TRACY CITY COUNCIL REGULAR MEETING AGENDA

Tuesday, July 7, 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 JULY 7, 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, July 7, 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 agendized 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:** 126 827 0562 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 agendized items of business, "Items from the Audience/Public Comment" following the Consent Calendar will be limited to 15-minutes maximum period. "Items from the Audience/Public Comment" listed near the end of the agenda will not have a maximum time limit. A five-minute maximum time limit per speaker will apply to all individuals speaking during "Items from the Audience/Public Comment". For non-agendized items, Council Members may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to Council.. When members of the public address the Council, they should be as specific as possible about their concerns. If several members of the public comment on the same issue an effort should be made to avoid repetition of views already expressed.

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

Full copies of the agenda are available on the City's website: *www.ci.tracy.ca.us*

CALL TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION
ROLL CALL

1. CONSENT CALENDAR

1.A. ADOPTION OF JUNE 16, 2020, COUNCIL MEETING MINUTES

1.B. AUTHORIZE THE CITY OF TRACY TO CONTINUE PARTICIPATION IN THE SAN JOAQUIN COUNTY URBAN COUNTY CONSORTIUM AND URBAN COUNTY COOPERATION AGREEMENT FOR FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) FUNDING FOR FISCAL YEARS 2021-2024

1.C. APPROVE THE FIRST AMENDMENT TO THE SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT 3956, TRACY HILLS VILLAGE 7B, AND AUTHORIZE THE CITY CLERK TO FILE THE FIRST AMENDMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER

1.D. APPROVE PROFESSIONAL SERVICES AGREEMENTS WITH TERRACON CONSULTANTS, INC. OF LODI, CALIFORNIA, AND BSK ASSOCIATES, OF LIVERMORE, CALIFORNIA, FOR A NOT-TO-EXCEED AMOUNT OF $200,000 PER YEAR FOR EACH CONSULTANT, TO PROVIDE MATERIALS TESTING AND GEOTECHNICAL SERVICES FOR FISCAL YEARS 2020-2022 WITH THE OPTION TO EXTEND THE AGREEMENTS AN ADDITIONAL TWO FISCAL YEARS, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE EXTENSIONS, IF NEEDED

1.E. APPROVE AMENDMENT No.3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ICF JONES AND STOKES, INC, FOR AN AMOUNT NOT-TO-EXCEED $289,998 FOR ADDITIONAL SERVICES RELATED TO THE TRAFFIC FORECASTING AND OPERATIONS ANALYSIS FOR THE LAMMERS ROAD / I-205 NEW INTERCHANGE PROJECT, CIP 73084, FEDERAL PROJECT NO. DEMO03LN-5192(021), AND AUTHORIZE THE ASSISTANT CITY MANAGER TO EXECUTE THIS AMENDMENT

1.F. APPROVE FUNDING AGREEMENT WITH PROLOGIS, L.P. AS PART OF CITY'S GRANT APPLICATION FOR THE RECONSTRUCTION AND WIDENING OF THE BRIDGE OVER THE DELTA MENDOTA CANAL ON INTERNATIONAL PARKWAY

1.G. ADOPT A RESOLUTION AMENDING THE CITY OF TRACY MASTER EMPLOYEE PAY SCHEDULE AND THE PAY RATES FOR CITY OF TRACY ESTABLISHED POSITIONS

1.H. AUTHORIZE THE CITY MANAGER TO SUBMIT AND RECEIVE A PLANNING GRANT APPLICATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT IN COMPLIANCE WITH THE STATE LOCAL EARLY ACTION PLANNING GRANT PROGRAM AND EXECUTE ANY NECESSARY DOCUMENTS RELATED TO THE GRANT

1.I. APPROVE AMENDMENT NO. 2 TO THE MASTER PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TRACY AND GOODWIN CONSULTING GROUP, INC., FOR TAX CONSULTING AND ADMINISTRATION SERVICES FOR SPECIAL FINANCING DISTRICTS TO STIPULATE AN AGREEMENT TERM, AUTHORIZE THE CITY MANAGER TO EXECUTE EXTENSIONS, AND TO INCLUDE A NOT TO EXCEED AMOUNT OF $250,000 PER FISCAL YEAR

2. ITEMS FROM THE AUDIENCE

3. REGULAR AGENDA

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

3.B. PUBLIC HEARING TO CONSIDER APPLICATIONS FOR REZONING THE APPROXIMATELY 10.92-ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF CORRAL HOLLOW ROAD AND MIDDLEFIELD DRIVE, ASSESSOR'S PARCEL NUMBER 244-020-31, FROM PLANNED UNIT DEVELOPMENT (PUD) TO NEIGHBORHOOD SHOPPING (NS) ZONE AND A DEVELOPMENT REVIEW PERMIT FOR AN AUTOMOTIVE SERVICE STATION, ELECTRIC VEHICLE CHARGING STATION, AND CONVENIENCE STORE

3.C. PUBLIC HEARING TO CONSIDER A PLANNED UNIT DEVELOPMENT ZONING AMENDMENT AND A DEVELOPMENT REVIEW PERMIT FOR A FOUR-STORY, 87-ROOM, LA QUINTA INN AND SUITES ON A 1.9-ACRE PARCEL LOCATED ON THE NORTH SIDE OF CLOVER ROAD, APPROXIMATELY 500 FEET EAST OF TRACY BOULEVARD

3.D. CONDUCT A PUBLIC HEARING TO ADOPT A RESOLUTION APPROVING THE AMENDMENT TO CITYWIDE MASTER FEE SCHEDULE FOR FISCAL YEAR 2020-2021 TO INCLUDE FEES ASSOCIATED WITH COMMERCIAL CANNABIS APPLICATIONS, PERMITS AND BACKGROUNDS

3.E. AUTHORIZE STAFF TO NEGOTIATE AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND AMONG THE CITY OF TRACY, THE TRACY HILLS PROJECT OWNER, LLC AND TRACY PHASE I, LLC FOR THE TRACY HILLS PROJECT LOCATED AT THE SOUTHWEST CORNER OF CORRAL HOLLOW ROAD AND TRACY HILLS DRIVE, APPLICATION DA20-0001

3.F. RECEIVE UPDATE ABOUT THE JUNE 30, 2020 COMMUNITY FORUM ON RACIAL INJUSTICE, POLICING, AND YOUTH, PROVIDE DIRECTION REGARDING FUTURE COMMUNITY FORUMS, AND CONSIDER RESOLUTION IN SUPPORT OF RACIAL JUSTICE AND DECLARING BLACK LIVES MATTER

3.G. DISCUSS AND CONSIDER TRACY EQUITY & EMPOWERMENT INITIATIVE AND PROVIDE DIRECTION TO STAFF

3.H. DISCUSS THE COUNCIL POLICY FOR THE DISPLAY OF FLAGS AT CITY FACILITIES AND PROVIDE DIRECTION TO STAFF

3.I. DISCUSS AND PROVIDE DIRECTION REGARDING CITY COUNCIL COMMUNITY MESSAGING ACTIVITIES

4. ITEMS FROM THE AUDIENCE

5. STAFF ITEMS

6. COUNCIL ITEMS

7. ADJOURNMENT

TRACY CITY COUNCIL REGULAR MEETING MINUTES

June 16, 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 7:01 p.m.

Mayor Rickman led the Pledge of Allegiance.

Pastor Doug Diestler, Mission City Church offered the invocation.

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

1. CONSENT CALENDAR – Following the removal of consent items 1.B and 1.H by Council Member Vargas, item 1.J by Council Member Arriola and Alvin Vaughn and item 1.I by Alvin Vaughn motion was made by Council Member Vargas and seconded by Council Member Ransom to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.

   1.A ADOPTION OF MAY 26, 2020 SPECIAL MEETING MINUTES AND JUNE 2, 2020, CLOSED SESSION, SPECIAL MEETING AND REGULAR MEETING MINUTES - **Minutes were adopted**

   1.C APPROVE A THIRTY (30) YEAR GROUND LEASE AGREEMENT BETWEEN THE CITY OF TRACY AND TCYBLDG, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, FOR TCYBLDG, LLC TO EXPAND THEIR PARKING LOT ON CITY PROPERTY ADJACENT TO THEIR AMERICAN CUSTOM MEATS PROCESSING FACILITY LOCATED AT 4276 N. TRACY BOULEVARD - **Resolution 2020-089** approved the 30 year Ground Lease Agreement.

   1.D APPROVE AMENDMENT No.5 TO THE MASTER PROFESSIONAL SERVICES AGREEMENT WITH WEST YOST ASSOCIATES FOR WATER PRESSURE AND CAPACITY ANALYSES AND ENGINEERING ASSISTANCE FOR VARIOUS PROJECTS, AND TO UPDATE BILLING RATES AND EXTEND THE TERM THROUGH DECEMBER 31, 2020- **Resolution 2020-090** approved Amendment No. 5 to the Master Professional Services Agreement with West Yost Associates.

   1.E AWARD A CONSTRUCTION CONTRACT TO KNIFE RIVER CONSTRUCTION OF STOCKTON, CALIFORNIA, IN THE AMOUNT OF $1,171,930 FOR THE 2018-2019 STREET OVERLAY PROJECT (PHASE 1) CIP 73166, FEDERAL PROJECT NUMBERS STPL 5192(045), STPL 5192(046), WITH A NOT-TO-EXCEED BUDGET OF $1,352,730, AND AUTHORIZE THE CITY MANAGER TO APPROVE CHANGE ORDERS UP TO THE CONTINGENCY AMOUNT OF

$117,200, IF NEEDED – **Resolution 2020-091** awarded the Construction Contract to Knife River Construction.

1.F APPROVE MASTER PROFESSIONAL SERVICES AGREEMENTS WITH DAVID W. ENKE, L.S., AND MCR ENGINEERING, INC., TO PROVIDE LAND SURVEYING SERVICES AND ENGINEERING ASSISTANCE FOR LAND DEVELOPMENT PROJECTS, AND AUTHORIZE THE DEVELOPMENT SERVICES DIRECTOR TO EXECUTE FUTURE TASK ORDERS RELATED TO THE AGREEMENTS, FOR A NOT-TO-EXCEED AMOUNT OF $200,000 FOR EACH CONSULTANT PER YEAR – **Resolution 2020-092** approved the Master Professional Services Agreements with David W. Enke, L.S. and MCR Engineering, Inc.

1.G AUTHORIZE THE PURCHASE OF TRANSIT VEHICLES FOR TRACER PARATRANSIT SERVICE IN THE AMOUNT OF $858,390 TO A-Z BUS SALES UNDER THE CALACT/MBTA PURCHASING COOPERATIVE AGREEMENT – **Resolution 2020-093** authorized the purchase of transit vehicles for Tracer Paratransit Service.

1.K APPROVE MASTER PROFESSIONAL SERVICES AGREEMENT WITH REINARD W. BRANDLEY, CONSULTING AIRPORT ENGINEER TO PERFORM AIRPORT DESIGN AND CONSTRUCTION ENGINEERING SERVICES FOR THE TRACY MUNICIPAL AIRPORT, NOT-TO-EXCEED $600,000 **Resolution 2020-094** approved the Master Professional Services Agreement with Reinard W. Brandley.

1.L WAIVE READING OF FULL TEXT AND ADOPT ORDINANCE 1290, AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTION 3.08.580, OF ARTICLE 12, OF CHAPTER 3.08 (TRAFFIC REGULATIONS) OF TITLE 3 (PUBLIC SAFETY) OF THE TRACY MUNICIPAL CODE - **Ordinance 1290 was adopted**

1.M FIND THAT IT IS IN THE BEST INTEREST OF THE CITY TO FORGO THE FORMAL REQUEST FOR PROPOSAL PROCESS AND APPROVE AMENDMENTS TO LEGAL SERVICES AGREEMENTS WITH THE LAW OFFICE OF DANIEL P. DOPORTO AND THE LAW FIRM OF MEYERS, NAVE, RIBACK, SILVER & WILSON - **Resolution 2020-095** approved an amendment to the legal services agreement with Daniel P. Doporto. **Resolution 2020-096** approved an amendment to the legal services agreement with the Law Firm of Meyers, Nave, Riback, Silver & Wilson.

1.N FIND THAT IT IS IN THE BEST INTEREST OF THE CITY TO FORGO THE FORMAL REQUEST FOR PROPOSAL PROCESS, AND APPROVE THE PURCHASE OF GEOGRAPHIC INFORMATION SYSTEM SOFTWARE LICENSES THROUGH THE ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. SMALL GOVERNMENT ENTERPRISE LICENSING AGREEMENT - **Resolution 2020-097** approved forgoing the formal Request for Proposal process and approved the purchase of GIS Software Licenses.

1.O APPROVE RESOLUTION RECOGNIZING THE IMPORTANCE OF THE 2020 U.S. CENSUS AND SUPPORTING A COMPLETE, FAIR AND ACCURATE

COUNT OF ALL CALIFORNIANS - **Resolution 2020-098** approved recognizing the importance of the 2020 U.S. Census

1.B APPROVE THE PLACEMENT OF A BENCH AND PLAQUE HONORING THE LATE PARMJIT SINGH IN GRETCHEN TALLY PARK PER CITY STANDARD POLICY AND PROCEDURES

Council Member Vargas pulled the item to acknowledge the placement of a bench and plaque in Gretchen Tally Park honoring the late Parmjit Singh, and shared appreciation for Mr. Singh's family.

No one from the public wished to speak.

City Council comments followed.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Vargas to adopt **Resolution 2020-099** approving the placement of a bench and plaque honoring the late Parmjit Singh in Gretchen Tally Park per City standard policy and procedures. Roll call vote found all in favor; passed and so ordered.

1.H APPROVE RESOLUTIONS: (1) INITIATING PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENTS FOR TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT FOR 2020/2021, (2) APPROVING THE PRELIMINARY ENGINEER'S REPORT FOR THE TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT, AND (3) DECLARING THE INTENTION TO LEVY ANNUAL ASSESSMENTS AND SETTING THE DATE FOR A PUBLIC HEARING

Council Member Vargas pulled the item to ask where the City is regarding creating a Citywide LMD or CFD that would be easier to manage and maintain the levels of landscaping and service.

Jenny Haruyama, City Manager and Brian MacDonald, Parks & Recreation Director responded to Council Member Vargas's question.

No one from the public wished to speak.

ACTION: Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to adopt **Resolution 2020-100** approving the Preliminary Engineer's Report regarding the proposed levy and collection of assessments for the Tracy Consolidated Landscape Maintenance District, pursuant to the provisions of the Landscaping or Lighting Act of 1972 for Fiscal Year 2020/2021**.** Roll call vote found all in favor; passed and so ordered.

ACTION: Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to adopt **Resolution 2020-101** declaring the City of Tracy's intention to levy annual assessments for the Tracy Consolidated Landscape Maintenance District, Fiscal Year 2020/2021 and setting a public hearing on July 21, 2020 at 7:00 p.m. to consider same in

accordance with the Landscaping and Lighting Act of 1972**.** Roll call vote found all in favor; passed and so ordered.

ACTION: Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to adopt **Resolution 2020-102** initiating proceedings for the annual levy of assessments and ordering the preparation of an engineer's report for the Tracy Consolidated Landscape Maintenance District, pursuant to the provisions of the Landscaping and Lighting Act of 1972 for Fiscal Year 2020/2021**.** Roll call vote found all in favor; passed and so ordered.

1.I APPROVE AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH MTM TRANSIT, LLC TO EXTEND THE CONTRACT FOR ONE YEAR

Ed Lovell, Management Analyst provided the staff report.

Alvin Vaughn pulled the item to ask how much the customer fare will be to use the on-demand service.

Jacob Hunter requested that Council make sure that the term is put out for RFP. Mr. Hunter added the City has not put the contract for transportation out to bid for two years.

City Council questions and comments followed.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Ransom to adopt **Resolution 2020-103** approving Amendment No. 3 to the Professional Services Agreement with MTM Transit, LLC, extending the contract for one year. Roll call vote found all in favor; passed and so ordered.

1.J ADOPT RESOLUTION AUTHORIZING THE SUBMITTAL OF A PROJECT NOMINATION AND ALLOCATION REQUEST FOR THE LOW CARBON TRANSIT OPERATION PROGRAM (LCTOP), EXECUTION OF CERTIFICATIONS AND ASSURANCES, AND AUTHORIZING THE PARKS & RECREATION DIRECTOR TO EXECUTE FUNDING DOCUMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR ALLOCATION OF THE FY 2019-20 LCTOP FUNDS ($67,962)

Council Member Arriola pulled the item to clarify that the funding for the School Board and funding for the City are different. Council Member Arriola added it is a good opportunity to collaborate with the School District and demonstrate commitment to our youth. It is going to be a pilot program to support students riding on our buses.

Alvin Vaughn pulled the item to express support for the creation of a program to provide free bus fares for students stating it will increase ridership and relief to household expenses during COVID-19. Mr. Vaughn provided a link to Mass Transit Magazine.

City Council questions and comments followed.

ACTION: Motion was made by Council Member Ransom and seconded by Mayor Pro Tem Young to adopt **Resolution 2020-104** authorizing the submittal of a project nomination and allocation request for the Low Carbon Transit Operation Program (LCTOP), the execution of the certifications and assurances and authorized agent forms for LCTOP for the following project: Free Student Fares, $67,962. Roll call vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Cayley Castro submitted a comment demanding the City Council put a required mask ordinance in place. Ms. Castro shared her concerns regarding City Council's decision to not put a required mask ordinance in place.

Ron K congratulated Council for reimaging City Council meetings and would like to continue with virtual meetings. Ron thanked Council for the MacArthur expansion and the bicycle lanes. Ron proposed reimaging Tracy yard waste into Tracy composting and working with staff to pioneer a movement to help create a Tracy composting bin.

Arabella McCreary referred to the sublicense under cannabis cultivation brought up at the last meeting stating that at the state level the cannabis cultivator is allowed to process but a processor type license is not allowed to cultivate. Ms. McCreary added it is important to consider adding as a sub-permit to the cultivation.

Lea Austin requested that Council place COVID related items earlier in the agenda. Ms. Austin also requested an ordinance related to wearing face coverings and shared her disappointment regarding Council's failure to require members of the public to wear face masks.

Robert Tanner expressed his concerns regarding fireworks and suggested the City should ban all safe and sane fireworks. Mr. Tanner stated he looked forward to City Hall reopening. Mr. Tanner spoke about no penalty for not wearing face coverings.

Nancy shared her concerns about protection for seniors and people with compromised immune systems and requested Council reconsider their decision and take action to require everyone that goes into a public facility to wear a face mask.

Angelo Alejandre spoke about divesting funds over time from the Tracy Police Department in favor of reinvesting some of the $30 million plus into problems currently "solved" or a lack thereof, by Police in the city.

Nathan Tran spoke about a petition that is being circulated to set aside resources for a new community center. Mr. Tran challenged Council to meet with Tracy's youth and figure out a path that uplifts our most at-risk youths, allows Police to focus on being Police rather than armed social workers, and a path that says that Black Lives Matter.

Celouky stated the youth of Tracy are petitioning to divest some of the Police Department's budget into a community center catered to youth and their families and want the City to protect and serve given the resources they desperately need which is a community center with all those programs.

Camille McDaniel spoke on behalf of the youth of Tracy who are advocating for divestment of Police funding and investment in youth development. Ms. McDaniel stated the youth of Tracy and supporters are petitioning the City to allocate funding that would otherwise go towards a Police budget, and develop a community center with programming that centers the needs and interests of underserved community members.

3. REGULAR AGENDA

3.A PUBLIC HEARING OF THE CITY COUNCIL TO CONSIDER ADOPTION OF THE CITY OF TRACY FISCAL YEARS 2020-21 OPERATING AND CAPITAL BUDGET, ADOPTION OF THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2020-21, AUTHORIZATION OF AMENDMENTS TO GENERAL FUND FOR FISCAL YEAR 2019-20 OPERATING BUDGET; ADOPTION OF THE GASB 54 COMMITTED FUND BALANCES AS OF JUNE 30, 2020, AND ADOPTION OF THE DEBT AND INVESTMENT POLICIES

Jenny Haruyama, City Manager provided the presentation outline.

Karin Schnaider, Finance Director continued with the presentation.

Ken Nordhoff, HDL Companies provided information regarding sales tax assumptions and factors.

Mayor Rickman opened the public hearing.

Robert Tanner referred to property taxes in the budget and asked what percentage increase did staff use for new property. Mr. Tanner questioned whether the City is being too aggressive when saying they will reimburse Measure V funds within two years.

Alice English spoke about delays by Surland regarding the aquatic center and urged Council to look again at the budget to finish Legacy Fields.

Mayor Rickman closed the public hearing.

City Council questions and comments followed.

ACTION: Motion was made by Council Member Vargas and seconded by Council Member Arriola to adopt **Resolution 2020-105** of the City Council of the City of Tracy adopting the operating, Debt and Capital budget for Fiscal Year 2020-2021. Roll call vote found all in favor; passed and so ordered.

ACTION: Motion was made by Council Member Vargas and seconded by Council Member Ransom to adopt **Resolution 2020-106** of the City Council of the City of Tracy establishing Fiscal Year 2020-2021 appropriations limit pursuant to Article XIIIB of the California Constitution. Roll call vote found all in favor; passed and so ordered.

ACTION: Motion was made by Council Member Vargas and seconded by Council Member Ransom to adopt **Resolution 2020-107** amending the Municipal Budget for Fiscal Year 2019-2020. Roll call vote found all in favor; passed and so ordered.

ACTION: Motion was made by Council Member Vargas and seconded by Council Member Ransom to adopt **Resolution 2020-108** of the City Council of the City of Tracy approving the Committed Fund Balances for Fiscal Year ending June 30, 2020. Roll call vote found all in favor; passed and so ordered.

ACTION: Motion was made by Council Member Vargas and seconded by Council Member Ransom to adopt **Resolution 2020-109** approving the City of Tracy Debt and Investment Policies for FY 2020-21. Roll call vote found all in favor; passed and so ordered.

3.B CONDUCT A PUBLIC HEARING TO ADOPT A RESOLUTION APPROVING THE UPDATED CITYWIDE MASTER FEE SCHEDULE FOR FISCAL YEAR 2020-2021

Karin Schnaider, Finance Director provided the staff report.

Mayor Rickman opened the public hearing.

No one from the public wished to speak.

Mayor Rickman closed the public hearing.

There were no comments from City Council.

ACTION: Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to adopt **Resolution 2020-110** approving the City-wide Master Fee Schedule for Fiscal Year 2020-2021. Roll call vote found all in favor; passed and so ordered.

3.C PROVIDE FOR THE SUBMITTAL OF BALLOT ARGUMENTS AND REBUTTALS REGARDING THE CITY'S CANNABIS BUSINESS TAX MEASURE TO BE ON THE NOVEMBER 3, 2020 GENERAL ELECTION BALLOT; AUTHORIZE THE SUBMISSION OF AN ARGUMENT FROM THE COUNCIL, DESIGNATE AN AUTHOR FOR THAT ARGUMENT, AND DIRECT THE CITY ATTORNEY TO SUBMIT AN IMPARTIAL ANALYSIS REGARDING THE MEASURE

Leticia Ramirez, City Attorney provided the staff report.

No one from the public wished to speak.

City Council questions and comments followed.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Vargas to adopt **Resolution 2020-111** providing for submittal of ballot arguments and rebuttals, authorizing the submission of an argument in favor on behalf of the City Council, and directing the City Attorney to prepare an impartial analysis of the Cannabis Business Tax Measure on the November 2020 ballot. Roll call found all in favor; passed and so ordered.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Arriola to designate the City Attorney, Leticia Ramirez as the author of the

argument in favor of the measure. Roll call found all in favor; passed and so ordered.

(The motion to appoint the City Attorney as the author of the argument in favor of the measure was reconsidered after agenda item 3.E)

3.D RECEIVE AND DISCUSS UPDATE ON THE TRACY CHAMBER OF COMMERCE 4TH OF JULY FIREWORKS EVENT AND PROVIDE STAFF DIRECTION

Brian MacDonald, Parks and Recreation Director provided the staff report.

Robert Tanner shared his disappointment about having safe and sane fireworks this year and hoped that the future City Council will ban fireworks except for the event sponsored by the City or the Chamber of Commerce.

City Council questions and comments followed.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Arriola to move forward with the 4th of July Fireworks event. Roll call found all in favor; passed and so ordered.

3.E REVIEW APPOINTMENTS TO COUNCIL COMMITTEES AND OTHER COMMITTEES, BOARDS AND COMMISSIONS

Adrianne Richardson, City Clerk provided the staff report.

No one from the public wished to speak.

City Council questions and discussion ensued.

ACTION: Motion was made by Mayor Rickman and seconded by Mayor Pro Tem Young to leave the committees as assigned. Roll call found all in favor; passed and so ordered.

Leticia Ramirez, City Attorney asked Council to adopt a motion to reconsider designating the City Attorney as the author of the argument in support of the cannabis tax measure (Item 3.C), as it is inappropriate for the author of the impartial analysis to also write the argument in favor. Ms. Ramirez suggested designating one or two Council Members to author the argument.

ACTION: Motion was made by Council Member Ransom and second by Council Member Arriola to reconsider having the City Attorney write the argument in favor of the cannabis tax measure (Item 3.C). Roll call found all in favor; passed and so ordered.

ACTION: Motion was made by Council Member Ransom to nominate Council Member Arriola to author the argument on behalf of the City Council.

Council Member Vargas agreed to a friendly amendment to the motion to join Council Member Arriola in authoring the argument in favor of the cannabis tax measure. Roll call found all in favor; passed and so ordered.

3.F AMEND COUNCIL MEETING PROTOCOLS AND RULES OF PROCEDURE TO REQUIRE AGENDAS FOR SPECIAL MEETINGS TO INCLUDE A "COUNCIL ITEMS AND COMMENTS" SECTION

Leticia Ramirez, City Attorney provided the staff report.

No one from the public wished to speak.

There were no comments from the City Council.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Arriola to adopt **Resolution 2020-112** amending Council meeting protocols and rules of procedure to require agendas for special meetings to include a "Council Items and Comments" section. Roll call found all in favor; passed and so ordered.

