-sided pages. No applications in a "Spiral" or "Comb" type of binding, or stapled documents will be accepted. For larger size hard copy materials such as site or building plans, submit sheets no greater than 30x42 inches, folded, collated, unstapled, and secured together with rubber bands.

A complete application will consist of the following:

1. Application Forms:
 - a) City of Tracy Cannabis Business Permit Application Form with signatures
 - b) Applicant Indemnification Form with signatures - Applicant will execute a waiver and release of liability and an agreement indemnifying the City from any liability
 - c) Proof of Insurance for cannabis business, if operational
 - d) Notarized Owner's Statement of Consent from property owner acknowledging that the applicant intends to use the property for cannabis related business and activities.
2. Background Check Authorization Form and Proof of Live Scan payment for each owner
3. The following information, which is further described in Appendix A:
 - a) Copies of State licenses relating to cannabis activities that the applicant holds, if any
 - b) Tax Compliance documentation including copy of state tax seller's permit, and applicant's recent year's financial statement and tax returns
 - c) Business and Operations Plan
 - d) Community Relations Plan
 - e) Safety and Security Plan
 - f) Local Preference Plan
 - g) Social Equity Plan
 - h) Community Benefit proposal required for all permit types during Phase 2, described below.
4. Cannabis Business Application Fee (see below)

FEES

All applicants will be required to pay a fee of \$TBD for costs associated with City staff and consultant(s) time for reviewing applications and administering the application process. Applicants are advised that they may be required to pay additional amounts as required for the sole purpose of the City's completion of the application review and evaluation process. Payment of the \$TBD fee must be made by a certified check, cashier's check or money order made payable to the City of Tracy. Please note the City will not accept cash or credit cards and application fees are non-refundable.

APPLICATION EVALUATION PROCESS

THE CITY HAS A TWO PHASE APPLICATION REVIEW/EVALUATION AND SELECTION PROCESS

PHASE 1 – APPLICATION COMPLETENESS / EVALUATION AND ELIGIBILITY REVIEW

Applications received will be logged into the City's permit system, provided a permit number and will be evaluated by the City based on these Application Procedures and Guidelines, and Tracy Municipal Code Chapter 6.36. See APPENDIX A for additional descriptions of the evaluation criteria and scoring. Questions about the application process from applicants after application submittal should be made in writing and the City will share questions and responses with applicants.

For all Cannabis Business Permits, the City's Review Committee will assign points corresponding to conformance with the TMC requirements and these Application Procedures and Guidelines, as may be amended from time to time by Council resolution. The points will be tallied and the results presented to the Chief of Police for Phase 2. It is anticipated that the City process to review all of the applications could take 90 City business days.

For all business types an 80% score will enable the application to proceed to Phase 2, during which the applicant must submit to the City a community benefit proposal for final scoring by the City prior to the four (4) highest point earners (cumulative points from Phase 1 and Phase 2) for each business type proceeding to the administrative hearing for issuance of a Cannabis Business Permit by the Chief of Police.

PHASE 2 - CANNABIS BUSINESS PERMIT ISSUANCE

Applications receiving the minimum points as described in Phase 1 will be eligible to submit for evaluation the proposed community benefit. The City will assign a final score based on the community benefit, and the highest four (4) point earners (cumulative points) for all business types will proceed to an administrative hearing for permit award. The Chief of Police will review the applications as a result of Phase 1 and Phase 2 and make the final determination to issue Cannabis Business Permits in accordance with TMC Section 6.36.060 for all Cannabis Business Permit types.

In the event of a tie in final (Phase 2) scores, such that there are more than four applications in the top four scoring slots for each permit type, the City, at a noticed public hearing, will conduct a random drawing or multiple random drawings, if necessary, between the applicants in those top slots in order to issue a maximum of four permits per business type. The random drawing would be conducted only when necessary to break

a tie.

Furthermore, the City reserves the right to award a lesser number of Cannabis Business Permits than may be deemed eligible for Phase 2, or to award no permits at all.

After the Chief of Police makes the final decision to issue a Cannabis Business Permit, any applicant wishing to appeal the Chief of Police's final decision may appeal that decision to the City Manager within ten (10) City business days from the issuance of the permit. Such appeals shall comply with the requirements of TMC Chapter 1.12.

Written notice of the results of Phase 2 shall be provided within five City business days to all applications/applicants.

Please note that being awarded a Cannabis Business Permit does not constitute a land use entitlement and does not waive or remove the requirements of applying for and receiving permits for all construction including: electrical, plumbing, fire, planning permits or reviews, and any other permits, licenses, or reviews as may be necessary by the relevant departments or governmental entities in charge of said permits. Nor does it guarantee that the plans submitted via the application process meet the standards or requirements in Chapter 6.36, Section 10.08.3196 or any other permit requirements from other City departments or agencies.

ADDITIONAL CITY APPROVALS REQUIRED PRIOR TO OPERATING A CANNABIS BUSINESS IN TRACY

Conditional Use Permit & Building Permit

Upon receiving a Cannabis Business Permit, applicants are then required to submit for a Conditional Use Permit (CUP), which will be reviewed by the Planning Commission and may require review pursuant to the California Environmental Quality Act (CEQA). After a CUP is obtained, applicants may then submit applications for building permits for any necessary renovation or construction. Information and application forms and requirements for a CUP can be found [here](#) and information and application forms for Building Permits can be found [here](#).

Please note that the CUP and the Building Permit require the payment of separate processing fees for each of those permits, in addition to the fee required for the Cannabis Business Permit.

City Business License

Prior to commencing any cannabis business operation, a City business license must be obtained. Information on obtaining a City business license may be found [here](#).

Cannabis Employee Permit

Pursuant to TMC Section 6.36.150, any person who is an employee or who otherwise works within a cannabis business must obtain a cannabis employee permit from the City prior to performing any work at any cannabis business. Information on obtaining a City of Tracy cannabis employee permit may be found [here](#).

Community Benefit Agreement or Development Agreement

Prior to commencing any cannabis business operation, a Community Benefit Agreement or a

Development Agreement must be executed between the permit holder and the City to ensure completion of the community benefit.

CONTACT INFORMATION

If you have any questions or would like an update on the status of your application, please call the Development Services Department at 209.831.6400 or by email at des@cityoftracy.org.

DRAFT

APPENDIX A: DESCRIPTION OF APPLICATION AND EVALUATION CRITERIA

SECTION 1: Application format and completion of required forms

This section relates to the form of the application and the thoroughness with which the application forms have been completed. Please note that if any of the required forms are not submitted, the application will be disqualified.

1. Are all of required forms included with signatures?
Commercial Cannabis Application Form
Applicant Indemnification Forms
Property Owner Statement of Consent Form
2. Has the application followed the required format?
3. Is there a flash drive?
4. Have the requisite number of copies been submitted?

SECTION 2: Background Check Authorization Form and Proof of Live Scan Payment

This section relates to the completion of a background check. If this process has not been initiated and documentation of proof of payment has not been completed, the application will be disqualified.

1. Has proof of the Live Scan payment been submitted?

SECTION 3: Information Pertaining to the Cannabis Business

This section relates to the Merit Based Selection Criteria (attached) for Commercial Cannabis Businesses. The detail and quality of responses will be used in scoring applications; applications will be reviewed against the criteria, the TMC, and each other. The City will review applications for clarity, responsiveness, and which applications best meet and are most responsive the City's criteria. The attached criteria establish the potential points per category, and also identifies required application components.

SECTION 4: Information Pertaining to the Community Benefit:

The community benefit should be quantified and described. The community benefit will be scored by the City. Examples of community benefit include those items identified in the merit based selection criteria.

**CITY OF TRACY - MERIT BASED SELECTION CRITERIA FOR COMMERCIAL CANNABIS BUSINESS
PERMIT APPLICATION/ELIGIBILITY SCREENING**

5/19/2020

DESCRIPTION OF CRITERIA	All Cannabis Business Types	Points Awarded
<p>The detail and quality of responses will be used in scoring applications against one another. All criteria are required meaning that if an application fails to address a criterion, or if the application lacks sufficient detail to demonstrate how the criterion will be met, the application will be deemed ineligible to receive a permit.</p>	<p>76-point system: Eligibility, then Final Score</p>	
<p>SECTION 1: BUSINESS AND OPERATIONS PLAN (18 possible points)</p>		
<p>a) Finances and Budget - Describe the budget for the construction, operation, maintenance, compensation of employees, equipment, property lease, security equipment and staff, City fees, state fees, utility costs, product purchases and other anticipated contingency costs. The budget must demonstrate sufficient capital in place to pay start-up costs and at least three months of operating costs, as well as a description of the sources and uses of funds.</p>	<p>0-3</p>	
<p>b) Daily Operations - With as much detail as necessary, the Business and Operations Plan should describe the day-to-day operations that meet the industry best practices for the type of business permit sought, and how such practices have been included into the business Standard Operating Procedures (SOPs).</p>	<p>0-3</p>	
<p>c) Conformance with Local and State Laws - Describe how the Cannabis Business will conform to local and state laws.</p>	<p>0-3</p>	
<p>d) Professional Qualifications – Do the owners demonstrate bona fide business experience? List and describe special business or professional qualifications or licenses of owners that would add to the number or quality of services that the Cannabis Business would provide, especially in areas related to medicinal cannabis, such as scientific or health care fields.</p>	<p>0-3</p>	
<p>e) Cannabis Business Experience - Describe any and all commercial cannabis activity engaged in as an owner, manager, lender, employee, volunteer, or agent by the Applicant and all owners of the Commercial Cannabis Business, officers and managers including but not limited to the location of such activity and a copy of any permits, licenses, or other written forms of permission for such activity by a local or state government entity.</p>	<p>0-3</p>	

DESCRIPTION OF CRITERIA	All Cannabis Business Types	Points Awarded
f) Conformance with State Testing – Describe the SOPs for how all cannabis products on the premises have met the testing requirements as defined by the State.	0-3	
SECTION 2: COMMUNITY RELATIONS PLAN (9 possible points)		
a) Customer Education - Describe the proposed process to educate customers regarding cannabis products, including the potency and effects of products, as well as variety. Describe the SOP for 24-hour minimum response time to issue cannabis recall notifications.	0-3	
b) Good Neighborliness - Describe how the Cannabis Business will proactively manage its private, semi-private, and surrounding public areas to avoid becoming a nuisance or having negative impacts on neighbors and surrounding community.	0-3	
c) Odor Control – Describe methods and plan for odor control and compliance with TMC Section 6.36.020 (d)	0-3	
SECTION 3: SAFETY AND SECURITY PLAN (18 possible points)		
a) Safety/Security Experience – Describe the security experience of the individual/firm designing the security plan. Does the firm have licensed professionals in areas of fire prevention and suppression?	0-3	
b) Employee Safety Education – Describe the employee safety education plan, including training regarding product handling, security and burglary/robbery protocols, and other potential hazards of the cannabis business.	0-3	
c) Security Guards – Describe the anticipated security guard plan for the business, including number of guards and hours.	0-3	
d) Video Camera Surveillance – Describe video camera surveillance and how they meet or exceed state requirements. Include detail on the number of cameras and resolution of cameras.	0-3	
e) Inventory Control/Visitor Access Control – Describe the visitor access control measures, and operational security related to inventory control.	0-3	
f) Alarm System – Describe the plan for alarm systems and how they are professionally monitored and how all alarms are responded to by a private security company.	0-3	
SECTION 4: LOCAL PREFERENCE PLAN (13 possible points)		
a) 51% Local Ownership – State the extent to which the Cannabis Business will be a locally managed enterprise whose owners (at least 51%) reside within the City of	0-5	

DESCRIPTION OF CRITERIA	All Cannabis Business Types	Points Awarded
Tracy. Applicants must show proof that at least 51% of the owners have been residents of Tracy for at least 2 years prior to June 6, 2020. Such proof shall consist of a utility bill with owners name(s), a lease, a deed, or other similar documentation.		
b) Number of years of residency of owners beyond 2 years	0-5	
c) Economic Inclusion (Production) – Describe the extent to which products will be purchased from cultivators or manufactures located in San Joaquin County.	0-3	
SECTION 5: SOCIAL EQUITY PLAN (3 possible points)		
a) Business Practices – Describe the business practices or characteristics that emphasize women in leadership roles, the degree of economic inclusion of employees (i.e. description of benefits), and opportunity for seniors and individuals from minority groups in the business ownership.	0-3	
SECTION 6: COMMUNITY BENEFITS PROPOSAL (15 points)		
<p>a) City Council Strategic Priorities – Describe and quantify the community benefit and how it facilitates or better furthers one or more of the City Council’s adopted Strategic Priorities, for example, by:</p> <p>Total Financial Contribution - Quantify the extent of the financial contribution as a component of the community benefit. The higher the contribution, the higher the points awarded; and/or by:</p> <p>Total Hours of Commitment – Quantify the extent of the involvement in volunteer hours that will be dedicated to furthering one or more of the City Council’s Strategic Priorities. The higher the contribution, the higher the points awarded</p>	0-15	
Points from Eligibility Screening (passing eligibility score for in all business types is 49= 80% of 61 points)		
Points from Community Benefit (total of 15 points)		
Total Cumulative Points from Eligibility Screening and Community Benefit Proposal Combined (61 possible points from eligibility screening + 15 possible points from community benefit = 76 total possible points)		

RESOLUTION 2020-_____

APPROVING THE CANNABIS BUSINESS PERMIT APPLICATION PROCEDURES AND GUIDELINES

WHEREAS, In November 1996, California voters approved the Compassionate Use Act of 1996 (“CUA”) which authorized a limited defense to criminal charges for the use, possession or cultivation of marijuana (cannabis) for medical purposes when a qualified patient has a doctor’s recommendation for the use of cannabis, and

WHEREAS, In November of 2016, California voters approved Proposition 64, the Adult Use of Marijuana Act (“AUMA”), which legalized the use of non-medicinal (recreational) cannabis by adults and the cultivation of up to six cannabis plants for personal use; and the AUMA also created a statewide regulatory framework for the cultivation, production, and sale of non-medical cannabis for adult use, and

WHEREAS, In June, 2017, the State legislature adopted Senate Bill 94 creating a new statewide comprehensive regulatory system for medical and adult use commercial cannabis activity titled Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”), and

WHEREAS, CUA, AUMA, and MAUCRSA do not prohibit cities from enacting regulations regarding commercial cannabis activities and uses, and

WHEREAS, The City seeks to establish regulations for commercial cannabis activity in the City of Tracy to ensure such activities are conducted in a manner that mitigates negative impacts, protects the public health, safety, and welfare of residents, and supports economic development, and

WHEREAS, On December 3, 2020, the Tracy City Council adopted Ordinance 1277, establishing local regulations for commercial cannabis activity in Tracy and requiring a Cannabis Business Permit to engage in commercial cannabis activity within the City of Tracy, and

WHEREAS, Ordinance 1277 establishes that the City Council shall adopt, by resolution, the procedures to govern the application process, and the manner in which the decision to issue a cannabis business permit(s) is made (the “Application Procedures and Guidelines”), and

WHEREAS, The proposed Application Procedures and Guidelines is exempt from the California Environmental Quality ACT (CEQA) pursuant to Business and Professions Code Section 26055(h) which provides that CEQA does not apply to the adoption of an ordinance, rule, or regulation that requires discretionary review and approval of permits or other authorizations to engage in commercial cannabis activity, and

WHEREAS, This Project is further exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As this is only application processing guidelines, it can be seen with certainty that there is no possibility that the resolution approving the Application Procedures and Guidelines will have a significant effect on the environment, and

WHEREAS, On January 21, 2020, and April 21, 2020, the City Council conducted public hearings to consider the Application Procedures and Guidelines;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby adopts the Application Procedures and Guidelines for commercial cannabis businesses as set forth in Exhibit 1, attached hereto.

The foregoing Resolution 2020-_____ was adopted by the Tracy City Council on the 19th day of May 2020, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 3.D

REQUEST

INTRODUCE AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 6.36 OF THE TRACY MUNICIPAL CODE REGARDING COMMERCIAL CANNABIS ACTIVITY

EXECUTIVE SUMMARY

Chapter 6.36 of the Tracy Municipal Code (“TMC”) contains regulations for commercial cannabis activities in Tracy. Since December 3, 2019, regulations have been in place for commercial cannabis activities including, cultivation, distribution, manufacturing, microbusinesses, dispensaries (including non-storefront/delivery), and testing laboratories.

The proposed ordinance amends various sections of Chapter 6.36 to clarify or “cleanup” provisions, reflect technical changes, add new regulatory measures to address a fast-evolving industry and incorporate recent Council direction.

DISCUSSION

On December 3, 2019, the City Council adopted an ordinance amending Chapter 6.36 of the TMC to establish local regulations for commercial cannabis activity in Tracy. Since the Council’s adoption of the regulatory ordinance, staff has determined there are various sections needing cleanup and technical changes to allow for greater clarity, consistency, and efficiency in the permitting process. At the April 21, 2020 City Council meeting, Council directed staff to amend the regulatory ordinance to limit the number of permits for all permit types to a maximum of 4 permits per business type. In addition, the cannabis regulatory landscape continues to evolve and has caused a need to modify sections in Chapter 6.36 to ensure that it remains consistent with state law and current best practices.

A summary of the proposed amendments to Chapter 6.36 include:

- A limit on the number of cannabis business permits issued for all permit types to a maximum of 4 permits per business types; the regulatory ordinance currently provides for a maximum of 4 permits for the Storefront Retailer (Dispensary) business type;
- Addition of grounds to deny a permit to applicants for a cannabis business permit, if evidence exists that the applicant has a conviction of any of the offenses enumerated in California Business and Professions Code Section 26057(b)(4) and is unable to provide a Certificate of Rehabilitation. This change makes the City’s regulations consistent with state law licensing requirements;
- Modification to the grounds to deny a permit to applicants for a cannabis employee permit to be consistent with the grounds provided for denial of applicants for a cannabis business permit. A cannabis employee permit may be denied, if evidence exists that the applicant has a conviction of any of the offenses enumerated in

California Business and Professions Code Section 26057(b)(4). Notwithstanding the grounds for denial of a cannabis employee permit, the regulatory ordinance currently allows an employer wishing to hire an employee to seek a waiver from the Police Chief upon submitting a statement of rehabilitation regarding the employee;

- A revision to the cannabis employee permit requirements to clarify that the requirement for a prospective employee to provide information on the application regarding a cannabis business employer shall not restrict the holder of a valid cannabis employee permit from working for a different cannabis business. This change is in response to question that was raised during the April 21, 2020 City Council meeting on whether a cannabis employee permit would allow an employee to work for a different employer while the permit is valid;
- Tighter controls over transfers of cannabis business permits by clarifying that no permittee may transfer a cannabis business permit unless the transfer is in accordance with the TMC's requirements. This change is in response to current best practices that seek to ensure that cannabis businesses operating in Tracy comply with the TMC and state law, and to prevent any person who has not been vetted by the City from potentially exercising undue control over cannabis business in Tracy;
- Prohibition on the use of any kiosk or other related technology platforms for the sale and delivery of cannabis goods, unless used by a licensed state retailer or City cannabis business retailer permittee. This change is to prevent sites, including online sites such as Weedmaps, from facilitating, or assisting in the sale or delivery of cannabis or cannabis products from unlicensed retailers and the occurrence of unlicensed "pop up" shops; and
- Other technical, non-substantive amendments.

The proposed amendments seek to ensure a more effective permitting process and regulatory structure for permitted businesses.

Responses and Clarifications to Questions Raised During April 21, 2020 City Council Meeting:

During the April 21, 2020 City Council meeting, questions were raised regarding requirements and restrictions within the regulatory ordinance and their potential application to storefront retailers (dispensaries) and non-storefront retailers (delivery only).

One question addressed whether the regulatory ordinance affects the ability of storefront retailers (dispensaries) to deliver cannabis goods. Under state law and regulations, licensed storefront retailers (dispensaries) are authorized to sell cannabis goods at the City-permitted premises or by delivery to customers (Bus. & Prof. Code §§ 26070, 26090; 16 CCR § 5402). The regulatory ordinance is consistent with state law and regulations.

Another question addressed whether the regulatory ordinance allows non-storefront retailers (delivery only) to purchase cannabis goods wholesale from a distributor or

manufacturer directly and then sell and deliver those goods from the City-permitted premises to customers. Under state law and regulations, a non-storefront retailer (delivery only) is authorized to sell and deliver cannabis goods to customers exclusively through delivery (Bus. & Prof. Code §§ 26070, 26090; 16 CCR § 5414). A non-storefront retailer must have a City-permitted premises to store the cannabis goods for delivery (Bus. & Prof. Code §§ 26070(a)(1)). Additionally, state regulations only allow a licensed retailer to receive cannabis goods from a licensed distributor or licensed microbusiness authorized to engage in distribution (16 CCR §§ 5406, 5414). The regulatory ordinance is consistent with state law and regulations.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Public Safety and Quality of Life Strategic Priorities, which are to enhance community safety by promoting a responsive public safety system that includes civic engagement and partnerships, prevention, intervention, and suppression services that meet the needs of Tracy residents, and to provide an outstanding quality of life by enhancing the City's business mix and services.

FISCAL IMPACT

There is no fiscal impact associated with this agenda item.

RECOMMENDATION

That the City Council introduce and waive the full reading of an ordinance amending various sections of Chapter 6.36 of the Tracy Municipal Code regarding commercial cannabis activity.

Prepared by: Bianca Rodriguez, Assistant City Attorney
Leticia Ramirez, City Attorney

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

Approved by: Jenny Haruyama, City Manager

Attachments:

A - Redline Copy of Proposed Amendments to Chapter 6.36 of the Tracy Municipal Code
B - Business and Professions Code Section 26057

Attachment A: Redline Copy – Amendment to Sections in Chapter 6.36 Regarding Commercial Cannabis Activities

Section 6.36.040. Maximum Number and Type of Authorized Commercial Cannabis Businesses Permitted.