3.G DISCUSS CITY'S RESPONSE AND DRAFT RECOVERY PLAN REGARDING COVID-19 (VERBAL REPORT)

Jenny Haruyama, City Manager provided an update and presentation on the City's response to COVID-19.

Alice English spoke about restaurants keeping their bars open after food service has ended. Ms. English asked if the City can work with TCCA to make it mandatory to wear face coverings for the first two hours at the Farmers Market, and after the first two hours, make wearing a face covering a recommendation only. Ms. English also asked why the Farmers Market cannot be moved to Central Ave with the vendors in the middle.

City Council questions and comments followed.

Lea Austin spoke about the COVID report being presented late and urged Council to move the information up on the agenda. Ms. Austin referred to her early request to undertake an ordinance discussion and vote on an ordinance regarding masks.

City Council accepted the update**.**

4. ITEMS FROM THE AUDIENCE – Jennifer Rowell shared her disappointment with the City of Tracy and the Police Department and their response to the citizen's request to adopt eight measures that could reduce the likelihood of Police violence. Ms. Rowell stated Council needed to use their leadership and affirm that Black Lives Matter and take measures to reduce violence and consider the proposal to reallocate funds to support efforts to create a more welcoming community.

5. STAFF ITEMS – Jenny Haruyama, City Manager announced the National Night Out Organization has moved the National Night Out event to October 6, 2020.

6. COUNCIL ITEMS – Council Member Ransom stated she was inspired by our young people and energy they have brought to dealing with injustice in this country and speaking about what they have experienced in this community. Council Member Ransom announced the Board of Supervisors will be considering a measure for a marijuana tax that supports youth and programs. Council Member Ransom spoke about five peaceful protests that occurred in Tracy, divisiveness in the community, people trying to divide our Police and citizens, and explained defunding the Police. Council Member Ransom requested staff, the city and Council forward a resolution statement that expresses the City's value that racism and injustice are not allowed inside the triangle, whether it is on a placard, or entry point. Council Member Arriola seconded the request.

Council Member Ransom commended Tracy Community Connection Center for fighting to serve our homeless population. The shower celebration will be on June 18, 2020 from 1:00 – 3:00 p.m. Council Member Ransom supported the community's request to put the COVID update earlier on the agenda. Council Member Vargas supported the request.

Council Member Arriola echoed some of Council Member Ransom's comments and spoke about being approached by Council Member Ransom about implementing and introducing a policy initiative called the Equity Initiative. The initiative would consist of two components –1) conversation regarding Police Policy Reform, and 2) Equity based framework for government to re-evaluate how we do business in the City. This would require a valuation of the effects on the humans in our town and demographics and would allow evaluation of every piece of legislation passed in the City. Council Member Ransom seconded the request.

Mayor Pro Tem Young supported moving the COVID item earlier in the agenda. Mayor Pro Tem Young reported on the Safe Board meeting and the ACE Board. Mayor Pro Tem Young spoke about her request at the last meeting to have community conversation to include youth organizers of different protests, clergy, community leaders, Council, staff, and Police to discuss policies to see where we are lacking and educate the community, and asked how soon the community conversation will occur. Mayor Pro Tem Young wished all fathers a happy Father's Day and wished everyone a happy 4th of July.

Council Member Vargas stated she met the three ladies that organized the peaceful march and that it was nice to see the unity from all walks of life to look for equality. Council Member Vargas provided an update on Valley Link, and also on the Latino Caucus Mid-Year Retreat. Council Member Vargas wished all fathers a happy Father's Day.

Mayor Rickman stated one of our greatest strengths is how we come together in hours of need. Mayor Rickman wished a happy Father's Day to his father and all dads, and a happy 4th of July to all. Mayor Rickman acknowledged Jorge Mendoza, Daniel Miranda, and Fred Cutaia for their heroic action saving a young women's life, whose vehicle was involved in a collision, rolled into an irrigation ditch and filled with water. Mayor Rickman requested the City Manager check the location of the accident at Schulte at Lammers

and put up a barrier or guard rail at that location. Council Member Arriola seconded the request.

7. ADJOURNMENT – Time: 11:53 p.m.

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

The above agenda was posted at the Tracy City Hall on June 11, 2020. The above are action minutes. A recording is available at the office of the City Clerk.

_____
Mayor

ATTEST:

_____
City Clerk

July 7, 2020

AGENDA ITEM 1.B

REQUEST

AUTHORIZE THE CITY OF TRACY TO CONTINUE PARTICIPATION IN THE SAN JOAQUIN COUNTY URBAN COUNTY CONSORTIUM AND URBAN COUNTY COOPERATION AGREEMENT FOR FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) FUNDING FOR FISCAL YEARS 2021-2024

EXECUTIVE SUMMARY

The City of Tracy is currently a partner in the San Joaquin County Urban County Consortium and has previously entered into an Urban County Cooperation Agreement, which provides pass-through entitlement program funding to the City and its selected grantees. City Council authorization is required for the City to remain eligible for pass-through Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) funding through the Urban County Agreement.

BACKGROUND

CDBG and HOME funds are allocated to cities and counties by the United States Department of Housing and Urban Development (HUD) for use in projects that make for a viable community, with local programs and services that provide decent housing, a suitable living environment, and expand economic opportunities for low and moderate income individuals and families. The City of Tracy receives an annual pass-through allocation from San Joaquin County.

The City of Tracy, along with the cities of Escalon, Lathrop, Lodi, Manteca, Ripon, along with San Joaquin County, are partners in the Urban County Consortium. Every three years the County and its partner cities are required to notify HUD of its intent to continue participation in the Urban County Consortium and Cooperation Agreement. This process allows for requalification of the Urban County status for San Joaquin County.

On July 7, 1993, the City originally entered into an Urban County Cooperation Agreement (Attachment A) with San Joaquin County. The Agreement was amended in 2014 to reflect changes requested by HUD. The City of Tracy has routinely authorized inclusion in the program by deferring its metropolitan city status to the Urban County Consortium.

DISCUSSION

The City of Tracy qualifies as a metropolitan city as defined by HUD, since its population exceeds 50,000 residents. The metropolitan city status makes the City of Tracy eligible to exclude itself from participation in the Urban County Consortium and Cooperation Agreement, thereby creating a direct relationship with HUD. City staff has analyzed the advantages and disadvantages of inclusion in the Urban County Consortium and are recommending continued participation with San Joaquin County and the five other incorporated cities in the Urban County Consortium and Cooperation Agreement.

Participation in the consortium allows the City to leverage resources at San Joaquin County to act on the City's behalf to perform federal program delivery responsibilities and reporting actions with HUD. At this time, the City does not have assigned resources to adequately report and interact with HUD on a program delivery level and would need to increase those administrative resources to meet the demands of the HUD entitlement programs. In exchange for administrative services provided by San Joaquin County, the City has historically relinquished 6% of its annual CDBG allocation or approximately $29,000 for Fiscal Year 2019-20. At this time, it is possible that changing to a direct entitlement metropolitan city may result in a demand for additional City administration services which could cause an impact to the general fund. The City can carefully evaluate the option of becoming a direct entitlement agency in further detail before the end of the next contract period which expires on June 30, 2024.

Participation in the consortium also allows the City and its non-profit grantees to receive a formula based annual allocation of CDBG and HOME funding. In addition, as a consortium partner the City has access to competitive based funding disbursed by San Joaquin County including CDBG program income grant opportunities for public facilities projects. As a direct entitlement metropolitan city, the City would only have access to its formula allocation from HUD and any competitive CDBG grant funding opportunities offered by the State of California.

The City also currently defers all federal entitlement housing activities to San Joaquin County including the HOME Rehab Program and Down Payment Assistance Program since the County can leverage resources from all six participating agencies to administer housing loans and housing rehabilitation services. The City does not have the administrative capacity to operate a full-time housing program at this time.

As a consortium member, the City has significantly less risk in the event of a reduction in HUD entitlement funding since many of the HUD administrative actions, including staffing resources, are provided by San Joaquin County as described in this report.

The recommended action is for City Council to provide authorization to continue participation in the San Joaquin County Urban County Consortium and Cooperation Agreement for fiscal years 2021-2024.

FISCAL IMPACT

There is no fiscal impact associated with the approval of this item.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Quality of Life Strategic Priority, which is to provide an outstanding quality of life by enhancing the City's amenities, business mix and services and cultivating connections to promote positive change and progress in our community.

RECOMMENDATION

Staff recommends that the City Council authorize continued participation in the Urban County Consortium and Urban County Cooperation Agreement to remain eligible for Community Development Block Grant and Home Investment Partnerships Program funding through San Joaquin County for 2021-2024.

Prepared by: Vanessa Carrera, Assistant to the City Manager

Reviewed by: Andrew Malik, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

Attachment A: San Joaquin County Urban County Cooperation Agreement

CITY CLERK FILES

A-93-915
JUL 13 1993

URBAN COUNTY
COMMUNITY DEVELOPMENT BLOCK GRANT AND
HOME INVESTMENT PARTNERSHIP ACT
COOPERATION AGREEMENT

THIS AGREEMENT is entered into this ___ day of _____, 1993, by and between the City of TRACY, hereinafter referred to as **Recipient**, and the County of San Joaquin, hereinafter referred to as **County**.

WHEREAS, the **Recipient** is a duly constituted corporation under the laws of the State of California, and is empowered thereby to undertake essential community development and housing assistance activities, specifically urban renewal and publicly assisted housing; and

WHEREAS, the **County** is duly constituted subdivision of the State of California, and is also empowered by State law to undertake essential community development and housing assistance activities, specifically urban renewal and publicly assisted housing; and

WHEREAS, Government Code Sections 6500, et seq., authorize two or more public agencies to jointly exercise any power common to both; and

WHEREAS, the **County** shall be responsible for the application for grants available to the Urban County; and

WHEREAS, it is mutually desired by the parties hereto to enter into a Cooperation Agreement, in accord with the Housing and Community Development Act of 1974, as amended, and applicable Federal rules and regulations adopted pursuant thereto, whereby the parties shall jointly undertake community development and housing assistance activities financed in whole or in part by Community Development Block Grant (CDBG) funds; and

WHEREAS, the Department of Housing and Urban Development requires the **County**, as grant applicant, to enter into written agreement with recipients of Home Investment Partnership Act (HOME) funds, pursuant to 24 CFR 92.504.

NOW, THEREFORE, BE IT RESOLVED as follows:

I. The parties hereto agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities, specifically urban renewal and publicly assisted housing, pursuant to the Housing and Community Development Act of 1974, as amended, and HOME Program guidelines, 24 CFR Part 92.

II. The parties agree that:

A. CDBG Allocation

Annual CDBG allocations will be distributed to the **Recipient** based on the criteria contained in the Urban County Allocation Agreement adopted by both the **Recipient** and the **County.**

B. CDBG Eligible Activities

Each activity undertaken shall meet one of the mandated national objectives, set forth in 24 CFR 570.208. Final determination's of eligibility shall be made by the **County**, and provided to the **Recipient.** Eligible activities may include the following:

1. Activities which benefit low and moderate income persons. The **Recipient** shall document income limits applied, and the point in time when the benefit was determined.

2. Activities which benefit low and moderate income persons based on the area served by the activity. The **Recipient** shall document:

   a. The boundaries of the service area; and

   b. The income characteristics of families and unrelated individuals in the service area.

3. Activities which benefit low and moderate income persons because the activity involves a facility or service designed for use by a limited clientele consisting exclusively or predominantly of low and moderate income persons. The **Recipient** shall document:

a. The facility or service is designed for, and used by, senior citizens, handicapped persons, battered spouses, abused children, the homeless, illiterate persons, or migrant farm workers (presumptive low/mod benefit); or

b. The nature and, if applicable, the location of the facility or service and that it is used predominantly by low and moderate income persons; or

c. The size and annual income of the family of each person receiving the benefit.

4. Activities which benefit low and moderate income persons based on the creation of jobs. The **Recipient** shall provide:

a. A copy of a written agreement from each assisted business containing:

(1) a commitment by the business that it will make at least 51% of the jobs available to low and moderate income persons, and will provide training for any of these jobs requiring special skills or education; and

(2) a listing by job title of the permanent jobs to be created, which jobs require special skills or education, and which jobs are part-time, if any; and

(3) a description of actions to be taken by the **Recipient** and business to ensure that low/mod income persons receive first consideration for these jobs.

b. A listing by job title of the permanent jobs filled, and which jobs of those were available to low/mod income persons, and a listing

of low/mod income persons interviewed for a particular job; and which low and moderate income persons were hired.

5. Activities which benefit low and moderate income persons based on the retention of jobs. The **Recipient** shall provide:

   a. Evidence that, in the absence of CDBG assistance, jobs would be lost; and

   b. For each business assisted, a listing by job title of permanent jobs retained; and

   c. For each retained job claimed to be held by a low/mod income person, information of the size and annual income of the person's family.

6. Activities which aid in the prevention or elimination of slums or blight based on addressing one or more of the conditions which qualified an area as a slum or blighted area. The **Recipient** shall provide:

   a. The boundaries of the area; and

   b. A description of the conditions which qualified the area at the time of its designation in sufficient detail to demonstrate how the area met the slum and/or blight criteria.

7. Activities which meet a community development need having a particular urgency. The **Recipient** shall document:

   a. The nature and degree of seriousness of the condition, requiring assistance; and

   b. That the CDBG activity was designed to address the urgent need; and

   c. The timing of the development of the serious condition; and

d. Evidence that confirm that other financial resources to alleviate the need were not available.

C. CDBG Eligibility Determination

The **Recipient** shall demonstrate that an eligibility determination was made as prescribed in 24 CFR 570.201. Final determination's of eligibility shall be made by the **County**, and provided to the **Recipient.**

D. CDBG Property Acquisition or Improvement

The **Recipient** shall document any real property acquisition or improvement in whole or in part using CDBG funds that exceeds $25,000. A subrecipient may not change the use, or planned use, of any such property, (including the beneficiaries of such use), from that for which the acquisition or improvement was made, for five years after the closeout of the grant, unless the **Recipient** provides affected citizens with reasonable notice of, and opportunity to comment on, any such proposed change, and either:

1. The new use of such property qualifies as meeting one of the national objectives, and is not a building for the general conduct of government; or

2. The property is disposed of in a manner which results in the amount of the current fair market value of the CDBG funded acquisition or improvement, and the **Recipient's** CDBG Program is reimbursed in this amount.

E. CDBG Citizen Participation

The **Recipient** shall comply with the citizen participation requirements as follows:

1. Provide citizens with information concerning the amount of CDBG funds expected to be available; and

2. Provide citizens with the range of activities that may be undertaken with CDBG funds; and

3. Hold at least one public hearing to obtain citizen views on community needs; and

4. Publish community-wide, its proposed statement of community development objectives and projected use of CDBG funds so as to afford affected citizens the opportunity to comment.

F. CDBG Subrecipient Agreements

The **Recipient** shall enter into agreements with all subrecipients that, at a minimum, includes the requirements of this agreement, and the following:

1. Suspension or termination may occur if the subrecipient materially fails to comply with any term of the award in accordance with 24 CFR 85.43, and that the award may be terminated for convenience in accordance with 24 CFR 85.44; and

2. Where applicable the subreceipient will comply with conditions prescribed in 24 CFR 570.200(j) for the use of funds by religious organizations.

G. CDBG Recordkeeping

The **Recipient** shall establish and maintain sufficient records to enable The Department of Housing and Urban Development (HUD), to determine whether the **Recipient** has met the requirements of 24 CFR 570, Community Development Block Grant Program. At a minimum, the following records are needed:

1. Records providing a full description of each activity assisted (or being assisted) with CDBG funds including its location the amount of CDBG funds budgeted, obligated and expended for the activity and the eligibility provision.

H. CDBG Reports

The **Recipient** shall submit the following performance and/or evaluation reports to the **County** to facilitate mandated reporting to HUD:

1. A quarterly calendar report of progress and accomplishments for all funded activities, to include a quantitative list of activity beneficiary type(s); and
2. An annual equal employment opportunity report (HUD/EEO-4) on **Recipient** employment, containing data as of June 30th; and
3. A semi-annual Minority Business Enterprise Report by March 30th, indicating contract and subcontract activity during the first half of the fiscal year and, by September 30th, a report on such activity during the second half of the year; and
4. The **Recipient's** may be required to submit such other reports and information as HUD determines are necessary to carry out its responsibilities.

I. CDBG Program Income

The **Recipient** shall inform the **County** of any program income generated by expenditure of CDBG funds. Program income earned by the **Recipient** is to be returned to the **County** or retained by the **Recipient.** Where program income is to be retained by the **Recipient**, program income may be used only for eligible activities, subject to all applicable requirements governing the use of CDBG funds. When the subrecipient retains program income, program income shall be substantially disbursed before additional drawdowns of grant funds are made for the same activity. Upon close-out or change in status, the **Recipient** shall return to the **County** all program income on-hand and received subsequent to close-out or change in status.

J. CDBG Administration

As the primary general-purpose local government unit under the Housing and Community Development Act of 1974, as amended, it shall be the responsibility of the **County** to apply for grants, to administer all funds received, and to undertake or assist in undertaking essential community development and housing assistance activities.

1. The **County** shall maintain records in accordance with applicable statutes and regulations and with approved accounting procedures, and said records shall be available for public inspection at all times; and
2. The **County** and the **Recipient** shall take all required actions necessary to comply with:
   a. Section 104 (b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Section 109 of Title I of the Housing and Community Development Act of 1974, and other applicable laws, and
   b. Provision of the National Environmental Policy Act of 1969.

K. CDBG Uniform Administrative Requirements

The **Recipient** shall comply with applicable uniform administrative requirements, as described in 24 CFR 570.502 and the Urban County's certification required by Section 104 (b) of Title I the Housing and Community Development Act of 1974, as amended including Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Section 109 of Title I of the Housing and Community Development Act of 1975, and other applicable laws.

L. Reversion of CDBG Assets

The **Recipient** and any of its subrecipients shall, at the expiration of the CDBG grant, transfer to the **County** any CDBG funds on hand at the time of expiration, and any accounts receivable attributable to the use of CDBG funds.

M. CDBG Audit

Annually, the **Recipient** shall undertake an audit of its entire operation, by an independent auditor, in accordance with generally acceptable government auditing standards covering financial audits. Results of this audit shall be forwarded to the **County** within 30 days of completion of the audit. Additionally, the **Recipient** and any subrecipients of CDBG funds shall make available for review all documentation related to the utilization of CDBG funds upon notification by HUD, the **County** or their designated agents.

N. CDBG Property and Acquisition

Property records are to be maintained for all equipment acquired with CDBG funds having an initial acquisition cost of $5,000 or more. A copy of the property record should be forwarded to the **County** upon receipt of the equipment.

O. CDBG Subrecipient Agreement

Pursuant to 24 CFR 570.501 (b), the **Recipient** is subject to the same requirements applicable to subrecipients, including the requirement of a written agreement set forth in 24 CFR 570.503.

III. The parties further agree that:

A. HOME Allocation:

Annual HOME allocations will be distributed to the **Recipient** based upon the formula established within the Urban County Allocation Agreement. The HOME allocation will be reduced by 15% to meet HUD's Community Housing Development Organization (CHDO) set-aside mandate and up to 10% to cover costs related to compliance with HOME administrative requirements. An additional 5%

of the HOME allocation may be set-aside for CHDO administrative related expenses. The net HOME allocation will be used as the basis for the Urban County allocation of funds. Once the **Recipient** is informed of its HOME allocation, the **Recipient** will submit a detailed listing of activities to be performed, a schedule for completing the activities, and a budget.

B. HOME Eligible Activities:

HOME funds may only be used for eligible activities as reflected in 24 CFR 92.205. Eligible activities include:

1. Moderate Rehabilitation - construction to an existing structure where the average total development cost is less than or equal to $25,000.
2. Substantial Rehabilitation - Rehabilitation where the average total development cost of the project is greater than $25,000.
3. Conversion - Conversion of an existing structure from an alternative use to affordable residential housing.
4. Reconstruction - Building a new structure on an existing foundation.
5. New Construction - Newly build residential project.
6. Tenant Based Assistance - Rental assistance to eligible tenants.
7. Acquisition of Property
8. Relocation Costs
9. Administrative Costs - Limited to 10% of annual allocation. (Reserved for actual HOME program administration by the participating jurisdiction.)
10. Project Soft Costs:
    a. Finance related costs
    b. Pre-construction related costs
    c. Project audit costs
    d. Affirmative marketing and fair housing

C. HOME Income Targeting

HOME funds may only be used in pursuit of providing affordable housing for low income and very low income families and individuals; 100% of HOME funds must be used to benefit families and individuals whose annual income falls at or below 80% of the **County** median income.

1. Rental Housing -

a. At least 90% of HOME funds must be invested in units that are occupied by families whose incomes do not exceed 60% of the median family income for the area; and

b. The remaining funds (up to 10%) must be invested in units occupied by families below 80% of median income, and if a rental housing project has 3 or more units, 20% of HOME monies must be spent on units occupied by families whose incomes are less than or equal to 50% of the median family income for the area.

2. Homeownership -

a. HOME funds must benefit first-time homebuyers, existing low-income homeowners whose family incomes are at or below 80% of the area median income.

D. Home Affordability

1. Rental Housing

a. HOME assisted unit rents must be at or below the lesser of either:

(1) The existing Section 8 Fair Market Rent, or

(2) 30% of the adjusted income of a family whose income is less than or equal to 80% of the median income for the area (High Home Rent);

b. Remain affordable for the following terms based on the average HOME subsidy per unit:

Rehabilitation of up to $15,000	5 years
Rehabilitation off $15,000 - $40,000	10 years
Rehabilitation of $40,000 +	15 years
New Construction (any amount)	20 years

c. Have at least 20% of a project's units occupied by very low-income families paying not more than 30% of monthly adjusted gross income for rent.

2. Homeownership-

Benefit first time homebuyer whose family income is at or below 80% of the area median income, and the purchase price of the property must be less than 90% of the median area purchase price.

3. To insure compliance with the aforementioned affordability criteria, a Deed of Trust shall be recorded on the benefiting property securing the HOME investment. The County of San Joaquin shall be named as beneficiary on the Deed of Trust. In the event of default or prepayment, and subsequent liquidation of debt, the **County** will credit the **Recipients** HOME account equal to the liquidated amount.

E. <u>Maximum Per Unit HOME Subsidy</u>

The maximum per unit subsidy for San Joaquin County is:

0 Bedrooms	$54,870
1 Bedroom	$62,898

2 Bedrooms $76,483

3 Bedrooms $98,943

4 Bedrooms $108,609

F. HOME Repayments

Repayment, interest, and other return on the investment of HOME funds are to be remitted to the **County** to be used later by the **Recipient** for subsequent HOME eligible activities.

G. Uniform Administrative Requirements for HOME

The **Recipient** shall comply with applicable uniform administrative requirements, as described in 24 CFR Part 92.505(a).

H. HOME Housing Quality Standards

Owners of rental housing assisted with HOME funds must maintain the housing in compliance with applicable Housing Quality Standards and local code requirements for the duration of the agreement (for a period of 5-20 years, or longer if FHA insurance is used).

I. Other Federal Requirements

The **Recipient** shall comply with the following federal requirements when making HOME funds available.

1. Equal Opportunity - No person in the United States shall, on the grounds of race, color, national origin, religion or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with HOME funds.

   a. Fair Housing Act and implementing regulations at 24 CFR part 100; E.O. 11063, as amended by E.O. 12259 (Equal Opportunity in Housing) and implementing regulations at 24 CFR 107; and

Title VI of the Civil Rights Act of 1964 (Nondiscrimination in Federally Assisted Programs).

b. Age Discrimination Act of 1975 and implementing regulations and the prohibition against discrimination against handicapped individuals under Sec. 504 of the Rehabilitation Act of 1973 and implementing regulations.

c. The requirements of E.O. 11246 (Equal Opportunity Employment) and implementing regulations.

d. The requirements of E.O. 11625 and 12432 (concerning Minority Business Enterprise), and 12138 (concerning Women's Business Enterprise).

2. Fair Housing - The **Recipient** will affirmatively further fair housing.

J. Affirmative Marketing

The **Recipient** shall establish affirmative marketing procedures and requirements for HOME assisted housing containing five or more housing units.

K. HOME Flood Insurance

HOME funds may not be used with respect to acquisition, new construction or rehabilitation of a project located in an area identified by FEMA as having special flood hazards, unless the **Recipient's** community is participating in the National Flood Insurance Program, and flood insurance is obtained as a condition of approval of the commitment.

L. HOME Disbursements

Disbursement requests must be made through the **County.** Disbursements will not be made until needed for payment.

M. HOME Subrecipient Agreement

The **Recipient** must enter into an agreement with all subrecipients of HOME funds ensuring compliance with HOME Program requirements. The agreement should include each of the parts stated in 24 CFR Part 92.504.

N. Community Housing Development Organization (CHDO)

This set-aside will be placed in an established fund, and will be distributed annually, in a lump sum, to a qualified CHDO performing a HOME eligible activity. The selection of a qualified CHDO will be conducted by a committee, consisting of a representative from each Urban County jurisdiction.

O. HOME Matching Funds

The **Recipient** shall contribute any matching funds for rental assistance; rehabilitation and substantial rehabilitation; and new construction for HOME assisted projects, as required by HUD. Any matching requirement for HOME funds allocated in FY 1992 is waived.

P. HOME Recordkeeping

The **Recipient** shall maintain the following records, subject to audit:

1. Source of funds for each project;
2. Efforts to maximize participation by the private sector in HOME funded projects;
3. Description of each activity assisted with HOME funds, to include census tract location, the amount of HOME funds budgeted, committed and expended for the activity;
4. Documentation demonstrating compliance with match requirements;
5. For each family assisted, records that demonstrate income targeting, and unit affordability;
6. Documentation of equal opportunity and fair housing compliance;

7. Documentation and data on the steps taken to implement the **Recipient** outreach program to minority and female owned businesses; and

8. Records to demonstrate compliance with environmental review requirements.

Q. HOME Record Retention

Records must be retained for three years after closeout of funds, and/or three years after period of affordability expires.

R. HOME Reports

Annually, by September 15th, a report prepared by the **Recipient** shall be submitted to the **County** and shall include at a minimum:

1. Analysis of the **Recipient's** efforts to maximize participation by the private sector;

2. An analysis of the extent to which HOME funds were distributed among different housing categories;

3. An assessment of the **Recipient's** minority outreach program, including analysis of participation by minorities and women and entities owned by minorities and women; and

4. A listing of housing related activities benefiting low income persons undertaken in the **Recipient's** jurisdiction, assisted with federal, non-federal or private funds.

S. Reversion of HOME Assets

The **Recipient** and any of its subrecipients shall, at the expiration of this agreement, transfer to the **County** any HOME funds on hand at the time of expiration, and any accounts receivable attributable to the use of HOME funds.

T. HOME Certifications

The **Recipient** certifies to the **County** it is in compliance with the Certifications included within Attachment 2.

U. Use of HOME Funds

1. HOME funds must be obligated by the **Recipient** to a specific project within 15 months of award. CHDO set-aside must be obligated within 18 months of award.

2. If the **Recipient** determines that it cannot obligate its allocation within 15 months of award, a bank will be established where unobligated HOME allocations will be placed for use by jurisdictions who have identified a HOME eligible project(s). Any jurisdiction using a **Recipient's** banked HOME allocation, will owe the **Recipient** an equal amount of subsequent HOME allocations.

IV. Environmental Standards

Prior to the commencement of each HOME and CDBG funded activity, the **Recipient** will complete all mandated environmental reviews in compliance with 24 CFR Part 58, Environmental Review Procedures for Community Development Block Grants. The **County** will determine the required environmental review procedure to be completed for each activity, and provide technical assistance to facilitate compliance.

V. Certifications & Disclosures

Attachment 1 includes Grantee Certifications which are mandated by HUD. The **Recipient** shall certify that it has adopted and will enforce policies as follows:

A. Drug free work place.

B. Prohibition of excessive use of force within **Recipient's** jurisdiction.

C. Enforce state laws against physically barring entrance to or exit from facilities subject to non-violent civil rights demonstrations

The **Recipient** shall certify and disclose to the **County** accordingly.

VI. Term Of Agreement

The terms of this Agreement shall apply to activities which will be funded from Fiscal Years 1994-1996 CDBG allocations and HOME allocations from Federal Fiscal Years 1992-1996.

A. Any notice of intent to terminate or withdraw from this Agreement by either of the parties hereto shall have no effect until September 30, 1996, the end of the three year Urban County qualification period and such additional time that may be required for the expenditure of funds, granted to the **County** for such period.

B. This Agreement shall remain in effect during any period that **Recipient** or any subrecipients of CDBG funds have control over CDBG or HOME funds, including program income.

C. This agreement will automatically renew at the end of the three year Urban County qualification period, if no changes to the agreement are required by HUD that would require the execution of a new agreement. The renewal period will coincide with the period of subsequent Urban County qualification.

VII. Fair Housing

CDBG or HOME funding for activities in or in support of any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the **County's** actions to comply with its fair housing certification is prohibited.

VIII. Amendments

As CDBG or HOME requirements change, the terms of this Agreement will change. CDBG and HOME program changes affecting this Agreement shall be attached unilaterally by the **County** as amendments to this Agreement. A copy of all amendments shall be forwarded to the **Recipient.**

IX. Other Programs

That by executing this agreement the **Recipient:**

A. May not apply for grants under the Small Cities or State CDBG Programs for fiscal years in which it is a participant in the Urban County CDBG program; and

B. May not participate in HOME consortium except through the Urban County.

IN WITNESS WHEREOF, the parties have executed the above instrument on the day and year first above written.

COUNTY

By: WILLIAM N. SOUSA
WILLIAM N. SOUSA, Chairman
Board of Supervisors

ATTEST: JORETTA J. HAYDE
Clerk of the Board of Supervisors
of the County San Joaquin,
State of California

By: CINDY DUSBRUTZ
Deputy Clerk

APPROVED AS TO FORM:

JOHN F. CHEADLE
County COUNSEL

By: Edward R. Burroughs
EDWARD R. BURROUGHS
Deputy County Counsel

RECIPIENT

By: Dan Bilbrey
, Mayor PRO TEM
City of Tracy

ATTEST:
Sharon Smith, City Clerk
City of Tracy

By:

APPROVED AS TO FORM
TRACY CITY ATTORNEY
Debra E. Corbett
Debra E. Corbett

CO-OP.AGR

ATTACHMENT 1 Exhibit 4-2

COMMUNITY DEVELOPMENT BLOCK GRANT GRANTEE CERTIFICATIONS

In accordance with the Housing and Community Development Act of 1974, as amended, and with 24 CFR 570.303 of the Community Development Block Grant regulations, the grantee certifies that:

(a) It possesses legal authority to make a grant submission and to execute a community development and housing program;

(b) Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the person identified as the official representative of the grantee to submit the final statement and amendments thereto and all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the grantee to act in connection with the submission of the final statement and to provide such additional information as may be required;

(c) Prior to submission of its final statement to HUD, the grantee has:

1. Met the citizen participation requirements of §570.301(b);

2. Prepared its final statement of community development objectives and projected use of funds in accordance with §570.301(c) and made the final statement available to the public;

(d) It is following a detailed citizen participation plan which:

1. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used, and provides for participation of residents in low and moderate income neighborhoods as defined by the local jurisdiction;

2. Provides citizens with reasonable and timely access to local meetings, information, and records relating to the grantee's proposed use of funds, as required by the

regulations of the Secretary, and relating to the actual use of funds under the Act;

3. Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee;

4. Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped;

5. Provides for a timely written answer to written complaints and grievances, within 15 working days where practicable; and

6. Identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate;

e) The grant will be conducted and administered in compliance with:

1. Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 42 U.S.C. §2000d et seq.); and

2. The Fair Housing Act (42 U.S.C. 3601-20);

f) It will affirmatively further fair housing;

g) It has developed its final statement of projected use of funds so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight; (the final statement of projected use of funds may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community,

and other financial resources are not available); except that the aggregate use of CDBG funds received under section 106 of the Act, and if applicable, under section 108 of the Act, during program year(s) 1994, 95, 96 (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that not less than 70 percent of such funds are used for activities that benefit such persons during such period;

(h) It has developed a community development plan, for the period specified in paragraph (g) above, that identifies community development and housing needs and specifies both short and long-term community development objectives that have been developed in accordance with the primary objective and requirements of the Act;

(i) It is following a current comprehensive housing affordability strategy (CHAS) which has been approved by HUD pursuant to §570.306 and Part 91, and that any housing activities to be assisted with CDBG funds will be consistent with the CHAS;

(j) It will not attempt to recover any capital costs of public improvements assisted in whole or in part with funds provided under section 106 of the Act or with amounts resulting from a guarantee under section 108 of the Act by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

1. Funds received under section 106 of the Act are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under Title I of the Act; or

2. For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient funds received under section 106 of the Act to comply with the requirements of subparagraph (1) above;

(k) Its notification, inspection, testing and abatement procedures concerning lead-based paint will comply with §570.608;

(l) It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as required under §570.606(b) and Federal implementing regulations; and the requirements in §570.606(c) governing the residential antidisplacement and relocation assistance plan under section 104(d) of the Act (including a certification that the grantee is following such a plan); and the relocation requirements of §570.606(d) governing optional relocation assistance under section 105(a)(11) of the Act;

(m) It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

(n) To the best of its knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of

any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph (n) of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly;

(o) It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

2. Establishing an ongoing drug-free awareness program to inform employees about -

   (a) The dangers of drug abuse in the workplace;

   (b) The grantee's policy of maintaining a drug-free workplace;

   (c) Any available drug counseling, rehabilitation, and employee assistance programs; and

   (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;

4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -

   (a) Abide by the terms of the statement; and

   (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -

   (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

   (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

8. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

_____

_____

_____

_____

_____

_____

_____

_____

Check ✓ if there are workplaces on file that are not identified here; and

(p) It will comply with the other provisions of the Act and with other applicable laws.

_____ _____

Signature Date

_____

Title

Exhibit 4-2

APPENDIX TO CDBG CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

A. Lobbying Certification - Paragraph n

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

B. Drug-Free Workplace Certification - Paragraph o

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out in paragraph (o).

2. The certification set out in paragraph (o) is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. For grantees other than individuals, Alternate I applies. (This is the information to which entitlement grantees certify).

4. For grantees who are individuals, Alternate II applies. (Not applicable to CDBG Entitlement grantees.)

5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the

grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).

7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).

8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C.812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are not on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

ATTACHMENT "A"

RESOLUTION NO. 93-273

APPROVING A COOPERATION AGREEMENT BETWEEN THE CITY OF TRACY AND SAN JOAQUIN COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP ACT

WHEREAS, The City of Tracy is a subrecipient of San Joaquin County for CDBG and HOME funds, and

WHEREAS, A Cooperation Agreement is executed every three years to formalize this relationship, and

WHEREAS, The attached Cooperation Agreement was initially executed by San Joaquin County and by the Mayor Protem in July 1993, assuming a City Council resolution was not required to execute the Agreement, and

WHEREAS, The U.S. Department of Housing and Urban Development (HUD) has notified the County that the Cooperation Agreement must be approved by City Council resolution;

NOW, THEREFORE, BE IT RESOLVED That the City Council of the City of Tracy does hereby approve the execution of the Cooperation Agreement between the City and San Joaquin County.

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

The foregoing Resolution No. 93-273 was passed and adopted by the City Council of the City of Tracy on the 17th day of August, 1993, by the following vote:

AYES: COUNCIL MEMBERS: BILBREY, IVES, MCCRAY, BLAND
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: MATTHEWS

Mayor of the City of Tracy

ATTEST:

City Clerk

08119302
Finance/kk
Attachment

RESOLUTION 2020 -__

AUTHORIZING THE CITY OF TRACY TO CONTINUE PARTICIPATION IN THE SAN JOAQUIN COUNTY URBAN COUNTY CONSORTIUM AND URBAN COUNTY COOPERATION AGREEMENT FOR FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDING FOR FISCAL YEARS 2021-2024

WHEREAS, The City of Tracy is currently a partner in the San Joaquin County Urban County Consortium and has previously entered into a Urban County Cooperation Agreement dated July 7, 1993, as amended, and

WHEREAS, The City of Tracy receives an annual pass-through allocation from San Joaquin County for the Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME), and

WHEREAS, The City of Tracy qualifies as a direct entitlement metropolitan city as defined by United States Department of Housing and Urban Development (HUD) since its population exceeds 50,000 residents, and

WHEREAS, San Joaquin County and HUD are seeking to requalify San Joaquin County as an Urban County for fiscal years 2021-2024 and the City of Tracy may select inclusion or exclusion of its participation in the Urban County Consortium, and

WHEREAS, San Joaquin County requires that the City of Tracy indicate its intent to continue or discontinue participation;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tracy hereby authorizes the inclusion of the City of Tracy in the San Joaquin County Urban County Consortium for fiscal years 2021-2024 and thereby defers it metropolitan city status to the Urban County;

BE IT FURTHER RESOLVED , That the City Council hereby authorizes the continued participation in the Urban County Cooperation Agreement for fiscal years 2021-2024.

****

The foregoing Resolution 2020-_____ was passed and adopted by the Tracy City Council on the 7th day of July, by the following vote:

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

_____
MAYOR

ATTEST:

_____
CITY CLERK

July 7, 2020

AGENDA ITEM 1.C

REQUEST

APPROVE THE FIRST AMENDMENT TO THE SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT 3956, TRACY HILLS VILLAGE 7B, AND AUTHORIZE THE CITY CLERK TO FILE THE FIRST AMENDMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER

EXECUTIVE SUMMARY

Approval of the First Amendment to the Subdivision Improvement Agreement will allow Meritage Homes of California, Inc. ("Subdivider") to proceed with the construction of the landscape and irrigation improvements within the parkway strips on the public streets throughout Tract 3956, Tracy Hills Village 7B, which were excluded from the previously executed Subdivision Improvement Agreement in order to give the Subdivider more time to complete the landscape and irrigation design and obtain the City Engineer's approval of the landscape construction plans.

DISCUSSION

Subdivider is responsible for the construction of street improvements and utilities appurtenant to the development of Tract 3956, Tracy Hills Village 7B. The Subdivision Improvement Agreement ("SIA") which authorized the Subdivider to proceed with the construction of said improvements was approved by the City Council on April 16, 2019 pursuant to Resolution No. 2019-073 and was recorded in San Joaquin County Records on May 2, 2019.

Landscape and irrigation improvements within the parkway strips on the public streets throughout Tract 3956, Tracy Hills Village 7B, were excluded from the SIA in order to give the Subdivider additional time to complete the landscape and irrigation design and continue to work with City staff to finalize the associated plans. City staff has now completed the review of the landscape construction plans and the City Engineer has approved the plans.

The Subdivider is requesting approval of the First Amendment to the Subdivision Improvement Agreement for Tract 3956, Tracy Hills Village 7B ("First Amendment") in order to allow them to proceed with the construction of the landscape and irrigation improvements within the parkway strips on the public streets throughout Tract 3956, Tracy Hills Village 7B, in accordance with the approved landscape construction plans.

The Subdivider has executed the First Amendment in order to add the landscaping and irrigation improvements within the parkway strips as Additional Work to the original Scope of Work described in the SIA and has furnished improvement security for the Additional Work as set forth in the First Amendment.

The landscaping and irrigation improvements that are the subject of the First Amendment are part of the HOA Public Landscaping as defined in the Public Landscaping Maintenance Agreement Between the City of Tracy and the Tracy Hills

Community Association, and therefore the maintenance of said improvements will be funded and performed by the HOA pursuant to that Agreement.

FISCAL IMPACT

There will be no impact to the General Fund. The Subdivider has paid the applicable engineering review fees, which include the cost of the review of the landscape construction plans and the processing of the First Amendment.

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 First Amendment to the Subdivision Improvement Agreement for Tract 3956, Tracy Hills Village 7B, and authorize the City Clerk to file the First Amendment with the Office of the San Joaquin County Recorder.

Prepared by: Nanda Gottiparthy, 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 – Vicinity Map
Attachment B – First Amendment to SIA

LANDS OF RODGERS

LANDS OF VIEIRA

SATNAM SANDHU

CALIFORNIA AQUEDUCT

CORRAL HOLLOW ROAD

SELLICK

PARCEL A

PARCEL B

PARCEL C

PARCEL D

TRACY HILLS PHASE 1A

TRACY HILLS DRIVE

TRACY HILLS DRIVE

TRACY HILLS DRIVE

UNSURVEYED
REMAINDER
25 PM 168

TRACT NO. 3956 VILLAGE 7B

STATE ROUTE 580

15 6 7 4 5 17 18 16 20 19 12 11 8 1 24 23 13 9 2 25 14 10 3

ATTACHMENT "A"

G:\JOB2012\121083-IP\CAD FILES\00-EXHIBITS\SIA EXHIBITS\VTB - ATTACH_A.DWG 3/6/2019 8:34:44 AM ALLYSON GILLESPIE

Attachment B

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: Adrianne Richardson

SPACE ABOVE THIS LINE FOR RECORDER'S INFORMATION

CITY OF TRACY
FIRST AMENDMENT TO THE SUBDIVISION IMPROVEMENT AGREEMENT
FOR TRACT 3956, TRACY HILLS VILLAGE 7B

This **FIRST AMENDMENT TO THE SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT 3956, TRACY HILLS VILLAGE 7B,** (hereinafter "First Amendment") is made and entered into by and between the **CITY OF TRACY**, a municipal corporation (hereinafter "City"), and **MERITAGE HOMES OF CALIFORNIA, INC.,** a California corporation, (hereinafter, "Subdivider").

RECITALS

A. On April 16, 2019 pursuant to Resolution No. 2019-073, the City Council approved a Subdivision Improvement Agreement to authorize the Subdivider to proceed with the construction of street improvements and utilities appurtenant to the development of Tract 3956, Tracy Hills Village 7B (the ***"SIA"***). The SIA was subsequently executed by the City and Subdivider and was recorded on May 2, 2019 as Document #2019-044472, San Joaquin County Records, and is on file with the City Clerk.

B. The City and Subdivider now wish to amend the SIA to add the landscape and irrigation improvements within the parkway strips on the public streets throughout Tract 3956, Tracy Hills Village 7B, to the Work described in the SIA.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **INCORPORATION BY REFERENCE.** This First Amendment hereby incorporates by reference all terms and conditions set forth in the SIA unless specifically modified by this First Amendment. All terms and conditions set forth in the SIA not specifically modified by this First Amendment shall remain in full force and effect.

2. **AMENDMENTS TO THE SUBDIVISION IMPROVEMENT AGREEMENT.**

2.1. Amendment to Recital E of the SIA. Recital E of the SIA is hereby amended to add the following text:

"The terms "Plans and Specifications", "Scope of Work" and "Work", as used in this Agreement, also include those landscape and irrigation improvements within the parkway strips on the public streets as shown on the ten (10) sheets of landscape plans, entitled "Tracy Hills Village 7B - Tracy, California, Landscape Improvement Plans" prepared by KLA, provided that for purposes of Section 5, such landscape and irrigation improvements are referred to as the ***"Additional Work"***."

2.2. Amendment to Section 5 of the SIA: In addition to the improvement security required by Section 5 of the SIA, Subdivider shall furnish the following security for the Additional Work. The following language shall be added to Section 5 as stated herein:

"5.5. **Faithful Performance** security in the amount of **$211,950.00** in accordance with the cost estimates approved by City to secure faithful performance of this First Amendment (until the date on which the City Council accepts the Additional Work as complete).

5.6. **Labor and Material** security in the amount of **$211,950.00** 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 in connection with the Additional Work are required to be made by laborers and materialmen).

5.7. **Warranty** security in the amount of **$21,195.00** in accordance with the cost estimates approved by City to secure faithful performance of this First Amendment (from the date on which the City Council accepts the Additional Work as complete until one year thereafter."

3. **SIGNATURES.** The individuals executing this First Amendment represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this First Amendment on behalf of the respective legal entities of the Subdivider and the City. This First Amendment 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: Adrianne Richardson
Title: CITY CLERK
Date: _____

Approved As To Form:

_____
By: Leticia Ramirez
Title: CITY ATTORNEY
Date: _____

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

By: _____
Print Name: John D. Bayless
Title: VP LAND
Date: 3·9·20

RESOLUTION 2020-_____

APPROVING THE FIRST AMENDMENT TO THE SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT 3956, TRACY HILLS VILLAGE 7B, AND AUTHORIZING THE CITY CLERK TO FILE THE FIRST AMENDMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER

WHEREAS, The Subdivision Improvement Agreement for Tract 3956, Tracy Hills Village 7B ("SIA"), executed by the City of Tracy ("City") and Meritage Homes of California, Inc. ("Subdivider"), was approved by the City Council on April 16, 2019 and was recorded in San Joaquin County Records on May 2, 2019, and

WHEREAS, The SIA authorized the Subdivider to proceed with the construction of street improvements and utilities appurtenant to the development of Tract 3956, Tracy Hills Village 7B, and

WHEREAS, The SIA excluded landscape and irrigation improvements within the parkway strips on the public streets throughout Tract 3956, Tracy Hills Village 7B, in order to give the Subdivider additional time to complete the landscape and irrigation design and continue to work with City staff to finalize the associated plans, and

WHEREAS, City staff has now completed the review of the landscape construction plans for the parkway landscape and irrigation improvements and the City Engineer has approved the plans, and

WHEREAS, The Subdivider is requesting approval of the First Amendment to the Subdivision Improvement Agreement for Tract 3956, Tracy Hills Village 7B ("First Amendment") in order to allow them to proceed with the construction of the landscape and irrigation improvements within the parkway strips on the public streets throughout Tract 3956, Tracy Hills Village 7B, in accordance with the approved landscape construction plans, and

WHEREAS, The City and Subdivider now wish to execute the First Amendment in order add the subject parkway landscaping and irrigation improvements as Additional Work to the original Scope of Work as described in the SIA, and

WHEREAS, In order to guarantee the performance of the Subdivider's obligations regarding completion of the parkway landscaping and irrigation improvements within Tract 3956, Tracy Hills Village 7B, the Subdivider has submitted the required additional improvement security as set forth therein, and

WHEREAS, The parkway landscaping and irrigation improvements that are the subject of the First Amendment are part of the HOA Public Landscaping as defined in the Public Landscaping Maintenance Agreement Between the City of Tracy and the Tracy Hills Community Association, and therefore the maintenance of said improvements will be funded and performed by the HOA pursuant to that Agreement, and

WHEREAS, There will be no fiscal impact to the General Fund as the Subdivider has paid the cost of engineering, plan review and processing the First Amendment, and will pay all

construction and inspection costs associated with the subject parkway landscaping and irrigation improvements;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves the First Amendment to the Subdivision Improvement Agreement for Tract 3956, Tracy Hills Village 7B, and authorizes the City Clerk to file the First Amendment with the Office of the San Joaquin County Recorder.

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

The foregoing Resolution 2020-_____ was passed and adopted by the Tracy City Council on the 7th day of July 2020, by the following vote:

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

_____
MAYOR

ATTEST:

_____
CITY CLERK

July 7, 2020

AGENDA ITEM 1.D

REQUEST

APPROVE PROFESSIONAL SERVICES AGREEMENTS WITH TERRACON CONSULTANTS, INC. OF LODI, CALIFORNIA, AND BSK ASSOCIATES, OF LIVERMORE, CALIFORNIA, FOR A NOT-TO-EXCEED AMOUNT OF $200,000 PER YEAR FOR EACH CONSULTANT, TO PROVIDE MATERIALS TESTING AND GEOTECHNICAL SERVICES FOR FISCAL YEARS 2020-2022 WITH THE OPTION TO EXTEND THE AGREEMENTS AN ADDITIONAL TWO FISCAL YEARS, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE EXTENSIONS, IF NEEDED

EXECUTIVE SUMMARY

Due to the specialized nature of the proposed work, the City uses consultants to provide materials testing services for new development and Capital Improvement Projects (CIPs). Because the existing Professional Services Agreements (PSAs) with the current consultants is expiring, a new agreement needs to be executed to continue materials testing services to advance various development projects and CIPs.

DISCUSSION

The Development Services Department requires the services of materials testing consultants for Development and Capital Improvement Projects. These tests are necessary to ensure that construction is performed in accordance with City standards and specifications. Since the City does not have specialized staff, equipment and a laboratory to perform the testing in-house, the services of outside consultants are required on an as-needed basis.

In accordance with the Tracy Municipal Code, Section 2.20.140, on February 20, 2020, a "Notice of Request for Proposals" was posted on the City of Tracy's website. The City received proposals on April 30, 2020, from five consultants as follows:

Engeo - Lathrop, CA
BSK Associates - Livermore, CA
Terracon Consultants, Inc. - Lodi, CA
ISI Inspection Services, Inc., - Berkeley, CA
Twining - Sacramento, CA

After extensive review and evaluation of the proposals, Terracon Consultants, Inc. of Lodi, California, and BSK Associates of Livermore, California, were found to be the most qualified consultants to provide the necessary services.

Both companies have expertise in materials testing and geotechnical engineering and have successfully completed material testing services for the City and other agencies. These firms have sufficient resources to provide the services on an as needed basis to support the upcoming construction of Capital Improvement Projects and Development projects.

To provide flexibility, staff recommends Council approve the Professional Service Agreements with both consultants. The total cost for these services is estimated not-to-exceed $200,000 per year.

Staff recommends approval of the Professional Services Agreements for a period of two years (fiscal years 2020-2022). It is further recommended that, at the option of the City Manager, the agreements may be extended for an additional two fiscal years if agreed by both parties, and the firms have performed to the City's satisfaction. This will streamline project delivery and allow for consistency in operations.

FISCAL IMPACT

The cost of materials testing is recovered as follows:

1. Private Development: The cost is recovered through developer's inspection fee's.

2. Capital Improvement Projects: The actual cost is charged to the specific project.

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 City Council, by separate resolutions, approve Professional Services Agreements with Terracon Consultants, Inc. of Lodi, California, and BSK Associates of Livermore, California, for a not-to-exceed amount of $200,000 per year for each consultant, to provide Materials Testing and Geotechnical Services for Fiscal Years 2020-2022 with the option to extend the Agreements an additional two fiscal years, and authorize the City Manager to execute the extensions, if needed.

Prepared by: Paul Verma, PE, Senior Civil Engineer

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 – Professional Services Agreement with BSK Associates
Attachment B – Professional Services Agreement with Terracon Consultants, Inc.

Attachment A

CITY OF TRACY
PROFESSIONAL SERVICES AGREEMENT WITH
BSK ASSOCIATES
FOR
MATERIAL TESTING SERVICES

This Professional Services Agreement (**Agreement**) is entered into between the City of Tracy, a municipal corporation (**City**), and BSK ASSOCIATES, a California Corporation (**Consultant**). City and Consultant are referred to individually as "Party" and collectively as "Parties."

Recitals

A. City desires to retain Consultant to perform Material Testing Services; and

B. On February 20, 2020 the City advertised a Call for Request for Proposals for Material Testing Services and on April 30, 2020 Consultant submitted a proposal through a competitive bidding process in accordance with Tracy Municipal Code, Section 2.20.140 to provide quality control material testing services for all construction projects within the City of Tracy, when deemed necessary by the CITY between July 1, 2020 and June 30, 2022. City reviewed all proposals and has determined that Consultant possesses the skills, experience and certification required to provide the services.

C. After negotiations between the City and Consultant, the Parties have reached an agreement for the performance of services in accordance with the terms set forth in this Agreement.

D. This Agreement is being executed pursuant to Resolution No. 2020-____ approved by Tracy City Council on July 7, 2020.

Now therefore, the Parties mutually agree as follows:

1. Scope of Work. Consultant 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, Consultant's Authorized Representative: Tim Rodriguez, Northern Regional Manager**.** Consultant shall not replace its Authorized Representative, nor shall Consultant replace any of the personnel listed in Exhibit "A," nor shall Consultant use or replace any subcontractor or subconsultant, without City's prior written consent. A failure to obtain the City's prior written consent for any change or replacement in personnel or subcontractor/subconsultant may result in the termination of this Agreement.