(a) Maximum Number and Type of Authorized Cannabis Businesses Permitted. The number of each type of cannabis business that shall be permitted to operate in the City at any one given time shall be as follows:

- i. Cultivation (Indoor Only) - a maximum of four (4) cultivators. ~~no maximum number.~~
- ii. Distribution - a maximum of four (4) distributors. ~~no maximum number.~~
- iii. Manufacturing - a maximum of four (4) manufacturers. ~~no maximum number.~~
- iv. Microbusiness - a maximum of four (4) microbusinesses. ~~no maximum number.~~
- v. Retailer - Non-Storefront (Delivery Only) - a maximum of four (4) non-storefront retailers. ~~no maximum number.~~
- vi. Retailer - Storefront (Dispensary) - a maximum of four (4) storefront retailers.
- vii. Testing Laboratory - a maximum of four (4) testing laboratories. ~~no maximum number.~~

This Section is only intended to create a maximum number of cannabis businesses that may be issued permits to operate in the City under each category. Nothing in this Chapter creates a mandate that the City Council must issue any or all of the cannabis business permits if it is determined that the applicants do not meet the standards which are established in the application requirements or further amendments to the application process.

(b) Each year following the Police Chief's initial award of cannabis business permits, if any, or at any time in the City Council's discretion, the City Council may reassess the number of cannabis business permits which are authorized for issuance. The City Council, in its discretion, may determine by ordinance whether the number of commercial cannabis permits should change.

Section 6.36.050. Application Procedure for a Cannabis Business Permit.

(a) The City Council shall adopt by resolution the procedures to govern the application process, and the manner in which the decision to issue a cannabis business permit(s) is made. Said resolution shall authorize City staff and/or consultants to provide detailed objective review criteria to be evaluated on a point system or equivalent quantitative evaluation scale tied to each set of review criteria ("Review Criteria") and to prepare the necessary forms, solicit applications, and review and evaluate the applicants. Applications for a cannabis business permit shall include, but not be limited to, the following information:

- i. Applicant Background Information.
 - A. A description of the statutory entity or business form that will serve as the legal structure for the applicant and a copy of its formation and organizing documents, including, but not limited to, articles of incorporation, certificate of amendment, statement of information, articles of association, bylaws, partnership agreement, operating agreement, and fictitious business name statement.
 - B. The phone number and address to which any notices and correspondence regarding the application is to be

Attachment A: Redline Copy – Amendment to Sections in Chapter 6.36 Regarding Commercial Cannabis Activities

- mailed.
- C. Owners. The name, address, telephone number, title, respective percentage of ownership, and function of each of the owners.
- D. Background checks. For each of the interested parties:
 - 1. A legible copy of one valid government-issued form of photo identification, such as a state driver's license, a passport issued by the United States, or a permanent resident card.
 - 2. A list of their misdemeanor and felony convictions, if any. For each conviction, the list must set forth the date of arrest, the offense charged, the offense convicted, the sentence, the jurisdiction of the court, and whether the conviction was by verdict, plea of guilty, or plea of nolo contendere.
 - 3. Consent to fingerprinting and a criminal background investigation.
- E. Evidence of a conviction of any of the offenses enumerated in California Business and Professions Code Section 26057(b)(4), absent a Certificate of Rehabilitation, shall be ground for immediate disqualification of the applicant.
- ii. Business operations.
 - A. Business plan. A plan describing how the cannabis business will operate in accordance with this code, state law, and other applicable regulations. The business plan must include proof of sufficient capital to start the business and sustain it through the first three months of operation, plans for handling cash and transporting cannabis and cannabis products to and from the site.
 - B. Community relations plan. A plan describing who is designated as being responsible for outreach and communication with the surrounding community, including the neighborhood and businesses, and how the designee can be contacted.
 - C. Document(s) demonstrating property owner acknowledgement. Document(s) demonstrating that the property owner is fully aware that the applicant intends to use the property for cannabis business purposes. Document(s) must include name, address, and contact information for the property owner.
 - D. State licenses. Copies of any state licenses relating to cannabis that the applicant holds.
 - E. Tax compliance. A current copy of the applicant's city business operations tax certificate pursuant to Chapter 6.04. A copy of the applicant's state sales tax seller's permit, if applicable. If the applicant has not yet received a sales tax seller's permit, then the applicant shall attest that the applicant is currently applying for a seller's permit. and—A copy of the applicant's most recent year's financial statement and tax returns, if applicable.
 - F. Insurance. The applicant's certificate of commercial general liability insurance and endorsements and certificates of all other insurance related to the operation of the cannabis business.
 - G. Budget. A copy of the applicant's most recent annual budget for operations.

Attachment A: Redline Copy – Amendment to Sections in Chapter 6.36 Regarding Commercial Cannabis Activities

- H. Price list. A list of the most recent prices for all products and services provided by the applicant.
 - iii. City authorization. Authorization and consent for the City to seek verification of the information contained within the application.
 - iv. Applicant's certification. A statement dated and signed by the applicant, under penalty of perjury, that the applicant has personal knowledge of the information contained in the application, that the information contained therein is true and correct, and that the application has been completed under the applicant's supervision.
 - v. Indemnification. An agreement, in a form approved by the City Attorney, whereby the applicant: (1) releases the City, and its agents, officers, elected officials, and employees from any and all claims, injuries, damages, or liabilities of any kind arising from: (a) any repeal or amendment of this Chapter or any provision of Title 10 of the Zoning Code relating to cannabis, and (b) any arrest or prosecution of the applicant or its managers, employees, or members for violation of state or federal laws; and (2) defends, indemnifies, and holds harmless the City and its agents, officers, elected officials, and employees from and against any and all claims or actions: (a) brought by adjacent or nearby property owners or any other parties for any damages, injuries, or other liabilities of any kind arising from operations at the commercial cannabis business, and (b) brought by any party for any problems, injuries, damages, or other liabilities of any kind arising out of the distribution of cannabis produced or processed at the site or by the business.
- (b) Non-Refundable Application Fee. At the time of filing, each applicant shall pay a non-refundable application fee established by resolution of the City Council, to cover all costs incurred by the City in the application process.
- (c) Review of Applications. The Development Services Director or designee, Finance Director or designee, and Fire Chief or designee ("Review Committee") shall conduct an initial review of the applications and rank and score the applications utilizing the Review Criteria. The Review Committee shall then make a recommendation to the Police Chief or designee, who shall make a final selection in accordance with Section 6.36.060.
- (d) THE CITY'S RESERVATION OF RIGHTS:

The City reserves the right to reject any or all applications. Prior to cannabis business permit issuance, the City may also modify, postpone, or cancel any request for applications, or the entire program under this Chapter, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under California law. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this Chapter, may be cancelled at any time prior to cannabis business permit issuance. The City further reserves the right to request and obtain additional information from any candidate submitting an application.

Section 6.36.060. Selection of Cannabis Business Permittee(s).

- (a) The Police Chief or designee shall determine which applicants will be granted a

Attachment A: Redline Copy – Amendment to Sections in Chapter 6.36 Regarding Commercial Cannabis Activities

cannabis business permit in accordance with the procedures established referenced in Section 6.36.050, subsection (a). The Police Chief's or designee's decision as to the selection of permittees shall be appealable to the City Manager. Such appeals shall comply with Chapter 1.12 of this Code.

(b) Upon issuance of a conditional use permit, a cannabis business permit is valid at only the location granted under the conditional use permit and State License.

~~(c)~~ Issuance of a cannabis business permit does not constitute a land use ~~entitlement permit~~ ~~nor does it constitute a land use permit~~. Following the Police Chief's selection, the prevailing candidate(s) shall apply to the City's Development Services Department to obtain a conditional use permit pursuant to Section 10.08.4250 and any other required land use approvals or ~~entitlements~~ permits for the permittee's premises. Land use approvals shall include compliance with all applicable provisions of California Environmental Quality Act.

~~Conditions placed on the conditional use permit issued under Title 10 of this Code are also conditions of the cannabis business permit. Any violation of the conditional use permit's conditions is grounds for suspending or revoking the cannabis business permit.~~

~~(e)~~(d) Furthermore, no permittee shall begin operations, notwithstanding the issuance of a cannabis business permit, unless all of the state and local laws and regulations have been complied with, including but not limited to the requirements of this Chapter and Section 10.08.3196 of this Code.

~~(e)~~(f) Notwithstanding anything in this Chapter to the contrary, the City reserves the right to reject any or all applications if it determines it would be in the best interest of the City, taking into account any health, safety and welfare impacts on the community. Applicants shall have no right to a cannabis business permit until a permit is issued, and then only for the duration of the term specified in the permit. Each applicant assumes the risk that, at any time prior to the issuance of a cannabis business permit, the City Council may terminate or delay the program created under this Chapter.

(f) If an application is denied for a cannabis business permit, a new application may not be filed for one (1) year from the date of the denial.

(g) Permit Fee. Each person granted a Cannabis Business Permit shall pay the permit fee established by resolution of the City Council, to cover the costs of administering the cannabis business permit regulatory program created in this Chapter.

Section 6.36.090. Suspension, Modification, or Revocation of Cannabis Business Permits.

- (a) The Police Chief or designee may suspend, modify, or revoke a cannabis business permit issued pursuant to the provisions of this Chapter for any of the following reasons:
- i. One or more of the circumstances upon which a cannabis business permit could be denied, as described in Section 6.36.070, exists or has occurred;
 - ii. One or more conditions of the cannabis business permit has been violated;
 - iii. The Permittee, its owners, officers, directors, partners, agents, or other persons

Attachment A: Redline Copy – Amendment to Sections in Chapter 6.36 Regarding Commercial Cannabis Activities

vested with the authority to manage or direct the affairs of the business have violated any provision of this Chapter; or
~~iii.~~iv. One or more of the conditions placed on the conditional use permit issued under Title 10 of this Code has been violated.

- (b) The Police Chief's or designee's decision as to the suspension, modification, or revocation of a cannabis business permit shall be appealable to the City Manager. Such appeals shall comply with Chapter 1.12 of this Code.

Section 6.36.100. Renewal Applications.

- (a) An application for renewal of a cannabis business permit shall be filed at least sixty (60) calendar days prior to the expiration date of the current permit.

- (b) The renewal application shall contain all the information required for new applications under this Chapter and the procedures established by City Council resolution.

- (c) The applicant shall pay a fee in an amount set by the City Council to cover the costs of processing the renewal permit application, together with any costs incurred by the City to administer the program created under this Chapter.

- (d) An application for renewal of a cannabis business permit shall be denied if any of the following exists:

- i. One or more of the circumstances upon which a cannabis business permit could be denied, as described in Section 6.36.070, exists or has occurred;
- ii. The application is filed less than sixty (60) days before its expiration.
- iii. The cannabis business permit is suspended or revoked at the time of the application.
- iv. The cannabis business has not been in regular and continuous operation in the four (4) months prior to the renewal application, unless the applicant has been granted a conditional use permit ~~for a vacant site~~ and is subject diligently pursuing either a discretionary permit or building permit, or is in construction.
- v. The permittee fails to or is unable to renew its State License.

- (e) The Police Chief or designee(s) is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the Police Chief or designee(s) is authorized to impose additional conditions to a renewal permit, if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the Police Chief or designee(s) shall be directed to the City Manager and shall be handled pursuant to Chapter 1.12.

- (f) If a renewal application is denied, a person may file a new application pursuant to this Chapter no sooner than one (1) year from the date of the rejection.

- (g) If an existing cannabis business permit holder fails to renew their permit, the City may, in its discretion, solicit and consider permit applications from other applicants

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pursuant to Sections 6.36.050 and 6.36.060.

Section 6.36.130. Transfer of Cannabis Business Permit.

(a) ~~No permittee~~ The holder of a cannabis business permit shall not assign, sell, or transfer any or all ownership interests or control of the permit to another person or entity and any attempt to assign, sell, or transfer a cannabis business permit or ownership interest in a cannabis business permit, either directly or indirectly in violation of this section, is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the permit.

(b) ~~Notwithstanding subsection (a) above, a permittee wishing to transfer any or all ownership interests or control of the permit to another person or entity may do so provided that unless and until~~ the transferee obtains an amendment to their State License, if required, and an amendment to the permit from the Police Chief stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the Police Chief or designee(s) in accordance with all provisions of this Chapter (as though the transferee were applying for an original cannabis business permit) accompanied by a transfer fee in an amount set by resolution of the City Council, and the Police Chief or designee(s) determines that the transferee passed the background check required under subsection (a) of Section 6.36.050 for permittees and meets all other requirements of this Chapter.

(c) ~~Cannabis business permits issued through the grant of a transfer by the Police Chief shall be valid for a period of one year beginning on the day the Police Chief approves the transfer of the permit. Before the transferee's permit expires, the transferee shall apply for a renewal permit in the manner required by this Chapter.~~

(d) ~~Changes in ownership of a permittee's business structure or a substantial change in the ownership of a permittee business entity (changes that result in a change of more than 51% of the original ownership), must be approved by the Police Chief or designee(s) through the transfer process contained in this subsection (ba). Failure to comply with this provision is grounds for revocation.~~

(d) ~~A permittee may change the form of business entity without applying to the Police Chief or designee(s) for a transfer of permit, provided that either:~~

- i. ~~The membership of the new business entity is substantially similar to original permit holder business entity (at least 51% of the membership is identical), or~~
- ii. ~~If the original permittee is an unincorporated association, mutual or public benefit corporation, agricultural or consumer cooperative corporation and subsequently transitions to or forms a new business entity as allowed under the MAUCRSA and to comply with Section 6.36.130, subsection (b), provided that the Board of Directors (or in the case of an unincorporated association, the individual(s) listed on the City permit application) of the original permittee entity are the same as the new business entity.~~

~~Although a transfer is not required in these two circumstances, the permit holder is required to notify the Police Chief or designee(s) in writing of the change within ten~~

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~~(10) days of the change. Failure to comply with this provision is grounds for permit revocation.~~

(e) No cannabis business permit may be transferred when the Police Chief or designee has notified the permittee that the permit has been or may be suspended or revoked.

~~(f) Any attempt to transfer a cannabis business permit either directly or indirectly in violation of this section is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the permit.~~

Section 6.36.150. Cannabis Employee Permit Required.

(a) Any person who is an employee or who otherwise works within a cannabis business must be legally authorized to do so under applicable state law.

(b) Any person who is an employee or who otherwise works within a cannabis business must obtain a cannabis employee permit from the City prior to performing any work at any cannabis business.

(c) Applications for a cannabis employee permit shall be developed, made available, and processed by the Police Chief or designee(s), and shall include, but not be limited to, the following information:

- i. Name, address, and phone number of the applicant;
- ii. Verification of the applicant's age and identity. A copy of a birth certificate, driver's license, government issued identification card, passport or other proof that the applicant is at twenty-one (21) years of age must be submitted with the application;
- iii. Name, address of the cannabis business where the person will be employed, and the name and phone number of the primary manager of that business; This subsection (c)iii. shall not be construed to restrict the holder of a valid cannabis employee permit from seeking employment with a different cannabis business;
- iv. A list of any crimes enumerated in California Business and Professions Code Section 26057(b)(4) of which the applicant has been convicted;
- v. Name, address, and contact person for any previous employers from which the applicant was fired, resigned, or asked to leave and the reasons for such dismissal or firing;
- vi. The application shall be accompanied by fingerprints and a recent photograph of the applicant in a form and manner as required by the Police Chief or designee(s).
- vii. A fee paid in an amount set by resolution of the City Council in an amount necessary to cover the costs of administering the cannabis employee permit program. The fee is non-refundable and shall not be returned in the event the employee permit is denied or revoked.

(d) The Police Chief or designee(s) shall review the application for completeness, shall conduct a background check to determine whether the applicant was convicted of a

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crime or left a previous employer for reasons that show the applicant has ever been convicted of any of the offenses enumerated in California Business and Professions Code Section 26057(b)(4).:

- ~~i. Has ever been convicted of a violent felony as defined by California Penal Code Section 667.5, or equivalent offenses in other states;~~
- ~~ii. Has ever been convicted of a crime involving dishonesty, fraud or deceit, including but not limited to fraud, forgery, theft, or embezzlement as those offenses are defined in California Penal Code Sections 186.11, 470, 484, and 504a, respectively; or; equivalent offenses in other states; or~~
- ~~iii. Has ever been convicted of the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, except for cannabis related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.~~

Employers who wish to hire an individual notwithstanding this rule shall apply to the Police Chief, who at his/her sole discretion may issue a written waiver. The employer or employee shall submit a statement of rehabilitation for each conviction. The statement of rehabilitation may contain evidence that the employer or employee would like the Police Chief to consider that demonstrates the employee's fitness for a cannabis employee permit. Supporting evidence may be attached to the statement of rehabilitation and may include, but is not limited to, dated letters of reference from employers, instructors, or professional counselors that contain valid contact information for the individual providing the reference. The Police Chief's or designee's decision as to the selection of an employee shall be appealable to the City Manager. Such appeals shall comply with Chapter 1.12 of this Code.

Discovery of facts showing that the applicant has either failed to disclose or has been convicted of any of the ~~above~~ offenses enumerated in California Business and Professions Code Section 26057(b)(4) are grounds for denial of the permit. Where the applicant's sentence (including any term of probation, incarceration, or supervised release) for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is completed, such underlying conviction shall not be the sole ground for denial of a commercial cannabis employee permit.

(e) The Police Chief or designee shall implement the cannabis employee permit process in accordance with the procedures and rules established by resolution adopted by the City Council.

(f) A cannabis employee permit shall be valid for a twelve (12) month period from date of issuance and must be renewed on an annual basis. Renewal applications shall contain all the information required in Section 6.36.150, subsection (c) above including the payment of a renewal application fee in an amount to be set by resolution of the City Council.

(g) The City may immediately revoke the cannabis employee permit should the

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permit holder be convicted of a crime listed ~~in subsection (d)(ii) above~~ [California Business and Professions Code Section 26057\(b\)\(4\)](#). The following are additional grounds for revoking a cannabis employee permit based on the specific role and function of that employee:

- i. A cannabis employee permit shall be revoked if the employee permit holder:
 - A. Sells or provides cannabis or cannabis products to a minor;
 - B. Attempts to give away cannabis or cannabis products while working, unless as authorized pursuant to Section 5411 of Chapter 3, Division 42, Title 16 of the California Code of Regulations;
 - C. Acts to illegally divert cannabis or cannabis products to the black market, including stealing cash; stealing the licensee's product for personal consumption; or selling the licensee's product and keeping the proceeds of the sale; or
 - D. Is cited for driving under the influence of alcohol, cannabis or another illicit drug while on- or off-duty.

(h) The applicant may appeal the denial or revocation of a cannabis employee permit to the City Manager by filing a notice of appeal with the City Clerk within ten (10) working days of the date the applicant received the notice of denial or revocation, which appeal shall be conducted as set forth in Chapter 1.12 of this Code.

Section 6.36.370 Cannabis Non-Storefront (Delivery Only) Retailer Permit Requirements.

(a) Permit Required. No person shall operate a cannabis delivery only business in the City (without a valid City cannabis business permit issued pursuant to this Chapter, or in a manner that is inconsistent with the permit issued.

(b) Permit Fee. A cannabis delivery-only permit program fee is established and imposed. The City Council shall establish by resolution the amount of the permit fee and any related penalties.

(c) Permissible Delivery Locations and Customers. Cannabis delivery-only retailers are subject to the following requirements:

- i. Cannabis, cannabis products and cannabis accessories shall only be delivered to customers located at a residential address including a nursing or assisted living facility;
- ii. The delivery of Cannabis, cannabis products and cannabis accessories to any location or facility owned, leased or occupied by a public agency, including but not limited to, a public school, library, and community center, is expressly prohibited;
- ~~iii.~~ [No deliveries shall be conducted on private property open to the public, including but not limited to, business and professional offices, retail stores and their adjoining parking lots, places of assembly, eating and drinking establishments.](#)
- ~~iii.~~~~iv.~~ [Any kiosk, i-Pad, tablet, smartphone, fixed location or technology platform, whether manned or unmanned, other than a Licensee or Permit Holder, that facilitates directs or assists the retail sale or delivery of cannabis, cannabis products, or cannabis accessories, is expressly prohibited and shall be a violation of this Chapter.](#)

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(d) All cannabis and cannabis products being delivered shall be obtained from the site of the cannabis business that is authorized to deliver cannabis. No cannabis or cannabis products may be delivered from any other facility, such as a separate storage facility or a cannabis product manufacturing facility.

(e) No person delivering cannabis, cannabis products and cannabis accessories shall possess more than \$3,000 worth of cannabis and cannabis products at any time.

(f) The cannabis delivery only business shall use and maintain computer software to record the following information relating to each delivery:

- i. A delivery request that includes the date of the request, the full name of the person requesting the delivery, a specific description of the items requested, whether each item is a medical cannabis or adult-use cannabis product, and the address to which the items are to be delivered;
- ii. The name of the person who delivered the items; and
- iii. The date and time of the delivery.

(g) A person delivering cannabis or cannabis products on behalf of a cannabis non-storefront retailer shall carry the following items:

- i. A copy of the dispensary's current dispensary permit;
- ii. The person's government-issued identification;
- iii. Evidence of the person's City-issued cannabis employee permit; and
- iv. A copy of the delivery request as described in subsection (f).

(h) Upon demand of a peace officer or City employee authorized to enforce this chapter, a person delivering cannabis or cannabis products pursuant to this section shall present the items listed in subsection (g) for examination.

(i) No person shall deliver cannabis to anyone except the person who requested the delivery. The person delivering the cannabis shall confirm compliance with sections 6.36.370 (g) (medical cannabis dispensing operations) and 6.36.370(f) (adult-use cannabis dispensing operations), as applicable, by inspecting the relevant identification and documentation before handing the cannabis or cannabis product to the customer.

(j) A cannabis delivery-only retailer shall maintain the information described in subsection (f) for at least three years on the site and shall produce the information to the city upon request.

(k) **Delivery-Only Vehicle Requirements.** Prior to commencing operations, a Cannabis Non-Storefront Retailer shall provide the City with all information requested by the Police Chief or designee(s) regarding the vehicles used to deliver cannabis to customers. Such information shall include, but not be limited to the following:

- i. Proof of ownership of the vehicle or a valid lease for any and all vehicles that will be used to deliver cannabis or cannabis products.
- ii. Proof of insurance as required in section 6.36.140 (b) for any and all vehicles being used to deliver cannabis or cannabis products.
- iii. The make, model, color, and license number of all vehicles owned or leased by the commercial cannabis retailer and used to deliver cannabis or cannabis products.

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(l) Retail Sales Prohibited. No person shall conduct any retail sales of any good or services on or from a permitted cannabis delivery-only retailer site.

(m) Location Requirements. Cannabis non-storefront retail permittees shall locate in a site consistent with Section 10.08.3196.

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 10. Cannabis [26000 - 26250] (*Heading of Division 10 amended by Stats. 2017, Ch. 27, Sec. 3.*)

CHAPTER 5. Licensing [26050 - 26059] (*Chapter 5 added November 8, 2016, by initiative Proposition 64, Sec. 6.1.*)

26057. (a) The licensing authority shall deny an application if either the applicant, or the premises for which a state license is applied, do not qualify for licensure under this division.

(b) The licensing authority may deny the application for licensure or renewal of a state license if any of the following conditions apply:

- (1) Failure or inability to comply with the provisions of this division, any rule or regulation adopted pursuant to this division, or any requirement imposed to protect natural resources, including, but not limited to, protections for instream flow, water quality, and fish and wildlife.
- (2) Conduct that constitutes grounds for denial of licensure under Chapter 2 (commencing with Section 480) of Division 1.5, except as otherwise specified in this section and Section 26059.
- (3) Failure to provide information required by the licensing authority.
- (4) The applicant, owner, or licensee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the licensing authority determines that the applicant, owner, or licensee is otherwise suitable to be issued a license, and granting the license would not compromise public safety, the licensing authority shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant or owner, and shall evaluate the suitability of the applicant, owner, or licensee to be issued a license based on the evidence found through the review. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the licensing authority shall include, but not be limited to, the following:
 - (A) A violent felony conviction, as specified in subdivision (c) of Section 667.5 of the Penal Code.
 - (B) A serious felony conviction, as specified in subdivision (c) of Section 1192.7 of the Penal Code.
 - (C) A felony conviction involving fraud, deceit, or embezzlement.
 - (D) A felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor.
 - (E) A felony conviction for drug trafficking with enhancements pursuant to Section 11370.4 or 11379.8 of the Health and Safety Code.
- (5) Except as provided in subparagraphs (D) and (E) of paragraph (4) and notwithstanding Chapter 2 (commencing with Section 480) of Division 1.5, a prior conviction, where the sentence, including any term of probation, incarceration, or supervised release, is completed, for possession, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is not considered substantially related, and shall not be the sole ground for denial of a license.

Conviction for any controlled substance felony subsequent to licensure shall be grounds for revocation of a license or denial of the renewal of a license.

(6) The applicant, or any of its officers, directors, or owners, has been subject to fines, penalties, or otherwise been sanctioned for cultivation or production of a controlled substance on public or private lands pursuant to Section 12025 or 12025.1 of the Fish and Game Code.

(7) The applicant, or any of its officers, directors, or owners, has been sanctioned by a licensing authority or a city, county, or city and county for unauthorized commercial cannabis activities, has had a license suspended or revoked under this division in the three years immediately preceding the date the application is filed with the licensing authority.

(8) Failure to obtain and maintain a valid seller's permit required pursuant to Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code.

(9) Any other condition specified in law.

(Amended by Stats. 2018, Ch. 92, Sec. 23. (SB 1289) Effective January 1, 2019. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

ORDINANCE _____

AN ORDINANCE OF THE CITY OF TRACY AMENDING VARIOUS SECTIONS OF CHAPTER 6.36 OF TITLE 6 "BUSINESSES, PROFESSIONS, AND TRADES" OF THE TRACY MUNICIPAL CODE REGARDING LOCAL REGULATIONS OF COMMERCIAL CANNABIS ACTIVITY IN THE CITY OF TRACY

WHEREAS, In November 1996, California voters approved the Compassionate Use Act of 1996 ("CUA") which authorized a limited defense to criminal charges for the use, possession or cultivation of marijuana (cannabis) for medical purposes when a qualified patient has a doctor's recommendation for the use of cannabis, and

WHEREAS, In November 2016, California voters approved Proposition 64, the Adult Use of Marijuana Act ("AUMA"), which legalized the use of non-medicinal (recreational) cannabis by adults and the cultivation of up to six cannabis plants for personal use; and the AUMA also created a statewide regulatory framework for the cultivation, production, and sale of non-medical cannabis for adult use, and

WHEREAS, In June 2017, the State Legislature adopted Senate Bill 94 creating a new statewide comprehensive regulatory system for medical and adult use commercial cannabis activity titled Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA"), and

WHEREAS, CUA, AUMA and MAUCRSA do not prohibit cities from enacting regulations regarding commercial cannabis activities and uses, and

WHEREAS, The City Council seeks to establish regulations for commercial cannabis activity in the City of Tracy to ensure such activities are conducted in a manner that mitigates negative impacts, protects the public health, safety, and welfare of residents, and supports economic development, and

WHEREAS, The City of Tracy engaged in a comprehensive review and study of state and local cannabis regulations, conducted community outreach on this topic, and held various public meetings to discuss commercial cannabis activity, provide policy direction to staff, and receive public input on the topic of commercial cannabis activity, and

WHEREAS, The City Council adopted an ordinance establishing local regulations on commercial cannabis activity in the City of Tracy on December 3, 2019, which are set forth in Chapter 6.36 of the Tracy Municipal Code, and

WHEREAS, This Ordinance would amend various sections of Chapter 6.36 of the Tracy Municipal Code to further protect the public health, safety, and welfare of residents by adding regulatory measures to a fast-evolving industry, to reflect technical changes, and to cleanup provisions.

The City Council of the City of Tracy does ordain as follows:

SECTION 1. The foregoing recitals are true and correct and are incorporated herein as findings.

SECTION 2. Amended Sections. Sections 6.36.040, 6.36.050, 6.36.060, 6.36.090, 6.36.100, 6.36.130, and 6.36.150 of Article 2 of Chapter 6.36, and Section 6.36.370 of Article 4 of Chapter 6.36 of the Tracy Municipal Code are hereby amended to read as follows:

“Section 6.36.040. Maximum Number and Type of Authorized Commercial Cannabis Businesses Permitted.

(a) Maximum Number and Type of Authorized Cannabis Businesses Permitted. The number of each type of cannabis business that shall be permitted to operate in the City at any one given time shall be as follows:

- i. Cultivation (Indoor Only) - a maximum of four (4) cultivators.
- ii. Distribution - a maximum of four (4) distributors.
- iii. Manufacturing - a maximum of four (4) manufacturers.
- iv. Microbusiness - a maximum of four (4) microbusinesses.
- v. Retailer - Non-Storefront (Delivery Only) - a maximum of four (4) non-storefront retailers.
- vi. Retailer - Storefront (Dispensary) - a maximum of four (4) storefront retailers.
- vii. Testing Laboratory - a maximum of four (4) testing laboratories.

This Section is only intended to create a maximum number of cannabis businesses that may be issued permits to operate in the City under each category. Nothing in this Chapter creates a mandate that the City Council must issue any or all of the cannabis business permits if it is determined that the applicants do not meet the standards which are established in the application requirements or further amendments to the application process.

(b) Each year following the Police Chief's initial award of cannabis business permits, if any, or at any time in the City Council's discretion, the City Council may reassess the number of cannabis business permits which are authorized for issuance. The City Council, in its discretion, may determine by ordinance whether the number of commercial cannabis permits should change.

Section 6.36.050. Application Procedure for a Cannabis Business Permit.

(a) The City Council shall adopt by resolution the procedures to govern the application process, and the manner in which the decision to issue a cannabis business permit(s) is made. Said resolution shall authorize City staff and/or consultants to provide detailed objective review criteria to be evaluated on a point system or equivalent quantitative evaluation scale tied to each set of review criteria ("Review Criteria") and to prepare the necessary forms, solicit applications, and review and evaluate the applicants. Applications for a cannabis business permit shall include, but not be limited to, the following information:

- i. Applicant Background Information.
 - A. A description of the statutory entity or business form that will serve as the legal structure for the applicant and a copy of its formation and organizing documents, including, but not limited to, articles of incorporation, certificate of amendment, statement of information, articles of association, bylaws, partnership agreement, operating agreement, and fictitious business name statement.

- B. The phone number and address to which any notices and correspondence regarding the application is to be mailed.
 - C. Owners. The name, address, telephone number, title, respective percentage of ownership, and function of each of the owners.
 - D. Background checks. For each of the interested parties:
 - 1. A legible copy of one valid government-issued form of photo identification, such as a state driver's license, a passport issued by the United States, or a permanent resident card.
 - 2. A list of their misdemeanor and felony convictions, if any. For each conviction, the list must set forth the date of arrest, the offense charged, the offense convicted, the sentence, the jurisdiction of the court, and whether the conviction was by verdict, plea of guilty, or plea of nolo contendere.
 - 3. Consent to fingerprinting and a criminal background investigation.
 - E. Evidence of a conviction of any of the offenses enumerated in California Business and Professions Code Section 26057(b)(4), absent a Certificate of Rehabilitation, shall be ground for immediate disqualification of the applicant.
- ii. Business operations.
- A. Business plan. A plan describing how the cannabis business will operate in accordance with this code, state law, and other applicable regulations. The business plan must include proof of sufficient capital to start the business and sustain it through the first three months of operation, plans for handling cash and transporting cannabis and cannabis products to and from the site.
 - B. Community relations plan. A plan describing who is designated as being responsible for outreach and communication with the surrounding community, including the neighborhood and businesses, and how the designee can be contacted.
 - C. Document(s) demonstrating property owner acknowledgement. Document(s) demonstrating that the property owner is fully aware that the applicant intends to use the property for cannabis business purposes. Document(s) must include name, address, and contact information for the property owner.
 - D. State licenses. Copies of any state licenses relating to cannabis that the applicant holds.
 - E. Tax compliance. A current copy of the applicant's city business operations tax certificate pursuant to Chapter 6.04. A copy of the applicant's state sales tax seller's permit, if applicable. If the applicant has not yet received a sales tax seller's permit, then the applicant shall attest that the applicant is currently applying for a seller's permit. A copy of the applicant's most recent year's financial statement and tax returns, if applicable.
 - F. Insurance. The applicant's certificate of commercial general liability insurance and endorsements and certificates of all other insurance related to the operation of the cannabis business.
 - G. Budget. A copy of the applicant's most recent annual budget for operations.
 - H. Price list. A list of the most recent prices for all products and services provided by the applicant.

- iii. City authorization. Authorization and consent for the City to seek verification of the information contained within the application.
- iv. Applicant's certification. A statement dated and signed by the applicant, under penalty of perjury, that the applicant has personal knowledge of the information contained in the application, that the information contained therein is true and correct, and that the application has been completed under the applicant's supervision.
- v. Indemnification. An agreement, in a form approved by the City Attorney, whereby the applicant: (1) releases the City, and its agents, officers, elected officials, and employees from any and all claims, injuries, damages, or liabilities of any kind arising from: (a) any repeal or amendment of this Chapter or any provision of Title 10 of the Zoning Code relating to cannabis, and (b) any arrest or prosecution of the applicant or its managers, employees, or members for violation of state or federal laws; and (2) defends, indemnifies, and holds harmless the City and its agents, officers, elected officials, and employees from and against any and all claims or actions: (a) brought by adjacent or nearby property owners or any other parties for any damages, injuries, or other liabilities of any kind arising from operations at the commercial cannabis business, and (b) brought by any party for any problems, injuries, damages, or other liabilities of any kind arising out of the distribution of cannabis produced or processed at the site or by the business.

(b) Non-Refundable Application Fee. At the time of filing, each applicant shall pay a non-refundable application fee established by resolution of the City Council, to cover all costs incurred by the City in the application process.

(c) Review of Applications. The Development Services Director or designee, Finance Director or designee, and Fire Chief or designee ("Review Committee") shall conduct an initial review of the applications and rank and score the applications utilizing the Review Criteria. The Review Committee shall then make a recommendation to the Police Chief or designee, who shall make a final selection in accordance with Section 6.36.060.

(d) THE CITY'S RESERVATION OF RIGHTS:

The City reserves the right to reject any or all applications. Prior to cannabis business permit issuance, the City may also modify, postpone, or cancel any request for applications, or the entire program under this Chapter, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under California law. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this Chapter, may be cancelled at any time prior to cannabis business permit issuance. The City further reserves the right to request and obtain additional information from any candidate submitting an application.

Section 6.36.060. Selection of Cannabis Business Permittee(s).

(a) The Police Chief or designee shall determine which applicants will be granted a cannabis business permit in accordance with the procedures established referenced in Section 6.36.050, subsection (a). The Police Chief's or designee's decision as to the

selection of permittees shall be appealable to the City Manager. Such appeals shall comply with Chapter 1.12 of this Code.

(b) Upon issuance of a conditional use permit, a cannabis business permit is valid at only the location granted under the conditional use permit and State License.

(c) Issuance of a cannabis business permit does not constitute a land use permit. Following the Police Chief's selection, the prevailing candidate(s) shall apply to the City's Development Services Department to obtain a conditional use permit pursuant to Section 10.08.4250 and any other required land use approvals or permits for the permittee's premises. Land use approvals shall include compliance with all applicable provisions of California Environmental Quality Act.

(d) Furthermore, no permittee shall begin operations, notwithstanding the issuance of a cannabis business permit, unless all of the state and local laws and regulations have been complied with, including but not limited to the requirements of this Chapter and Section 10.08.3196 of this Code.

(e) Notwithstanding anything in this Chapter to the contrary, the City reserves the right to reject any or all applications if it determines it would be in the best interest of the City, taking into account any health, safety and welfare impacts on the community. Applicants shall have no right to a cannabis business permit until a permit is issued, and then only for the duration of the term specified in the permit. Each applicant assumes the risk that, at any time prior to the issuance of a cannabis business permit, the City Council may terminate or delay the program created under this Chapter.

(f) If an application is denied for a cannabis business permit, a new application may not be filed for one (1) year from the date of the denial.

(g) Permit Fee. Each person granted a Cannabis Business Permit shall pay the permit fee established by resolution of the City Council, to cover the costs of administering the cannabis business permit regulatory program created in this Chapter.

Section 6.36.090. Suspension, Modification, or Revocation of Cannabis Business Permits.

(a) The Police Chief or designee may suspend, modify, or revoke a cannabis business permit issued pursuant to the provisions of this Chapter for any of the following reasons:

- i. One or more of the circumstances upon which a cannabis business permit could be denied, as described in Section 6.36.070, exists or has occurred;
- ii. One or more conditions of the cannabis business permit has been violated;
- iii. The Permittee, its owners, officers, directors, partners, agents, or other persons vested with the authority to manage or direct the affairs of the business have violated any provision of this Chapter; or
- iv. One or more of the conditions placed on the conditional use permit issued under Title 10 of this Code has been violated.

(b) The Police Chief's or designee's decision as to the suspension, modification, or revocation of a cannabis business permit shall be appealable to the City Manager. Such appeals shall comply with Chapter 1.12 of this Code.

Section 6.36.100. Renewal Applications.

(a) An application for renewal of a cannabis business permit shall be filed at least sixty (60) calendar days prior to the expiration date of the current permit.

(b) The renewal application shall contain all the information required under this Chapter and the procedures established by City Council resolution.

(c) The applicant shall pay a fee in an amount set by the City Council to cover the costs of processing the renewal permit application, together with any costs incurred by the City to administer the program created under this Chapter.

(d) An application for renewal of a cannabis business permit shall be denied if any of the following exists:

- i. One or more of the circumstances upon which a cannabis business permit could be denied, as described in Section 6.36.070, exists or has occurred;
- ii. The application is filed less than sixty (60) days before its expiration.
- iii. The cannabis business permit is suspended or revoked at the time of the application.
- iv. The cannabis business has not been in regular and continuous operation in the four (4) months prior to the renewal application, unless the applicant has been granted a conditional use permit and is diligently pursuing either a discretionary permit or building permit, or is in construction.
- v. The permittee fails to or is unable to renew its State License.

(e) The Police Chief or designee(s) is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the Police Chief or designee(s) is authorized to impose additional conditions to a renewal permit, if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the Police Chief or designee(s) shall be directed to the City Manager and shall be handled pursuant to Chapter 1.12.

(f) If a renewal application is denied, a person may file a new application pursuant to this Chapter no sooner than one (1) year from the date of the rejection.

(g) If an existing cannabis business permit holder fails to renew their permit, the City may, in its discretion, solicit and consider permit applications from other applicants pursuant to Sections 6.36.050 and 6.36.060.

Section 6.36.130. Transfer of Cannabis Business Permit.

(a) No permittee shall assign, sell, or transfer any or all ownership interests or control of the permit to another person or entity and any attempt to assign, sell, or transfer a cannabis business permit or ownership interest in a cannabis business permit,

either directly or indirectly in violation of this section, is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the permit.

(b) Notwithstanding subsection (a) above, a permittee wishing to transfer any or all ownership interests or control of the permit to another person or entity may do so provided that the transferee obtains an amendment to their State License, if required, and an amendment to the permit from the Police Chief stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the Police Chief or designee(s) in accordance with all provisions of this Chapter (as though the transferee were applying for an original cannabis business permit) accompanied by a transfer fee in an amount set by resolution of the City Council, and the Police Chief or designee(s) determines that the transferee passed the background check required under subsection (a) of Section 6.36.050 and meets all other requirements of this Chapter.

(c) Cannabis business permits issued through the grant of a transfer by the Police Chief shall be valid for a period of one year beginning on the day the Police Chief approves the transfer of the permit. Before the transferee's permit expires, the transferee shall apply for a renewal permit in the manner required by this Chapter.

(d) Changes in ownership of a permittee's business structure or a substantial change in the ownership of a permittee business entity (changes that result in a change of more than 51% of the original ownership), must be approved by the Police Chief or designee(s) through the transfer process contained in this subsection (b). Failure to comply with this provision is grounds for revocation.

(e) No cannabis business permit may be transferred when the Police Chief or designee has notified the permittee that the permit has been or may be suspended or revoked.

Section 6.36.150. Cannabis Employee Permit Required.

(a) Any person who is an employee or who otherwise works within a cannabis business must be legally authorized to do so under applicable state law.

(b) Any person who is an employee or who otherwise works within a cannabis business must obtain a cannabis employee permit from the City prior to performing any work at any cannabis business.

(c) Applications for a cannabis employee permit shall be developed, made available, and processed by the Police Chief or designee(s), and shall include, but not be limited to, the following information:

- i. Name, address, and phone number of the applicant;
- ii. Verification of the applicant's age and identity. A copy of a birth certificate, driver's license, government issued identification card, passport or other proof that the applicant is at twenty-one (21) years of age must be submitted with the application;
- iii. Name, address of the cannabis business where the person will be employed, and the name and phone number of the primary manager of that business.

This subsection (c)iii. shall not be construed to restrict the holder of a valid cannabis employee permit from seeking employment with a different cannabis business;

- iv. A list of any crimes enumerated in California Business and Professions Code Section 26057(b)(4) of which the applicant has been convicted;
- v. Name, address, and contact person for any previous employers from which the applicant was fired, resigned, or asked to leave and the reasons for such dismissal or firing;
- vi. The application shall be accompanied by fingerprints and a recent photograph of the applicant in a form and manner as required by the Police Chief or designee(s).
- vii. A fee paid in an amount set by resolution of the City Council in an amount necessary to cover the costs of administering the cannabis employee permit program. The fee is non-refundable and shall not be returned in the event the employee permit is denied or revoked.

(d) The Police Chief or designee(s) shall review the application for completeness, shall conduct a background check to determine whether the applicant was convicted of a crime or left a previous employer for reasons that show the applicant has ever been convicted of any of the offenses enumerated in California Business and Professions Code Section 26057(b)(4).

Employers who wish to hire an individual notwithstanding this rule shall apply to the Police Chief, who at his/her sole discretion may issue a written waiver. The employer or employee shall submit a statement of rehabilitation for each conviction. The statement of rehabilitation may contain evidence that the employer or employee would like the Police Chief to consider that demonstrates the employee's fitness for a cannabis employee permit. Supporting evidence may be attached to the statement of rehabilitation and may include, but is not limited to, dated letters of reference from employers, instructors, or professional counselors that contain valid contact information for the individual providing the reference. The Police Chief's or designee's decision as to the selection of an employee shall be appealable to the City Manager. Such appeals shall comply with Chapter 1.12 of this Code.

Discovery of facts showing that the applicant has either failed to disclose or has been convicted of any of the offenses enumerated in California Business and Professions Code Section 26057(b)(4) are grounds for denial of the permit. Where the applicant's sentence (including any term of probation, incarceration, or supervised release) for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is completed, such underlying conviction shall not be the sole ground for denial of a commercial cannabis employee permit.

(e) The Police Chief or designee shall implement the cannabis employee permit process in accordance with the procedures and rules established by resolution adopted by the City Council.

(f) A cannabis employee permit shall be valid for a twelve (12) month period from date of issuance and must be renewed on an annual basis. Renewal applications shall contain all the information required in Section 6.36.150, subsection (c) above including

the payment of a renewal application fee in an amount to be set by resolution of the City Council.

(g) The City may immediately revoke the cannabis employee permit should the permit holder be convicted of a crime listed California Business and Professions Code Section 26057(b)(4). The following are additional grounds for revoking a cannabis employee permit based on the specific role and function of that employee:

- i. A cannabis employee permit shall be revoked if the employee permit holder:
 - A. Sells or provides cannabis or cannabis products to a minor;
 - B. Attempts to give away cannabis or cannabis products while working, unless as authorized pursuant to Section 5411 of Chapter 3, Division 42, Title 16 of the California Code of Regulations;
 - C. Acts to illegally divert cannabis or cannabis products to the black market, including stealing cash; stealing the licensee's product for personal consumption; or selling the licensee's product and keeping the proceeds of the sale; or
 - D. Is cited for driving under the influence of alcohol, cannabis or another illicit drug while on- or off-duty.

(h) The applicant may appeal the denial or revocation of a cannabis employee permit to the City Manager by filing a notice of appeal with the City Clerk within ten (10) working days of the date the applicant received the notice of denial or revocation, which appeal shall be conducted as set forth in Chapter 1.12 of this Code.

Section 6.36.370 Cannabis Non-Storefront (Delivery Only) Retailer Permit Requirements.

(a) Permit Required. No person shall operate a cannabis delivery only business in the City (without a valid City cannabis business permit issued pursuant to this Chapter, or in a manner that is inconsistent with the permit issued.