2. 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. Consultant 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 Consultant in a reasonably prompt and timely manner based upon the circumstances and direction communicated to the Consultant. Consultant shall submit all requests for time extensions to the City in writing no later than ten days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due. City shall grant or deny such requests at its sole discretion.

2.1 Term. The term of this Agreement shall begin on July 1, 2020 and end on June 30, 2022, unless terminated in accordance with Section 6 or extended as stated herein. This

Agreement may be extended for an additional two (2) years by the City Manager following a written determination that Consultant has satisfactorily met all the requirements of this Agreement.

3. Compensation. City shall pay Consultant on a time and expense (e.g. test) basis, at the billing rates set forth in Exhibit "B," attached and incorporated by reference for services performed under this Agreement.

3.1 Not to Exceed Amount. Consultant's total compensation under this Agreement shall not exceed $200,000 per year. Consultant's billing rates shall cover all costs and expenses for Consultant's performance of this Agreement. No work shall be performed by Consultant in excess of the total compensation amount provided in this section without the City's prior written approval.

3.2 Invoices. Consultant shall submit monthly invoice(s) to the City that describe the services performed, including times, dates, and names of persons performing the services.

3.2.1 If Consultant is providing services in response to a development application, separate invoice(s) must be issued for each application and each invoice shall contain the City's designated development application number.

3.2.2 Consultant's failure to submit invoice(s) in accordance with these requirements may result in the City rejecting said invoice(s) and thereby delaying payment to Consultant.

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

4. Indemnification. Consultant 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 Consultant'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; "Consultant" means the Consultant, 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 duty of a "design professional" to indemnify and defend the City is limited to claims that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of the design professional, under Civ. Code § 2782.8.)

The provisions of this section survive completion of the services or the termination of this Agreement, and are not limited by the provisions of Section 5 relating to insurance.

5. Insurance. Consultant shall, throughout the duration of this Agreement, maintain insurance to cover Consultant, its agents, representatives, and employees in connection with the performance of services under this Agreement at the minimum levels set forth herein.

5.1 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 $4,000,000 general aggregate and $2,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.

5.2 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.

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

5.4 Professional Liability "claims made" coverage shall be maintained to cover damages that may be the result of errors, omissions, or negligent acts of Consultant in an amount not less than $1,000,000 per claim.

5.5 Endorsements. Consultant shall obtain endorsements to the automobile and commercial general liability insurance policies with the following provisions:

5.5.1 The City (including its elected officials, officers, employees, agents, and volunteers) shall be named as an additional "insured."

5.5.2 For any claims related to this Agreement, Consultant's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.

5.6 Notice of Cancellation. Consultant 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. Consultant shall immediately obtain a replacement policy.

5.7 Authorized Insurers. All insurance companies providing coverage to Consultant 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.

5.8 Insurance Certificate. Consultant 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.

5.9 Substitute Certificates. Consultant shall provide a substitute certificate of insurance no later than 30 days prior to the policy expiration date of any insurance policy required by this Agreement.

5.10 Consultant's Obligation. Maintenance of insurance by the Consultant as specified in this Agreement shall in no way be interpreted as relieving the Consultant of any responsibility whatsoever (including indemnity obligations under this Agreement), and the Consultant may carry, at its own expense, such additional insurance as it deems necessary. Failure to provide or maintain any insurance policies or endorsements required herein may result in the City terminating this Agreement.

6. Termination. The City may terminate this Agreement by giving ten days' written notice to Consultant. Upon termination, Consultant shall give the City all original documents, including preliminary drafts and supporting documents, prepared by Consultant for this Agreement. The City shall pay Consultant for all services satisfactorily performed in accordance with this Agreement, up to the date notice is given.

7. Dispute Resolution. If any dispute arises between the City and Consultant that cannot be settled after engaging in good faith negotiations, City and Consultant agree to resolve the dispute in accordance with the following:

7.1 Each Party shall designate a senior management or executive level representative to negotiate the dispute;

7.2 The representatives shall attempt, through good faith negotiations, to resolve the dispute by any means within their authority.

7.3 If the issue remains unresolved after fifteen (15) days of good faith negotiations, the Parties shall attempt to resolve the disagreement by negotiations between legal counsel. If the aforementioned process fails, the Parties shall resolve any remaining disputes through mediation to expedite the resolution of the dispute.

7.4 The mediation process shall provide for the selection within fifteen (15) days by both Parties of a disinterested third person as mediator, shall be commenced within thirty (30) days and shall be concluded within fifteen (15) days from the commencement of the mediation.

7.5 The Parties shall equally bear the costs of any third party in any alternative dispute resolution process.

7.6 The dispute resolution process is a material condition to this Agreement and must be exhausted prior to either Party initiating legal action. This dispute resolution process is not intended to nor shall be construed to change the time periods for filing a claim or action specified by Government Code §§ 900 et seq.

8. Ownership of Work. All original documents prepared by Consultant 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 Consultant's services, or upon demand from the City. No such documents shall be revealed or made available by Consultant to any third party without the City's prior written consent.

9. Independent Contractor Status. Consultant is an independent contractor and is solely responsible for the acts of its employees or agents, including any negligent acts or omissions. Consultant is not City's employee and Consultant 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. Consultant is free to work for other entities while under contract with the City. Consultant, and its agents or employees, are not entitled to City benefits.

10. Conflicts of Interest. Consultant (including its employees, agents, and subconsultants) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. If Consultant maintains or acquires such a conflicting interest, the City may terminate any contract (including this Agreement) involving Consultant's conflicting interest.

11. Rebates, Kickbacks, or Other Unlawful Consideration. Consultant warrants that this Agreement was not obtained or secured through rebates, kickbacks, or other unlawful consideration either promised or paid to any City official or employee. For breach of this warranty, City shall have the right, in its sole discretion, to terminate this Agreement without liability; to pay only for the value of the work actually performed; or to deduct from the contract price; or otherwise recover the full amount of such rebate, kickback, or other unlawful consideration.

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

To City:

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

To Consultant:

Tim Rodriguez BSK
Associates
399 Lindbergh Ave.
Livermore, CA 94551

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

13. Miscellaneous.

13.1 Standard of Care. Unless otherwise specified in this Agreement, the standard of care applicable to Consultant'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.

13.2 Amendments. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both Parties.

13.3 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.

13.4 Assignment and Delegation. Consultant 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.

13.5 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.

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

13.6.1 Prevailing Wage Laws. Consultant is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 16000, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates; employment of apprentices (§ 1777.5), certified payroll records (§1776), hours of labor (§1813 and §1815), debarment of contractors and subcontractors (§1777.1) and the performance of other requirements on "public works" and "maintenance" projects. If the services being performed under this Agreement are part of a "public works" or "maintenance" project, as defined in the Prevailing Wage Laws, and if the total compensation is $1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws. These prevailing rates are on file with the City and are available online at http://www.dir.ca.gov/DLSR. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents, harmless from any and all claims, costs, penalties, or interests arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

13.6.2 Non-discrimination. Consultant represents and warrants that it is an equal opportunity employer and it shall not discriminate against any subconsultant, employee or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex or age. Consultant shall also comply with all applicable anti-discrimination federal and state laws, including but not limited to, the California Fair Employment and Housing Act (Gov. Code 12990 (a-f) et seq.).

13.7 Business Entity Status. Consultant 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 Consultant. By entering into this Agreement, Consultant represents that it is not a suspended corporation. If Consultant is a suspended corporation at the time it enters this Agreement, City may take steps to have this Agreement declared voidable.

13.8 Business License. Before the City signs this Agreement, Consultant shall obtain a City of Tracy Business License. Consultant shall maintain an active City of Tracy Business License during the term of this Agreement.

13.9 Successors and Assigns. This Agreement shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

13.10 Construction of Agreement. Each Party hereto has had an equivalent opportunity to participate in the drafting of this Agreement and/or to consult with legal counsel.

Therefore, the usual construction of an agreement against the drafting Party shall not apply hereto.

13.11 Severability. 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.

13.12 Controlling Provisions. In the case of any conflict between the terms of this Agreement and the Exhibits hereto, and Consultant's proposal (if any), the Agreement shall control. In the case of any conflict between the Exhibits hereto and the Consultant's proposal (if any), the Exhibits shall control.

13.13 Entire Agreement. This Agreement and the attached Exhibits comprise the entire integrated understanding between the Parties concerning the services to be performed. This Agreement supersedes all prior negotiations, representations or agreements. All exhibits attached hereto are incorporated by reference herein.

14. Signatures. The individuals executing this Agreement on behalf of Consultant represent and warrant that they have the right, power, legal capacity and authority to enter into and to execute this Agreement on behalf of Consultant.

[SIGNATURES ON FOLLOWING PAGE]

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

City of Tracy

_____
By: Jenny Haruyama
Title: City Manager

Date: _____

Attest:

_____
Adrianne Richardson, City Clerk

Approved as to form:

_____
Leticia Ramirez, City Attorney

Consultant
BSK Associates, Inc. a California corporation

_____
By: Tim Rodriguez
Title: Vice-President

Date: 07/01/2020

Federal Employer Tax ID No.
94-1633676

_____
By: Cristiano Melo
Title: Livermore Branch Manager

Date: 07/01/2020

Exhibits:

A Scope of Work, including personnel and time of performance (See Agreement sections 1 and 2.)
B Compensation (See Agreement section 3.)

EXHIBIT A

SCOPE OF SERVICES

I. DESCRIPTION OF SERVICES REQUIRED

A. Field Density Testing

1. Method CAL 231. This test will not be allowed in trenches and when used, the first five moistures shall be run mechanically (stove or oven) to determine moisture relationship to the nuclear machine. The nuclear machine will then be adjusted for the moisture differentials. If it cannot be adjusted, all moistures shall be run mechanically unless a field examination can prove the accuracy of the moisture determination. Each section tested (structural section) shall not be more than 500 feet in length and do not combine or average 3 separate curve materials or test data.

2. Method CAL 216-Dry. This test will be acceptable in all areas and materials. When nuclear machines are used, one out of every ten tests (or portion thereof) shall be compared with a sand density test, and the two tests shown as such on the report. This test can be an option in trench testing, but because of the costs involved, shall be secondary in trenches. Soil materials shall not be mixed.

3. ASTM D-2937-Tube Method. This test will be acceptable in all materials and areas that can be tube-tested.

4. Laboratory Maximum Density, Optimum Moisture Determinations – California 216, Dry Method.

:

NOTE:

1. **For the field density testing of Public Works projects, (A.1, A.2, & A.3) Consultant shall compensate the field inspectors based on hourly rate established by the Department of Industrial Relations for operating Engineers (Heavy Highway Works): Group 6, Northern California Area 1.**

2. **For the field density testing of Private work (Subdivision Inspection) hourly prevailing wage rate is not applicable.**

B. R-Value Test

Method CAL 301 - R-Value Test. California State Highway; Untreated Material and Cement Lime or Other Additives (field or laboratory).

C. Sieve Analysis

Method CAL 202 - Sieve Analysis. This shall consist of course and/or fine with 200 wash.

D. Sand Equivalent Test per CAL 217-H.

E. Percentage of crushed particles per CAL 205.

F. Percent of lime-treatment test by titration per CAL 338.

G. Concrete compression tests per CAL 521, 539 and 540. Tests shall include 7 and 28-day cylinders, molds and one hold cylinder.

H. Cal 308 - Specific gravity and weight per cubic foot of compressed Bituminous mixture. Asphalt testing shall also include extraction (% bitumen) and gradation.

I. Asphalt coring.

J. Concrete coring per ASTM C-42.

II. GENERAL INFORMATION

A. Response Time - Tests and test results:

The firm selected must be able to commence testing within six (6) hours of notification by telephone by authorized City personnel only. The City will make every attempt to give as much notice as possible and under normal circumstances; such notification shall be twenty-four (24) hours.

B. Billing

The City will compile all billings and make one payment each month to cover all bills received prior to the 25th day of the previous month.

No charge will be paid other than the stated rates above. There shall be no minimum charges. All overhead, secretarial time, etc., shall be included in these charges. If more than one type of test is required while on one trip, only one trip will be charged.

C. Miscellaneous

All tests described in Section I will constitute the major portion of the testing necessary. Any other tests necessary will be billed to the City in accordance with the firm's current price brochure or fee established between the firm and the City prior to testing.

All equipment shall be kept in good condition and will be subject to inspection, both in the field and in the laboratory.

PERSONNEL

Tim Rodriguez, Project Manager/Regional Manager

Cristiano Melo, Senior Geotechnical Engineer

James Auser, Senior Materials Engineering/Laboratory Manager

Randy Cortez, Materials Laboratory Manager

Scott Orr, Engineer Technician

Dennis Ness, Special Inspector/Engineering Technician

KC Clark, Engineering Technician

David Eckhardt, Engineering Technician

EXHIBIT 'B'
SUMMARY OF COSTS
CITY OF TRACY MATERIALS TESTING SERVICES COST SCHEDULED

ACTIVITY	FEES
Cal 216 Laboratory maximum density (A-4)	$ 222.00 / ea.
R-value test (B)	$ 411.00 / ea.
Sieve analysis (C)	$ 176.00 / ea.
Sand equivalent (D)	$ 130.00 / ea.
Percentage crushed particles (E)	$ 171.00 / ea.
Percent lime by titration (F)	$ 250.00 / ea.
Concrete compression tests (G)	$ 141.00 / ea.
Specific gravity/unit weight/gradation/extraction (H)	$ 800.00 / ea.
Asphalt coring (I)	$ 150.00 / ea.
Concrete coring (includes compression tests on cores (J)	$ 200.00 / ea.
Cal 216 field density tests – HOURLY RATE PREVAILING WAGE (A.1, A.2, A.3)	$ 130.00 / hr.
Cal 216 field density tests – HOURLY RATE NON PREVAILING WAGE (A.1, A.2, A.3)	$ 116.00 / hr.
Mileage	$65 per trip
Travel Time (Maximum Two Hours)	1 Hour Round Trip

Note: Please reference BSK's Fee Schedule for additional tests that may be required by the City.

BSK Associates – July 1, 2020 to June 30, 2021 City of Tracy Schedule of Fees

BSK Associates – July 1, 2020 to June 30, 2021 City of Tracy Schedule of Fees

PERSONNEL RATES

PROFESSIONAL STAFF

Principal	$ 249.00
Senior Professional	$ 216.00
Project Professional II	$ 200.00
Project Professional I	$ 168.00
Staff Professional II	$ 151.00
Staff Professional I	$ 135.00
Seismic GIS	$ 190.00
GIS Specialist	$ 135.00
Information Specialist II	$ 151.00
Information Specialist II	$ 135.00
CAD	$ 98.00
Project Administrator	$ 93.00

EQUIPMENT

Nuclear Gauge (Day)	$ 58.00
Ultrasonic Weld Equipment (Day)	$ 58.00
Torque Wrench (Day)	$ 58.00
Proof Load Equipment (Day)	$ 58.00
Rebar Locator / Pachometer	$ 105.00
Hand Auger (Day)	$ 210.00
Water Meter (Day)	$ 53.00
Drilling Kit - Paint, stakes and lath - (Project)	$ 26.00
Drilling Supplies - Reuse of tubes/caps (Project)	$ 263.00
Manometer (Day)	$ 210.00
Double Ring Infiltrometer (Day)	$ 525.00

ANALYSIS SOFTWARE USAGE FEES

gINT (Project)	$ 53.00
LPile (Project)	$ 53.00
APile (Project)	$ 53.00
SHAFT (Project)	$ 53.00
GROUP (Project)	$ 105.00
Cliq (Project)	$ 53.00
LiquefyPro (Project)	$ 53.00
LiqIT (Project)	$ 53.00
NovoLIQ (Project)	$ 53.00
Slide (Project)	$ 105.00
Settle3D (Project)	$ 105.00
ArcGIS (Project)	$ 53.00
EZ-FRISK (Per Project Site / Site Class)	$ 500.00

TECHNICAL STAFF (PREVAILING WAGE)

Field Supervisor	$ 168.00
Group 1 - Special Inspector	$ 150.00
Group 2 - Special Inspector	$ 142.00
Group 3 - Engineering Technician	$ 130.00
Group 4 - Technician	$ 113.00
Ground Penetrating Radar Scanning Technician	$ 283.00
Core Drilling Technician	$ 206.00
Floor Flatness Testing Technician	$ 185.00
Sample Pickup / Transportation / Delivery	$ 106.00
Laboratory Technician	$ 106.00
Administrative Assistant / Clerical	$ 84.00
Litigation support	1.5x standard rate

BASIS OF CHARGES FOR FIELD TECHNICIAN SERVICES

Field Work from 0 to 4 hours	Bill 4 hours
Field Work from 4 to 8 hours	Bill 8 hours
Field Work over 8 hours / Saturdays	Bill time and a half
Sundays, holidays and over 12 hours	Bill double time
Swing shift (4:00pm to Midnight)	Add $15.00 per hour
Graveyard Shift	Add $20.00 per hour
Show-up time (no work performed)	Bill 2 hours
Sampling or cylinder pickup, minimum charge	Bill 2 hours

DIR/PREVAILING WAGE ADMINISTRATION FEES (MONTHLY)

Certified Payroll / DIR Upload	$ 300.00
Non-Performance Certified Payroll / DIR Upload	$ 100.00
Subcontractor Management / Compliance Forms	$ 100.00
Additional LCP Tracker or Other Compliance Software	$ 200.00
Additional Special Forms, as required	$ 150.00

REIMBURSABLES

Mileage (Portal to Portal)	$ 0.88
Per Diem (as required)	$ 150.00
Bridge Toll	Cost + 15%
Parking Fees	Cost + 15%
Subconsultant/Subcontractor Services, Vendors, and Expenses	Cost + 15%
Project Administration Fees	7% of Invoice
DIR Administration Fees	3% of Invoice
Project Setup (Project)	$500.00

MATERIALS LABORATORY TESTS

SOILS

Moisture Density Curves

Standard Proctor, 4" (ASTM/AASHTO)	$ 244.00
Modified Proctor, 4" Mold (ASTM/AASHTO)	$ 244.00
Modified Proctor, 6" mold (ASTM D1557)	$ 259.00
Caltrans Maximum Wet Density (CT 216)	$ 222.00
Check Point	$ 141.00

Particle Size Analysis

Sieve Analysis w/ Wash (ASTM D422)	$ 176.00
Minus #200 Wash, Soil (ASTM D1140)	$ 86.00
Hydrometer Analysis (ASTM D422)	$ 252.00
Double Hydrometer (ASTM D4221)	$ 324.00
Specific Gravity of Soil (ASTM D854)	$ 166.00
Visual Classification (ASTM D2488)	$ 45.00
Sand Equivalent (ASTM D2419)	$ 130.00
% Organics in Soil (ASTM D2974)	$ 142.00

Atterberg Limits / Swell Tests

Plasticity Index (ASTM D4318)	$ 227.00
Shrinkage Limits of Soils (ASTM D427)	$ 211.00
Expansion Index of Soils (UBC No. 29)	$ 244.00

Moisture Density Test

Tube Density	$ 51.00
Moisture Content of Soils (ASTM D2216)	$ 45.00

"R" Value Determination

R-Value of Soils (CT 301)	$ 411.00
R-Value of Treated Materials (CT 301)	$ 455.00

Consolidation Tests

Consolidation (ASTM D2435)	$ 433.00
Consolidation , Extra Points (ASTM D2435)	$ 58.00
Collapse Potential of Soils (ASTM D2435)	$ 211.00
Remolded Consolidation (ASTM D2435)	$ 368.00
One-Dimen Swell of Soil (ASTM D4546)	$ 135.00

California Bearing Ratio (CBR)

CBR at 100% (ASTM D1883 or AASHTO T-180)	$ 530.00
CBR at 95% (ASTM D1883 or AASHTO T-180)	$ 1,028.00

Permeability Tests

Rigid Wall Permeability (ASTM D2434)	$ 292.00
Flexible Wall Permeability (ASTM D5084)	$ 455.00
Remolded Flexwall Perm (ASTM D5084)	$ 579.00

Soil Corrosivity Tests

Minimum Resistivity of Soils (CT 643)	$ 146.00
pH	$ 68.00
Soluble Sulfate, Chloride and Sulfide	$ 135.00
Oxidation Reduction of Soil	$ 58.00

Soil Cement Tests

Freeze Thaw Abrasion (ASTM D560)	$ 649.00
Wetting-Drying Abrasion (ASTM D559)	$ 616.00
Preparation of Freeze-Thaw or Wetting-Drying Tests	$ 779.00
Soil Cement Compression (ASTM D1633)	$ 249.00
Cement Content Soil Cement (ASTM C1084)	$ 249.00

Other

Sample Preparation	$ 68.00
Crumb Test Dispersion (ASTM D6572)	$ 81.00
Pinhole Dispersion Test (ASTM)	$ 259.00
Sand Density Calibration (ASTM D1556)	$ 97.00

Unconfined Compression

Unconfined Compression (ASTM D2166)	$ 130.00

Shear Tests

Direct Shear, Undisturbed (ASTM D3080)	$ 227.00
Direct Shear, Remolded (ASTM D3080)	$ 271.00
Triaxial Compression Testing	QUOTE

MATERIALS LABORATORY TESTS

AGGREGATES

Sieve Analysis Coarse or Fine (ASTM C136)	$ 86.00
Sieve Analysis w/ Fineness Modulus	$ 92.00
Minus 200 Wash, Aggregates (ASTM C117)	$ 86.00
Specific Gravity/Absorption (ASTM C127)	$ 166.00
Specific Gravity/Absorption (ASTM C128)	$ 166.00
Organic Impurities (ASTM C40)	$ 86.00
% Lumps/Friable Particles (ASTM C142)	$ 84.00
% Flat and Elongated (ASTM D4791)	$ 130.00
Fine Aggregate Angularity (AASHTO 304)	$ 84.00
Moisture Content (ASTM D2216)	$ 45.00
Aggregate Wt., pcf Compacted (ASTM C29)	$ 81.00
Aggregate Wt., pcf Loose (ASTM C29)	$ 68.00
Abrasion by LA Rattler, Small Size (ASTM C131)	$ 244.00
Abrasion by LA Rattler, Large Size (ASTM C131)	$ 297.00
Sodium Sulfate Soundness, Per Sieve (ASTM C88)	$ 113.00
Sodium Sulfate Soundness, Min. Charge (ASTM C88)	$ 362.00
Relative Mortar Strength of Sand (ASTM C87)	$ 443.00
Sand Equivalent (ASTM D2419 OR CT 217-I)	$ 130.00
Durability Index (CT 229)	$ 259.00
Potential Reactivity of Aggregates	QUOTE
Cleanness Value of Aggregate (CT 227)	$ 187.00
Hydrometer (ASTM D422 OR CT 205-E)	$ 232.00
% Crushed particles (CT 205)	$ 171.00
Lightweight Pieces (ASTM 123)	$ 227.00

HOT MIX ASPHALT

Mix Design, HVEEM	$ 3,212.00
Mix Design, Marshall	$ 3,807.00
IMF Mix Design, Superpave / Caltrans	$ 9,275.00
IMF Verification - HMA - Superpave / Caltrans	$ 5,375.00
IMF Production Startup - Superpave / Caltrans	$ 5,000.00
RAP Material Testing - Additional Fee	$ 650.00
Rubberized RHMA Material - Additional Fee	$ 1,500.00
Hamburg Wheel Track (AASHTO T324)	$ 2,726.00
Gyratory Compaction (AASHTO T312)	$ 347.00
AC Content by Centrifuge (ASTM D2172)	$ 297.00
AC / Ash Correction (ASTM D2172 / CT382)	$ 297.00
AC Content-Ignition (ASTM D6307 / CT382 / AASHTO T308)	$ 232.00
Moisture Content of Asphalt (CT 370)	$ 68.00
Gradation/Extraction Aggregate (ASTM D5444)	$ 141.00
Film Stripping	$ 92.00
Compaction/Preparation of HMA Briquette (CT 304)	$ 227.00
Stabilometer Value (CT 366 / AASHTO T246)	$ 182.00
AC Core Specific Gravity (ASTM D2726)	$ 58.00
AC Core Specific Gravity - Paraffin Coated (AASHTO T275)	$ 159.00
AC Max Density Rice Method (ASTM D2041)	$ 259.00
Tensile Strength Ratio (AASHTO T283)	$ 1,136.00
Moisture Vapor Susceptibility (CT 307)	$ 211.00
AC Surface Abrasion (CT 360)	$ 519.00
Index Retained Strength (ASTM D1074-D1075)	$ 465.00
AC Hveem Maximum Density (CT 375)	$ 465.00
Marshall Stability and Flow (ASTM D6927)	$ 259.00
Calculated AC Maximum Density (CT 367)	$ 103.00
Marshall Maximum Density, 50 Blows (ASTM D6926)	$ 302.00
Examination of AC Cores	$ 35.00
Thickness Determination of AC Cores	$ 23.00
AC Tensile-Strength Premixed ASTM D4867	$ 671.00
AC Tensile-Strength Lab Mixed ASTM D4867	$ 790.00

REINFORCING STEEL

Tensile & Bend of Rebar, #3 - #8	$ 153.00
Tensile & Bend of Rebar, #9 - #11	$ 153.00
Bend Test of Rebar	$ 63.00
Slip and Tensile Rebar Couplers (CT 670)	$ 222.00
Tension Test of Welded Wire Fabric	QUOTE
Bend Test of Welded Wire Fabric	QUOTE
Weld Shear Test, Welded Wire Fabric	QUOTE
PT Cable Tensile and Elongation (ASTM A416 or A421)	$ 281.00
PT Cable Preparation	QUOTE

CONCRETE

Cement Content Concrete (ASTM C1084)	$ 390.00
Chemical Test (ASTM C150)	QUOTE
Set Times Cement-Vicat Needle (ASTM C191)	$ 324.00
Specific Gravity of Hydraulic Cement (ASTM C191)	$ 156.00
Lineal Shrinkage Set of 3 (ASTM C157)	$ 411.00
Compression Test of Concrete - 1 (ASTM C39)	$ 35.00
Compression Test of Concrete - 4 (ASTM C39)	$ 141.00
Compression Test of Core (ASTM C42)	$ 63.00
Preparation of Specimens, Sawing	$ 70.00
Compressive Strength of Shotcrete Panel	$ 330.00
Proportion of Cement in Concrete (ASTM C85)	$ 362.00
Flexural Test Per Beam (ASTM C78)	$ 92.00
Splitting Tensile Strength of Concrete (ASTM C496)	$ 92.00
Unit Weight Lt. Wt Concrete (ASTM C567)	$ 58.00
"AZ" Test-Reinforced Concrete Pipe "Life Factor"	$ 81.00
9 Pt Core Measurements, Each (ASTM C174)	$ 35.00
Compressive Strength of Gunite	$ 63.00
Concrete Trial Batches	QUOTE
Unit Weight & Abs Concrete (ASTM D642)	$ 130.00
Accelerated Curing of Concrete (ASTM C684)	$ 259.00
Cylinder Molds (each)	$ 7.00
Storage of Concrete Cylinders for more than 45 Days	$ 60.00
RH Probe	$ 60.00
Calcium Chloride Kit	$ 40.00
Mixing Water (pH, elec. conductance, chloride, sulfate)	$ 103.00
Contact Soil (pH, elec. conductance, chloride, sulfate)	$ 124.00

MASONRY

Concrete Masonry Units Testing (ASTM C90)

Compression Test Pavers, Single	$ 80.00
Compression Test Composit CMU Prism	$ 171.00
Specific Gravity and Unit Weight	$ 119.00
Moisture Content	$ 55.00
Compression Test, Masonry Units (ASTM C140)	$ 108.00
Absorption / Moisture Content (ASTM C140)	$ 108.00
Linear Shrinkage (ASTM C426)	$ 417.00
Masonry Core Shear Test (Title 24)	$ 113.00
Masonry Core Compression/Shear Test (Title 24)	$ 194.00
Compression Test Brick, Each (ASTM C67)	$ 81.00
Absorption/ Unit Wt. of Brick (ASTM C67)	$ 81.00
Compression Test Grout (Set of 3 or 4)	$ 124.00
Compression Test Mortar (Set of 3 or 4)	$ 113.00

WELDING AND STRUCTURAL STEEL

Welder Qualification Testing

Welder / Procedure Welder Qualification Testing	QUOTE
Face Bend of Steel	$ 63.00
Root Bend of Weld Coupon	$ 63.00
Side Bend of Weld Coupon	$ 63.00
Tensile Test of Steel Coupon	$ 86.00
Bend Test of Steel Coupon	$ 74.00
Machining Charges (Per Coupon)	QUOTE
Brinell Hardness of Steel (ASTM E10)	$ 103.00
Rockwell Hardness of Steel (ASTM E18)	$ 103.00
Bolt Ultimate Load	$ 146.00
Bolt Hardness (set of 3)	$ 103.00
Nut Hardness (set of 3)	$ 103.00
Washer Hardness (set of 3	$ 103.00
Proof Loading, bolt or nut	$ 146.00

FIREPROOFING

Cohesion/Adhesion Fireproofing Materials	$ 130.00
Dry Density Fireproofing (ASTM E605)	$ 98.00

Escalation: **The billing rates presented herein will be increased by 3% annually on July 1st of each year subsequent to the execution of an agreement.**

CITY OF TRACY
PROFESSIONAL SERVICES AGREEMENT WITH
TERRACON CONSULTANTS, INC.
FOR MATERIAL TESTING SERVICES

This Professional Services Agreement (**Agreement**) is entered into between the City of Tracy, a municipal corporation (**City**), and Terracon Consultants, Inc., a Delaware corporation (**Consultant**). City and Consultant are referred to individually as "Party" and collectively as "Parties."

Recitals

A. City desires to retain Consultant to perform Material Testing Services; and

B. On February 20, 2020 the City advertised a Call for Request for Proposals for Material Testing Services and on April 30, 2020 Consultant submitted a proposal through a competitive bidding process in accordance with Tracy Municipal Code, Section 2.20.140 to provide quality control material testing services for all construction projects within the City of Tracy, when deemed necessary by the CITY between July 1, 2020 and June 30, 2022. City reviewed all proposals and has determined that Consultant possesses the skills, experience and certification required to provide the services.

C. After negotiations between the City and Consultant, the Parties have reached an agreement for the performance of services in accordance with the terms set forth in this Agreement.

D. This Agreement is being executed pursuant to Resolution No. 2020-____ approved by Tracy City Council on July 7, 2020.

Now therefore, the Parties mutually agree as follows:

1. Scope of Work. Consultant 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, Consultant's Authorized Representative: Troy M. Schiess, Senior Associate, Consultant shall not replace its Authorized Representative, nor shall Consultant replace any of the personnel listed in Exhibit "A," nor shall Consultant use or replace any subcontractor or subconsultant, without City's prior written consent. A failure to obtain the City's prior written consent for any change or replacement in personnel or subcontractor/subconsultant may result in the termination of this Agreement.

2. 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. Consultant 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 Consultant in a reasonably prompt and timely manner based upon the circumstances and direction communicated to the Consultant. Consultant shall submit all requests for time extensions to the City in writing no later than ten days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due. City shall grant or deny such requests at its sole discretion.

2.1 Term. The term of this Agreement shall begin on July 1, 2020 and end on June 30, 2022, unless terminated in accordance with Section 6 or extended as stated herein. This Agreement may be extended for an additional two (2) years by the City Manager following a written determination that Consultant has satisfactorily met all the requirements of this Agreement.

3. Compensation. City shall pay Consultant on a time and expense basis, at the billing rates set forth in Exhibit "B," attached and incorporated by reference for services performed under this Agreement.

3.1 Not to Exceed Amount. Consultant's total compensation under this Agreement shall not exceed $200,000 per year. Consultant's billing rates shall cover all costs and expenses for Consultant's performance of this Agreement. No work shall be performed by Consultant in excess of the total compensation amount provided in this section without the City's prior written approval.

3.2 Invoices. Consultant shall submit monthly invoice(s) to the City that describe the services performed, including times, dates, and names of persons performing the services.

3.2.1 If Consultant is providing services in response to a development application, separate invoice(s) must be issued for each application and each invoice shall contain the City's designated development application number.

3.2.2 Consultant's failure to submit invoice(s) in accordance with these requirements may result in the City rejecting said invoice(s) and thereby delaying payment to Consultant.

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

4. Indemnification. Consultant 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 Consultant'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; "Consultant" means the Consultant, 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 duty of a "design professional" to indemnify and defend the City is limited to claims that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of the design professional, under Civ. Code § 2782.8.)

The provisions of this section survive completion of the services or the termination of this Agreement, and are not limited by the provisions of Section 5 relating to insurance.

5. Insurance. Consultant shall, throughout the duration of this Agreement, maintain insurance to cover Consultant, its agents, representatives, and employees in connection with the performance of services under this Agreement at the minimum levels set forth herein.

5.1 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 $4,000,000 general aggregate and $2,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.

5.2 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.

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

5.4 Professional Liability "claims made" coverage shall be maintained to cover damages that may be the result of errors, omissions, or negligent acts of Consultant in an amount not less than $1,000,000 per claim.

5.5 Endorsements. Consultant shall obtain endorsements to the automobile and commercial general liability insurance policies with the following provisions:

5.5.1 The City (including its elected officials, officers, employees, agents, and volunteers) shall be named as an additional "insured."

5.5.2 For any claims related to this Agreement, Consultant's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.

5.6 Notice of Cancellation. Consultant 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. Consultant shall immediately obtain a replacement policy.

5.7 Authorized Insurers. All insurance companies providing coverage to Consultant 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.

5.8 Insurance Certificate. Consultant 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.

5.9 Substitute Certificates. Consultant shall provide a substitute certificate of insurance no later than 30 days prior to the policy expiration date of any insurance policy required by this Agreement.

5.10 Consultant's Obligation. Maintenance of insurance by the Consultant as specified in this Agreement shall in no way be interpreted as relieving the Consultant of any responsibility whatsoever (including indemnity obligations under this Agreement), and the Consultant may carry, at its own expense, such additional insurance as it deems necessary. Failure to provide or maintain any insurance policies or endorsements required herein may result in the City terminating this Agreement.

6. Termination. The City may terminate this Agreement by giving ten days' written notice to Consultant. Upon termination, Consultant shall give the City all original documents, including preliminary drafts and supporting documents, prepared by Consultant for this Agreement. The City shall pay Consultant for all services satisfactorily performed in accordance with this Agreement, up to the date notice is given.

7. Dispute Resolution. If any dispute arises between the City and Consultant that cannot be settled after engaging in good faith negotiations, City and Consultant agree to resolve the dispute in accordance with the following:

7.1 Each Party shall designate a senior management or executive level representative to negotiate the dispute;

7.2 The representatives shall attempt, through good faith negotiations, to resolve the dispute by any means within their authority.

7.3 If the issue remains unresolved after fifteen (15) days of good faith negotiations, the Parties shall attempt to resolve the disagreement by negotiations between legal counsel. If the aforementioned process fails, the Parties shall resolve any remaining disputes through mediation to expedite the resolution of the dispute.

7.4 The mediation process shall provide for the selection within fifteen (15) days by both Parties of a disinterested third person as mediator, shall be commenced within thirty (30) days and shall be concluded within fifteen (15) days from the commencement of the mediation.

7.5 The Parties shall equally bear the costs of any third party in any alternative dispute resolution process.

7.6 The dispute resolution process is a material condition to this Agreement and must be exhausted prior to either Party initiating legal action. This dispute resolution process is not intended to nor shall be construed to change the time periods for filing a claim or action specified by Government Code §§ 900 et seq.

8. Ownership of Work. All original documents prepared by Consultant 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 Consultant's services, or upon demand from the City. No such documents shall be revealed or made available by Consultant to any third party without the City's prior written consent.

9. Independent Contractor Status. Consultant is an independent contractor and is solely responsible for the acts of its employees or agents, including any negligent acts or omissions. Consultant is not City's employee and Consultant 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. Consultant is free to work for other entities while under contract with the City. Consultant, and its agents or employees, are not entitled to City benefits.

10. Conflicts of Interest. Consultant (including its employees, agents, and subconsultants) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. If Consultant maintains or acquires such a conflicting interest, the City may terminate any contract (including this Agreement) involving Consultant's conflicting interest.

11. Rebates, Kickbacks, or Other Unlawful Consideration. Consultant warrants that this Agreement was not obtained or secured through rebates, kickbacks, or other unlawful consideration either promised or paid to any City official or employee. For breach of this warranty, City shall have the right, in its sole discretion, to terminate this Agreement without liability; to pay only for the value of the work actually performed; or to deduct from the contract price; or otherwise recover the full amount of such rebate, kickback, or other unlawful consideration.

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

To City:

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

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

To Consultant:

Troy M. Schiess
Terracon Consultants, Inc.
902 Industrial Way
Lodi, CA 94520

13. Miscellaneous.

13.1 Standard of Care. Unless otherwise specified in this Agreement, the standard of care applicable to Consultant'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.

13.2 Amendments. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both Parties.

13.3 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.

13.4 Assignment and Delegation. Consultant 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.

13.5 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.

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

13.6.1 Prevailing Wage Laws. Consultant is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 16000, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates; employment of apprentices (§ 1777.5), certified payroll records (§1776), hours of labor (§1813 and §1815), debarment of contractors and subcontractors (§1777.1) and the performance of other requirements on "public works" and "maintenance" projects. If the services being performed under this Agreement are part of a "public works" or "maintenance" project, as defined in the Prevailing Wage Laws, and if the total compensation is $1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws. These prevailing rates are on file with the City and are available online at http://www.dir.ca.gov/DLSR. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents, harmless from any and all claims, costs, penalties, or interests arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

13.6.2 Non-discrimination. Consultant represents and warrants that it is an equal opportunity employer and it shall not discriminate against any subconsultant, employee or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex or age. Consultant shall also comply with all applicable anti-discrimination federal and state laws, including but not limited to, the California Fair Employment and Housing Act (Gov. Code 12990 (a-f) et seq.).

13.7 Business Entity Status. Consultant 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 Consultant. By entering into this Agreement, Consultant represents that it is not a suspended corporation. If Consultant is a suspended corporation at the time it enters this Agreement, City may take steps to have this Agreement declared voidable.

13.8 Business License. Before the City signs this Agreement, Consultant shall obtain a City of Tracy Business License. Consultant shall maintain an active City of Tracy Business License during the term of this Agreement.

13.9 Successors and Assigns. This Agreement shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

13.10 Construction of Agreement. Each Party hereto has had an equivalent opportunity to participate in the drafting of this Agreement and/or to consult with legal counsel. Therefore, the usual construction of an agreement against the drafting Party shall not apply hereto.

13.11 Severability. 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.

13.12 Controlling Provisions. In the case of any conflict between the terms of this Agreement and the Exhibits hereto, and Consultant's proposal (if any), the Agreement shall control. In the case of any conflict between the Exhibits hereto and the Consultant's proposal (if any), the Exhibits shall control.

13.13 Entire Agreement. This Agreement and the attached Exhibits comprise the entire integrated understanding between the Parties concerning the services to be performed. This

Agreement supersedes all prior negotiations, representations or agreements. All exhibits attached hereto are incorporated by reference herein.

14. Signatures. The individuals executing this Agreement on behalf of Consultant represent and warrant that they have the right, power, legal capacity and authority to enter into and to execute this Agreement on behalf of Consultant.

[SIGNATURES ON FOLLOWING PAGE]

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

City of Tracy

By: Jenny Haruyama
Title: City Manager

Date: _____

Attest:

Adrianne Richardson, City Clerk

Approved as to form:

Leticia Ramirez, City Attorney

Consultant
Terracon Consultants, Inc., a Delaware corporation

By: Joseph Aldern
Title: Senior Vice President

Date: 07/01/2020

Federal Employer Tax ID No. _____

By: Patrick Courtney
Title: Assistant Secretary

Date: 07/01/2020

Exhibits:

A Scope of Work, including personnel and time of performance (See Agreement sections 1 and 2.)

B Compensation (See Agreement section 3.)

EXHIBIT A

SCOPE OF SERVICES

I. DESCRIPTION OF SERVICES REQUIRED

A. Field Density Testing

1. Method CAL 231. This test will not be allowed in trenches and when used, the first five moistures shall be run mechanically (stove or oven) to determine moisture relationship to the nuclear machine. The nuclear machine will then be adjusted for the moisture differentials. If it cannot be adjusted, all moistures shall be run mechanically unless a field examination can prove the accuracy of the moisture determination. Each section tested (structural section) shall not be more than 500 feet in length and do not combine or average 3 separate curve materials or test data.

2. Method CAL 216-Dry. This test will be acceptable in all areas and materials. When nuclear machines are used, one out of every ten tests (or portion thereof) shall be compared with a sand density test, and the two tests shown as such on the report. This test can be an option in trench testing, but because of the costs involved, shall be secondary in trenches. Soil materials shall not be mixed.

3. ASTM D-2937-Tube Method. This test will be acceptable in all materials and areas that can be tube-tested.

4. Laboratory Maximum Density, Optimum Moisture Determinations – California 216, Dry Method.

NOTE:

1. **For the field density testing of Public Works projects, (A.1, A.2, & A.3) Consultant shall compensate the field inspectors based on hourly rate established by the Department of Industrial Relations for operating Engineers (Heavy Highway Works): Group 6, Northern California Area 1.**

2. **For the field density testing of Private work (Subdivision Inspection) hourly prevailing wage rate is not applicable.**

B. R-Value Test

Method CAL 301 - R-Value Test. California State Highway; Untreated Material and Cement Lime or Other Additives (field or laboratory).

C. Sieve Analysis

Method CAL 202 - Sieve Analysis. This shall consist of course and/or fine with 200 wash.

D. Sand Equivalent Test per CAL 217-H.

E. Percentage of crushed particles per CAL 205.

F. Percent of lime-treatment test by titration per CAL 338.

G. Concrete compression tests per CAL 521, 539 and 540. Tests shall include 7 and 28-day cylinders, molds and one hold cylinder.

H. Cal 308 - Specific gravity and weight per cubic foot of compressed Bituminous mixture. Asphalt testing shall also include extraction (% bitumen) and gradation.

I. Asphalt coring.

J. Concrete coring per ASTM C-42.

II. GENERAL INFORMATION

A. Response Time - Tests and test results:

The firm selected must be able to commence testing within six (6) hours of notification by telephone by authorized City personnel only. The City will make every attempt to give as much notice as possible and under normal circumstances; such notification shall be twenty-four (24) hours.

B. Billing

The City will compile all billings and make one payment each month to cover all bills received prior to the 25th day of the previous month.

No charge will be paid other than the stated rates above. There shall be no minimum charges. All overhead, secretarial time, etc., shall be included in these charges. If more than one type of test is required while on one trip, only one trip will be charged.

C. Miscellaneous

All tests described in Section I will constitute the major portion of the testing necessary. Any other tests necessary will be billed to the City in accordance with

the firm's current price brochure or fee established between the firm and the City prior to testing.

All equipment shall be kept in good condition and will be subject to inspection, both in the field and in the laboratory.

PERSONNEL

Troy M. Schiess, Sr. Associate/Materials Department Manager
Garrett Hubbart, Principal
Ryan R. King, Principal
Fred Maurer, Geotechnical Department Manager
Neil O. Anderson, Principal Engineer
Scott Gable, Principal Geologist
Eric Allen, Construction Inspector/Material Testing Engineer
Joe Edwards, Construction Materials Testing/Laboratory Manager & Special Inspector
Cheryl Juels, Construction Materials Testing/Special Inspector
David Gray, Construction Materials Testing/Special Inspector
Rollin Hall, Construction Materials Testing/Special Inspector
George Ogas, Field Supervisor
Karen Vieyra, Dispatcher

EXHIBIT 'B'

Schedule of Services and Fees
Geotechnical and Exploration Services

OVERTIME

Time worked in excess of 8 hours per day and Saturdays will be charged at one and one half times the hourly rate. Two times the hourly rate will be charged for Holidays, Sundays and for Saturdays after 8 hours.
**Overtime and Double time rates will be applied per the California labor law.*

PREVAILING WAGE

The attached rates are in accordance with California Prevailing Wage Law and Federal Davis Bacon Law.

ENGINEERING SERVICES

Principal Engineer/Geologist	225.00/hr
Senior Associate Engineer/Geologist	195.00/hr
Senior Engineer / Geologist / Scientist	175.00/hr
Project Engineer / Geologist/ Scientist	165.00/hr
Staff Engineer / Geologist / Scientist	135.00/hr
CAD Drafter	88.00/hr
Accountant	95.00/hr
Administrative Assistant	75.00/hr

EXPLORATION

GEOPHYSICAL

Seismic Refraction 1D-3D, Seismic Source DAQlink III, 24 Channel Acquisition System, 2 man crew	290.00/hr
Multi-Channel Analysis of Surface Waves 1D-3D, Seismic Source DAQlink III, 24 Channel Acquisition System, 2 man crew	290.00/hr
Private Utility Locating (RD 8000, Ground Penetrating Radar SIR 4000,special antennas may warrant additional charge)	185.00/hr
In-situ Soil Resistivity Testing, Ultra Mini-res tester, RD 8000, GPR GSI SIR 4000	145.00/hr
Post Processing and Analysis	165.00/hr

DRILLING

Drilling/Sampling (D50/D90 Track/Truck mounted rigs, 2-person crew)	335.00/hr
Drilling/Sampling (D50/D90 Mud Rotary or Direct Push DT22)	355.00/hr
Hand-Auger Soil Sample (1-person Crew)	155.00/hr
Coring 1 Man Crew w/o Trailer (Quote will be given upon request for second operator)	155.00/hr
Coring 1 Man Crew w/Trailer (Quote will be given upon request for second operator)	185.00/hr
Bit Charges per 6" max core length, 4" max core diameter	34.00/ea
Support Truck not including mileage (500 gallon water tank)	250.00/day
2"x6" Stainless-Steel Tubes and Caps, recycled	10.00/each
Permitting Fees	Cost + 20%
Bailers (disposable)	10.00/ea
Sampling Supplies (gloves, water, rope, etc.)	25.00/day
Photo-ionization Detector (PID)	125.00/day
Water Level Indicator	30.00/day
ph/Conductivity/Temp Meter	50.00/day

SUMMARY OF COSTS
EXHIBIT "B"
CITY OF TRACY MATERIALS TESTING SERVICES COST SCHEDULE

ACTIVITY	FEES
Cal 216 Laboratory maximum density (A-4)	$180.00
R-value test (B)	$250.00
Sieve analysis (C)	$145.00
Sand equivalent (D)	$80.00
Percentage crushed particles (E)	$150.00
Percent lime by titration (F)	$650.00
Concrete compression tests (G)	$19.00/cylinder
Specific gravity/unit weight/gradation/extraction (H)	$250.00
Asphalt coring (I)	$135.00/hr
Concrete coring (includes compression tests on cores (J)	$135.00/hr, $50.00/core
Cal 216 field density tests – HOURLY RATE PREVAILING WAGE (A.1, A.2, A.3)	$92.00/hr
Cal 216 field density tests – HOURLY RATE NON PREVAILING WAGE (A.1, A.2, A.3)	$76.00/hr
Mileage	$0.67/mile
Travel Time (Maximum Two Hours)	50 mins round trip

RESOLUTION 2020-_____

APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH TERRACON CONSULTANTS, INC. OF LODI, CALIFORNIA, FOR A NOT-TO-EXCEED AMOUNT OF $200,000 PER YEAR, TO PROVIDE MATERIALS TESTING AND GEOTECHNICAL SERVICES FOR FISCAL YEARS 2020-2022 WITH THE OPTION TO EXTEND THE AGREEMENT FOR AN ADDITIONAL TWO FISCAL YEARS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXTENSION, IF NEEDED

WHEREAS, The Development Services Department requires the services of a materials testing and geotechnical consultant for development and Capital Improvement Projects, and

WHEREAS, The City does not have the staff, equipment or a laboratory to perform the testing in-house, and

WHEREAS, Services of outside consultants are acquired on an as-needed basis, and

WHEREAS, On February 20, 2020, in accordance with the Tracy Municipal Code Section 2.20.140, a “Notice of Request for Proposals” was posted on the City of Tracy’s website, and

WHEREAS, In response to the “Notice of Request for Proposals,” on April 30, 2020, the City received 5 proposals from consultants, and

WHEREAS, After extensive review and evaluation of the proposals Terracon consultants of Lodi, California, was found to be one of the two most qualified consultants to provide the necessary services, and

WHEREAS, The total cost for these services is estimated not-to-exceed $200,000 per year, and

WHEREAS, The cost of services will be charged to the Capital Improvement Projects or billed to the developers for development projects;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves a Professional Services Agreement with Terracon Consultants, Inc. of Lodi, California, for a not-to-exceed amount of $200,000 per year to provide Materials Testing and Geotechnical Services for Fiscal Years 2020-2022 with an option to extend the agreement for an additional two fiscal years, and authorizes the City Manager to execute an extension, if needed.

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

The foregoing Resolution 2020-____ was adopted by the City Council on the 7th day of July 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 PROFESSIONAL SERVICES AGREEMENT WITH BSK ASSOCIATES, OF LIVERMORE, CALIFORNIA, FOR A NOT-TO-EXCEED AMOUNT OF $200,000 PER YEAR, TO PROVIDE MATERIALS TESTING AND GEOTECHNICAL SERVICES FOR FISCAL YEARS 2020-2022 WITH THE OPTION TO EXTEND THE AGREEMENT FOR AN ADDITIONAL TWO FISCAL YEARS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXTENSION, IF NEEDED

WHEREAS, The Development Services Department requires the services of a materials testing consultant for development and Capital Improvement Projects, and

WHEREAS, The City does not have the staff, equipment or a laboratory to perform the testing in-house, and

WHEREAS, Services of outside consultants are acquired on an as needed basis, and

WHEREAS, On February 20, 2020, in accordance with the Tracy Municipal Code Section 2.20.140, a “Notice of Request for Proposals” was posted on the City of Tracy’s website, and

WHEREAS, In response to the “Notice of Request for Proposals,” on April 30, 2020, the City received 5 proposals from consultants, and

WHEREAS, After extensive review and evaluation of the proposals BSK Associates of Livermore, California, was found to be one of the two most qualified consultants to provide the necessary services, and

WHEREAS, The total cost for these services is estimated not-to-exceed $200,000 per year, and

WHEREAS, The cost of services will be charged to the Capital Improvement Projects or billed to the developers for development projects;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves a Professional Services Agreement with BSK Associates of Livermore, California, for a not-to-exceed amount of $200,000 per year to provide Materials Testing and Geotechnical Services for Fiscal Years 2020-2022 with an option to extend the agreement for an additional two fiscal years, and authorizes the City Manager to execute an extension, if needed.

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

The foregoing Resolution 2020-____ was adopted by the City Council on the 7th day of July 2020, by the following vote:

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

_____
MAYOR

ATTEST:

_____
CITY CLERK

July 7, 2020

AGENDA ITEM 1.E

REQUEST

APPROVE AMENDMENT No.3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ICF JONES AND STOKES, INC, FOR AN AMOUNT NOT-TO-EXCEED $289,998 FOR ADDITIONAL SERVICES RELATED TO THE TRAFFIC FORECASTING AND OPERATIONS ANALYSIS FOR THE LAMMERS ROAD / I-205 NEW INTERCHANGE PROJECT, CIP 73084, FEDERAL PROJECT NO. DEMO03LN-5192(021), AND AUTHORIZE THE ASSISTANT CITY MANAGER TO EXECUTE THIS AMENDMENT

EXECUTIVE SUMMARY

Staff is requesting that the City Council approve a third amendment to the Professional Services Agreement (PSA) with ICF Jones & Stokes, Inc. (ICF) for providing additional professional services as required by the California Department of Transportation (Caltrans).

DISCUSSION

The City of Tracy entered into a Professional Services Agreement with ICF on June 19, 2018, to provide professional services for revalidation of the existing Environmental Impact Report (EIR), as required by Caltrans for the Lammers Road / I-205 Interchange Project.