(b) Permit Fee. A cannabis delivery-only permit program fee is established and imposed. The City Council shall establish by resolution the amount of the permit fee and any related penalties.

(c) Permissible Delivery Locations and Customers. Cannabis delivery-only retailers are subject to the following requirements:

- i. Cannabis, cannabis products and cannabis accessories shall only be delivered to customers located at a residential address including a nursing or assisted living facility;
- ii. The delivery of Cannabis, cannabis products and cannabis accessories to any location or facility owned, leased or occupied by a public agency, including but not limited to, a public school, library, and community center, is expressly prohibited;
- iii. No deliveries shall be conducted on private property open to the public, including but not limited to, business and professional offices, retail stores and their adjoining parking lots, places of assembly, eating and drinking establishments.
- iv. Any kiosk, i-Pad, tablet, smartphone, fixed location or technology platform, whether manned or unmanned, other than a Licensee or Permit Holder, that facilitates directs or assists the retail sale or delivery of cannabis, cannabis

products, or cannabis accessories, is expressly prohibited and shall be a violation of this Chapter.

(d) All cannabis and cannabis products being delivered shall be obtained from the site of the cannabis business that is authorized to deliver cannabis. No cannabis or cannabis products may be delivered from any other facility, such as a separate storage facility or a cannabis product manufacturing facility.

(e) No person delivering cannabis, cannabis products and cannabis accessories shall possess more than \$3,000 worth of cannabis and cannabis products at any time.

(f) The cannabis delivery only business shall use and maintain computer software to record the following information relating to each delivery:

- i. A delivery request that includes the date of the request, the full name of the person requesting the delivery, a specific description of the items requested, whether each item is a medical cannabis or adult-use cannabis product, and the address to which the items are to be delivered;
- ii. The name of the person who delivered the items; and
- iii. The date and time of the delivery.

(g) A person delivering cannabis or cannabis products on behalf of a cannabis non-storefront retailer shall carry the following items:

- i. A copy of the dispensary's current dispensary permit;
- ii. The person's government-issued identification;
- iii. Evidence of the person's City-issued cannabis employee permit; and
- iv. A copy of the delivery request as described in subsection (f).

(h) Upon demand of a peace officer or City employee authorized to enforce this chapter, a person delivering cannabis or cannabis products pursuant to this section shall present the items listed in subsection (g) for examination.

(i) No person shall deliver cannabis to anyone except the person who requested the delivery. The person delivering the cannabis shall confirm compliance with sections 6.36.370 (g) (medical cannabis dispensing operations) and 6.36.370(f) (adult-use cannabis dispensing operations), as applicable, by inspecting the relevant identification and documentation before handing the cannabis or cannabis product to the customer.

(j) A cannabis delivery-only retailer shall maintain the information described in subsection (f) for at least three years on the site and shall produce the information to the city upon request.

(k) **Delivery-Only Vehicle Requirements.** Prior to commencing operations, a Cannabis Non-Storefront Retailer shall provide the City with all information requested by the Police Chief or designee(s) regarding the vehicles used to deliver cannabis to customers. Such information shall include, but not be limited to the following:

- i. Proof of ownership of the vehicle or a valid lease for any and all vehicles that will be used to deliver cannabis or cannabis products.
- ii. Proof of insurance as required in section 6.36.140 (b) for any and all vehicles being used to deliver cannabis or cannabis products.

iii. The make, model, color, and license number of all vehicles owned or leased by the commercial cannabis retailer and used to deliver cannabis or cannabis products.

(l) Retail Sales Prohibited. No person shall conduct any retail sales of any good or services on or from a permitted cannabis delivery-only retailer site.

(m) Location Requirements. Cannabis non-storefront retail permittees shall locate in a site consistent with Section 10.08.3196.”

SECTION 3. If any provision or the application of this Ordinance is for any reason held to be unconstitutional, invalid, or otherwise unenforceable, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each subsection or provision of this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance enforced.

SECTION 4. This Ordinance shall take effect 30 days after its final passage and adoption.

SECTION 5. The City Council finds that this Ordinance is exempt from CEQA in accordance with Business and Professions Code section 26055(h) because it requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity.

SECTION 6. This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk’s office at least five days before the ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the ordinance. (Gov’t. Code §36933.)

* * * * *

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the 19th day of May 2020, and finally adopted on the ____ day of _____, 2020, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 3.E

REQUEST

APPROVE ACTIONS RELATED TO SUBMITTING A MEASURE TO THE VOTERS TO ADOPT AN ORDINANCE IMPOSING A CANNABIS BUSINESS TAX WHICH SHALL CUMULATIVELY NOT EXCEED 15% OF GROSS RECEIPTS ON COMMERCIAL CANNABIS ACTIVITIES IN TRACY TO FUND GENERAL SERVICES AT THE ELECTION ON NOVEMBER 3, 2020, INCLUDING:

- (1) CALLING FOR AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2020 FOR THE ELECTION OF CERTAIN OFFICERS AND CONSIDERATION OF LOCAL BALLOT MEASURE(S), AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN ORDER THE CONSOLIDATION OF SAID ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE**
- (2) ORDERING THE CITY CLERK TO SUBMIT A MEASURE TO THE VOTERS TO ADOPT AN ORDINANCE IMPOSING A CANNABIS BUSINESS TAX ON COMMERCIAL CANNABIS ACTIVITIES IN TRACY TO FUND GENERAL SERVICES AT THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 3, 2020**
- (3) INTRODUCTION OF AN ORDINANCE ADDING CHAPTER 6.40 "CANNABIS BUSINESS TAX" TO TITLE 6 OF THE TRACY MUNICIPAL CODE TO IMPOSE A TAX ON COMMERCIAL CANNABIS ACTIVITIES SUBJECT TO APPROVAL OF A MAJORITY OF THE ELECTORS VOTING ON THE MEASURE AT THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 3, 2020**

EXECUTIVE SUMMARY

At the April 21, 2020 Council meeting to discuss a draft cannabis business permit application procedures and guidelines, the City Council directed staff to bring back on May 19, 2020 actions related to submitting a measure to the voters to adopt an ordinance imposing a cannabis business tax on commercial cannabis activities in Tracy to fund general services at the election on November 3, 2020.

DISCUSSION

Background

On December 5, 2017, the City Council directed staff to develop a regulatory ordinance to allow two non-store front (delivery only) medical cannabis businesses, and a tax ordinance for all cannabis business activities. Staff returned on March 20, 2018 with the proposed maximum tax rates for commercial cannabis activities allowed under Proposition 64: Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA"). The City Council directed staff to return on May 1, 2018 with a resolution to place a Special Tax Measure on the November 6, 2018 ballot. The City Council further directed staff to commit the revenues generated from this Special Tax to be used

to mitigate the police and code enforcement services associated with enforcement of Proposition 64. Staff prepared the necessary documents to place the Special Tax Measure on the General Municipal Election, however, the Special Tax Measure failed to receive the required 2/3 voter approval for a Special Tax.

Shortly thereafter, Council provided direction for staff to develop a regulatory permit to allow all commercial cannabis activity with the exclusion of outdoor cultivation. A series of meetings and draft ordinances have been provided for Council consideration. Staff anticipates receiving final approval of the permit application, which will allow commercial cannabis businesses to submit applications starting summer 2020.

Proposed General Cannabis Business Tax

On April 21, 2020, the City Council directed staff to proceed with the documents required to place a general tax measure on the ballot for the General Municipal Election on November 3, 2020 to mitigate the potential impacts on the community related to the passage of Proposition 64. Unlike the 2018 special tax measure, the draft tax ordinance is a general tax measure and requires a 50% plus one vote for approval.

Staff has drafted a proposed ordinance (Attachment A) to impose a general tax on businesses engaged in commercial cannabis (marijuana) and hemp activity in Tracy. The ordinance presented today is substantively similar to the ordinance that appeared on November 2018 with the following modifications. First, since 2018, the sale of industrial grade hemp has entered the commercial cannabis industry. As a result, the draft ordinance provides for the addition of this product to the list of taxable components. Second, staff has set the penalty at 10% for “any person who fails or refuses to pay any Cannabis Business Tax required to be paid pursuant to this Chapter on or before the due date.” (Section 6.40.100.) This is a reduction from the November 2018 ordinance; however, it is consistent with other City tax ordinances. The tax rates set forth in the proposed ordinance are equivalent to 15% of the total gross receipts. The tax for cultivation would not exceed \$12.00 per canopy square foot for cultivation (adjusted for inflation), 6% of gross receipts for retail cannabis businesses, and 4% for all other businesses. The following is an excerpt from the proposed Ordinance:

6.40.020 Authority and Purpose.

This Ordinance is adopted to achieve the following, among other purposes, and shall be interpreted in order to accomplish those purposes:

- A. To adopt a tax, for revenue purposes, on the privilege of cultivating, transporting, dispensing, manufacturing, producing, processing, preparing, storing, testing, providing, selling, or distributing cannabis or hemp products containing cannabis or hemp, cannabis or hemp accessories and any ancillary products by Cannabis Businesses in the City of Tracy. The Cannabis Business Tax is levied based upon business gross receipts except for commercial cannabis or industrial hemp cultivation, which shall be taxed on square footage of plant canopy. It is not a sales and use tax, a tax upon income, or a tax upon real property;*

- B. The Cannabis Business Tax is a general tax enacted solely for general, governmental purpose of the City and not for specific purposes. All of the proceeds from the tax imposed by this sections shall be placed in the City's general fund and be available for any lawful municipal purpose.*
- C. The Cannabis Business Tax shall not be separately identified or otherwise specifically assessed or charged to any member, customer, patient, or caretaker; and*
- D. To specify the type of tax and rate of tax to be levied and the method of collection.*

The Cannabis Business Tax is a tax enacted solely for raising revenue for the stated purposes and not for regulation. It shall apply to all persons engaged in Cannabis Business in the City of Tracy. The tax imposed by this Chapter is a tax under Article XIII C of the California Constitution.

6.40.030 Intent

The intent of this Ordinance is to levy a tax on all Cannabis Businesses that operate in the City of Tracy, regardless of whether such business was authorized under state and local laws at the time this Ordinance was adopted. Nothing in this Ordinance shall be interpreted to authorize or permit any business activity that would not otherwise be legal or permissible under laws applicable to the activity at the time the activity is undertaken.

The proposed ballot question to be presented to voters regarding the tax in November is as follows:

Shall the City adopt an ordinance imposing a general tax on cannabis businesses, including hemp, not to exceed \$12.00 per canopy square foot for cultivation (adjusted for inflation), 6% of gross receipts for retail, and 4% for all other businesses; estimated to generate \$350,000 to \$700,000 annually for Tracy until voters change or repeal it, to fund core City services such as public safety, public works, parks, and community services?
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STRATEGIC PLAN

This agenda item supports Economic Development Strategic Goal 3: Develop and Implement Cannabis Regulations.

FISCAL IMPACT

The Cannabis Business Tax is a tax on gross receipts and canopy square foot of cultivation. The cumulative total of which is 15% on commercial cannabis activities and specifically 6% of gross receipts on cannabis gross retail. Once approved by the voters, the Council may, by resolution, reduce the tax rates.

RECOMMENDATION

Approve actions related to submitting a measure to the voters to adopt an ordinance imposing a cannabis business tax which shall cumulatively not exceed 15% of gross receipts on commercial cannabis activities in Tracy to fund core City services at the election on November 3, 2020, including:

1. Adopt a Resolution calling for and giving notice of a General Municipal Election to be held on November 3, 2020 for the election of certain officers and consideration of local ballot measure(s), and requesting the Board of Supervisors of the County of San Joaquin order the consolidation of said election with the Statewide General Election to be held on that date.
2. Adopt a Resolution ordering the City Clerk to submit a measure to the voters to adopt an Ordinance imposing a Cannabis Business Tax on commercial cannabis and hemp activities in Tracy to fund core City services such as public safety, public works, parks, and community services at the General Municipal Election on November 3, 2020.
3. Introduce and waive the first reading of an Ordinance adding Chapter 6.40 "Cannabis Business Tax" to Title 6 of the Tracy Municipal Code to impose a tax on commercial cannabis activities subject to the approval of a majority of the electors voting on the measure at the General Municipal Election to be held on November 3, 2020.

Prepared by: Karin Schnaider, Finance Director
Leticia Ramirez, City Attorney

Reviewed by: Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

A – Proposed Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF TRACY, ADDING
CHAPTER 6.40 “CANNABIS BUSINESS TAX” TO TITLE 6
OF THE TRACY MUNICIPAL CODE TO IMPOSE A TAX
ON COMMERCIAL CANNABIS ACTIVITIES IN TRACY**

THE PEOPLE OF THE CITY OF TRACY DO ORDAIN AS FOLLOWS:

SECTION 1. Amendment to the Tracy Municipal Code. Title 6 of the Tracy Municipal Code is hereby amended to include Chapter 6.40 titled “Cannabis Business Tax” and shall read as follows:

**CHAPTER 6.40
CANNABIS BUSINESS TAX**

Sections:

- 6.40.010 Title.
- 6.40.020 Authority and Purpose.
- 6.40.030 Intent.
- 6.40.040 Definitions.
- 6.40.050 Tax imposed.
- 6.40.060 Registration, reporting and remittance of tax.
- 6.40.070 Payments and communications –timely remittance.
- 6.40.080 Payment – when taxes deemed delinquent.
- 6.40.90 Notice not required by City.
- 6.40.100 Penalties and interest.
- 6.40.110 Refunds and credits.
- 6.40.120 Refunds and procedures.
- 6.40.130 Personal cultivation not taxed.
- 6.40.140 Administration of the tax.
- 6.40.150 Appeal procedure.
- 6.40.160 Enforcement –action to collect.
- 6.40.170 Apportionment.
- 6.40.180 Constitutionality and legality.
- 6.40.190 Audit and examination of premises and records.
- 6.40.200 Other licenses, permits, taxes or charges.
- 6.40.210 Payment of tax does not authorize unlawful business.
- 6.40.220 Deficiency determinations.
- 6.40.230 Failure to report – nonpayment, fraud.
- 6.40.240 Tax assessment – service of notice.
- 6.40.250 Tax assessment – hearing, application, and determination.
- 6.40.260 Successor’s and Assignee’s Responsibility.
- 6.40.270 Conviction for violation – taxes not waived.

- 6.40.280 Violation deemed misdemeanor.
- 6.40.290 Severability.
- 6.40.300 Consistency with Business License Tax.
- 6.40.310 Remedies cumulative.
- 6.40.320 Amendment or modification.

6.40.010 Title.

This ordinance shall be known as the Cannabis Business Tax Ordinance.

6.40.020 Authority and Purpose.

This Ordinance is adopted to achieve the following, among other purposes, and shall be interpreted in order to accomplish those purposes:

- A. To adopt a tax, for revenue purposes, on the privilege of cultivating, transporting, dispensing, manufacturing, producing, processing, preparing, storing, testing, providing, selling, or distributing cannabis or hemp products containing cannabis or hemp, cannabis or hemp accessories and any ancillary products by Cannabis Businesses in the City of Tracy. The Cannabis Business Tax is levied based upon business gross receipts except for commercial cannabis or industrial hemp cultivation which shall be taxed on square footage of plant canopy. It is not a sales and use tax, a tax upon income, or a tax upon real property;
- B. The Cannabis Business Tax is a general tax enacted solely for general, governmental purpose of the City and not for specific purposes. All of the proceeds from the tax imposed by this sections shall be placed in the City’s general fund and be available for any lawful municipal purpose.
- C. The Cannabis Business Tax shall not be separately identified or otherwise specifically assessed or charged to any member, customer, patient, or caretaker; and
- D. To specify the type of tax and rate of tax to be levied and the method of collection.

The Cannabis Business Tax is a tax enacted solely for raising revenue for the stated purposes and not for regulation. It shall apply to all persons engaged in Cannabis Business in the City of Tracy. The tax imposed by this Chapter is a tax under Article XIII C of the California Constitution.

6.40.030 Intent.

The intent of this Ordinance is to levy a tax on all Cannabis Businesses that operate in the City of Tracy, regardless of whether such business was authorized under state and local laws at the time this Ordinance was adopted. Nothing in this Ordinance shall be interpreted to authorize or permit any business activity that would not otherwise be legal or permissible under laws applicable to the activity at the time the activity is undertaken.

6.40.040 Definitions.

Unless otherwise provided in this Chapter, the definitions set forth in Chapter 6.40 “Business Taxes”, Article 1 of Chapter 8.08 “Taxation”, and Chapter 6.36 “Commercial Cannabis Activities,” as may be amended from time to time, shall apply to this Chapter. In the event the definitions of provisions of those chapters conflict with any provision in this Chapter, then this Chapter shall control to the extent necessary to administer and effectuate the propose of this Chapter. The following words and phrases shall have the meanings set forth below when used in this Chapter:

- A. “Business” shall include all activities engaged in or caused to be engaged in within the City of Tracy, including any commercial or industrial enterprise, trade, profession, occupation, vocation, calling, or livelihood, whether or not carried on for gain or profit, but shall not include the services rendered by an employee to his or her employer.
- B. “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” also means cannabis as defined by California Business and Professions Code Section 26001, subdivision (f), California Health and Safety Code Section 11018, and by other state law, and is not limited to medical cannabis.
- C. “Cannabis accessories” means any device or equipment used, intended for use or designed for use in planting, propagating, cultivating, growing, storing, or smoking, of cannabis, as described in Section 11018.2 of the California Health and Safety Code and is not limited to medical cannabis accessories.
- D. “Cannabis product” means any product containing cannabis or its derivatives, including, but not limited to, flowers, buds, oils, tinctures, concentrates, extractions, and products described in Section 11018.1 of the California Health and Safety Code and is not limited to medical cannabis products.
- E. “Canopy” means all areas occupied by any portion of a cannabis or hemp plant whether contiguous or noncontiguous on any one site. When plants occupy multiple horizontal planes (as when plants are placed on shelving above other plants) each plane shall be counted as a separate canopy area.
- F. “Cannabis or hemp business” means any business activity involving cannabis or industrial hemp, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, processing, preparing, storing, packaging, delivering, testing, dispensing, retailing and wholesaling of cannabis or cannabis products or hemp or hemp products or of ancillary products and accessories, whether or not carried on for gain or profit and whether or not such business is licensed by the State. “Cannabis Business” is synonymous with “cannabis or hemp business.” Cannabis Business does not include any business whose only

relationship to cannabis or cannabis products or hemp or hemp products is the production or sale of Cannabis or Hemp Accessories and specifically excludes personal cultivation activities conducted in accordance with state law.

G. “Cannabis business tax” or “business tax,” means the tax due pursuant to this Chapter for engaging in cannabis or hemp business in the City of Tracy.

H. “Commercial cannabis or hemp cultivation” means cultivation conducted by, for, or as part of a Cannabis Business. “Commercial cannabis or hemp cultivation” does not include personal medical cannabis or hemp cultivation or personal recreational cannabis or hemp cultivation as authorized by MAUCRSA, for which the person receives no compensation whatsoever.

I. “City Cannabis Business Permit” or “Cannabis Business Permit” means a regulatory permit issued by the City of Tracy to a person to authorize that person to operate or engage in a Cannabis business.

J. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis or hemp and includes, but is not limited to, the operation of a nursery.

K. “Delivery” means the transfer, for any form of compensation, of cannabis or hemp, cannabis or hemp products, or cannabis or hemp accessories to a customer or caregiver at a location that is not a cannabis retailer (dispensary).

L. “Employee” means each and every person engaged in the operation or conduct of any business, whether as owner, member of the owner's family, partner, associate, agent, manager or solicitor, and each and every other person employed or working in such business for a wage, salary, commission, barter or any other form of compensation.

M. “Engaged in business as a cannabis or hemp business” means the commencing, conducting, operating, managing or carrying on of a Cannabis Business, whether done as owner, or by means of an officer, agent, manager, employee, or otherwise, whether operating from a fixed location in the City of Tracy or coming into the City of Tracy from an outside location to engage in such activities. A person shall be deemed engaged in business within the City of Tracy if:

1. Such person or person’s employee maintains a fixed place of business within the City of Tracy for the benefit or partial benefit of such person;
2. Such person or person’s employee owns or leases real property within the City of Tracy for business purposes;
3. Such person or person’s employee regularly maintains a stock of tangible personal property in the City of Tracy for sale in the ordinary course of business;

4. Such person or person's employee regularly conducts solicitation of business within the City of Tracy; or

5. Such person or person's employee performs work or renders services in the City of Tracy.

The foregoing specified activities shall not be a limitation on the meaning of "engaged in business."

N. "Evidence of doing business" means evidence such as, without limitation, use of signs, circulars, cards or any other advertising media, including the use of internet or telephone solicitation, or representation to a government agency or to the public that such person is engaged in a cannabis business in the City of Tracy.

O. "Fiscal year" means July 1 through June 30 of the following calendar year.

P. "Gross Receipts," except as otherwise specifically provided, means, whether designated a sales price, royalty, rent, membership fee, ATM service fee, delivery fee, slotting fee, any other fee, vaping room service charge, commission, dividend, or other designation, the total amount (including all receipts, cash, credits and property of any kind or nature) received or payable for sales of goods, wares or merchandise or for the performance of any act or service of any nature for which a charge is made or credit allowed (whether such service, act or employment is done as part of or in connection with the sale of goods, wares, merchandise or not), without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, losses or any other expense whatsoever. However, the following shall be excluded from Gross Receipts:

1. Cash discounts where allowed and taken on sales;
2. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
3. Such part of the sale price of any property returned by purchasers to the seller as refunded by the seller by way of cash or credit allowances or return of refundable deposits previously included in gross receipts;
4. Receipts derived from the occasional sale of used, obsolete or surplus trade fixtures, machinery or other equipment used by the taxpayer in the regular course of the taxpayer's business;
5. Cash value of sales, trades or transactions between departments or units of the same business located in the City of Tracy or if authorized by the Tax Administrator in writing in accordance with Section 6.40.150;
6. Whenever there are included within the gross receipts amounts which reflect sales for which credit is extended and such amount proved uncollectible in a

subsequent year, those amounts may be excluded from the gross receipts in the year they prove to be uncollectible; provided, however, if the whole or portion of such amounts excluded as uncollectible are subsequently collected they shall be included in the amount of gross receipts for the period when they are recovered;

7. Receipts of refundable deposits, except that such deposits when forfeited and taken into income of the business shall not be excluded when in excess of one dollar;

8. Amounts collected for others where the business is acting as an agent or trustee and to the extent that such amounts are paid to those for whom collected. These agents or trustees must provide the Finance Department with the names and the addresses of the others and the amounts paid to them. This exclusion shall not apply to any fees, percentages, or other payments retained by the agent or trustees.