On January 8, 2019, the Development Services Director, per Council Resolution No. 2018-115, executed Amendment No.1 to add additional services and increase compensation by $24,950.

On June 18, 2019, the Mayor, per Council Resolution No. 2019-130, executed Amendment No.2 to add additional services.

Based on a request from Caltrans, and in response to City staff, ICF submitted a proposal to provide additional services related to the traffic study for the revalidation of the EIR.

This scope of work describes an update to tasks to be performed by ICF to assist the City of Tracy (City) in conducting necessary Hot Spot Analysis and environmental documentation for the I-205/Lammers Road Interchange Project. This additional work is necessary because the EPA has determined that the proposed project is a Project of Air Quality Concern (POAQC). A Hot Spot Analysis is required which will be based on detailed traffic data. Two options for environmental documentation are provided, depending upon the results of the Hot Spot Analysis.

Staff negotiated Amendment No.3 for ICF to provide additional services related to the traffic study for the revalidation of the EIR for a not-to-exceed amount of $289,998 with ICF Jones & Stokes, Inc. to be paid on a time and material basis. If Amendment No.3 is approved, the combined total not-to-exceed amount of this Agreement will be $833,940.

STRATEGIC PLANS

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

FISCAL IMPACT

The current budget for CIP 73084 is $1,038,000. This amount is dedicated to the preliminary design of the Project. The scope of updating the EIR qualifies for reimbursement through a High Priority Projects Program (HPPP) Grant. The Project funding sources and expenditure budget is outlined in the table below:

REVENUE - CIP 73084	
F261 - ISTEA (HPPP Grant)	$715,000
F356 - Tracy Gateway Area	$323,000
Current Budget	$1,038,000
EXPENSE - CIP 73084	
EDA Project-To-Date	$16,122
Original Agreement w/ Amendment No. 1	$101,571
EIR for Amendment No. 2 / 3	$732,369
TOTAL EXPENSE	**$850,062**

RECOMMENDATION

Staff recommends that the City Council, by resolution, approve Amendment No.3 to the Professional Services Agreement with ICF Jones & Stokes, Inc., for an amount of not-to-exceed $289,998 for additional services related to the traffic forecasting and operations analysis for the Lammers Road / I-205 Interchange Project, CIP 73084, Federal Project No. DEMO03LN-5192(021), and authorize the Assistant City Manager to execute this amendment.

Prepared by: Zabih Zaca, PE, Senior Civil Engineer

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

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

Attachment A – Amendment No.3 to the PSA with ICF Jones & Stokes, Inc.

City of Tracy
AMENDMENT NO. 3 TO
PROFESSIONAL SERVICES AGREEMENT ICF-1

This Amendment No. 3 (Amendment) to the Professional Service Agreement ICF is entered into between the City of Tracy, a municipal corporation (City), and ICF Jones & Stokes, Inc. a Delaware corporation (Consultant).

Recitals

A. On June 19, 2018, the City entered into a Professional Service Agreement (Agreement) for the Revalidation of Environmental Impact Report for the Lammers Road / I-205 New Interchange project, which was approved by the City Council on June 19, 2018, pursuant to Resolution No. 2018-115.

B. The EIR was approved on November 27, 2012. Caltrans is now requiring that a limited traffic study be prepared as part of the revalidation process.

C. On January 8, 2019, based on the Caltrans request, City and Consultant executed Amendment 1 to PSA to provide a limited traffic study and increase compensation by an additional $24,950.

D. On June 18, 2019, based on the Caltrans request, City and Consultant executed Amendment 2 to PSA to further increase compensation by an additional $442,371 and to require that a more in-depth traffic study be completed.

E. Due to Caltrans request for more traffic study, the parties now seek to amend the Agreement to include additional scope of services for the traffic study and increase compensation under the Agreement by an additional $289,997. The total compensation under the Agreement, as amended, shall not-to-exceed $833,939.

F. On July 7, 2020, the City Council authorized the execution of this amendment pursuant to Resolution No. 2020-_____.

Now therefore, the parties mutually agree as follows:

1. Incorporation by Reference. This Amendment 3 incorporates by reference all terms set forth in 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. The following language shall be added to section 3.1

A. *"For services performed pursuant to Exhibit A-3," City shall pay Consultant a not-to-exceed amount of $289,997 at the billing rates set forth in Exhibit "B -3*
B. *Exhibit A-3 "Scope of Services," attached hereto shall supplement Exhibit "A" of the Agreement. Consultant is responsible for the completing all tasks in Exhibits "A", "A-1" of Amendment No. 1, and Exhibit "A-2" of Amendment No. 2, and Exhibit "A-3" of Amendment No. 3.*

C. *Exhibit B-3 "I-205/LAMMERS ROAD INTERCHANGE PROJECT— HOT SPOT ANALYSIS"* establishes billing rates for the Scope of Services contained in Exhibit A-3.

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. Sub-section 3.4 to be added into Section 3 compensation to read as: Consultants fee for this Amendment 3 is not to exceed $289,997, as described on Exhibit A.

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

_____
By: Andrew Malik
Title: Assistant City Manager

Date: _____

Attest:

By: _____
Adrianne Richardson, City Clerk

Approved as to form:

By: _____
Leticia Ramirez, City Attorney

Consultant
ICF Jones & Stokes, Inc. a Delaware corporation

By: Robert F Toth — Digitally signed by Robert F Toth Date: 2020.06.11 14:48:36 -04'00'
Robert F. Toth
Title: Vice President, Contracts
Date: 6/11/2020

Federal Employer ID No. 94-1730361

By: Matt Selander — Digitally signed by Matt Selander Date: 2020.06.11 14:55:06 -04'00'
Matt Selander
Title: Assistant Secretary
Date: 6/11/2020

City Business License # 06001350

Scope of Work
I-205/LAMMERS ROAD INTERCHANGE PROJECT—HOT SPOT ANALYSIS

This scope of work describes an update to tasks to be performed by ICF and Rajappan & Meyer to assist the City of Tracy (City) in conducting necessary Hot Spot Analysis and environmental documentation for the I-205/Lammers Road Interchange Project. This additional work is necessary because the EPA has determined that the proposed project is a Project of Air Quality Concern (POAQC). A hot spot analysis is required which will be based on detailed traffic data. Two options for environmental documentation are provided, depending upon the results of the Hot Spot Analysis. This scope of work modification is limited to the following tasks:

Environmental Documentation

Task 1. Project Management

Due to an extension of the project period of performance due to the need for a hot spot analysis, ICF will need additional project management time for continued review input for agendas, minutes, and schedules, and coordination related tasks. This task assumes that the project continues for 12 months.

Task 7. Quantitative Hot Spot Analysis

The quantitative PM hotspot analysis will be completed consistent with the data collection and evaluation mythology detailed in the *Transportation Conformity Guidance for Quantitative Hot-spot Analyses in PM2.5 and PM10 Nonattainment and Maintenance Areas* (USEPA, 2015). ICF will conduct the following in consultation with IAC committee members:

- Identify applicable emissions sources and emissions factors,
- Identify the applicable meteorological monitoring station and compile required data,
- Develop AERMOD source parameters and receptor grid,
- Prepare modeling protocol report, and
- Prepare hotspot analysis report.

For more detail about the quantitative PM hotspot analysis requirements and process, please see the Modeling Protocol Outline, attached.

Task 8. Prepare Environmental Document

Upon conformity determination it will be necessary to update the environmental document. If the project conforms, a revalidation will be appropriate and ICF will assist Caltrans in the preparation.

If the project does not conform and mitigation is identified in consultation with the EPA, a focused supplemental EIR will be prepared. The document will focus on Air Quality, and it is assumed that for all other resource areas a brief discussion explaining that there have been no changes in conditions that would change the level of impacts will be sufficient. ICF will prepare an administrative draft EIR/EA for review by the City and will address comments prior to submitting it to Caltrans for review. ICF will work with Caltrans through their review process, addressing comments for up to five rounds of review. ICF

will assist the City and Caltrans in circulating the draft document, responding to comments and finalizing the document.

R&M Task 12: Truck Traffic Distribution Information

R&M will develop data to support the hot spot analysis for the I-205/Lammers Road Interchange project. There is no readily available data on distribution of truck types or auto/truck distribution during particular time frames. Ordinarily, this information would be obtained by conducting traffic counts, but the COVID-19 pandemic and related shelter in place order has made accurate traffic counts impossible because the current situation is not representative.

In order to obtain this information, R&M will assemble information for the project location, mainline, ramps, and streets from previously collected data, such as that from other nearby or similar projects and from City inventories and Caltrans count stations. This data will be fine-tuned using truck generation, distribution and assignment patterns developed in the previous truck study. Truck data will be mixed with auto data for these peak hours and new data will be developed for evening and night scenarios. All data will be developed for the 2022 and 2042 Build and No-Build Scenarios for the periods requested.

We assume that Caltrans will review methods and data in advance of use of the data for hot spot modelling.

R&M will provide the following data for the 2022 and 2042 Build and No Build scenarios:

- Distribution of truck traffic percentage by truck type (i.e., light-heavy duty, medium-heavy duty, and heavy-heavy duty) for the (1) Build and (2) No-Build condition, at (1) project opening year and (2) project horizon year, each of the following:
    - Each freeway mainline segment, by direction
    - Each interchange on and off ramp
    - Each arterial roadway, by direction
- 24-hour non-truck AADT distribution for the (1) Build and (2) No-Build condition, at (1) project opening year and (2) project horizon year, for each of the following:
    - Each freeway mainline segment, by direction
    - Each interchange on and off ramp
    - Each arterial roadway, by direction
- 24-hour Truck AADT distribution for the (1) Build and (2) No-Build condition, at (1) project opening year and (2) project horizon year, for each of the following:
    - Each freeway mainline segment, by direction
    - Each interchange on and off ramp
    - Each arterial roadway, by direction

- Estimate of average travel speed by hour of day for (1) non-trucks and (2) trucks, for the (1) Build and (2) No-Build conditions, at (1) project opening year and (2) project horizon year, for each of the following:
    - Each freeway mainline segment, by direction
    - Each interchange on and off ramp
    - Each arterial roadway, by direction

Freeway segments include:

- I-205 Eastbound
    - Mountain House Parkway to Lammers Road
    - Lammers Road to Grant Line Road
- I-205 Westbound
    - Grant Line Road to Lammers Road
    - Lammers Road to Mountain House Parkway

Ramps include:

- Lammers Road eastbound off ramp
- Lammers Road eastbound loop on ramp
- Lammers Road eastbound diagonal on ramp
- Lammers Road westbound off ramp
- Lammers Road westbound loop on ramp
- Lammers Road westbound diagonal on ramp

Arterial Roadways include:

- Eleventh Street (east-west)
- Lammer Road (north-south)

Deliverables: Excel spreadsheet with traffic data

Anticipated Total Cost: $289,997.50

EXHIBIT B-3

I-205/LAMMERS ROAD INTERCHANGE PROJECT— HOT SPOT ANALYSIS

	Consulting Staff											Subcontractor - Rajappan and Meyer										
Employee Name	Ashkar Shahira	Cooper Keith	Brady Michael	Trageser Darrin	Lin Sandy	Lodwick Joyce	Gustafson Erin	Giffen Teresa	Job Jody	Angier Alex		R&M Bala	R&M Lee	R&M Nirmala	R&M	R&M	R&M Abdul	R&M Subha			
Project Role	Project Manager					Project Coordinator	CEQA/NEPA	Editor/Graphics	Pub Spec	GIS		Rajappan	Taubeneck	Mummaneni	Jeyendran S	Sushil Patil	Mohamme	Sakhamuru				
Labor Classification	Sr Consult III	Sr Tech Analyst	Sr Tech Analyst	Assoc Consult I	Sr Consult I	Asst Consult	Assoc Consult II	Assoc Consult I	Asst Consult	Assoc Consult II											
Task											Subtotal								Subtotal	Sub Mark-up: 10%	Labor Total	Direct Costs	Total Price
Task 1. Project Management	60.0					8.0					$13,120								$0	$0	$13,120		$13,120
Task 7. Prepare Quantitative Hot Spot Analysis											$0								$0	$0	$0		$0
Develop Protocol		50.0	150.0					12.0	6.0	12.0	$49,930								$0	$0	$49,930		$49,930
Model and Prepare Hot Spot Analysis		10.0		50.0							$8,550								$0	$0	$8,550		$8,550
Coordinate with EPA/Caltrans/City		4.0	8.0		25.0			6.0	6.0	6.0	$9,070								$0	$0	$9,070		$9,070
Task 8. Prepare Environmental Document											$0								$0	$0	$0		$0
Prepare Admin Draft REIR	40.0	40.0			20.0	24.0	24.0	16.0	12.0	4.0	$31,200								$0	$0	$31,200		$31,200
Prepare Draft REIR	12.0	4.0				16.0			6.0		$6,250								$0	$0	$6,250		$6,250
Prepare Final REIR	12.0	12.0				8.0			4.0		$6,740								$0	$0	$6,740		$6,740
Task 12: Hot Spot Analysis data											$0								$0	$0	$0		$0
Data Collection											$0	10.0	10.0	30.0	30.0			10.0	$15,270	$1,527	$16,797		$16,797
Distribution of truck traffic - percentage											$0	15.0	21.0	32.0	30.0	27.0	23.0	16.0	$27,240	$2,724	$29,964		$29,964
24-hour non-truck AADT distribution											$0	16.0	18.0	34.0	31.0	33.0	21.0	13.0	$27,373	$2,737	$30,110		$30,110
24-hour truck AADT distribution											$0	18.0	17.0	33.0	27.0	35.0	21.0	13.0	$27,357	$2,736	$30,093		$30,093
Est of average travel speed											$0	15.0	21.0	50.0	50.0	50.0	45.0	16.0	$38,135	$3,814	$41,949		$41,949
Total hours 1,498.0	124.0	120.0	158.0	50.0	45.0	56.0	24.0	34.0	34.0	22.0		74.0	87.0	179.0	168.0	145.0	110.0	68.0					
Billing Rates	$200.00	$230.00	$230.00	$125.00	$160.00	$140.00	$145.00	$125.00	$115.00	$145.00		$341.00	$280.00	$140.00	$132.00	$125.00	$130.00	$90.00					
Subtotal	$24,800	$27,600	$36,340	$6,250	$7,200	$7,840	$3,480	$4,250	$3,910	$3,190	$124,860	$25,234	$24,360	$25,060	$22,176	$18,125	$14,300	$6,120	$135,375	$13,538	$273,773		
Other Direct Costs																							
Subcontractor - R&M - Computer/Faxes																						$12,500	
Subcontractor - R&M - Reproductions																						$1,350	
Subcontractor - R&M - Equipment Rental																						$400	
ICF - Reproductions																						$500	
Mark-up on Direct Expenses : 10%																						$1,475.00	
Direct expense subtotal																						$16,225.00	
Total price																							$289,997.50

RESOLUTION 2020-_____

APPROVING AMENDMENT No.3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ICF JONES AND STOKES, INC., OF SACRAMENTO, CALIFORNIA, TO PROVIDE ADDITIONAL PROFESSIONAL SERVICES RELATED TO THE REVALIDATION OF THE ENVIRONMENTAL IMPACT REPORT FOR THE I-205 / LAMMERS ROAD / ELEVENTH STREET NEW INTERCHANGE PROJECT, CIP 73084, FEDERAL NO. DEMO3LN-5192 (021), FOR A NOT-TO-EXCEED AMOUNT OF $289,998, AND AUTHORIZING THE ASSISTANT CITY MANAGER TO EXECUTE THE AMENDMENT

WHEREAS, The City entered into an a Professional Services Agreement (PSA) with ICF Jones and Stokes, Inc. (Consultant) on June 18, 2008 to provide services related to revalidation of Project Environmental Impact Report (EIR), and

WHEREAS, The City and Consultant executed Amendment No.1 to the PSA on January 8, 2019 for additional services based on a request from Caltrans, and

WHEREAS, The City and Consultant executed Amendment No.2 to the PSA on June 18, 2019, to add additional services, and

WHEREAS, Based on the request from Caltrans, and in response to the City staff, ICF submitted proposal to provide additional services related the traffic study for the revalidation of the EIR for the amount of not to exceed $289,998, and

WHEREAS, The approval of Amendment No.3 will result in a total not-to-exceed amount for this Agreement of $833,939, and

WHEREAS, Funds for the PSA will be paid from the High Priority Projects Program (HPPP) Grant Fund;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves Amendment No.3 to the Professional Services Agreement with ICF Jones and Stokes, Inc. of Sacramento, California, to provide additional professional services related to the revalidation of the Environmental Impact Report for the I-205 / Lammers Road / Eleventh Street New Interchange Project – CIP 73084, Federal No. DEMO3LN-5192 (021), for a not-to-exceed amount of $289,998, and authorizes the Assistant City Manager to execute the Amendment.

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

The foregoing Resolution 2020-_____ was adopted by the Tracy City Council on the 7th day of July 2020, by the following vote:

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

_____
MAYOR

ATTEST:

_____
CITY CLERK

July 7, 2020

AGENDA ITEM 1.F

REQUEST

APPROVE FUNDING AGREEMENT WITH PROLOGIS, L.P. AS PART OF CITY'S GRANT APPLICATION FOR THE RECONSTRUCTION AND WIDENING OF THE BRIDGE OVER THE DELTA MENDOTA CANAL ON INTERNATIONAL PARKWAY

EXECUTIVE SUMMARY

Staff requests that City Council approve the funding agreement with Prologis, L.P., which would provide the City with approximately twenty percent (20%) of the funding for the reconstruction and widening of the bridge on International Parkway over the Delta Mendota Canal. The agreement will allow staff to apply for an Economic Development Administration Grant to cover the remaining eighty percent (80%) of the Project.

DISCUSSION

Development Services staff has been working with Prologis, L.P. (Prologis) to identify funding to reconstruct and widen the bridge on International Parkway over the Delta Mendota Canal (Project). The bridge is located in the International Park of Commerce (IPC), on the west side of the City. The Project is anticipated to create 30,000 new jobs at build-out. Due to the anticipated increase in traffic, the Project is necessary to ease traffic congestion.

The Coronavirus Aid Relief and Economic Security (CARES) Act went into effect on March 27, 2020 making $1.5 billion dollars in economic development assistance available to communities through the Economic Development Administration (EDA). Through this program, Development Services staff is applying for a grant to cover eight percent (80%) of the cost of the Project. In order to submit the application, the City has to commit to funding the remaining twenty percent (20%) of the Project cost.

Staff recommends entering into a funding agreement with Prologis, which details that they will advance Master Plan Impact Fees to the City in the amount of approximately twenty percent (20%) of the cost of the Project so that the City can move forward with the grant application. In exchange, the City will issue Prologis fee credits in the amount that they contribute which is estimated to be $2,200,000 and for any other fee related program cost which they have incurred (e.g. engineering/design costs).

Staff recommends that Council approve the funding agreement with Prologis so that staff can continue the pursuit of the CARES Act Grant and complete the bridge Project to enhance traffic flow. Council approval of the funding agreement is required to be able proceed with the application for the CARES Act Grant which is worth approximately $8,800,000 in funding from the EDA. If this funding agreement is not executed, the City will not be pursuing the EDA CARES Act Grant.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Quality of Life strategic priority, and specifically implements goal 2, Advance Infrastructure Projects to Enhance Citywide Traffic Conditions.

FISCAL IMPACT

There is no fiscal impact associated with this Funding Agreement.

RECOMMENDATION

Staff recommends that City Council, by resolution, approve the funding agreement with Prologis, L.P. for the reconstruction and widening of the bridge on International Parkway over the Delta Mendota Canal.

Prepared by: Veronica Child, Management Analyst II

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 – Funding Agreement

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Attachment A

City of Tracy

Infrastructure Funding & Fee Credit Agreement

This Infrastructure Funding and Fee Credit Agreement (hereinafter "**Agreement**") is made and entered into by and between the City of Tracy, a municipal corporation (hereinafter "**City**"); and Prologis, LP, a Delaware limited partnership (hereinafter "**Prologis**"). City and Prologis are from time to time referred to in this Agreement as a "**Party**" and collectively as the "**Parties**".

RECITALS

A. Prologis is the master developer of the Cordes Ranch Specific Plan area property in Tracy (the "**Property**"). Development of the Property is the subject of that certain Development Agreement by and between the City of Tracy and Prologis, L.P., recorded in the official records of San Joaquin County as Document Number 2013-156135 on December 20, 2013 (hereafter, the "**Development Agreement**").

B. The Cordes Ranch Specific Plan provides for the development of up to thirty-one million (31,000,000) square feet of general commercial, general office, and business park/industrial uses, related on- and off-site infrastructure, and passive and active open space uses as described in greater detail in the Specific Plan (the "**IPC Project**").

C. Among the infrastructure improvements necessary to implement the Project are the traffic and road improvements necessary to widen International Parkway over and across the Delta-Mendota Canal (the "**Bridge Project**"). The Bridge Project is described in greater detail in Attachment A hereto.

D. To secure the necessary funding to implement the Bridge Project, the City has applied to the United State Economic Development Administration ("**EDA**") for grant assistance, which is expected to provide approximately eighty percent (80%) or eight million eight hundred thousand dollars ($8,800,000) of the estimated eleven million in total hard and soft costs ($11,000,0000) required to design, permit and complete the Bridge Project (the "**Cost Estimate**"), which includes associated street widening and other infrastructure work required for the Bridge Project in addition to the bridge itself, as reasonably determined by the City Engineer. To qualify for EDA funding, the City is required to commit to the EDA that it will provide the remainder of the funding, or approximately two million and two hundred thousand dollars ($2,200,000).

E. Prologis has agreed to provide all funding for the Bridge Project beyond that provided by the EDA grant (the "**Funding Contribution**"), in exchange for fee credits against the City's Master Plan Traffic Impact Fee(s) that would otherwise apply to the IPC Project under Chapter 13.32 of the City of Tracy Municipal Code and the Development

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Agreement (the "**Fee Credits**"), up to the entire amount of remaining Master Plan Traffic Impact Fees(s) available, in the event the costs of the Bridge Project exceeds the Cost Estimate. A central purpose of this Agreement is to provide Prologis with Fee Credits in exchange for all funds expended by Prologis in connection with the Bridge Project, including design and other costs incurred prior to the execution of this Agreement. At the time of the execution of this Agreement, the City estimates that $7,299,535 in total Fee Credits are available.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **TIME AND PERFORMANCE.** Time is of the essence in performing the obligations and requirements of this Agreement and the timing requirements set forth herein shall be strictly adhered to unless otherwise modified in writing by mutual consent of the parties.

2. **TERM OF AGREEMENT.** The term of this Agreement shall begin upon the first date that it is fully executed by the City and Prologis and shall continue in effect until Prologis has exhausted its eligibility for the Fee Credits described in Section 3 below.

3. **FUNDING CONTRIBUTION; ALLOCATION OF EXCESS COSTS.** Not later than thirty (30) days after executing this Agreement, Prologis shall deliver to the City, a letter of credit in the amount of $2,200,000 (the "**Letter of Credit**"), which the City shall hold for and dedicate to the sole purposes of (a) enabling the City to qualify for the Bridge Project grant funding from the EDA and, (b) securing Prologis' Funding Contribution.

   Immediately upon receipt of a final determination the City will not receive the additional EDA funding in the amount described in Recital D above, then the City shall immediately notify Prologis and, at Prologis' request, the City shall release the Letter of Credit, without interest to Prologis, and Prologis shall be relieved of the Funding Contribution.

   Immediately upon the City's receipt of the EDA grant funds described in Recital D above, the following rights and obligations shall take effect:

   - Prologis shall be deemed to have earned, and shall be eligible to apply for, use and/or assign, as set forth in Section 4 below, $2,200,000 in Fee Credits, which will be immediately available and eligible for Prologis' use.

   - The City will immediately proceed to bid and implement the construction of the Bridge Project and proceed in good faith, and use all commercially reasonable efforts to complete the Bridge Project.

   - The City may, at any time, request from Prologis a portion of the Funding Contribution supported by an explanation, in reasonable detail, of the Bridge Project expenses requiring such funding, and Prologis shall not unreasonably deny such funding request. Prologis shall have the right, at its election, to meet

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and confer with the City regarding the City's funding request prior to providing the requested portion of the Funding Contribution. To the extent the costs of the Bridge Project exceeds the Cost Estimate and more than $2,200,000 is required from Prologis to complete the same, immediately upon Prologis' provision of the requested additional funding, Prologis shall have earned Fee Credits in an amount equal to the amount of the additional Funding Contribution provided by Prologis. As stated above, the original $2,200,000 of Fee Credits are immediately earned upon receipt of the EDA grant funds described in Recital D.

- Prologis shall receive Fee Credits in exchange for all funds expended by Prologis in connection with the Bridge Project in accordance with the terms of this Agreement, without reservation or exception, including design costs and other soft costs incurred prior to the execution of the Agreement.

Following completion of the Bridge Project, and not later than thirty (30) days following Prologis' payment of the final City funding request made for the Bridge Project made pursuant to this Section 3, City shall release and return to Prologis the Letter of Credit.

To the extent any increase to the Cost Estimate results from the willful misconduct or negligence of any contractor or subcontractor working on the Bridge Project, the City shall assign to Prologis any and all rights to recover such costs from the contractor or other tortfeasor.

4. **APPLICATION, ASSIGNMENT AND RECORDING OF FEE CREDITS.** Immediately upon earning the Fee Credits as described in Section 3 above, Prologis may apply such Fee Credits, in any amount up to the estimated $5,099,535 remaining Chapter 13.32 Fee Credits set forth in Recital F, to Prologis' obligation to pay traffic impact fees, pursuant the Development Agreement and to Chapter 13.32 of the TMC, arising from its development of the Property.

With respect to its earned Fee Credits, Prologis may assign such Fee Credits to any Property within the City, whether or not such Property is then owned by Prologis, provided such assignment and application of Fee Credits is consistent with Chapter 13.32 of the TMC as reasonably determined by the City Engineer. Prologis shall notify the City in writing of Prologis' intent to assign Fee Credits not later than ten (10) days prior to such assignment(s), such notice to include the identity of the assignee and/or assignee property(ies) and a waiver of Prologis' right to such Fee Credits or reimbursements effective upon the City's granting or disbursing such Fee Credits or reimbursements to the Prologis' assignee.

The City shall record each use and assignment of Fee Credits by Prologis and shall notify Prologis when it has exhausted its earned Fee Credits. Notwithstanding such termination, the City shall honor all outstanding Fee Credits held by assignees of

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Prologis for which the City has previously received from Prologis an effective notice of assignment and waiver as described in this Section 4.

5. **DISPUTE RESOLUTION.** In the event of a dispute between the Parties regarding their respective compliance with the terms and conditions of this Agreement, the Parties shall attempt to resolve the dispute(s) by informal negotiations. If all disputes are not resolved within ten (10) business days following the date of the Notice of Dispute, then the Parties shall comply with the following procedures.

Either Party may submit the dispute to JAMS (Judicial Arbitration and Mediation Service), ("Dispute Resolution Officer" or "DRO") or if JAMS is unavailable or unwilling to serve as the DRO, then to any other arbitrator or mediator who is agreed upon by the other Party (and if the Parties cannot agree on an arbitrator or mediator to serve as DRO within 2 business days, then each Party shall select an arbitrator or mediator in writing within one (1) additional business day from such date and such arbitrator or mediator shall select another arbitrator or mediator to serve as DRO within two (2) business days). If an arbitrator or mediator to serve as DRO is not selected within such time period, any court of competent jurisdiction may appoint an arbitrator or mediator to serve as DRO.

Once the DRO is selected, the Party submitting the Dispute shall, within five (5) days of the expiration of the informal negotiation period, deliver to the DRO and to the other Party a written request for determination of the Dispute (the "Request for Determination"). The Request for the Determination shall include all information and documents that the submitting Party desires the DRO to consider with respect to the Dispute, as well as notice of whether the submitting Party desires a hearing of the Dispute.

Upon receipt of a timely Request for Determination, the other Party shall have five (5) business days to serve the DRO and the submitting Party with any written information and documentation such Party desires the DRO to consider with respect to the Dispute (a "Rebuttal Notice"), as well as notice of whether such Party desires a hearing of the Dispute. If a hearing has been requested by any Party, then the DRO shall schedule an informal hearing within twenty (20) business days of the earliest received request for a hearing; provided, it shall be the responsibility of the Party requesting the hearing to insure that the hearing is scheduled in the time provided.

Within five (5) business days of the hearing, or if no hearing has been requested within five (5) business days of the Rebuttal Notice, or if no Rebuttal Notice was served within ten (10) business days of the Request for Determination, the DRO shall serve its written decision (the "DRO Decision") or shall provide a written notice to the Parties indicating the need for additional time to review the matter and shall provide the DRO Decision within such additional time period but in no event to exceed 30 days.

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The Parties shall cooperate with the DRO and one another in scheduling the proceedings so that an expeditious resolution can be reached. The costs of the services for the DRO shall be borne by the non-prevailing Party, as determined by the DRO. Each Party hereby fully releases and agrees to hold harmless the DRO, its officers, agents and employees from any and all claims, actions, liabilities, damages, losses, expenses, or costs (collectively, "Claims") arising from or related to the determinations or calculations of the DRO, except from those arising from the fraud or willful misconduct of the DRO.

Upon completion of these dispute resolution procedures, any Party that remains dissatisfied with the outcome may seek available legal remedies subject to the limitations of Section 10 below.

6. **NOTICES.** All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered, mailed or emailed to the respective Party as follows:

To City:
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376
notice@cityoftracy.org, and
attorney@cityoftracy.org

To Prologis:
Attention: Jeff Major
Pier 1, Bay 1
San Francisco CA 94111
Tel 415 733 9793
Fax 415 733 2171
legalnotices@prologis.com

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.

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

8. **ASSIGNMENT OF AGREEMENT.** This Agreement may not be assigned by Prologis without the prior and express, written consent of the City, which consent shall not be unreasonably withheld.

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9. **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. **NO MONEY DAMAGES.** The Parties hereby acknowledge and agree that money damages are excluded as a remedy available to either Party for a breach of this Agreement, and that specific performance is the sole and exclusive remedy available to either Party for a breach of this Agreement.

11. **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.

12. **INCORPORATION OF RECITALS; ENTIRE AGREEMENT.** This Agreement, including the preamble and recitals which the Parties hereby acknowledge and agree are true and correct and are by this reference incorporated in their entirety into this Agreement, comprises the entire integrated understanding between the Parties concerning its subject matter as described herein, and supersedes all prior negotiations, representations, or agreements relating thereto.

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 Prologis 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	**PROLOGIS, L.P. a Delaware Limited Partnership**
	By: Prologis, Inc. a Maryland corporation, its General Partner
_____ Robert Rickman, Mayor Date: _____	DocuSigned by: Ali Harandi 552BB3DC5D1E487... Ali Harandi Date: 30 June 2020
Attest: _____ Adrianne Richardson, City Clerk	

DocuSign Envelope ID: 71A6BC07-074B-4E13-803F-F47BA85C6B39

Approved as to form: _____ Leticia Ramirez, City Attorney	

RESOLUTION 2020-_____

APPROVING FUNDING AGREEMENT WITH PROLOGIS, L.P. FOR THE RECONSTRUCTION AND WIDENING OF THE BRIDGE OVER THE DELTA MENDOTA CANAL ON INTERNATIONAL PARKWAY

WHEREAS, Staff has been working with Prologis on the design and construction plans for the bridge on International Parkway over the Delta Mendota Canal, and

WHEREAS, In March of 2020, the Coronavirus Aid Relief and Economic Security (CARES) Act went into effect making $1.5 Billion available to communities through grants with the Economic Development Administration (EDA), and

WHEREAS, The City of Tracy will submit an application to the EDA to cover 80% of the construction costs of the bridge and need to prove to the EDA that we can fund the remaining 20% of costs, and

WHEREAS, The City seeks to enter into a funding agreement with Prologis to advance impact fees to the City to cover the remaining 20% of costs to satisfy the EDA requirement, and

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves the funding agreement with Prologis, L.P. for the reconstruction and widening of the bridge over the Delta Mendota Canal on International Parkway.

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

The foregoing Resolution 2020-_____ was adopted by the City Council on the 7th day of July 2020, by the following vote:

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

_____
MAYOR

ATTEST:

_____
CITY CLERK

July 7, 2020

AGENDA ITEM 1.G

REQUEST

ADOPT A RESOLUTION AMENDING THE CITY OF TRACY MASTER EMPLOYEE PAY SCHEDULE AND THE PAY RATES FOR CITY OF TRACY ESTABLISHED POSITIONS

EXECUTIVE SUMMARY

This item recommends that the City Council amend the City of Tracy Master Employee Pay Schedule to confirm the pay rates for all City of Tracy established positions in accordance with memorandums of understanding with represented bargaining units and the compensation and benefit plan for unrepresented units approved in 2018.

DISCUSSION

The Public Employees' Retirement Law governs the California Public Employees Retirement System (CalPERS) codified in Title 2 of the California Code of Regulations. Section 570.5 of the California Code of Regulations requires City Council approve the rate of pay or classification titles in a publicly available pay schedule for employees who are members of CalPERS. The City Council routinely approves the Master Employee Pay Schedule identifying the rate of pay associated with each City of Tracy classification. In addition, City Council approves employment agreements containing the rate of pay for the City Manager and City Attorney.

In 2018, Council approved a cost of living increase of four percent (4%) effective July 1, 2020 in the memorandums of understanding for represented bargaining units and the compensation and benefit plan for the unpresented units. Amendment of the current Master Employee Pay Schedule is required to accurately reflect the cost of living increase approved in 2018 in accordance with CalPERS regulations. Therefore, it is recommended the amended Master Employee Pay Schedule be approved to reflect all changes.

STRATEGIC PLAN

This agenda item supports the City's Governance Strategic Priority:

Governance Strategy

Purpose**:** To enhance fiscal stability, retain and attract new talent, improve the use of technology, and enhance transparency for the betterment for the Tracy community.

FISCAL IMPACT

Staff costs' associated with the adoption of the City of Tracy Master Employee Pay Schedule have been included in the adopted budget for FY 2020-21.

RECOMMENDATION

That the City Council, by resolution, amend the City of Tracy Master Employee Pay Schedule to confirm the pay rates for City of Tracy established positions.

Prepared by: Judy Carlos, Human Resources Analyst

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

Approved by: Jennifer D. Haruyama, City Manager

Attachment: Exhibit A - City of Tracy Master Employee Pay Schedule

City of Tracy
Master Salary Schedule

Effective 07-01-2020

Class Code	Position Title	Unit		Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
3106	Accountant*	TMMBU	A		3,225.70	6,989.02	83,868.20	40.3213
			B		3,386.98	7,338.46	88,061.48	42.3373
			C		3,556.33	7,705.39	92,464.58	44.4541
			D		3,734.14	8,090.64	97,087.64	46.6768
			E		3,920.84	8,495.16	101,941.84	49.0105
4112	Accounting Assistant	TTSSEA	A		2,051.65	4,445.25	53,342.90	25.6456
			B		2,154.24	4,667.52	56,010.24	26.9280
			C		2,261.95	4,900.90	58,810.70	28.2744
			D		2,375.05	5,145.95	61,751.30	29.6881
			E		2,493.81	5,403.26	64,839.06	31.1726
4203	Accounting Coordinator	TTSSEA	A		2,932.35	6,353.43	76,241.10	36.6544
			B		3,078.97	6,671.11	80,053.22	38.4871
			C		3,232.93	7,004.69	84,056.18	40.4116
			D		3,394.58	7,354.93	88,259.08	42.4323
			E		3,564.32	7,722.70	92,672.32	44.5540
3103	Accounting Officer*	TMMBU	A		4,203.39	9,107.35	109,288.14	52.5424
			B		4,413.55	9,562.70	114,752.30	55.1694
			C		4,634.23	10,040.84	120,489.98	57.9279
			D		4,865.94	10,542.87	126,514.44	60.8243
			E		5,109.23	11,070.00	132,839.98	63.8654
2520	Accounting Manager	CONF	A		4,663.26	10,103.73	121,244.76	58.2908
			B		4,896.42	10,608.91	127,306.92	61.2053
			C		5,141.25	11,139.38	133,672.50	64.2656
			D		5,398.31	11,696.34	140,356.06	67.4789
			E		5,668.24	12,281.19	147,374.24	70.8530
4201	Accounting Technician	TTSSEA	A		2,523.14	5,466.81	65,601.64	31.5393
			B		2,649.31	5,740.18	68,882.06	33.1164
			C		2,781.76	6,027.15	72,325.76	34.7720
			D		2,920.86	6,328.53	75,942.36	36.5108
			E		3,066.91	6,644.98	79,739.66	38.3364
4101	Administrative Assistant I	TTSSEA	A		1,839.75	3,986.13	47,833.50	22.9969
			B		1,931.75	4,185.46	50,225.50	24.1469
			C		2,028.33	4,394.72	52,736.58	25.3541
			D		2,129.74	4,614.44	55,373.24	26.6218
			E		2,236.25	4,845.21	58,142.50	27.9531
4102	Administrative Assistant II	TTSSEA	A		2,042.58	4,425.59	53,107.08	25.5323
			B		2,144.70	4,646.85	55,762.20	26.8088
			C		2,251.94	4,879.21	58,550.44	28.1493
			D		2,364.53	5,123.15	61,477.78	29.5566
			E		2,482.75	5,379.30	64,551.50	31.0344
8102	Administrative Assistant II-Confidential	CONF	A		2,093.23	4,535.34	54,423.98	26.1654
			B		2,197.88	4,762.08	57,144.88	27.4735
			C		2,307.78	5,000.19	60,002.28	28.8473
			D		2,423.17	5,250.21	63,002.42	30.2896
			E		2,544.33	5,512.72	66,152.58	31.8041

Employees marked with an * (asterisk) are salaried
Employees are paid semi-monthly

City of Tracy
Master Salary Schedule

Effective 07-01-2020

Class Code	Position Title	Unit		Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
4106	Administrative Assistant III	TTSSEA	A		2,165.76	4,692.48	56,309.76	27.0720
			B		2,274.04	4,927.09	59,125.04	28.4255
			C		2,387.76	5,173.48	62,081.76	29.8470
			D		2,507.14	5,432.14	65,185.64	31.3393
			E		2,632.50	5,703.75	68,445.00	32.9063
4107	Administrative Technician	TTSSEA	A		2,523.14	5,466.81	65,601.64	31.5393
			B		2,649.31	5,740.18	68,882.06	33.1164
			C		2,781.76	6,027.15	72,325.76	34.7720
			D		2,920.86	6,328.53	75,942.36	36.5108
			E		3,066.91	6,644.98	79,739.66	38.3364
4425	Airport Coordinator	TTSSEA	A		2,432.34	5,270.07	63,240.84	30.4043
			B		2,553.97	5,533.61	66,403.22	31.9246
			C		2,681.66	5,810.27	69,723.16	33.5208
			D		2,815.74	6,100.77	73,209.24	35.1968
			E		2,956.52	6,405.80	76,869.52	36.9565
3510	Airport Manager*	TMMBU	A		3,274.33	7,094.39	85,132.58	40.9291
			B		3,438.03	7,449.07	89,388.78	42.9754
			C		3,609.93	7,821.52	93,858.18	45.1241
			D		3,790.43	8,212.60	98,551.18	47.3804
			E		3,979.94	8,623.21	103,478.44	49.7493
9322	Airport Operations Assistant	LS	A					13.0000
			B					13.6500
			C					14.3300
			D					15.0500
			E					15.8000
5522	Animal Services Aide	TEAMSTERS	A		1,400.09	3,033.53	36,402.34	17.5011
			B		1,470.09	3,185.20	38,222.34	18.3761
			C		1,543.61	3,344.49	40,133.86	19.2951
			D		1,620.79	3,511.72	42,140.54	20.2599
			E		1,701.82	3,687.28	44,247.32	21.2728
5521	Animal Services Officer I	TEAMSTERS	A		1,948.65	4,222.08	50,664.90	24.3581
			B		2,046.06	4,433.13	53,197.56	25.5758
			C		2,148.35	4,654.76	55,857.10	26.8544
			D		2,255.77	4,887.51	58,650.02	28.1971
			E		2,368.57	5,131.91	61,582.82	29.6071
5523	Animal Services Officer II	TEAMSTERS	A		2,139.45	4,635.48	55,625.70	26.7431
			B		2,246.42	4,867.25	58,406.92	28.0803
			C		2,358.75	5,110.63	61,327.50	29.4844
			D		2,476.68	5,366.14	64,393.68	30.9585
			E		2,600.53	5,634.49	67,613.78	32.5066
3620	Animal Services Manager*	TMMBU	A		3,517.33	7,620.89	91,450.58	32.5781
			B		3,693.20	8,001.94	96,023.20	34.2070
			C		3,877.86	8,402.03	100,824.36	35.9173
			D		4,071.75	8,822.13	105,865.50	37.7131
			E		4,275.34	9,263.24	111,158.84	39.5988

Employees marked with an * (asterisk) are salaried
Employees are paid semi-monthly

City of Tracy
Master Salary Schedule

Effective 07-01-2020

Class Code	Position Title	Unit		Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
3621	Animal Services Supervisor	TMMBU	A		2,606.25	5,646.88	67,762.50	32.5781
			B		2,736.56	5,929.22	71,150.56	34.2070
			C		2,873.38	6,225.66	74,707.88	35.9173
			D		3,017.05	6,536.95	78,443.30	37.7131
			E		3,167.90	6,863.79	82,365.40	39.5988
2573	Assistant City Attorney*	CONF	A		5,936.54	12,862.51	154,350.04	74.2068
			B		6,233.36	13,505.62	162,067.36	77.9170
			C		6,545.03	14,180.90	170,170.78	81.8129
			D		6,872.28	14,889.94	178,679.28	85.9035
			E		7,215.88	15,634.41	187,612.88	90.1985
3308	Assistant City Engineer*	TMMBU	A		5,009.49	10,853.90	130,246.74	62.6186
			B		5,259.97	11,396.61	136,759.22	65.7496
			C		5,522.97	11,966.44	143,597.22	69.0371
			D		5,799.11	12,564.74	150,776.86	72.4889
			E		6,089.09	13,193.03	158,316.34	76.1136
1502	Assistant City Manager*	DH	Min		8,647.26	18,735.74	224,828.82	108.0908
			Max		9,274.07	20,093.82	241,125.79	115.9259
3302	Assistant Civil Engineer*	TMMBU	A		3,372.18	7,306.39	87,676.68	42.1523
			B		3,540.77	7,671.67	92,060.02	44.2596
			C		3,717.82	8,055.28	96,663.32	46.4728
			D		3,903.71	8,458.04	101,496.46	48.7964
			E		4,098.89	8,880.93	106,571.14	51.2361
2682	Assistant Director DES*	CONF	A		5,669.76	12,284.48	147,413.76	70.8720
			B		5,953.24	12,898.69	154,784.24	74.4155
			C		6,250.90	13,543.62	162,523.40	78.1363
			D		6,563.44	14,220.79	170,649.44	82.0430
			E		6,891.61	14,931.83	179,181.86	86.1451
2681	Assistant Director DES/City Engineer*	CONF	A		5,940.08	12,870.18	154,442.08	74.2510
			B		6,237.08	13,513.68	162,164.08	77.9635
			C		6,548.94	14,189.37	170,272.44	81.8618
			D		6,876.38	14,898.83	178,785.88	85.9548
			E		7,220.22	15,643.81	187,725.72	90.2528
5232	Assistant Planner	TEAMSTERS	A		2,799.31	6,065.18	72,782.06	34.9914
			B		2,939.28	6,368.44	76,421.28	36.7410
			C		3,086.24	6,686.86	80,242.24	38.5780
			D		3,240.55	7,021.20	84,254.30	40.5069
			E		3,402.58	7,372.26	88,467.08	42.5323
2580	Assistant to the City Manager*	CONF	A		4,663.26	10,103.73	121,244.76	58.2908
			B		4,896.42	10,608.91	127,306.92	61.2053
			C		5,141.25	11,139.38	133,672.50	64.2656
			D		5,398.31	11,696.34	140,356.06	67.4789
			E		5,668.24	12,281.19	147,374.24	70.8530

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City of Tracy
Master Salary Schedule

Effective 07-01-2020

Class Code	Position Title	Unit		Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
3303	Associate Engineer*	TMMBU	A		3,788.30	8,207.99	98,495.80	47.3538
			B		3,977.70	8,618.35	103,420.20	49.7213
			C		4,176.60	9,049.30	108,591.60	52.2075
			D		4,385.42	9,501.75	114,020.92	54.8178
			E		4,604.69	9,976.83	119,721.94	57.5586
3202	Associate Planner*	TMMBU	A		3,205.96	6,946.25	83,354.96	40.0745
			B		3,366.25	7,293.55	87,522.50	42.0781
			C		3,534.56	7,658.22	91,898.56	44.1820
			D		3,711.29	8,041.13	96,493.54	46.3911
			E		3,896.87	8,443.22	101,318.62	48.7109
4451	Box Office Assistant	TTSSEA	A		1,839.75	3,986.13	47,833.50	22.9969
			B		1,931.75	4,185.46	50,225.50	24.1469
			C		2,028.33	4,394.72	52,736.58	25.3541
			D		2,129.74	4,614.44	55,373.24	26.6218
			E		2,236.25	4,845.21	58,142.50	27.9531
4455	Box Office Coordinator	TTSSEA	A		2,432.34	5,270.07	63,240.84	30.4043
			B		2,553.97	5,533.61	66,403.22	31.9246
			C		2,681.66	5,810.27	69,723.16	33.5208
			D		2,815.74	6,100.77	73,209.24	35.1968
			E		2,956.52	6,405.80	76,869.52	36.9565
3104	Budget Officer*	CONF	A		4,307.62	9,333.18	111,998.12	53.8453
			B		4,523.00	9,799.84	117,598.00	56.5375
			C		4,749.15	10,289.83	123,477.90	59.3644
			D		4,986.61	10,804.33	129,651.86	62.3326
			E		5,235.95	11,344.56	136,134.70	65.4494
5218	Building and Fire Inspector I	TEAMSTERS	A		2,512.10	5,442.89	65,314.60	31.4013
			B		2,637.70	5,715.02	68,580.20	32.9713
			C		2,769.58	6,000.76	72,009.08	34.6198
			D		2,908.07	6,300.82	75,609.82	36.3509
			E		3,053.47	6,615.86	79,390.22	38.1684
5219	Building and Fire Inspector II	TEAMSTERS	A		3,208.36	6,951.45	83,417.36	40.1045
			B		3,368.79	7,299.05	87,588.54	42.1099
			C		3,537.21	7,663.96	91,967.46	44.2151
			D		3,714.08	8,047.18	96,566.08	46.4260
			E		3,899.77	8,449.51	101,394.02	48.7471
5211	Building Inspector I	TEAMSTERS	A		2,734.99	5,925.82	71,109.74	34.1874
			B		2,871.74	6,222.11	74,665.24	35.8968
			C		3,015.31	6,533.18	78,398.06	37.6914
			D		3,166.10	6,859.89	82,318.60	39.5763
			E		3,324.41	7,202.89	86,434.66	41.5551
5212	Building Inspector II	TEAMSTERS	A		3,055.57	6,620.41	79,444.82	38.1946
			B		3,208.36	6,951.45	83,417.36	40.1045
			C		3,368.79	7,299.05	87,588.54	42.1099
			D		3,537.21	7,663.96	91,967.46	44.2151
			E		3,714.08	8,047.18	96,566.08	46.4260

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City of Tracy
Master Salary Schedule

Effective 07-01-2020

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5321	Building Maintenance Worker	TEAMSTERS	A		2,244.35	4,862.76	58,353.10	28.0544
			B		2,356.57	5,105.91	61,270.82	29.4571
			C		2,474.40	5,361.20	64,334.40	30.9300
			D		2,598.12	5,629.26	67,551.12	32.4765
			E		2,728.03	5,910.74	70,928.78	34.1004
5322	Building Maintenance Worker Assistant	TEAMSTERS	A		2,202.49	4,772.07	57,264.74	27.5311
			B		2,312.61	5,010.66	60,127.86	28.9076
			C		2,428.23	5,261.17	63,133.98	30.3529
			D		2,549.64	5,524.22	66,290.64	31.8705
			E		2,677.12	5,800.43	69,605.12	33.4640
3341	Building Official*	TMMBU	A		4,859.50	10,528.92	126,347.00	60.7438
			B		5,102.47	11,055.36	132,664.22	63.7809
			C		5,357.60	11,608.14	139,297.60	66.9700
			D		5,625.48	12,188.54	146,262.48	70.3185
			E		5,906.76	12,797.98	153,575.76	73.8345
4502	Building Permit Technician I	TTSSEA	A		2,229.34	4,830.24	57,962.84	27.8668
			B		2,340.82	5,071.78	60,861.32	29.2603
			C		2,457.85	5,325.35	63,904.10	30.7231
			D		2,580.75	5,591.63	67,099.50	32.2594
			E		2,709.79	5,871.22	70,454.54	33.8724
1506	City Attorney*	CONTRACT			8,653.85	18,750.00	225,000.00	108.1731
3110	City Clerk*	TMMBU	A		4,317.64	9,354.89	112,258.64	53.9705
			B		4,533.53	9,822.65	117,871.78	56.6691
			C		4,760.20	10,313.77	123,765.20	59.5025
			D		4,998.21	10,829.46	129,953.46	62.4776
			E		5,248.12	11,370.93	136,451.12	65.6015
1102	City Council Member*				270.00	585.00	7,020.00	
1501	City Manager*	CONTRACT			9,423.08	20,416.67	245,000.00	117.7885
1112	City Treasurer*				438.47	950.02	11,400.22	
9107	Clerical	LS	A					13.0000
			B					13.6500
			C					14.3300
			D					15.0500
			E					15.8000
3155	Code Compliance Analyst*	TMMBU	A		3,052.89	6,614.60	79,375.14	38.1611
			B		3,205.53	6,945.32	83,343.78	40.0691
			C		3,365.80	7,292.57	87,510.80	42.0725
			D		3,534.10	7,657.22	91,886.60	44.1763
			E		3,710.80	8,040.07	96,480.80	46.3850
5202	Code Enforcement Officer	TEAMSTERS	A		2,594.96	5,622.42	67,468.96	32.4370
			B		2,724.70	5,903.52	70,842.20	34.0588
			C		2,860.94	6,198.71	74,384.44	35.7618
			D		3,003.98	6,508.63	78,103.48	37.5498
			E		3,154.18	6,834.06	82,008.68	39.4273