9. Retail sales of t-shirts, sweaters, hats, stickers, key chains, bags, books, posters or rolling papers, cannabis accessories such as pipes, pipe screens, vape pen batteries (without cannabis or industrial hemp) or other personal tangible property which the Tax Administrator has excluded in writing by issuing an administrative ruling per Section 6.40.140 shall not be subject to the Cannabis Business Tax under this Chapter. However, any retail sales not subject to this Chapter as a result of the administrative ruling shall be subject to the appropriate business tax under Chapter 6.04 or any other Chapter or Title as determined by the Tax Administrator.

10. Payments made by the tax-reporting cannabis business (Seller) to a cannabis business (Buyer) for the difference in the original acquisition price and subsequent renegotiated or finalized selling prices of products or services sold to a specific end customer. This type of transaction is referred to as a “Billback”. The tax-reporting cannabis business must provide supporting documentation to substantiate the transaction in order to be eligible for an exemption.

Q. “Industrial hemp” means a crop that is limited to types of the plant *Cannabis sativa* L. having no more than three-tenths of 1 percent tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom.

R. “Industrial hemp products” means any raw hemp that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. “Hemp product” also means hemp products as defined by Section 11018.5 of the California Health and Safety Code.

S. “Lighting” means a source of light that is primarily used for promoting the biological process of plant growth that is artificial or natural. Lighting does not include sources of light that primarily exist for the safety or convenience of staff or visitors to the facility, such as emergency lighting, walkway lighting, or light admitted via small skylights, windows or ventilation openings.

T. “Nursery” means a facility or part of a facility that is used only for producing clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis and includes a greenhouse.

U. “Person” means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, whether organized as a nonprofit or for-profit entity, and includes the plural as well as the singular number.

V. “Sale” means and includes any sale, exchange, or barter.

W. “State” means the State of California.

X. “State license,” “license,” or “registration” means a state license issued pursuant to California Business & Professions Code Sections 26000, *et seq.* or other applicable state law.

Y. “Tax Administrator” means the Finance Director of the City of Tracy or his or her designee.

Z. “Taxpayer” shall mean any person engaging in business as a Cannabis Business that is subject to this Chapter.

AA. “Testing Laboratory” means a cannabis business that (i) offers or performs tests of cannabis or cannabis products, hemp or hemp products, (ii) offers no service other than such tests, (iii) sells no products, excepting only testing supplies and materials, (iv) is accredited by an accrediting body that is independent from all other persons involved in the cannabis industry in the state and (v) is registered with the Bureau of Cannabis Control or other state agency.

6.40.050 Tax imposed.

A. Beginning January 1, 2021, there is imposed upon each person who is engaged in business as a cannabis business a cannabis business tax regardless if the business has been issued a permit to operate lawfully in the City of Tracy or is operating unlawfully.

B. The maximum tax rate of the cannabis business tax shall be as follows:

1. For every person who is engaged in commercial cannabis cultivation, including industrial hemp in the City of Tracy, the maximum rate shall be:
 - a) Up to twelve dollars (\$12.00) annually per square foot of canopy space in a facility that uses exclusively artificial lighting.
 - b) Up to ten dollars (\$10.00) annually per square foot of canopy space in a facility that uses a combination of natural and supplemental artificial lighting.
 - c) Up to eight dollars (\$8.00) annually per square foot of canopy space in a facility that uses no artificial lighting.

- d) Up to four dollars (\$4.00) annually per square foot of canopy space for any nursery.

For purposes of this subsection (B), the square feet of canopy space for a business shall be rebuttably presumed to be the maximum square footage of canopy allowed by the conditional use permit or regulatory permit issued to the business by the City of Tracy for commercial cannabis or hemp cultivation, or, in the absence of a conditional use permit or regulatory permit, the square footage shall be the maximum square footage of canopy for commercial cannabis or hemp cultivation allowed by the state license type. Should a City of Tracy conditional use permit or regulatory permit be issued to a business which cultivates only for certain months of the year, the City of Tracy shall prorate the tax as to sufficiently reflect the period in which cultivation is occurring at the business. All canopy square footage that is authorized by the conditional use permit or regulatory permit shall be included in the calculation of the tax for cultivation. No deduction will be applied to any canopy square footage that is not used for cultivation unless the Tax Administrator is informed in writing that such space will not be used and authorizes such reduction for the purpose of relief from the tax prior to the period for which the space will not be used.

- 2. For every person who engages in the operation of a testing laboratory for cannabis, cannabis products, industrial hemp and/or industrial hemp products s/he/it shall be subject to the maximum tax rate not to exceed two and a half percent (2.5%) of gross receipts.
 - 3. For every person who engages in the retail sales of cannabis, cannabis products, industrial hemp, and/or industrial hemp products, including as a retailer (dispensary) or non-store front retailer (delivery business), or microbusiness (retail sales activity) s/he/it shall be subject to the maximum tax rate not to exceed six percent (6%) of gross receipts.
 - 4. For every person engaged in distribution of cannabis, cannabis products, industrial hemp and/or industrial hemp products, s/he/it shall be subject to the maximum tax rate not to exceed three percent (3%) of gross receipts.
 - 5. For every person engaged in manufacturing, processing, or microbusiness (non-retail activity) of cannabis, cannabis products, industrial hemp and/or industrial hemp products, or any other type of cannabis business not described in Section (B) (1), (2), (3) or (4), s/he/it shall be subject to the maximum tax rate not to exceed four percent (4%) of gross receipts.
- C. The City Council may, by resolution or ordinance, increase or decrease the rate of the cannabis business tax, including the initial rate of cannabis business tax. The City Council may, by resolution or ordinance, increase or decrease the rate of the medicinal cannabis tax, including the initial rate of medicinal cannabis business tax, independent of other cannabis business tax activities. In addition, the City Council may, by resolution or ordinance, increase or decrease the rate of the cannabis business tax on hemp or hemp products, including the initial rate of the

tax on hemp or hemp products independent of other cannabis activities. Notwithstanding the foregoing, in no event shall the City Council repeal this tax or set any adjusted rate that exceeds the maximum rates calculated pursuant to this section without a vote of the people.

- D. On July 1, 2021 and on each July 1 thereafter, the maximum annual tax rate per square foot of each type of canopy space shall increase by the percentage change between January of the calendar year prior to such increase and January of the calendar year of the increase in the Consumer Price Index (“CPI”) for all urban consumers in the San Francisco-Oakland-San Jose area as published by the United States Government Bureau of Labor Statistics. However, no CPI adjustment resulting in a decrease of any tax imposed by this subsection shall be made.
- E. Persons subject to the cannabis business tax shall register with the City and pay the registration fee pursuant to Section 6.40.060. They shall also be required to obtain a business license pursuant to Chapter 6.04 of this code; provided, however, that cannabis business activities subject to the cannabis business tax shall be excluded from determining the amount of any business license tax payable under Chapter 6.04.

6.40.060 Registration, reporting and remittance of tax.

- A. Registration of Cannabis Business. All cannabis businesses shall be required to annually register as follows:
 - 1. All persons engaging in business as a cannabis business, whether an existing, newly established or acquired business shall register with the Tax Administrator within thirty (30) days of commencing operation and shall annually renew such registration within 30 days of the business registration anniversary date of each year thereafter. In registering, such persons shall furnish to the Tax Administrator a sworn statement, upon a form provided by the Tax Administrator, setting forth the following information:
 - i. The name of the business
 - ii. The names and addresses of each owner
 - iii. The exact nature or kind of business;
 - iv. The place where such business is to be carried on; and
 - v. Any additional information which the Tax Administrator may require.
- B. An annual registration fee in accordance with the current and approved City fee schedule shall be presented with the sworn statement submitted under this section.

This fee shall not be considered a tax and may be adjusted by resolution of the City Council.

C. The cannabis business tax imposed by this Chapter shall be paid, in arrears, on a monthly basis. Each person owing a cannabis business tax each calendar month shall, no later than the last day of the month following the close of the calendar month, file with the Tax Administrator a statement (“tax statement”) of the tax owed for that calendar month and the basis for calculating that tax. The Tax Administrator may require that the tax statement be submitted on a form prescribed by the Tax Administrator. The tax for each calendar month shall be due and payable on that same date that the tax statement for the calendar month is due.

D. Upon cessation of a cannabis business, tax statements and all outstanding taxes, fees, and penalties shall be immediately due for all calendar months up to the calendar month during which cessation occurred.

E. The Tax Administrator may, at his or her discretion, establish alternative reporting and payment periods for any taxpayer as the Tax Administrator deems necessary to ensure effective collection of the cannabis business tax. The Tax Administrator may also require that a deposit, to be applied against the taxes for a calendar month, be made by a taxpayer at the beginning of that calendar month. In no event shall the deposit required by the Tax Administrator exceed the tax amount he or she projects will be owed by the taxpayer for the calendar month. The Tax Administrator may require that a taxpayer make payments via a cashier’s check, money order, wire transfer, or similar instrument.

6.40.070 Payments and communications – timely remittance.

Whenever any payment, statement, report, request or other communication is due, it must be received by the Tax Administrator on or before the final due date. A postmark will not be accepted as timely remittance. If the due date would fall on a Friday during which City Hall is closed, Saturday, Sunday or a holiday observed by the City, the due date shall be the next regular business day on which the City of Tracy is open to the public.

6.40.080 Payment - when taxes deemed delinquent.

Unless otherwise specifically provided under other provisions of this Chapter, the taxes required to be paid pursuant to this Chapter shall be deemed delinquent if not received by the Tax Administrator on or before the due date as specified in Sections 6.40.060.

6.40.90 Notice from City not required.

The City of Tracy may, as a courtesy, send a tax notice to the business. However, the Tax Administrator is not required to send a notice of assessment pursuant to Section 6.40.230, a notice of delinquency pursuant to Section 6.40.210, or any other tax notice or bill to any person subject to the provisions of this Chapter. Failure to send any tax notice or bill shall not affect the validity of any tax or penalty due under the provisions of this Chapter.

6.40.100 Penalties and interest.

A. Any person who fails or refuses to pay any Cannabis Business Tax required to be paid pursuant to this Chapter on or before the due date shall pay penalties and interest as follows:

1. A penalty equal to ten percent (10%) of the amount of the tax due to the City of Tracy, in addition to the amount of the tax, plus interest on the unpaid tax calculated from the due date of the tax at the rate of one percent (1%) per month.

2. If the tax remains unpaid for a period exceeding one calendar month beyond the due date, an additional penalty equal to twenty-five percent (25%) of the amount of the tax due to the City of Tracy, in addition to the amount of the tax, plus interest at the rate of one percent (1%) per month on the unpaid tax and on the unpaid penalties.

3. Interest shall be applied at the rate of one percent (1%) per month on the first day of the month for the full month and will continue to accrue monthly on the tax and penalty until the balance is paid in full.

B. Whenever a check or electronic payment is submitted in payment of a cannabis business tax and the payment is subsequently returned unpaid by the bank for any reason, the Cannabis Business will be liable for the tax amount due plus any fees, penalties and interest as provided for in this Section, and any other amount allowed under state law.

6.40.110 Refunds and credits.

A. No refund shall be made of any tax collected pursuant to this Chapter, except as provided in Section 6.40.110.

B. No refund of any tax collected pursuant to this Chapter shall be made because of the discontinuation, cessation, dissolution, or other termination of a business.

6.40.120 Refunds and procedures.

A. Whenever the amount of any cannabis business tax, penalty or interest has been overpaid, paid more than once, or has been erroneously collected or received by the City of Tracy under this Chapter, it may be refunded to the claimant who paid the tax provided that a written claim for refund is filed with the Tax Administrator within one (1) year of the date the tax was originally due and paid, whichever came first.

B. The Tax Administrator, his or her designee or any other City officer charged with the administration of this Chapter shall have the right to examine and audit all the books and business records of the claimant in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant refuses to allow such examination of claimant's books and business records after request by the Tax Administrator to do so.

C. In the event that the cannabis business tax was erroneously paid in an amount in excess of the tax due, and the error is attributable to the City of Tracy, the City of Tracy shall refund the full amount of tax erroneously paid; provided that (i) a claim for refund has been timely filed with the Tax Administrator; and (ii) the refund cannot exceed, under any circumstance, the amount of the tax overpaid during the twelve months preceding the last month for which the claim states the tax was overpaid. If the error is attributable to the taxpayer, the City of Tracy shall retain an amount from the refund reasonably calculated to cover costs incurred in verifying the error.

6.40.130 Personal Cultivation Not Taxed.

The provisions of this Chapter shall not apply to personal cannabis cultivation as defined by MAUCRSA. This Chapter shall not apply to personal use of cannabis that is specifically exempted from state licensing requirements, that meets the definition of personal use or equivalent terminology under state law, and for which the individual receives no compensation whatsoever related to that personal use.

6.40.140 Administration of the tax.

A. It shall be the duty of the Tax Administrator to collect the taxes, penalties, fees, and perform the duties required by this Chapter.

B. For purposes of administration and enforcement of this Chapter generally, the Tax Administrator may from time to time promulgate such administrative interpretations, rules, and procedures consistent with the purpose, intent, and express terms of this Chapter as he or she deems necessary to implement or clarify such provisions or aid in enforcement.

C. The Tax Administrator may take such administrative actions as needed to administer the tax, including but not limited to:

1. Provide to all cannabis business taxpayers forms for the reporting of the tax;
2. Provide information to any taxpayer concerning the provisions of this Chapter;
3. Receive and record all taxes remitted to the City of Tracy as provided in this Chapter;
4. Maintain records of taxpayer reports and taxes collected pursuant to this Chapter;
5. Assess penalties and interest to taxpayers pursuant to this Chapter;
6. Determine amounts owed and enforce collection pursuant to this Chapter.

6.40.150 Appeal procedure.

Any taxpayer aggrieved by any decision of the Tax Administrator with respect to the amount of tax, interest, penalties and fees, if any, due under this Chapter may appeal to the City Manager by filing a notice of appeal with the City Clerk within thirty (30) days of the serving or mailing of the notice of delinquency pursuant to Section 6.40.210 or notice of assessment pursuant to Section 6.40.230. The City Clerk, or his or her designee, shall fix a time and place for hearing such appeal, and the City Clerk, or his or her designee, shall give notice in writing to such operator at the last known place of address. The finding of the City Manager shall be final and conclusive and shall be served upon the taxpayer appellant in the manner prescribed by this Chapter for service of notice. Any amount found to be due shall be immediately due and payable upon the service of the notice in accordance with this Chapter.

6.40.160 Enforcement - action to collect.

Any taxes, penalties and/or fees required to be paid under the provisions of this Chapter shall be deemed a debt owed to the City of Tracy. Any person owing money to the City of Tracy under the provisions of this Chapter shall be liable in an action brought in the name of the City of Tracy for the recovery of such debt. The provisions of this Section shall not be deemed a limitation upon the right of the City of Tracy to bring any other action including criminal, civil and equitable actions, based upon the failure to pay the tax, penalties and/or fees imposed by this Chapter or the failure to comply with any of the provisions of this Chapter.

6.40.170 Apportionment.

If a business subject to the tax is operating both within and outside the City of Tracy, it is the intent of the City of Tracy to apply the cannabis business tax so that the measure of the tax fairly reflects the proportion of the taxed activity actually carried on in the City of Tracy. To the extent federal or state law requires that any tax due from any taxpayer be apportioned, the taxpayer may indicate said apportionment on his or her tax return. The Tax Administrator may promulgate administrative procedures for apportionment as he or she finds useful or necessary.

6.40.180 Constitutionality and legality.

This tax is intended to be applied in a manner consistent with the United States and California Constitutions and state law. None of the tax provided for by this Chapter shall be applied in a manner that causes an undue burden upon interstate commerce, a violation of the equal protection or due process clauses of the Constitutions of the United States or the State of California or a violation of any other provision of the California Constitution or state law. If a person believes that the tax, as applied to him or her, is impermissible under applicable law, he or she may request that the Tax Administrator release him or her from the obligation to pay the impermissible portion of the tax.

6.40.190 Audit and examination of premises and records.

A. For the purpose of ascertaining the amount of cannabis business tax owed or verifying any representations made by any taxpayer to the City of Tracy in support of his or her tax calculation, the Tax Administrator shall have the power to inspect any location where commercial cannabis business occurs and to audit and examine all books and records (including, but not limited to bookkeeping records, state and federal income tax returns, and other records relating to the gross receipts of the business) of persons engaged in cannabis businesses. In conducting such investigation, the tax administrator shall have the power to inspect any equipment, such as computers or point of sale machines, that may contain such records.

B. It shall be the duty of every person liable for the collection and payment to the City of Tracy of any tax imposed by this Chapter to keep and preserve, for a period of at least four (4) years, all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the City of Tracy, which records the Tax Administrator or his/her designee shall have the right to inspect at all reasonable times.

6.40.200 Other licenses, permits, taxes, fees or charges.

A. Nothing contained in this Chapter shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any permit or license required by, under or by virtue of any provision of any other Chapter of this Code or any other ordinance or resolution of the City of Tracy, nor be deemed to repeal, amend, be in lieu of, replace or in any way affect any tax, fee or other charge imposed, assessed or required by, under or by virtue of any other Chapter of this code or any other ordinance or resolution of the City of Tracy.

6.40.210 Payment of tax does not authorize unlawful business.

A. The payment of a cannabis business tax required by this Chapter, and its acceptance by the City of Tracy, shall not entitle any person to carry on any cannabis business unless the person has complied with all of the requirements of this Code and all other applicable state laws.

B. No tax paid under the provisions of this Chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful business, or any business in violation of any local or state law.

6.40.220 Deficiency determinations.

If the Tax Administrator is not satisfied that any statement filed as required under the provisions of this Chapter is correct, or that the amount of tax is correctly computed, he or she may compute and determine the amount to be paid and make a deficiency determination upon the basis of the facts contained in the statement or upon the basis of any information in his or her possession or that may come into his or her possession within three (3) years of the date the tax was originally due and payable. One or more deficiency determinations of the amount of tax due for a period or periods may be made. When a person discontinues engaging in a business, a

deficiency determination may be made at any time within three (3) years thereafter as to any liability arising from engaging in such business whether or not a deficiency determination is issued prior to the date the tax would otherwise be due. Whenever the Tax Administrator makes a deficiency determination, a notice of deficiency shall be given to the person concerned in the same manner as notices of assessment are given under Section 6.40.230.

6.40.230 Failure to report—nonpayment, fraud.

A. Under any of the following circumstances, the Tax Administrator may make and give notice of an assessment of the amount of tax owed by a person under this Chapter at any time:

1. If the person has not filed a complete statement required under the provisions of this Chapter;
2. If the person has not paid the tax due under the provisions of this Chapter;
3. If the person has not, after demand by the Tax Administrator, filed a corrected statement, or furnished to the Tax Administrator adequate substantiation of the information contained in a statement already filed, or paid any additional amount of tax due under the provisions of this Chapter; or
4. If the Tax Administrator determines that the nonpayment of any business tax due under this Chapter is due to fraud, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to penalties and interest otherwise stated in this Chapter and any other penalties allowed by law.

B. The notice of assessment shall separately set forth the amount of any tax known by the Tax Administrator or estimated by the Tax Administrator, after consideration of all information within the Tax Administrator's knowledge concerning the business and activities of the person assessed, under each applicable section of this Chapter, and shall include the amount of any penalties or interest accrued on each amount to the date of the notice of assessment.

6.40.240 Tax assessment; service of notice.

The notice of assessment or any other notice issued pursuant to this Chapter shall be served upon the person either by personal delivery, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the business or to such other address as he or she shall register with the Tax Administrator for the purpose of receiving notices provided under this Chapter; or, should the person have no address registered with the Tax Administrator for such purpose, then to such person's last known address. For the purposes of this Chapter, service by mail is complete at the time of deposit in the United States mail.

6.40.250 Tax assessment - hearing, application and determination.

Within thirty (30) days after the date of service of the notice of assessment, the person may apply in writing to the Tax Administrator for a hearing on the assessment. If application for a hearing before the City is not made within the time herein prescribed, the tax assessed by the Tax Administrator shall become final and conclusive. Within thirty (30) days of the receipt of any such application for hearing, the Tax Administrator shall cause the matter to be set for hearing before him or her no later than thirty (30) days after the receipt of the application, unless a later date is agreed to by the Tax Administrator and the person requesting the hearing. Notice of such hearing shall be given by the Tax Administrator to the person requesting such hearing not later than five (5) days prior to such hearing. At such hearing said applicant may appear and offer evidence why the assessment as made by the Tax Administrator should not be confirmed and fixed as the tax due. After such hearing the Tax Administrator shall determine and, if applicable, reassess the proper tax to be charged and shall give written notice to the person in the manner prescribed in Section 6.40.230 for giving notice of assessment.

6.40.260 Successor's and Assignee's Responsibility.

If any taxpayer, while liable for any amount under this Chapter, sells, assigns or otherwise transfers the business, whether voluntarily or involuntarily, the taxpayer's subsequent successor, assign or transferee, or other person obtaining ownership or control of the business, shall satisfy any tax liability owned to the City of Tracy associated with the Cannabis Business. Failure to do so for the benefit of the City will result in the successor or assignee being personally liable to the City of Tracy for the full amount of the tax liability, which includes interest and penalties.

6.40.270 Conviction for violation - taxes not waived.

The conviction and punishment of any person for failure to pay the required tax shall not excuse or exempt such person from any civil action for the tax debt unpaid at the time of such conviction. No civil action shall prevent a criminal prosecution for any violation of the provisions of this Chapter or of any state law requiring the payment of all taxes.

6.40.280 Violation deemed misdemeanor.

Any person violating any of the provisions of this Chapter or any regulation or rule passed in accordance herewith, shall be deemed guilty of a misdemeanor.

6.40.290 Severability.

If any provision of this Chapter, or its application to any person or circumstance, is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Chapter or the application of this Chapter to any other person or circumstance and, to that end, the provisions hereof are severable.

6.40.300 Consistency with Business License Tax.

The City Council and the people of the City of Tracy intend this Chapter to be enforced consistently with Chapter 6.04 of this Code and any rule or regulation promulgated under that Chapter 6.04 except as expressly provided to the contrary in this Chapter.

6.40.310 Remedies cumulative.

All remedies and penalties prescribed by this Chapter or which are available under any other provision of the Tracy Municipal Code and any other provision of law or equity are cumulative. The use of one or more remedies by the City of Tracy shall not bar the use of any other remedy for the purpose of enforcing the provisions of this Chapter.

6.40.320 Amendment or modification .

This Chapter may be amended or modified but not repealed by the City Council without a vote of the people to the extent allowed by law. However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment or modification that would increase the rate of any tax levied pursuant to this Chapter. The people of the City of Tracy affirm that the following actions shall not constitute an increase of the rate of a tax:

- A. The restoration of the rate of the tax to a rate that is no higher than that set by this Chapter, if the City Council has acted to reduce the rate of the tax;
- B. An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Chapter; or
- C. The collection of the tax imposed by this Chapter even if the City had, for some period of time, failed to collect the tax.
- D. The adjustment of the tax in accordance with the provisions of subdivisions (C) and (D) of Section 6.40.050, including the levying of different tax rates on medical versus adult-use cannabis.

SECTION 2. EFFECTIVE DATE. This Ordinance relates to the levying and collecting of a City tax and shall not take effect until approved by a majority vote of voters voting on the tax at the general municipal election held on November 3, 2020 and as certified by the City Clerk.

SECTION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT. This Ordinance is exempt from the California Environmental Quality Act (“CEQA”; Public Resources Code Sections 21000, et seq, and 14 Cal. Code Reg. Sections 15000 et seq “CEQA Guidelines”). This Ordinance is a general tax to fund existing services; it is not a commitment to any particular action. As such, under CEQA Guidelines Section 15378 (b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on

the environment. If revenue generated by the tax were used for a purpose that would have such an effect, the City of Tracy would undertake the required CEQA review for that particular project. Therefore, pursuant to CEQA Guideline Section 15060 CEQA analysis is not required.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 5. CERTIFICATION AND PUBLICATION. Upon approval by the voters, the City Clerk shall certify the passage and adoption of this Ordinance and shall cause it to be published in accordance with the law.

It is hereby certified that this Ordinance was duly approved and adopted by the People of the City of Tracy at the City's November 3, 2020 general municipal election.

Robert Rickman, Mayor

ATTEST:

Adrienne Richardson, City Clerk

RESOLUTION 2020_____

CALLING AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2020 FOR THE ELECTION OF CERTAIN OFFICERS AND CONSIDERATION OF LOCAL BALLOT MEASURE(S), AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN ORDER THE CONSOLIDATION OF SAID ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE

WHEREAS, Under the provisions of state law relating to general law cities, a general municipal election shall be held on November 3, 2020, for the election of municipal officers and consideration of local ballot measure(s) that are consistent with the California Constitution and state law, and

WHEREAS, The City of Tracy is a duly organized general law city, and

WHEREAS, It is desirable that the City of Tracy's General Municipal Election be consolidated with the Statewide General Election to be held on the same date and that within the City the precincts, polling places and election officers of the two elections be the same, and that the County Elections Department of the County of San Joaquin canvass the returns of the General Municipal Election, and that the election be held in all respects as if it were only one election.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TRACY AS FOLLOWS:

Section 1. Pursuant to the requirements of the laws of the State of California relating to general law cities there is called and ordered to be held in the City of Tracy, California, on Tuesday, November 3, 2020, a General Municipal Election for the purpose of electing a Mayor for the full term of two years commencing December 2020 and expiring November 2022 and two members of the City Council for the full term of four years commencing December 2020 and expiring November 2024.

Section 2. Pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of San Joaquin is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 3, 2020, for the purpose of the electing City's officers as stated above and to consider any local ballot measure(s) meeting the requirements set forth in the California Constitution and applicable state law.

Section 3. The Board of Supervisors is requested to issue instructions to the San Joaquin County Registrar of Voters to take any and all steps necessary to hold the consolidated election which shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The City Council acknowledges that the consolidated election will be held and conducted in the manner prescribed in Section 10418 of the Elections Code.

Section 4. The San Joaquin County Registrar of Voters is specifically requested to be authorized to canvass the returns of the General Municipal Election.

Section 5. That the Board of Supervisors authorize and direct the Registrar of Voters to provide all necessary election services in order to properly and lawfully conduct said election, including precinct workers and the procurement and furnishing of all official ballots, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election. This request is made pursuant to Section 10002 of the Elections Code.

Section 6. The City of Tracy recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for those costs.

Section 7. That the City Clerk is authorized, instructed and directed to coordinate with the San Joaquin County Registrar of Voters as necessary in order to properly and lawfully conduct the election.

Section 8. The polls for the election shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed, except as provided in Section 10242, except as provided in Section 14401, of the Elections Code of the State of California.

Section 9. Notice of the time and place of holding the election is given and the City Clerk and San Joaquin County Registrar of Voters are authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

Section 10. In all particulars not recited in this Resolution, the elections shall be held and conducted as provided by law for holding municipal elections.

Section 11. That the City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

Section 12. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the San Joaquin County Registrar of Voters.

* * * * *

The foregoing Resolution 2020-____ was passed and adopted by the Tracy City Council on the 19th day May 2020 by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

RESOLUTION NO. 2020 _____

ORDERING THE CITY CLERK TO SUBMIT A MEASURE TO THE
VOTERS TO ADOPT AN ORDINANCE IMPOSING A CANNABIS
BUSINESS TAX ON COMMERCIAL CANNABIS AND HEMP ACTIVITIES
IN TRACY TO FUND CORE CITY SERVICES AT THE GENERAL
MUNICIPAL ELECTION ON NOVEMBER 3, 2020

WHEREAS, On November 8, 2016, California voters approved the Control, Regulate and Tax Adult Use of Cannabis Act (AUMA), which legalized the possession, use, and cultivation of non-medical cannabis for those who are 21 years of age or older and established a state system to regulate commercial cannabis activity; and

WHEREAS, On June 27, 2017, Governor Jerry Brown signed into law Senate Bill 94, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which repealed the Medical Cannabis Regulation and Safety Act (MCRSA), incorporated certain licensing provisions from MCRSA, and created a single regulatory scheme for both medicinal and adult-use cannabis; and

WHEREAS, Subject to certain exceptions, MAUCRSA generally establishes a comprehensive system to legalize, control, and regulate the cultivation, processing, manufacture, distribution, testing, and sale of cannabis, including cannabis products, and to tax the commercial growth and retail sale of cannabis; and

WHEREAS, On December 3, 2019, the City Council adopted Ordinance No. 1277 adding Chapter 6.36 to the Tracy Municipal Code to permit certain commercial cannabis businesses within the boundaries of City of Tracy, and create a local application process for the issuance of cannabis business permits for those uses; and

WHEREAS, The City Council desires to place before the voters a ballot measure to enact an ordinance allowing the City Council to implement an excise tax on cannabis and hemp businesses within the City; and

WHEREAS, Revenues from a cannabis business tax would be for general revenue purposes and would go into the City's general fund and could be used for any legitimate government purpose; and

WHEREAS, At the meeting of the City Council of the City of Tracy on today's date, the Council adopted a resolution calling for and giving notice of a General Municipal Election to be held on November 3, 2020 and requesting that the Board of Supervisors of the County of San Joaquin consolidate said election with the Statewide General Election to be held that day, and

WHEREAS, Pursuant to Section 9222 of California Elections Code, the City Council is authorized to place measures on the ballot to be considered at a general municipal election, and

WHEREAS, Article XIIC, section 2(b) of the California Constitution requires that any general tax for unrestricted general revenue purposes must be submitted to and approved by a majority vote of the voters voting on the issue of imposing any general tax; and

WHEREAS, A substantial portion of the City's General Fund is used for public safety purposes and the City Council has determined that a cannabis business tax is an effective way

of offsetting the impact of commercial cannabis on core City services such as public safety, public works, parks, and community services; and

WHEREAS, The City of Tracy is dedicated to protecting the public safety, health and quality of life of Tracy residents; and

WHEREAS, The Measure will help maintain and enhance core City services such as public safety (police, fire, and code enforcement), public works (street and sidewalk repair, parks and public landscaping maintenance and improvements), park (recreation, aquatics, and sports programming), and community services (youth and senior services, homeless and housing programs); and

WHEREAS, The proposed Cannabis Business Tax Ordinance attached hereto as Exhibit "A" and incorporated herein by reference ("Ordinance") would impose a general tax on businesses engaged in commercial cannabis (marijuana) or hemp activity in Tracy ("General Tax"), and

WHEREAS, If approved by the voters, the revenue from the General Tax will be used to fund core City services, and

WHEREAS, The City Council desires to submit the General Tax to the qualified voters of the City at the next General Municipal Election to be held on Tuesday, November 3, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TRACY AS FOLLOWS:

Section 1. Recitals. The City Council hereby finds and determines that the foregoing recitals are true and correct.

Section 2. Election. The City Council hereby orders the City Clerk to submit the General Tax as proposed in the attached Ordinance to the voters at the General Municipal Election to be held on November 3, 2020.

Section 3. Rate and Method. The type, rate, and method of collection of the tax are set forth in the Ordinance. The cumulative amount of the tax shall not exceed 15% of the gross receipts of cannabis businesses in the City.

Section 4. Ballot Label. The ballot label for the proposed General Tax shall be submitted for a "Yes" or "No" vote as follows:

Shall the City adopt an ordinance imposing a general tax on cannabis businesses, including hemp, not to exceed \$12.00 per canopy square foot for cultivation (adjusted for inflation), 6% of gross receipts for retail, and 4% for all other businesses; estimated to generate \$350,000 to \$700,000 annually for Tracy until voters change or repeal it, to fund core City services such as public safety, public works, parks, and community services?	YES	
	NO	

Section 5. Full Text. The full text of the Ordinance, which is attached as Exhibit "A" shall be printed in the sample ballot/voter information pamphlet for the November 3, 2020 election.

Section 6. Approval. Pursuant to Section 2(b) of Article XIII C of the California Constitution, this measure requires approval by a majority vote (50% plus 1) of those casting ballots on the measure.

Section 7. Filing with County. The City Clerk shall file a certified copy of this Resolution with the Board of Supervisors and County Elections Department of the County of San Joaquin.

Section 8. CEQA. The approval of this Resolution is exempt from the California Environmental Quality Act (“CEQA”; Public Resources Code Sections 21000, et seq, and 14 Cal. Code Reg. Sections 15000 et seq “CEQA Guidelines”). The general tax to be submitted to the voters will be used to fund core City services such as public safety, public works, parks, and community services; it is not a commitment to any particular action. As such, under CEQA Guidelines Section 15378 (b)(4), the proposed tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue generated by the tax were used for a purpose that would have such an effect, the City of Tracy would undertake the required CEQA review for that particular project. Therefore, pursuant to CEQA Guideline Section 15060 CEQA analysis is not required.

Section 9. Effective Date. This Resolution shall be effective immediately upon adoption by a majority vote of the City Council.

The foregoing Resolution was adopted by the Tracy City Council on the 19th day of May, 2020, by the following vote:

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

Mayor

ATTEST:

City Clerk

EXHIBIT A

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF TRACY, ADDING
CHAPTER 6.40 “CANNABIS BUSINESS TAX” TO TITLE 6
OF THE TRACY MUNICIPAL CODE TO IMPOSE A TAX
ON COMMERCIAL CANNABIS ACTIVITIES IN TRACY**

THE PEOPLE OF THE CITY OF TRACY DO ORDAIN AS FOLLOWS:

SECTION 1. Amendment to the Tracy Municipal Code. Title 6 of the Tracy Municipal Code is hereby amended to include Chapter 6.40 titled “Cannabis Business Tax” and shall read as follows:

**CHAPTER 6.40
CANNABIS BUSINESS TAX**

Sections:

- 6.40.010 Title.
- 6.40.020 Authority and Purpose.
- 6.40.030 Intent.
- 6.40.040 Definitions.
- 6.40.050 Tax imposed.
- 6.40.060 Registration, reporting and remittance of tax.
- 6.40.070 Payments and communications –timely remittance.
- 6.40.080 Payment – when taxes deemed delinquent.
- 6.40.90 Notice not required by City.
- 6.40.100 Penalties and interest.
- 6.40.110 Refunds and credits.
- 6.40.120 Refunds and procedures.
- 6.40.130 Personal cultivation not taxed.
- 6.40.140 Administration of the tax.
- 6.40.150 Appeal procedure.
- 6.40.160 Enforcement –action to collect.
- 6.40.170 Apportionment.
- 6.40.180 Constitutionality and legality.
- 6.40.190 Audit and examination of premises and records.
- 6.40.200 Other licenses, permits, taxes or charges.
- 6.40.210 Payment of tax does not authorize unlawful business.
- 6.40.220 Deficiency determinations.
- 6.40.230 Failure to report – nonpayment, fraud.
- 6.40.240 Tax assessment – service of notice.
- 6.40.250 Tax assessment – hearing, application, and determination.
- 6.40.260 Successor’s and Assignee’s Responsibility.
- 6.40.270 Conviction for violation – taxes not waived.

- 6.40.280 Violation deemed misdemeanor.
- 6.40.290 Severability.
- 6.40.300 Consistency with Business License Tax.
- 6.40.310 Remedies cumulative.
- 6.40.320 Amendment or modification.

6.40.010 Title.

This ordinance shall be known as the Cannabis Business Tax Ordinance.

6.40.020 Authority and Purpose.

This Ordinance is adopted to achieve the following, among other purposes, and shall be interpreted in order to accomplish those purposes:

- A. To adopt a tax, for revenue purposes, on the privilege of cultivating, transporting, dispensing, manufacturing, producing, processing, preparing, storing, testing, providing, selling, or distributing cannabis or hemp products containing cannabis or hemp, cannabis or hemp accessories and any ancillary products by Cannabis Businesses in the City of Tracy. The Cannabis Business Tax is levied based upon business gross receipts except for commercial cannabis or industrial hemp cultivation which shall be taxed on square footage of plant canopy. It is not a sales and use tax, a tax upon income, or a tax upon real property;
- B. The Cannabis Business Tax is a general tax enacted solely for general, governmental purpose of the City and not for specific purposes. All of the proceeds from the tax imposed by this sections shall be placed in the City's general fund and be available for any lawful municipal purpose.
- C. The Cannabis Business Tax shall not be separately identified or otherwise specifically assessed or charged to any member, customer, patient, or caretaker; and
- D. To specify the type of tax and rate of tax to be levied and the method of collection.

The Cannabis Business Tax is a tax enacted solely for raising revenue for the stated purposes and not for regulation. It shall apply to all persons engaged in Cannabis Business in the City of Tracy. The tax imposed by this Chapter is a tax under Article XIII C of the California Constitution.

6.40.030 Intent.

The intent of this Ordinance is to levy a tax on all Cannabis Businesses that operate in the City of Tracy, regardless of whether such business was authorized under state and local laws at the time this Ordinance was adopted. Nothing in this Ordinance shall be interpreted to authorize or permit any business activity that would not otherwise be legal or permissible under laws applicable to the activity at the time the activity is undertaken.

6.40.040 Definitions.

Unless otherwise provided in this Chapter, the definitions set forth in Chapter 6.40 “Business Taxes”, Article 1 of Chapter 8.08 “Taxation”, and Chapter 6.36 “Commercial Cannabis Activities,” as may be amended from time to time, shall apply to this Chapter. In the event the definitions of provisions of those chapters conflict with any provision in this Chapter, then this Chapter shall control to the extent necessary to administer and effectuate the propose of this Chapter. The following words and phrases shall have the meanings set forth below when used in this Chapter:

A. “Business” shall include all activities engaged in or caused to be engaged in within the City of Tracy, including any commercial or industrial enterprise, trade, profession, occupation, vocation, calling, or livelihood, whether or not carried on for gain or profit, but shall not include the services rendered by an employee to his or her employer.

B. “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” also means cannabis as defined by California Business and Professions Code Section 26001, subdivision (f), California Health and Safety Code Section 11018, and by other state law, and is not limited to medical cannabis.

C. “Cannabis accessories” means any device or equipment used, intended for use or designed for use in planting, propagating, cultivating, growing, storing, or smoking, of cannabis, as described in Section 11018.2 of the California Health and Safety Code and is not limited to medical cannabis accessories.

D. “Cannabis product” means any product containing cannabis or its derivatives, including, but not limited to, flowers, buds, oils, tinctures, concentrates, extractions, and products described in Section 11018.1 of the California Health and Safety Code and is not limited to medical cannabis products.

E. “Canopy” means all areas occupied by any portion of a cannabis or hemp plant whether contiguous or noncontiguous on any one site. When plants occupy multiple horizontal planes (as when plants are placed on shelving above other plants) each plane shall be counted as a separate canopy area.

F. “Cannabis or hemp business” means any business activity involving cannabis or industrial hemp, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, processing, preparing, storing, packaging, delivering, testing, dispensing, retailing and wholesaling of cannabis or cannabis products or hemp or hemp products or of ancillary products and accessories, whether or not carried on for gain or profit and whether or not such business is licensed by the State. “Cannabis Business” is synonymous with “cannabis or hemp business.” Cannabis Business does not include any business whose only

relationship to cannabis or cannabis products or hemp or hemp products is the production or sale of Cannabis or Hemp Accessories and specifically excludes personal cultivation activities conducted in accordance with state law.

G. “Cannabis business tax” or “business tax,” means the tax due pursuant to this Chapter for engaging in cannabis or hemp business in the City of Tracy.

H. “Commercial cannabis or hemp cultivation” means cultivation conducted by, for, or as part of a Cannabis Business. “Commercial cannabis or hemp cultivation” does not include personal medical cannabis or hemp cultivation or personal recreational cannabis or hemp cultivation as authorized by MAUCRSA, for which the person receives no compensation whatsoever.

I. “City Cannabis Business Permit” or “Cannabis Business Permit” means a regulatory permit issued by the City of Tracy to a person to authorize that person to operate or engage in a Cannabis business.

J. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis or hemp and includes, but is not limited to, the operation of a nursery.

K. “Delivery” means the transfer, for any form of compensation, of cannabis or hemp, cannabis or hemp products, or cannabis or hemp accessories to a customer or caregiver at a location that is not a cannabis retailer (dispensary).

L. “Employee” means each and every person engaged in the operation or conduct of any business, whether as owner, member of the owner's family, partner, associate, agent, manager or solicitor, and each and every other person employed or working in such business for a wage, salary, commission, barter or any other form of compensation.

M. “Engaged in business as a cannabis or hemp business” means the commencing, conducting, operating, managing or carrying on of a Cannabis Business, whether done as owner, or by means of an officer, agent, manager, employee, or otherwise, whether operating from a fixed location in the City of Tracy or coming into the City of Tracy from an outside location to engage in such activities. A person shall be deemed engaged in business within the City of Tracy if:

1. Such person or person’s employee maintains a fixed place of business within the City of Tracy for the benefit or partial benefit of such person;

2. Such person or person’s employee owns or leases real property within the City of Tracy for business purposes;

3. Such person or person’s employee regularly maintains a stock of tangible personal property in the City of Tracy for sale in the ordinary course of business;

4. Such person or person's employee regularly conducts solicitation of business within the City of Tracy; or

5. Such person or person's employee performs work or renders services in the City of Tracy.

The foregoing specified activities shall not be a limitation on the meaning of "engaged in business."

N. "Evidence of doing business" means evidence such as, without limitation, use of signs, circulars, cards or any other advertising media, including the use of internet or telephone solicitation, or representation to a government agency or to the public that such person is engaged in a cannabis business in the City of Tracy.

O. "Fiscal year" means July 1 through June 30 of the following calendar year.

P. "Gross Receipts," except as otherwise specifically provided, means, whether designated a sales price, royalty, rent, membership fee, ATM service fee, delivery fee, slotting fee, any other fee, vaping room service charge, commission, dividend, or other designation, the total amount (including all receipts, cash, credits and property of any kind or nature) received or payable for sales of goods, wares or merchandise or for the performance of any act or service of any nature for which a charge is made or credit allowed (whether such service, act or employment is done as part of or in connection with the sale of goods, wares, merchandise or not), without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, losses or any other expense whatsoever. However, the following shall be excluded from Gross Receipts:

1. Cash discounts where allowed and taken on sales;

2. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;

3. Such part of the sale price of any property returned by purchasers to the seller as refunded by the seller by way of cash or credit allowances or return of refundable deposits previously included in gross receipts;

4. Receipts derived from the occasional sale of used, obsolete or surplus trade fixtures, machinery or other equipment used by the taxpayer in the regular course of the taxpayer's business;

5. Cash value of sales, trades or transactions between departments or units of the same business located in the City of Tracy or if authorized by the Tax Administrator in writing in accordance with Section 6.40.150;

6. Whenever there are included within the gross receipts amounts which reflect sales for which credit is extended and such amount proved uncollectible in a

subsequent year, those amounts may be excluded from the gross receipts in the year they prove to be uncollectible; provided, however, if the whole or portion of such amounts excluded as uncollectible are subsequently collected they shall be included in the amount of gross receipts for the period when they are recovered;

7. Receipts of refundable deposits, except that such deposits when forfeited and taken into income of the business shall not be excluded when in excess of one dollar;

8. Amounts collected for others where the business is acting as an agent or trustee and to the extent that such amounts are paid to those for whom collected. These agents or trustees must provide the Finance Department with the names and the addresses of the others and the amounts paid to them. This exclusion shall not apply to any fees, percentages, or other payments retained by the agent or trustees.

9. Retail sales of t-shirts, sweaters, hats, stickers, key chains, bags, books, posters or rolling papers, cannabis accessories such as pipes, pipe screens, vape pen batteries (without cannabis or industrial hemp) or other personal tangible property which the Tax Administrator has excluded in writing by issuing an administrative ruling per Section 6.40.140 shall not be subject to the Cannabis Business Tax under this Chapter. However, any retail sales not subject to this Chapter as a result of the administrative ruling shall be subject to the appropriate business tax under Chapter 6.04 or any other Chapter or Title as determined by the Tax Administrator.