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City of Tracy
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3623	Communications Unit Supervisor*	TMMBU	A		3,153.76	6,833.15	81,997.76	39.4220
			B		3,311.44	7,174.79	86,097.44	41.3930
			C		3,477.02	7,533.55	90,402.52	43.4628
			D		3,650.86	7,910.20	94,922.36	45.6358
			E		3,833.42	8,305.75	99,668.92	47.9178
9113	Community Access Coordinator	LS	A					25.7200
			B					27.0100
			C					28.3600
			D					29.7700
			E					31.2600
3210	Community Development Analyst*	TMMBU	A		3,205.96	6,946.25	83,354.96	40.0745
			B		3,366.25	7,293.55	87,522.50	42.0781
			C		3,534.56	7,658.22	91,898.56	44.1820
			D		3,711.29	8,041.13	96,493.54	46.3911
			E		3,896.87	8,443.22	101,318.62	48.7109
3206	Community Devel Program Manager*	TMMBU	A		4,859.48	10,528.88	126,346.48	60.7435
			B		5,102.45	11,055.31	132,663.70	63.7806
			C		5,357.58	11,608.09	139,297.08	66.9698
			D		5,625.46	12,188.50	146,261.96	70.3183
			E		5,906.74	12,797.94	153,575.24	73.8343
3315	Community Preservation Manager*	TMMBU	A		3,788.30	8,207.99	98,495.80	47.3538
			B		3,977.70	8,618.35	103,420.20	49.7213
			C		4,176.60	9,049.30	108,591.60	52.2075
			D		4,385.42	9,501.75	114,020.92	54.8178
			E		4,604.69	9,976.83	119,721.94	57.5586
5513	Community Services Officer	TEAMSTERS	A		2,265.89	4,909.43	58,913.14	28.3236
			B		2,379.19	5,154.92	61,858.94	29.7399
			C		2,498.13	5,412.62	64,951.38	31.2266
			D		2,623.05	5,683.28	68,199.30	32.7881
			E		2,754.21	5,967.46	71,609.46	34.4276
3501	Community Services Supervisor*	TMMBU	A		3,517.32	7,620.86	91,450.32	43.9665
			B		3,693.19	8,001.92	96,022.94	46.1649
			C		3,877.85	8,402.01	100,824.10	48.4731
			D		4,071.74	8,822.11	105,865.24	50.8968
			E		4,275.32	9,263.20	111,158.32	53.4415
5222	Construction Inspector I	TEAMSTERS	A		2,911.99	6,309.32	75,711.74	36.3999
			B		3,057.61	6,624.83	79,497.86	38.2201
			C		3,210.48	6,956.04	83,472.48	40.1310
			D		3,371.00	7,303.84	87,646.00	42.1375
			E		3,539.57	7,669.07	92,028.82	44.2446
5223	Construction Inspector II	TEAMSTERS	A		3,057.43	6,624.44	79,493.18	38.2179
			B		3,210.29	6,955.63	83,467.54	40.1286
			C		3,370.81	7,303.43	87,641.06	42.1351
			D		3,539.37	7,668.64	92,023.62	44.2421
			E		3,716.33	8,052.05	96,624.58	46.4541

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Master Salary Schedule

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4605	Crime Analyst	TTSSEA	A		2,752.79	5,964.38	71,572.54	34.4099
			B		2,890.43	6,262.60	75,151.18	36.1304
			C		3,034.96	6,575.75	78,908.96	37.9370
			D		3,186.71	6,904.54	82,854.46	39.8339
			E		3,346.03	7,249.74	86,996.78	41.8254
5514	Crime Prevention Specialist	TEAMSTERS	A		2,347.12	5,085.43	61,025.12	29.3390
			B		2,464.50	5,339.75	64,077.00	30.8063
			C		2,587.73	5,606.75	67,280.98	32.3466
			D		2,717.09	5,887.03	70,644.34	33.9636
			E		2,852.94	6,181.37	74,176.44	35.6618
5517	Crime Scene Technician	TEAMSTERS	A		2,541.92	5,507.50	66,089.92	31.7740
			B		2,669.00	5,782.84	69,394.00	33.3625
			C		2,802.46	6,072.00	72,863.96	35.0308
			D		2,942.58	6,375.59	76,507.08	36.7823
			E		3,089.72	6,694.40	80,332.72	38.6215
3622	Crime Scene Unit Supervisor	TMMBU	A		2,666.55	5,777.53	69,330.30	33.3319
			B		2,799.87	6,066.39	72,796.62	34.9984
			C		2,939.85	6,369.68	76,436.10	36.7481
			D		3,086.84	6,688.16	80,257.84	38.5855
			E		3,241.18	7,022.56	84,270.68	40.5148
1108	Cultural Arts Commissioner			Stipend $50.00 per meeting				
3525	Cultural Arts Manager - Performing Arts*	TMMBU	A		3,517.33	7,620.89	91,450.58	43.9666
			B		3,693.20	8,001.94	96,023.20	46.1650
			C		3,877.86	8,402.03	100,824.36	48.4733
			D		4,071.75	8,822.13	105,865.50	50.8969
			E		4,275.34	9,263.24	111,158.84	53.4418
3524	Cultural Arts Manager - Visual Arts*	TMMBU	A		3,517.33	7,620.89	91,450.58	43.9666
			B		3,693.20	8,001.94	96,023.20	46.1650
			C		3,877.86	8,402.03	100,824.36	48.4733
			D		4,071.75	8,822.13	105,865.50	50.8969
			E		4,275.34	9,263.24	111,158.84	53.4418
9552	D.A.R.E Officer	LS	A					33.9500
			B					35.6500
			C					37.5300
			D					39.3000
			E					41.2700
2571	Deputy City Attorney I*	CONF	A		4,660.93	10,098.69	121,184.18	58.2616
			B		4,893.98	10,603.63	127,243.48	61.1748
			C		5,138.68	11,133.81	133,605.68	64.2335
			D		5,395.62	11,690.51	140,286.12	67.4453
			E		5,665.39	12,275.02	147,300.14	70.8174
2572	Deputy City Attorney II*	CONF	A		5,127.03	11,108.57	133,302.78	64.0879
			B		5,383.39	11,664.02	139,968.14	67.2924
			C		5,652.56	12,247.22	146,966.56	70.6570
			D		5,935.19	12,859.58	154,314.94	74.1899
			E		6,231.94	13,502.54	162,030.44	77.8993

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4116	Deputy City Clerk	TTSSEA	A		2,710.15	5,872.00	70,463.90	33.8769
			B		2,845.66	6,165.60	73,987.16	35.5708
			C		2,987.93	6,473.85	77,686.18	37.3491
			D		3,137.35	6,797.60	81,571.10	39.2169
			E		3,294.20	7,137.44	85,649.20	41.1775
1515	Development & Engineering Services Director*	DH	Min		6,937.39	15,031.02	180372.19	86.7174
			Max		8,430.97	18,267.11	219205.26	105.3871
2561	Division Manager I*	CONF	A		4,000.72	8,668.23	104,018.72	50.0090
			B		4,200.77	9,101.67	109,220.02	52.5096
			C		4,410.81	9,556.76	114,681.06	55.1351
			D		4,631.34	10,034.57	120,414.84	57.8918
			E		4,862.89	10,536.27	126,435.14	60.7861
3161	Division Manager I*	TMMBU	A		3,903.91	8,458.48	101,501.66	48.7989
			B		4,099.11	8,881.41	106,576.86	51.2389
			C		4,304.07	9,325.49	111,905.82	53.8009
			D		4,519.27	9,791.76	117,501.02	56.4909
			E		4,745.23	10,281.34	123,375.98	59.3154
3162	Division Manager II*	TMMBU	A		4,550.42	9,859.25	118,310.92	56.8803
			B		4,777.94	10,352.21	124,226.44	59.7243
			C		5,016.84	10,869.82	130,437.84	62.7105
			D		5,267.67	11,413.29	136,959.42	65.8459
			E		5,531.05	11,983.95	143,807.30	69.1381
3209	Economic Devel Management Analyst*	TMMBU	A		3,400.57	7,367.91	88,414.82	42.5071
			B		3,570.60	7,736.30	92,835.60	44.6325
			C		3,749.13	8,123.12	97,477.38	46.8641
			D		3,936.59	8,529.28	102,351.34	49.2074
			E		4,133.43	8,955.77	107,469.18	51.6679
3207	Economic Development Manager*	TMMBU	A		4,203.39	9,107.35	109,288.14	52.5424
			B		4,413.55	9,562.70	114,752.30	55.1694
			C		4,634.23	10,040.84	120,489.98	57.9279
			D		4,865.94	10,542.87	126,514.44	60.8243
			E		5,109.23	11,070.00	132,839.98	63.8654
5324	Electrician	TEAMSTERS	A		2,927.96	6,343.92	76,126.96	36.5995
			B		3,074.40	6,661.20	79,934.40	38.4300
			C		3,228.10	6,994.22	83,930.60	40.3513
			D		3,389.50	7,343.92	88,127.00	42.3688
			E		3,558.97	7,711.11	92,533.22	44.4871
3711	Emergency Medical Services Manager*	TMMBU	A		3,787.56	8,206.38	98,476.56	47.3445
			B		3,976.93	8,616.69	103,400.18	49.7116
			C		4,175.78	9,047.53	108,570.28	52.1973
			D		4,384.58	9,499.93	113,999.08	54.8073
			E		4,603.79	9,974.88	119,698.54	57.5474

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City of Tracy
Master Salary Schedule

Effective 07-01-2020

Class Code	Position Title	Unit		Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
3309	Engineering Program Manager*	TMMBU	A		4,554.08	9,867.18	118,406.08	56.9260
			B		4,781.78	10,360.53	124,326.28	59.7723
			C		5,020.87	10,878.56	130,542.62	62.7609
			D		5,271.92	11,422.50	137,069.92	65.8990
			E		5,535.51	11,993.61	143,923.26	69.1939
5221	Engineering Technician I	TEAMSTERS	A		2,563.42	5,554.08	66,648.92	32.0428
			B		2,691.58	5,831.76	69,981.08	33.6448
			C		2,826.16	6,123.35	73,480.16	35.3270
			D		2,967.47	6,429.52	77,154.22	37.0934
			E		3,115.85	6,751.01	81,012.10	38.9481
5225	Engineering Technician II	TEAMSTERS	A		2,691.59	5,831.78	69,981.34	33.6449
			B		2,826.17	6,123.37	73,480.42	35.3271
			C		2,967.49	6,429.57	77,154.74	37.0936
			D		3,115.88	6,751.08	81,012.88	38.9485
			E		3,271.64	7,088.56	85,062.64	40.8955
5425	Environmental Compliance Officer	TEAMSTERS	A		2,616.40	5,668.87	68,026.40	32.7050
			B		2,747.21	5,952.29	71,427.46	34.3401
			C		2,884.55	6,249.86	74,998.30	36.0569
			D		3,028.79	6,562.38	78,748.54	37.8599
			E		3,180.24	6,890.52	82,686.24	39.7530
5424	Environmental Compliance Technician	TEAMSTERS	A		2,133.74	4,623.11	55,477.24	26.6718
			B		2,240.44	4,854.29	58,251.44	28.0055
			C		2,352.44	5,096.96	61,163.44	29.4055
			D		2,470.06	5,351.80	64,221.56	30.8758
			E		2,593.59	5,619.45	67,433.34	32.4199
5313	Equipment Mechanic I	TEAMSTERS	A		2,355.85	5,104.35	61,252.10	29.4481
			B		2,473.64	5,359.56	64,314.64	30.9205
			C		2,597.32	5,627.53	67,530.32	32.4665
			D		2,727.18	5,908.89	70,906.68	34.0898
			E		2,863.54	6,204.34	74,452.04	35.7943
5314	Equipment Mechanic II	TEAMSTERS	A		2,473.63	5,359.54	64,314.38	30.9204
			B		2,597.32	5,627.53	67,530.32	32.4665
			C		2,727.17	5,908.87	70,906.42	34.0896
			D		2,863.54	6,204.34	74,452.04	35.7943
			E		3,006.71	6,514.54	78,174.46	37.5839
4108	Executive Assistant	TTSSEA	A		2,484.71	5,383.54	64,602.46	31.0589
			B		2,608.94	5,652.71	67,832.44	32.6118
			C		2,739.39	5,935.35	71,224.14	34.2424
			D		2,876.37	6,232.14	74,785.62	35.9546
			E		3,020.18	6,543.73	78,524.68	37.7523
8108	Executive Assistant - Confidential	CONF	A		2,546.33	5,517.05	66,204.58	31.8291
			B		2,673.65	5,792.91	69,514.90	33.4206
			C		2,807.33	6,082.55	72,990.58	35.0916
			D		2,947.69	6,386.67	76,639.94	36.8461
			E		3,095.08	6,706.01	80,472.08	38.6885

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City of Tracy
Master Salary Schedule

Effective 07-01-2020

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2581	Executive Assistant to City Manager	CONF	A		2,908.08	6,300.84	75,610.08	36.3510
			B		3,053.48	6,615.88	79,390.48	38.1685
			C		3,206.15	6,946.66	83,359.90	40.0769
			D		3,366.47	7,294.02	87,528.22	42.0809
			E		3,534.78	7,658.69	91,904.28	44.1848
9635	Facility Attendant	LS	A					17.1600
			B					18.0200
			C					18.9200
			D					19.8600
			E					20.8600
1522	Finance Director*	DH	Min		6,472.60	14,023.97	168287.60	80.9075
			Max		7,861.15	17,032.50	204389.89	98.2644
3715	Fire Battalion Chief*	SCFCOA	A		4,731.38	10,251.33	123,015.88	42.2445
			B		4,967.93	10,763.85	129,166.18	44.3565
			C		5,216.33	11,302.05	135,624.58	46.5744
			D		5,477.15	11,867.16	142,405.90	48.9031
			E		5,751.01	12,460.53	149,526.26	51.3483
7105	Fire Captain	TFFA	A		3,600.44	7,800.96	93,611.44	32.1468
			B		3,780.58	8,191.26	98,295.08	33.7552
			C		3,969.49	8,600.57	103,206.74	35.4419
			D		4,167.96	9,030.58	108,366.96	37.2139
			E		4,376.36	9,482.12	113,785.36	39.0746
1514	Fire Chief*	DH	Min		6937.39	15,031.02	180372.19	86.7174
			Max		8430.97	18,267.11	219205.26	105.3871
2751	Fire Division Chief*	CONF	A		5669.61	12,284.16	147,409.86	70.8701
			B		5953.08	12,898.34	154,780.08	74.4135
			C		6250.75	13,543.30	162,519.50	78.1344
			D		6563.29	14,220.47	170,645.54	82.0411
			E		6891.46	14,931.50	179,177.96	86.1433
7103	Fire Engineer	TFFA	A		3168.79	6,865.72	82,388.54	28.2928
			B		3327.20	7,208.94	86,507.20	29.7071
			C		3493.58	7,569.43	90,833.08	31.1927
			D		3668.26	7,947.90	95,374.76	32.7523
			E		3851.68	8,345.31	100,143.68	34.3900
5213	Fire Inspector	TEAMSTERS	A		3055.57	6,620.41	79,444.82	38.1946
			B		3208.36	6,951.45	83,417.36	40.1045
			C		3368.79	7,299.05	87,588.54	42.1099
			D		3537.21	7,663.96	91,967.46	44.2151
			E		3714.08	8,047.18	96,566.08	46.4260
2752	Fire Marshal*	CONF	A		4980.03	10,790.07	129,480.78	62.2504
			B		5229.02	11,329.55	135,954.52	65.3628
			C		5490.48	11,896.04	142,752.48	68.6310
			D		5765.01	12,490.86	149,890.26	72.0626
			E		6053.25	13,115.38	157,384.50	75.6656

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City of Tracy
Master Salary Schedule

Effective 07-01-2020

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9563	Fire Reserve	LS	A					13.0000
								13.6500
								14.3300
								15.0500
								15.8000
7102	Firefighter	TFFA	A		2807.31	6,082.51	72,990.06	25.0653
			B		2947.65	6,386.58	76,638.90	26.3183
			C		3095.05	6,705.95	80,471.30	27.6344
			D		3249.79	7,041.22	84,494.54	29.0160
			E		3412.28	7,393.28	88,719.28	30.4668
					426.54	Paramedic Pay (per pay period)		
9565	Firefighter Trainee	LS	A					24.5600
					(70% OF STEP A, FIREFIGHTER)			
7108	Firefighter/Paramedic	TFFA	A		3158.38	6,843.16	82,117.88	28.1998
			B		3316.30	7,185.32	86,223.80	29.6098
			C		3482.12	7,544.60	90,535.12	31.0904
			D		3656.22	7,921.81	95,061.72	32.6448
			E		3839.04	8,317.92	99,815.04	34.2771
3404	Fleet Supervisor*	TMMBU	A		3274.33	7,094.39	85,132.58	40.9291
			B		3438.03	7,449.07	89,388.78	42.9754
			C		3609.93	7,821.52	93,858.18	45.1241
			D		3790.43	8,212.60	98,551.18	47.3804
			E		3979.94	8,623.21	103,478.44	49.7493
4206	GIS Technician	TTSSEA	A		2752.79	5,964.38	71,572.54	34.4099
			B		2890.43	6,262.60	75,151.18	36.1304
			C		3034.96	6,575.75	78,908.96	37.9370
			D		3186.71	6,904.54	82,854.46	39.8339
			E		3346.03	7,249.74	86,996.78	41.8254
2511	Human Resources Analyst I*	CONF	A		3030.44	6,565.96	78,791.44	37.8805
			B		3181.96	6,894.25	82,730.96	39.7745
			C		3341.04	7,238.92	86,867.04	41.7630
			D		3508.10	7,600.89	91,210.60	43.8513
			E		3683.50	7,980.92	95,771.00	46.0438
2512	Human Resources Analyst II*	CONF	A		3484.90	7,550.62	90,607.40	43.5613
			B		3659.15	7,928.16	95,137.90	45.7394
			C		3842.10	8,324.55	99,894.60	48.0263
			D		4034.21	8,740.79	104,889.46	50.4276
			E		4235.93	9,177.85	110,134.18	52.9491
1518	Human Resources Director*	DH	Min		6472.60	14,023.97	168287.60	80.9075
			Max		7861.15	17,032.49	204389.84	98.2644
2562	Human Resources Manager*	CONF	A		4663.26	10,103.73	121,244.76	58.2908
			B		4896.42	10,608.91	127,306.92	61.2053
			C		5141.25	11,139.38	133,672.50	64.2656
			D		5398.31	11,696.34	140,356.06	67.4789
			E		5668.24	12,281.19	147,374.24	70.8530

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4301	Human Resources Technician	CONF	A		2585.72	5,602.40	67,228.72	32.3215
			B		2715.01	5,882.53	70,590.26	33.9376
			C		2850.76	6,176.65	74,119.76	35.6345
			D		2993.30	6,485.49	77,825.80	37.4163
			E		3142.96	6,809.75	81,716.96	39.2870
4204	Information Systems Technician I	TTSSEA	A		2393.74	5,186.44	62,237.24	29.9218
			B		2513.43	5,445.77	65,349.18	31.4179
			C		2639.11	5,718.08	68,616.86	32.9889
			D		2771.06	6,003.97	72,047.56	34.6383
			E		2909.61	6,304.16	75,649.86	36.3701
4205	Information Systems Technician II	TTSSEA	A		2752.79	5,964.38	71,572.54	34.4099
			B		2890.43	6,262.60	75,151.18	36.1304
			C		3034.96	6,575.75	78,908.96	37.9370
			D		3186.71	6,904.54	82,854.46	39.8339
			E		3346.03	7,249.74	86,996.78	41.8254
2553	Information Technology Manager*	CONF	A		4663.26	10,103.73	121,244.76	58.2908
			B		4896.42	10,608.91	127,306.92	61.2053
			C		5141.25	11,139.38	133,672.50	64.2656
			D		5398.31	11,696.34	140,356.06	67.4789
			E		5668.24	12,281.19	147,374.24	70.8530
3111	Information Technology Specialist*	TMMBU	A		3303.36	7,157.28	85,887.36	41.2920
			B		3468.54	7,515.17	90,182.04	43.3568
			C		3641.96	7,890.92	94,690.96	45.5245
			D		3824.05	8,285.45	99,425.30	47.8006
			E		4015.25	8,699.71	104,396.50	50.1906
5413	Instrumentation Technician	TEAMSTERS	A		2917.37	6,320.97	75,851.62	36.4671
			B		3063.24	6,637.02	79,644.24	38.2905
			C		3216.41	6,968.89	83,626.66	40.2051
			D		3377.21	7,317.29	87,807.46	42.2151
			E		3546.08	7,683.18	92,198.08	44.3260
9108	Intern-Generalist	LS	A					17.8100
			B					18.7000
			C					19.6400
			D					20.6200
			E					21.6500
5224	Junior Engineer	TEAMSTERS	A		2960.33	6,414.05	76,968.58	37.0041
			B		3108.34	6,734.74	80,816.84	38.8543
			C		3263.75	7,071.46	84,857.50	40.7969
			D		3426.94	7,425.04	89,100.44	42.8368
			E		3598.29	7,796.30	93,555.54	44.9786
5423	Laboratory Quality Assurance Officer	TEAMSTERS	A		2747.28	5,952.44	71,429.28	34.3410
			B		2884.66	6,250.10	75,001.16	36.0583
			C		3028.89	6,562.60	78,751.14	37.8611
			D		3180.33	6,890.72	82,688.58	39.7541
			E		3339.35	7,235.26	86,823.10	41.7419

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5421	Laboratory Technician I	TEAMSTERS	A		2326.19	5,040.08	60,480.94	29.0774
			B		2442.49	5,292.07	63,504.74	30.5311
			C		2564.63	5,556.70	66,680.38	32.0579
			D		2692.85	5,834.51	70,014.10	33.6606
			E		2827.49	6,126.23	73,514.74	35.3436
5422	Laboratory Technician II	TEAMSTERS	A		2431.11	5,267.41	63,208.86	30.3889
			B		2552.66	5,530.77	66,369.16	31.9083
			C		2680.30	5,807.32	69,687.80	33.5038
			D		2814.31	6,097.68	73,172.06	35.1789
			E		2955.02	6,402.55	76,830.52	36.9378
3508	Landscape Architect*	TMMBU	A		3740.63	8,104.70	97,256.38	46.7579
			B		3927.66	8,509.93	102,119.16	49.0958
			C		4124.04	8,935.42	107,225.04	51.5505
			D		4330.24	9,382.19	112,586.24	54.1280
			E		4546.77	9,851.34	118,216.02	56.8346
4109	Legal Secretary	CONF	A		2777.36	6,017.62	72,211.36	34.7170
			B		2916.22	6,318.48	75,821.72	36.4528
			C		3062.04	6,634.42	79,613.04	38.2755
			D		3215.15	6,966.16	83,593.90	40.1894
			E		3375.90	7,314.45	87,773.40	42.1988
9636	Lifeguard	LS	A					13.0000
			B					13.6500
			C					14.3300
			D					15.0500
			E					15.8000
9303	Maintenance Aide	LS	A					14.5600
			B					15.2900
			C					16.0500
			D					16.8600
			E					17.7000
5301	Maintenance Worker I	TEAMSTERS	A		1733.98	3,756.96	45,083.48	21.6748
			B		1820.69	3,944.83	47,337.94	22.7586
			C		1911.72	4,142.06	49,704.72	23.8965
			D		2007.30	4,349.15	52,189.80	25.0913
			E		2107.67	4,566.62	54,799.42	26.3459
5303	Maintenance Worker II	TEAMSTERS	A		2202.49	4,772.07	57,264.74	27.5311
			B		2312.61	5,010.66	60,127.86	28.9076
			C		2428.23	5,261.17	63,133.98	30.3529
			D		2549.64	5,524.22	66,290.64	31.8705
			E		2677.12	5,800.43	69,605.12	33.4640
3151	Management Analyst I*	TMMBU	A		2957.10	6,407.05	76,884.60	36.9638
			B		3104.94	6,727.37	80,728.44	38.8118
			C		3260.19	7,063.75	84,764.94	40.7524
			D		3423.19	7,416.92	89,002.94	42.7899
			E		3594.36	7,787.78	93,453.36	44.9295

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3152	Management Analyst II*	TMMBU	A		3400.57	7,367.91	88,414.82	42.5071
			B		3570.60	7,736.30	92,835.60	44.6325
			C		3749.13	8,123.12	97,477.38	46.8641
			D		3936.59	8,529.28	102,351.34	49.2074
			E		4133.43	8,955.77	107,469.18	51.6679
1101	Mayor*				316.15	684.99	8,219.90	
4207	Media Services Coordinator	TTSSEA	A		2432.34	5,270.07	63,240.84	30.4043
			B		2553.97	5,533.61	66,403.22	31.9246
			C		2681.66	5,810.27	69,723.16	33.5208
			D		2815.74	6,100.77	73,209.24	35.1968
			E		2956.52	6,405.80	76,869.52	36.9565
3527	Media Services Supervisor*	TMMBU	A		2919.91	6,326.48	75,917.66	36.4989
			B		3065.92	6,642.83	79,713.92	38.3240
			C		3219.21	6,974.96	83,699.46	40.2401
			D		3380.17	7,323.71	87,884.42	42.2521
			E		3549.19	7,689.92	92,278.94	44.3649
5531	Meter Reader	TEAMSTERS	A		1502.47	3,255.36	39,064.22	18.7809
			B		1577.58	3,418.09	41,017.08	19.7198
			C		1656.47	3,589.02	43,068.22	20.7059
			D		1739.28	3,768.44	45,221.28	21.7410
			E		1826.25	3,956.88	47,482.50	22.8281
1107	Parks Commissioner			Stipend of $50.00 per meeting				
1516	Parks & Community Services Director*	DH	Min		6472.60	14,023.96	168,287.50	80.9075
			Max		7861.15	17,032.50	204,389.89	98.2644
3509	Parks Planning & Development Manager	TMMBU	A		3740.63	8,104.70	97,256.38	46.7579
			B		3927.66	8,509.93	102,119.16	49.0958
			C		4124.04	8,935.42	107,225.04	51.5505
			D		4330.24	9,382.19	112,586.24	54.1280
			E		4546.77	9,851.34	118,216.02	56.8346
4202	Payroll Coordinator	TTSSEA	A		2932.35	6,353.43	76,241.10	36.6544
			B		3078.97	6,671.11	80,053.22	38.4871
			C		3232.93	7,004.69	84,056.18	40.4116
			D		3394.58	7,354.93	88,259.08	42.4323
			E		3564.32	7,722.70	92,672.32	44.5540
3306	Plan Check Engineer	TMMBU	A		4553.95	9,866.90	118,402.70	56.9244
			B		4781.65	10,360.25	124,322.90	59.7706
			C		5020.74	10,878.27	130,539.24	62.7593
			D		5271.78	11,422.19	137,066.28	65.8973
			E		5535.37	11,993.31	143,919.62	69.1921
5215	Plan Check Examiner	TEAMSTERS	A		3296.18	7,141.73	85,700.68	41.2023
			B		3461.02	7,498.88	89,986.52	43.2628
			C		3634.06	7,873.80	94,485.56	45.4258
			D		3815.75	8,267.46	99,209.50	47.6969
			E		4006.56	8,680.88	104,170.56	50.0820

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City of Tracy
Master Salary Schedule

Effective 07-01-2020

Class Code	Position Title	Unit		Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
1106	Planning Commissioner			Stipend of $50.00 per meeting				
4506	Planning Technician	TTSSEA	A		2523.14	5,466.81	65,601.64	31.