10. Payments made by the tax-reporting cannabis business (Seller) to a cannabis business (Buyer) for the difference in the original acquisition price and subsequent renegotiated or finalized selling prices of products or services sold to a specific end customer. This type of transaction is referred to as a “Billback”. The tax-reporting cannabis business must provide supporting documentation to substantiate the transaction in order to be eligible for an exemption.

Q. “Industrial hemp” means a crop that is limited to types of the plant *Cannabis sativa* L. having no more than three-tenths of 1 percent tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom.

R. “Industrial hemp products” means any raw hemp that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. “Hemp product” also means hemp products as defined by Section 11018.5 of the California Health and Safety Code.

S. “Lighting” means a source of light that is primarily used for promoting the biological process of plant growth that is artificial or natural. Lighting does not include sources of light that primarily exist for the safety or convenience of staff or visitors to the facility, such as emergency lighting, walkway lighting, or light admitted via small skylights, windows or ventilation openings.

T. “Nursery” means a facility or part of a facility that is used only for producing clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis and includes a greenhouse.

U. “Person” means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, whether organized as a nonprofit or for-profit entity, and includes the plural as well as the singular number.

V. “Sale” means and includes any sale, exchange, or barter.

W. “State” means the State of California.

X. “State license,” “license,” or “registration” means a state license issued pursuant to California Business & Professions Code Sections 26000, *et seq.* or other applicable state law.

Y. “Tax Administrator” means the Finance Director of the City of Tracy or his or her designee.

Z. “Taxpayer” shall mean any person engaging in business as a Cannabis Business that is subject to this Chapter.

AA. “Testing Laboratory” means a cannabis business that (i) offers or performs tests of cannabis or cannabis products, hemp or hemp products, (ii) offers no service other than such tests, (iii) sells no products, excepting only testing supplies and materials, (iv) is accredited by an accrediting body that is independent from all other persons involved in the cannabis industry in the state and (v) is registered with the Bureau of Cannabis Control or other state agency.

6.40.050 Tax imposed.

A. Beginning January 1, 2021, there is imposed upon each person who is engaged in business as a cannabis business a cannabis business tax regardless if the business has been issued a permit to operate lawfully in the City of Tracy or is operating unlawfully.

B. The maximum tax rate of the cannabis business tax shall be as follows:

1. For every person who is engaged in commercial cannabis cultivation, including industrial hemp in the City of Tracy, the maximum rate shall be:

- a) Up to twelve dollars (\$12.00) annually per square foot of canopy space in a facility that uses exclusively artificial lighting.
- b) Up to ten dollars (\$10.00) annually per square foot of canopy space in a facility that uses a combination of natural and supplemental artificial lighting.
- c) Up to eight dollars (\$8.00) annually per square foot of canopy space in a facility that uses no artificial lighting.

- d) Up to four dollars (\$4.00) annually per square foot of canopy space for any nursery.

For purposes of this subsection (B), the square feet of canopy space for a business shall be rebuttably presumed to be the maximum square footage of canopy allowed by the conditional use permit or regulatory permit issued to the business by the City of Tracy for commercial cannabis or hemp cultivation, or, in the absence of a conditional use permit or regulatory permit, the square footage shall be the maximum square footage of canopy for commercial cannabis or hemp cultivation allowed by the state license type. Should a City of Tracy conditional use permit or regulatory permit be issued to a business which cultivates only for certain months of the year, the City of Tracy shall prorate the tax as to sufficiently reflect the period in which cultivation is occurring at the business. All canopy square footage that is authorized by the conditional use permit or regulatory permit shall be included in the calculation of the tax for cultivation. No deduction will be applied to any canopy square footage that is not used for cultivation unless the Tax Administrator is informed in writing that such space will not be used and authorizes such reduction for the purpose of relief from the tax prior to the period for which the space will not be used.

- 2. For every person who engages in the operation of a testing laboratory for cannabis, cannabis products, industrial hemp and/or industrial hemp products s/he/it shall be subject to the maximum tax rate not to exceed two and a half percent (2.5%) of gross receipts.
 - 3. For every person who engages in the retail sales of cannabis, cannabis products, industrial hemp, and/or industrial hemp products, including as a retailer (dispensary) or non-store front retailer (delivery business), or microbusiness (retail sales activity) s/he/it shall be subject to the maximum tax rate not to exceed six percent (6%) of gross receipts.
 - 4. For every person engaged in distribution of cannabis, cannabis products, industrial hemp and/or industrial hemp products, s/he/it shall be subject to the maximum tax rate not to exceed three percent (3%) of gross receipts.
 - 5. For every person engaged in manufacturing, processing, or microbusiness (non-retail activity) of cannabis, cannabis products, industrial hemp and/or industrial hemp products, or any other type of cannabis business not described in Section (B) (1), (2), (3) or (4), s/he/it shall be subject to the maximum tax rate not to exceed four percent (4%) of gross receipts.
- C. The City Council may, by resolution or ordinance, increase or decrease the rate of the cannabis business tax, including the initial rate of cannabis business tax. The City Council may, by resolution or ordinance, increase or decrease the rate of the medicinal cannabis tax, including the initial rate of medicinal cannabis business tax, independent of other cannabis business tax activities. In addition, the City Council may, by resolution or ordinance, increase or decrease the rate of the cannabis business tax on hemp or hemp products, including the initial rate of the

tax on hemp or hemp products independent of other cannabis activities. Notwithstanding the foregoing, in no event shall the City Council repeal this tax or set any adjusted rate that exceeds the maximum rates calculated pursuant to this section without a vote of the people.

- D. On July 1, 2021 and on each July 1 thereafter, the maximum annual tax rate per square foot of each type of canopy space shall increase by the percentage change between January of the calendar year prior to such increase and January of the calendar year of the increase in the Consumer Price Index (“CPI”) for all urban consumers in the San Francisco-Oakland-San Jose area as published by the United States Government Bureau of Labor Statistics. However, no CPI adjustment resulting in a decrease of any tax imposed by this subsection shall be made.
- E. Persons subject to the cannabis business tax shall register with the City and pay the registration fee pursuant to Section 6.40.060. They shall also be required to obtain a business license pursuant to Chapter 6.04 of this code; provided, however, that cannabis business activities subject to the cannabis business tax shall be excluded from determining the amount of any business license tax payable under Chapter 6.04.

6.40.060 Registration, reporting and remittance of tax.

- A. Registration of Cannabis Business. All cannabis businesses shall be required to annually register as follows:
 - 1. All persons engaging in business as a cannabis business, whether an existing, newly established or acquired business shall register with the Tax Administrator within thirty (30) days of commencing operation and shall annually renew such registration within 30 days of the business registration anniversary date of each year thereafter. In registering, such persons shall furnish to the Tax Administrator a sworn statement, upon a form provided by the Tax Administrator, setting forth the following information:
 - i. The name of the business
 - ii. The names and addresses of each owner
 - iii. The exact nature or kind of business;
 - iv. The place where such business is to be carried on; and
 - v. Any additional information which the Tax Administrator may require.
- B. An annual registration fee in accordance with the current and approved City fee schedule shall be presented with the sworn statement submitted under this section.

This fee shall not be considered a tax and may be adjusted by resolution of the City Council.

C. The cannabis business tax imposed by this Chapter shall be paid, in arrears, on a monthly basis. Each person owing a cannabis business tax each calendar month shall, no later than the last day of the month following the close of the calendar month, file with the Tax Administrator a statement (“tax statement”) of the tax owed for that calendar month and the basis for calculating that tax. The Tax Administrator may require that the tax statement be submitted on a form prescribed by the Tax Administrator. The tax for each calendar month shall be due and payable on that same date that the tax statement for the calendar month is due.

D. Upon cessation of a cannabis business, tax statements and all outstanding taxes, fees, and penalties shall be immediately due for all calendar months up to the calendar month during which cessation occurred.

E. The Tax Administrator may, at his or her discretion, establish alternative reporting and payment periods for any taxpayer as the Tax Administrator deems necessary to ensure effective collection of the cannabis business tax. The Tax Administrator may also require that a deposit, to be applied against the taxes for a calendar month, be made by a taxpayer at the beginning of that calendar month. In no event shall the deposit required by the Tax Administrator exceed the tax amount he or she projects will be owed by the taxpayer for the calendar month. The Tax Administrator may require that a taxpayer make payments via a cashier’s check, money order, wire transfer, or similar instrument.

6.40.070 Payments and communications – timely remittance.

Whenever any payment, statement, report, request or other communication is due, it must be received by the Tax Administrator on or before the final due date. A postmark will not be accepted as timely remittance. If the due date would fall on a Friday during which City Hall is closed, Saturday, Sunday or a holiday observed by the City, the due date shall be the next regular business day on which the City of Tracy is open to the public.

6.40.080 Payment - when taxes deemed delinquent.

Unless otherwise specifically provided under other provisions of this Chapter, the taxes required to be paid pursuant to this Chapter shall be deemed delinquent if not received by the Tax Administrator on or before the due date as specified in Sections 6.40.060.

6.40.90 Notice from City not required.

The City of Tracy may, as a courtesy, send a tax notice to the business. However, the Tax Administrator is not required to send a notice of assessment pursuant to Section 6.40.230, a notice of delinquency pursuant to Section 6.40.210, or any other tax notice or bill to any person subject to the provisions of this Chapter. Failure to send any tax notice or bill shall not affect the validity of any tax or penalty due under the provisions of this Chapter.

6.40.100 Penalties and interest.

A. Any person who fails or refuses to pay any Cannabis Business Tax required to be paid pursuant to this Chapter on or before the due date shall pay penalties and interest as follows:

1. A penalty equal to ten percent (10%) of the amount of the tax due to the City of Tracy, in addition to the amount of the tax, plus interest on the unpaid tax calculated from the due date of the tax at the rate of one percent (1%) per month.

2. If the tax remains unpaid for a period exceeding one calendar month beyond the due date, an additional penalty equal to twenty-five percent (25%) of the amount of the tax due to the City of Tracy, in addition to the amount of the tax, plus interest at the rate of one percent (1%) per month on the unpaid tax and on the unpaid penalties.

3. Interest shall be applied at the rate of one percent (1%) per month on the first day of the month for the full month and will continue to accrue monthly on the tax and penalty until the balance is paid in full.

B. Whenever a check or electronic payment is submitted in payment of a cannabis business tax and the payment is subsequently returned unpaid by the bank for any reason, the Cannabis Business will be liable for the tax amount due plus any fees, penalties and interest as provided for in this Section, and any other amount allowed under state law.

6.40.110 Refunds and credits.

A. No refund shall be made of any tax collected pursuant to this Chapter, except as provided in Section 6.40.110.

B. No refund of any tax collected pursuant to this Chapter shall be made because of the discontinuation, cessation, dissolution, or other termination of a business.

6.40.120 Refunds and procedures.

A. Whenever the amount of any cannabis business tax, penalty or interest has been overpaid, paid more than once, or has been erroneously collected or received by the City of Tracy under this Chapter, it may be refunded to the claimant who paid the tax provided that a written claim for refund is filed with the Tax Administrator within one (1) year of the date the tax was originally due and paid, whichever came first.

B. The Tax Administrator, his or her designee or any other City officer charged with the administration of this Chapter shall have the right to examine and audit all the books and business records of the claimant in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant refuses to allow such examination of claimant's books and business records after request by the Tax Administrator to do so.

C. In the event that the cannabis business tax was erroneously paid in an amount in excess of the tax due, and the error is attributable to the City of Tracy, the City of Tracy shall refund the full amount of tax erroneously paid; provided that (i) a claim for refund has been timely filed with the Tax Administrator; and (ii) the refund cannot exceed, under any circumstance, the amount of the tax overpaid during the twelve months preceding the last month for which the claim states the tax was overpaid. If the error is attributable to the taxpayer, the City of Tracy shall retain an amount from the refund reasonably calculated to cover costs incurred in verifying the error.

6.40.130 Personal Cultivation Not Taxed.

The provisions of this Chapter shall not apply to personal cannabis cultivation as defined by MAUCRSA. This Chapter shall not apply to personal use of cannabis that is specifically exempted from state licensing requirements, that meets the definition of personal use or equivalent terminology under state law, and for which the individual receives no compensation whatsoever related to that personal use.

6.40.140 Administration of the tax.

A. It shall be the duty of the Tax Administrator to collect the taxes, penalties, fees, and perform the duties required by this Chapter.

B. For purposes of administration and enforcement of this Chapter generally, the Tax Administrator may from time to time promulgate such administrative interpretations, rules, and procedures consistent with the purpose, intent, and express terms of this Chapter as he or she deems necessary to implement or clarify such provisions or aid in enforcement.

C. The Tax Administrator may take such administrative actions as needed to administer the tax, including but not limited to:

1. Provide to all cannabis business taxpayers forms for the reporting of the tax;
2. Provide information to any taxpayer concerning the provisions of this Chapter;
3. Receive and record all taxes remitted to the City of Tracy as provided in this Chapter;
4. Maintain records of taxpayer reports and taxes collected pursuant to this Chapter;
5. Assess penalties and interest to taxpayers pursuant to this Chapter;
6. Determine amounts owed and enforce collection pursuant to this Chapter.

6.40.150 Appeal procedure.

Any taxpayer aggrieved by any decision of the Tax Administrator with respect to the amount of tax, interest, penalties and fees, if any, due under this Chapter may appeal to the City

Manager by filing a notice of appeal with the City Clerk within thirty (30) days of the serving or mailing of the notice of delinquency pursuant to Section 6.40.210 or notice of assessment pursuant to Section 6.40.230. The City Clerk, or his or her designee, shall fix a time and place for hearing such appeal, and the City Clerk, or his or her designee, shall give notice in writing to such operator at the last known place of address. The finding of the City Manager shall be final and conclusive and shall be served upon the taxpayer appellant in the manner prescribed by this Chapter for service of notice. Any amount found to be due shall be immediately due and payable upon the service of the notice in accordance with this Chapter.

6.40.160 Enforcement - action to collect.

Any taxes, penalties and/or fees required to be paid under the provisions of this Chapter shall be deemed a debt owed to the City of Tracy. Any person owing money to the City of Tracy under the provisions of this Chapter shall be liable in an action brought in the name of the City of Tracy for the recovery of such debt. The provisions of this Section shall not be deemed a limitation upon the right of the City of Tracy to bring any other action including criminal, civil and equitable actions, based upon the failure to pay the tax, penalties and/or fees imposed by this Chapter or the failure to comply with any of the provisions of this Chapter.

6.40.170 Apportionment.

If a business subject to the tax is operating both within and outside the City of Tracy, it is the intent of the City of Tracy to apply the cannabis business tax so that the measure of the tax fairly reflects the proportion of the taxed activity actually carried on in the City of Tracy. To the extent federal or state law requires that any tax due from any taxpayer be apportioned, the taxpayer may indicate said apportionment on his or her tax return. The Tax Administrator may promulgate administrative procedures for apportionment as he or she finds useful or necessary.

6.40.180 Constitutionality and legality.

This tax is intended to be applied in a manner consistent with the United States and California Constitutions and state law. None of the tax provided for by this Chapter shall be applied in a manner that causes an undue burden upon interstate commerce, a violation of the equal protection or due process clauses of the Constitutions of the United States or the State of California or a violation of any other provision of the California Constitution or state law. If a person believes that the tax, as applied to him or her, is impermissible under applicable law, he or she may request that the Tax Administrator release him or her from the obligation to pay the impermissible portion of the tax.

6.40.190 Audit and examination of premises and records.

A. For the purpose of ascertaining the amount of cannabis business tax owed or verifying any representations made by any taxpayer to the City of Tracy in support of his or her tax calculation, the Tax Administrator shall have the power to inspect any location where commercial cannabis business occurs and to audit and examine all books and records (including, but not limited to bookkeeping records, state and federal income tax returns, and other records

relating to the gross receipts of the business) of persons engaged in cannabis businesses. In conducting such investigation, the tax administrator shall have the power to inspect any equipment, such as computers or point of sale machines, that may contain such records.

B. It shall be the duty of every person liable for the collection and payment to the City of Tracy of any tax imposed by this Chapter to keep and preserve, for a period of at least four (4) years, all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the City of Tracy, which records the Tax Administrator or his/her designee shall have the right to inspect at all reasonable times.

6.40.200 Other licenses, permits, taxes, fees or charges.

A. Nothing contained in this Chapter shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any permit or license required by, under or by virtue of any provision of any other Chapter of this Code or any other ordinance or resolution of the City of Tracy, nor be deemed to repeal, amend, be in lieu of, replace or in any way affect any tax, fee or other charge imposed, assessed or required by, under or by virtue of any other Chapter of this code or any other ordinance or resolution of the City of Tracy.

6.40.210 Payment of tax does not authorize unlawful business.

A. The payment of a cannabis business tax required by this Chapter, and its acceptance by the City of Tracy, shall not entitle any person to carry on any cannabis business unless the person has complied with all of the requirements of this Code and all other applicable state laws.

B. No tax paid under the provisions of this Chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful business, or any business in violation of any local or state law.

6.40.220 Deficiency determinations.

If the Tax Administrator is not satisfied that any statement filed as required under the provisions of this Chapter is correct, or that the amount of tax is correctly computed, he or she may compute and determine the amount to be paid and make a deficiency determination upon the basis of the facts contained in the statement or upon the basis of any information in his or her possession or that may come into his or her possession within three (3) years of the date the tax was originally due and payable. One or more deficiency determinations of the amount of tax due for a period or periods may be made. When a person discontinues engaging in a business, a deficiency determination may be made at any time within three (3) years thereafter as to any liability arising from engaging in such business whether or not a deficiency determination is issued prior to the date the tax would otherwise be due. Whenever the Tax Administrator makes a deficiency determination, a notice of deficiency shall be given to the person concerned in the same manner as notices of assessment are given under Section 6.40.230.

6.40.230 Failure to report—nonpayment, fraud.

A. Under any of the following circumstances, the Tax Administrator may make and give notice of an assessment of the amount of tax owed by a person under this Chapter at any time:

1. If the person has not filed a complete statement required under the provisions of this Chapter;
2. If the person has not paid the tax due under the provisions of this Chapter;
3. If the person has not, after demand by the Tax Administrator, filed a corrected statement, or furnished to the Tax Administrator adequate substantiation of the information contained in a statement already filed, or paid any additional amount of tax due under the provisions of this Chapter; or
4. If the Tax Administrator determines that the nonpayment of any business tax due under this Chapter is due to fraud, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to penalties and interest otherwise stated in this Chapter and any other penalties allowed by law.

B. The notice of assessment shall separately set forth the amount of any tax known by the Tax Administrator or estimated by the Tax Administrator, after consideration of all information within the Tax Administrator's knowledge concerning the business and activities of the person assessed, under each applicable section of this Chapter, and shall include the amount of any penalties or interest accrued on each amount to the date of the notice of assessment.

6.40.240 Tax assessment; service of notice.

The notice of assessment or any other notice issued pursuant to this Chapter shall be served upon the person either by personal delivery, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the business or to such other address as he or she shall register with the Tax Administrator for the purpose of receiving notices provided under this Chapter; or, should the person have no address registered with the Tax Administrator for such purpose, then to such person's last known address. For the purposes of this Chapter, service by mail is complete at the time of deposit in the United States mail.

6.40.250 Tax assessment - hearing, application and determination.

Within thirty (30) days after the date of service of the notice of assessment, the person may apply in writing to the Tax Administrator for a hearing on the assessment. If application for a hearing before the City is not made within the time herein prescribed, the tax assessed by the Tax Administrator shall become final and conclusive. Within thirty (30) days of the receipt of any such application for hearing, the Tax Administrator shall cause the matter to be set for hearing before him or her no later than thirty (30) days after the receipt of the application, unless

a later date is agreed to by the Tax Administrator and the person requesting the hearing. Notice of such hearing shall be given by the Tax Administrator to the person requesting such hearing not later than five (5) days prior to such hearing. At such hearing said applicant may appear and offer evidence why the assessment as made by the Tax Administrator should not be confirmed and fixed as the tax due. After such hearing the Tax Administrator shall determine and, if applicable, reassess the proper tax to be charged and shall give written notice to the person in the manner prescribed in Section 6.40.230 for giving notice of assessment.

6.40.260 Successor's and Assignee's Responsibility.

If any taxpayer, while liable for any amount under this Chapter, sells, assigns or otherwise transfers the business, whether voluntarily or involuntarily, the taxpayer's subsequent successor, assign or transferee, or other person obtaining ownership or control of the business, shall satisfy any tax liability owned to the City of Tracy associated with the Cannabis Business. Failure to do so for the benefit of the City will result in the successor or assignee being personally liable to the City of Tracy for the full amount of the tax liability, which includes interest and penalties.

6.40.270 Conviction for violation - taxes not waived.

The conviction and punishment of any person for failure to pay the required tax shall not excuse or exempt such person from any civil action for the tax debt unpaid at the time of such conviction. No civil action shall prevent a criminal prosecution for any violation of the provisions of this Chapter or of any state law requiring the payment of all taxes.

6.40.280 Violation deemed misdemeanor.

Any person violating any of the provisions of this Chapter or any regulation or rule passed in accordance herewith, shall be deemed guilty of a misdemeanor.

6.40.290 Severability.

If any provision of this Chapter, or its application to any person or circumstance, is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Chapter or the application of this Chapter to any other person or circumstance and, to that end, the provisions hereof are severable.

6.40.300 Consistency with Business License Tax.

The City Council and the people of the City of Tracy intend this Chapter to be enforced consistently with Chapter 6.04 of this Code and any rule or regulation promulgated under that Chapter 6.04 except as expressly provided to the contrary in this Chapter.

6.40.310 Remedies cumulative.

All remedies and penalties prescribed by this Chapter or which are available under any other provision of the Tracy Municipal Code and any other provision of law or equity are cumulative. The use of one or more remedies by the City of Tracy shall not bar the use of any other remedy for the purpose of enforcing the provisions of this Chapter.

6.40.320 Amendment or modification .

This Chapter may be amended or modified but not repealed by the City Council without a vote of the people to the extent allowed by law. However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment or modification that would increase the rate of any tax levied pursuant to this Chapter. The people of the City of Tracy affirm that the following actions shall not constitute an increase of the rate of a tax:

A. The restoration of the rate of the tax to a rate that is no higher than that set by this Chapter, if the City Council has acted to reduce the rate of the tax;

B. An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Chapter; or

C. The collection of the tax imposed by this Chapter even if the City had, for some period of time, failed to collect the tax.

D. The adjustment of the tax in accordance with the provisions of subdivisions (C) and (D) of Section 6.40.050, including the levying of different tax rates on medical versus adult-use cannabis.

SECTION 2. EFFECTIVE DATE. This Ordinance relates to the levying and collecting of a City tax and shall not take effect until approved by a majority vote of voters voting on the tax at the general municipal election held on November 3, 2020 and as certified by the City Clerk.

SECTION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT. This Ordinance is exempt from the California Environmental Quality Act (“CEQA”; Public Resources Code Sections 21000, et seq, and 14 Cal. Code Reg. Sections 15000 et seq “CEQA Guidelines”). This Ordinance is a general tax to fund existing services; it is not a commitment to any particular action. As such, under CEQA Guidelines Section 15378 (b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue generated by the tax were used for a purpose that would have such an effect, the City of Tracy would undertake the required CEQA review for that particular project. Therefore, pursuant to CEQA Guideline Section 15060 CEQA analysis is not required.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 5. CERTIFICATION AND PUBLICATION. Upon approval by the voters, the City Clerk shall certify the passage and adoption of this Ordinance and shall cause it to be published in accordance with the law.

It is hereby certified that this Ordinance was duly approved and adopted by the People of the City of Tracy at the City's November 3, 2020 general municipal election.

Robert Rickman, Mayor

ATTEST:

Adrienne Richardson, City Clerk

May 19, 2020

AGENDA ITEM 3.F

REQUEST

ADOPT AN URGENCY ORDINANCE AMENDING ORDINANCE NO. 1285 EXTENDING CERTAIN DEVELOPMENT RELATED DEADLINES AND AUTHORIZING THE CITY MANAGER TO TAKE CERTAIN ACTIONS REGARDING PUBLIC IMPROVEMENT AGREEMENTS, GRANT APPLICATIONS, CHANGE ORDERS AND PROFESSIONAL AND GENERAL SERVICES AGREEMENTS, AND ACCEPTING IMPROVEMENTS DURING THIS LOCAL EMERGENCY

EXECUTIVE SUMMARY

On March 12, 2020, the City of Tracy declared the existence of a local emergency due to the serious threat to the public health, safety, and welfare of the City posed by the presence and continued transmission of the novel coronavirus (COVID-19). Pursuant to Government Code section 8630 and Tracy Municipal Code Section 3.24.050, the City Council is authorized to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency.

The Governor's Stay at Home Order in response to COVID-19, and the requirements for social distancing, have impacted the ability for applicants and the City to process development/land use applications and other types of projects. In response to these impacts, the City Council previously adopted Urgency Ordinance No. 1285 on March 30, 2020 extending deadlines occurring before May 31, 2020, and established by the Tracy Municipal Code or Council Resolution for sixty (60) days. The proposed Urgency Ordinance requests that Council amend the Urgency Ordinance to expand the scope to cover any deadline occurring before July 31, 2020 for sixty (60) days.

In addition, the City Council previously delegated certain authority to the City Manager during the period of the public health emergency. In addition to the authority previously delegated to the City Manager, the proposed Urgency Ordinance would also authorize the City Manager to approve change orders on public works contracts that exceed the contingency amount approved by Council not-to-exceed amount of \$300,000.

DISCUSSION

On March 4, 2020, Governor Newsom declared a state of emergency for California associated with the outbreak of COVID-19. In response to the growing health crisis, the City Manager, in her authority as the Director of Emergency Services, proclaimed a local emergency in Tracy on March 12, 2020 due to COVID-19. The City Council ratified that emergency declaration on March 17, 2020.

Public health experts have explained that COVID-19 is easily transmissible from person to person. To slow the spread of the disease, on March 19, 2020, the Governor of California issued Executive Order N-33-20 ordering all individuals within the State of California to stay home or at their place of residence, except as needed to maintain continuity of operation of the federal critical infrastructure sectors, critical government services, schools, childcare, and construction. This Executive Order was very similar to the Directive adopted by the City Council on March 18 recommending residents remain at home except to receive or provide essential services.

The Governor, in coordination with the State Public Health Officer, has articulated a four-stage framework to allow for gradually relaxing the shelter in place requirements, while continuing to preserve public health. The Governor issued Executive Order N-60-20 ordering all individuals within the State of California to comply with the State Public Health Officer's framework for resuming activities unless stricter local regulations exist.

The Tracy Municipal Code (TMC) establishes various deadlines, including deadlines related to the processing of land use, subdivision and zoning applications. The City's operations have adjusted in response to COVID-19. Applicants have also had to adjust their operations in response to this public health emergency and in order to implement social distancing protocols, which has impacted their ability to process their applications. Although previously halted activities are gradually restarting, normal operation of City Hall and most businesses have not fully resumed, and the disruptions caused by COVID-19 to businesses are significant and ongoing.

The City Council previously adopted an Urgency Ordinance to extend all development application deadlines scheduled to occur before May 31, 2020 and established by the TMC, by Resolution of the City Council, or by City Policy, for sixty (60) days. The purpose of this action was so that project processing and public consideration could continue as the City and the public mitigate the threat of COVID-19. This Urgency Ordinance would extend deadlines scheduled to occur before July 31, 2020. Deadlines occurring on or after August 1, 2020 would not be extended by the ordinance. Examples of such deadlines include, but are not limited to:

- Development review permit approval generally lapses two (2) years after the date it became effective unless a building permit has been issued. If a permit is set to expire on June 15, the ordinance will delay the expiration date until August 15;
- Building permits expire unless work is commenced within 180 days. If a permit is set to expire on June 1, the proposed ordinance will delay the expiration date until July 31.

The proposed Urgency Ordinance would not apply to deadlines established by State law, unless such deadlines are waived or extended by the Governor.

Urgency Ordinance No. 1285 also authorized the City Manager to take certain actions regarding improvement and professional services agreements, acceptance of improvements, and grant applications. That delegation was granted in order to minimize the need for public meetings regarding non-critical items during this emergency, while still allowing important economic development projects to proceed. COVID-19 has significantly impacted the economy, and the Urgency Ordinance was designed to allow the City to support economic activity while complying with the requirement to stay at home and promote social distancing. Examples of the authority previously delegated to the City Manager include:

- Accepting public improvements and releasing related bonds upon approval and consent of the City Engineer; and
- Approving professional and general services agreements for a not-to-exceed amount of \$100,000. Currently the City Manager's contract authority is limited to \$50,000.

In addition to the authority previously delegated to the City Manager, the proposed Urgency Ordinance would also authorize the City Manager to approve change orders on public works contracts that exceed the contingency amount previously approved by Council by a not-to-exceed amount of \$300,000. These change orders would be approved with the consent of the City Engineer and Finance Director.

The City Manager would not be required to take any of these actions and can, within her discretion, continue to refer these actions to the City Council. This will ensure that the City Council continues to make all significant decisions. Prior to taking any action using her delegated authority under the Urgency Ordinance, the City Manager will continue to receive a written report on the proposed action, with input from all relevant departments. The report closely resembles a staff report that is normally presented to the City Council. The City Manager will also provide periodic updates to the City Council on actions she has taken using her delegated authority.

As an Urgency Ordinance, the proposed ordinance must be approved by four-fifths of the City Council to be adopted. If adopted, the proposed Urgency Ordinance would go into effect immediately.

The protocol of providing Council with an update on any upcoming approval actions as well as posting the actions on the City's website will still be followed.

STRATEGIC PLAN

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

FISCAL IMPACT

There is no direct fiscal impact of adopting the Urgency Ordinance. However, delaying deadlines will likely result in the delayed payment of various fees and charges by applicants.

RECOMMENDATION

Staff recommends that the City Council adopt the Urgency Ordinance amending Ordinance No. 1285 extending certain deadlines and delegating authority for specific actions to the City Manager in response to this public health emergency.

Prepared by: Leticia Ramirez, City Attorney

Reviewed by: Bill Dean, Assistant Development Services Director
Robert Armijo, City Engineer
Karin Schnaider, Finance Director
Andrew Malik, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENT

Attachment A — Proposed Urgency Ordinance

ORDINANCE No. _____

AN URGENCY ORDINANCE AMENDING ORDINANCE NO. 1285 OF THE CITY OF TRACY EXTENDING CERTAIN DEADLINES AND AUTHORIZING THE CITY MANAGER TO TAKE CERTAIN ACTIONS REGARDING PUBLIC IMPROVEMENT AGREEMENTS, GRANT APPLICATIONS AND PROFESSIONAL AND GENERAL SERVICES AGREEMENTS AND ACCEPTING IMPROVEMENTS DURING THIS LOCAL EMERGENCY

WHEREAS, International, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19 (“COVID-19”); and

WHEREAS, COVID-19 is easily transmissible from person to person, and new cases of COVID-19 continue to occur throughout California; and

WHEREAS, In response to the growing public health crisis, the City Manager, in her authority as the Director of Emergency Services, proclaimed a local emergency in Tracy on March 12, 2020, due to COVID-19 and the City Council ratified that emergency declaration on March 17, 2020 pursuant to Tracy Municipal Code Chapter 3.24; and

WHEREAS, The City Council adopted a directive on March 18, 2020 recommending residents remain at home except to receive or provide essential services; and

WHEREAS, On March 19, 2020, the Governor of California issued Executive Order N-33-20 ordering all individuals within the State of California to stay home or at their place of residence, except as needed to maintain continuity of operation of the federal critical infrastructure sectors, critical government services, schools, childcare, and construction; and

WHEREAS, the State Public Health Officer has articulated a four-stage framework to allow for gradually resuming various activities while continuing to preserve public health; and

WHEREAS, On May 4, 2020, the Governor of California issued Executive Order N-60-20 ordering all individuals within the State of California to comply with the State Public Health Officer’s framework unless stricter local regulations exists; and

WHEREAS, The Tracy Municipal Code establishes various deadlines, including deadlines related to the processing of land use, subdivision and zoning applications; and

WHEREAS, Although previously halted activities are gradually restarting, normal operation of City Hall and most businesses has not fully resumed; and

WHEREAS, Applicants have had to adjust their operations and implement social distancing protocols in response to the public health emergency, which has impacted their ability to process their development applications; and

WHEREAS, The City Council previously extended by sixty (60) days any deadline scheduled to occur before May 31, 2020 and established by the Tracy Municipal Code, a Resolution of the City Council, or any City policy regarding development and land use approvals so that project processing and public consideration can occur after the threat of COVID-19 has reduced and social distancing is no longer required; and

WHEREAS, The disruptions caused by COVID-19 to businesses are significant and ongoing; and

WHEREAS, The City Council desires to extend deadlines established by the Tracy Municipal Code and scheduled to occur before July 31, 2020 by sixty (60) days; and

WHEREAS, The City Council previously authorized the City Manager to take certain actions reserved for the City Council by the Tracy Municipal Code in order to minimize the need for public meetings regarding non-critical items during this emergency period, while still allowing important economic development projects to proceed; and

WHEREAS, The City Council desires to also authorize the City Manager to execute change orders on public works projects; and

WHEREAS, The City Council does not intend to delegate authority to the City Manager to take any action required by State law to be taken by the City Council or Planning Commission; and

WHEREAS, California Constitution, Article XI, Section 7, provides cities and counties with the authority to enact ordinances to protect the public health, safety, and general welfare of their citizens; and

WHEREAS, California Government Code Section 36937 authorizes the City Council to introduce and adopt an ordinance it declares to be necessary as an emergency measure to preserve the public peace, health, and safety at one and the same meeting if passed by at least four-fifths affirmative votes; and

WHEREAS, This Ordinance is a urgency ordinance intended to promote stability and fairness by extending deadlines for projects and applicants that would otherwise expire in the interim due to compliance with the Governor's executive orders to stay at home; and

WHEREAS, This Ordinance is also necessary to promote social distancing in order to limit the spread of COVID-19 to the maximum extent feasible because failure to adopt this Ordinance would encourage in-person meetings between staff and applicants, as well as public meetings as the City and applicants adjust to working remotely, which would negatively impact public health by forcing persons out of their residences; and

WHEREAS, This Ordinance is intended to minimize the need for public meetings by delegating authority to the City Manager to take certain actions normally taken by the City Council while continuing to allow economic development activities to occur as well as public works projects that serve the public welfare, health and safety; and

WHEREAS, The City continues to spend money on public works projects during this period of emergency and required social distancing to minimize the negative economic impacts of COVID-19 to the maximum extent possible, because such negative impacts can lead to negative health and welfare impacts in the City; and

WHEREAS, This Ordinance is necessary to maintain stability for the economy of the City of Tracy, which otherwise might experience significant negative impacts if projects are terminated or temporarily shut down because they are unable to meet deadlines or receive necessary approvals during this time of emergency; and

WHEREAS, The negative economic impact of development projects terminating or temporarily stopping would lead to depressed economic activity across a range of industries; and

WHEREAS, These negative economic impacts are likely to include layoffs, decreased tax revenue for the City, and housing instability, all of which threaten the public peace, health, and safety of residents who could face a severe strain on household finances; and

WHEREAS, The construction of public works projects, housing and similar projects are considered to be part of the Essential Critical Infrastructure Workforce during this COVID-19 public health emergency by the California State Public Health Officer; and

WHEREAS, The negative economic impacts from COVID-19 are unknown, but likely to be substantial and the City desires to minimize those impacts to the maximum extent possible; and

WHEREAS, The City Council finds and determines that extending deadlines established by the City and delegating authority to the City Manager to take certain actions is essential to preventing the spread of COVID-19 in the City and to support the local economy, and thereby serve the public peace, health, and safety; and

WHEREAS, The City Council finds and declares that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property to ensure; and

WHEREAS, An urgency ordinance that is effective immediately is necessary to avoid the immediate threat to public peace, health, and safety as failure to adopt this urgency ordinance could result in the avoidable negative economic impacts or exposure to COVID-19 of the City's residents and community members.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TRACY, DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings. The City Council of the City of Tracy finds that all of the above Recitals are true and correct and incorporated herein by reference. The provisions of the Governor's Executive Order N-28-20 and Ordinance No. 1285 including their recitals, are incorporated herein as if fully set forth.

SECTION 2. Urgency Findings. The City Council of the City of Tracy hereby finds that there is a current and immediate threat to the public health, safety and/or welfare and a need for immediate preservation of the public peace, health, or safety that warrants this urgency ordinance, which finding is based upon the facts stated in the recitals above, and in the staff report dated May 19, 2020, as well any oral and written testimony at the May 19, 2020 City Council meeting. This Ordinance and any actions taken thereunder is declared by the City Council to be an urgency measure necessary for the immediate preservation of the public peace, health or safety. The facts constituting such urgency are all of those certain facts set forth and referenced in this Ordinance and the entirety of the record before the City Council.

SECTION 3. Urgency Ordinance. The City Council hereby makes the findings contained herein and hereby amends Uncodified Ordinance No. 1285, adopted by the Tracy City Council on March 30, 2020, to read as follows:

"COVID-19 Emergency Extension of Certain Deadlines and Delegation of Authority to
City Manager Ordinance

Section 1. Extension of Deadlines During the COVID-19 Emergency

A. All provisions of ordinances, regulations, resolutions, rules, and policies adopted by the City of Tracy, including, but not limited to, provisions contained in the Tracy Municipal Code the and Growth Management Ordinance Guidelines, establishing deemed complete deadlines, review deadlines, approval deadlines, application deadlines and any other type of deadline, including but not limited to permit expiration deadlines, are extended by sixty (60) days, subject to the requirements of this Ordinance.

B. The sixty (60) day deadline extension established by Section 1(A) shall apply to any deadline scheduled to occur on or before July 31, 2020.

C. Nothing in this Section 1 shall be interpreted as extending or otherwise delaying a deadline established by state or federal law.

Section 2. Delegation of Authority to City Manager

A. The City Manager is hereby authorized to grant approval to the following items and subject to the conditions listed below:

- i. Off-site Improvement Agreements and Inspection Improvements Agreements, upon consent of the City Engineer and submittal of the required security and insurance documentation.
- ii. Submission of any grant applications to federal or state agencies including the BUILD Grant.
- iii. Acceptance of public improvements upon consent of the City Engineer and recordation of the Notice of Completion.
- iv. Approval of any professional or general services agreement with a not-to-exceed amount of \$100,000.
- v. Award of public works contracts with a not-to-exceed amount of \$1,000,000, as long as such projects have a secured funding source and will not negatively impact the General Fund. Such contracts shall only be awarded with the consent of the City Engineer and Finance Director.
- vi. Approve change orders on public works contracts that exceed the contingency amount approved by Council by a not-to-exceed amount of \$300,000, as long as such projects have a secured funding source and will not negatively impact the General Fund. Such change orders shall only be executed with the consent of the City Engineer and Finance Director.

B. The authority delegated to the City Manager in Section 2(A) shall not apply to any action that is required by state or federal law to be taken by the City Council, or for any action which state law or the Tracy Municipal Code requires a public hearing.

C. The authority delegated to the City Manager in Section 2(A) shall expire upon the termination of the proclamation of a local emergency in the City of Tracy.”

SECTION 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end,

provisions of this Ordinance are severable. The City Council of the City of Tracy hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 5. This Ordinance shall take effect immediately upon its adoption by a four-fifths vote of the City Council.

SECTION 6. This Ordinance shall be published in accordance with Government Code section 36933.

The foregoing Ordinance__was adopted at a regular meeting of the Tracy City Council on the 19th of May, 2020, by the following vote, pursuant to Government Code section 36937:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS

Mayor

ATTEST:

City Clerk

May 19, 2020

AGENDA ITEM 3.G

REQUEST

AUTHORIZE THE DISPLAY OF THE LGBT PRIDE FLAG AT CITY HALL FOR THE MONTH OF JUNE 2020 TO RECOGNIZE LGBT PRIDE MONTH AND ON THE DAY OF TRACY PRIDE CELEBRATION TO BE HELD IN FALL 2020

EXECUTIVE SUMMARY

Council Member Dan Arriola, seconded by Council Member Veronica Vargas, requested to place two items on the next Council agenda to authorize the display of the Pride Flag at City Hall for the month of June 2020 to recognize Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Month and also authorize the display of the Pride flag for one day (to be determined) in the fall to correspond with a Tracy Pride celebration to be held in the fall of 2020. This item seeks City Council approval of these actions.

DISCUSSION

At the May 5, 2020 City Council meeting, Council Member Dan Arriola requested to place on the Council agenda items to seek Council authorization to display the LGBT Pride Flag, also known as the Rainbow Flag, at City Hall for the month of June 2020 to recognize LGBT Pride Month. The month of June is annually celebrated as LGBT Pride Month to coincide with the anniversary of the Stonewall Riots. Additionally, authorization is being sought to display the flag for one day in the fall to correspond with a Tracy Pride celebration that is to be held in the fall of 2020.

In 2019 Council adopted a policy to govern display of flags at City facilities. Key elements of the policy include:

- Commemorative or ceremonial flags shall be displayed concurrently with the City flag at second position (below the City flag).
- A request to display a commemorative or ceremonial flag must be supported by two Council members in order to be placed on a Council agenda.
- Requests to display commemorative or ceremonial flags must be agendaized as a "Regular Item" on the Council's agenda.
- Commemorative or ceremonial flags will be displayed for 24 hours if displayed during the normal City workweek. If the day of commemoration occurs on a weekend or holiday, the flag will be posted on the last working day prior to the weekend or holiday and removed on the next normal City workday. The 24-hour period may also be extended if specified in the approving resolution.

If Council approves the display of the LGBT Pride Flag, the flag will be flown on the flagpole currently displaying the City's flag in front of City Hall for the month of June 2020 with the exception of the weekend of June 12-14 to accommodate the flying of the U.S. Army flag to recognize that institution's anniversary. Additionally, as details of the Tracy Pride celebrations are made available, the City Manager will update the full Council electronically as to the date of the event.

FISCAL IMPACT

The City is already in possession of an appropriately sized Pride flag. Personnel costs to raise and lower the flag can be absorbed in the current Public Works Department's budget.

STRATEGIC PLAN

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

RECOMMENDATION

That Council, by resolution, authorize the display of the LGBT Pride Flag for the month of June 2020 with the exception of the weekend of June 12-14 to accommodate the flying of the U.S. Army flag to recognize that institution's anniversary, at City Hall and on the day of Tracy Pride Celebration to be held in the fall of 2020.

Prepared by: Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

RESOLUTION 2020-_____

AUTHORIZING THE DISPLAY OF THE LGBT PRIDE FLAG FOR THE MONTH OF JUNE 2020 AT CITY HALL TO RECOGNIZE LGBT PRIDE MONTH AND ON THE DAY OF THE "TRACY PRIDE CELEBRATION" TO BE HELD IN FALL 2020

WHEREAS, The City Council of the City of Tracy wishes to recognize the month of June 2020 as Pride Month acknowledging the civil rights of those in the Lesbian, Gay, Bisexual, and Transgender (LGBT) community, and

WHEREAS, The display of the LGBT Pride Flag, as known as the Rainbow Flag, serves to express the City's official commitment to celebrating diversity, and

WHEREAS, The City Council has an approved Flag Policy that governs the display of flags at City facilities, and

WHEREAS, The City's flagpoles are not intended to be a forum for free expression by the public, and

WHEREAS, The LGBT Pride Flag will be flown for the month of June 2020 at City Hall in lieu of the City's flag with the exception of the weekend of June 12-14 to accommodate the flying of the U.S. Army flag in recognition of that institution's anniversary, and

WHEREAS, THE LGBT Pride Flag will be flown on the day of the Tracy Pride celebration in the fall of 2020.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Tracy hereby authorizes the display of the Pride Flag on the City flagpole located in front of City Hall for the month of June 2020, with the exception of the weekend of June 12-14, to commemorate LGBT Pride month and on the day of the Tracy Pride Celebration to be held in the fall of 2020.

The foregoing Resolution 2020-_____ was adopted by the City Council on the 19th day of May, 2020, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK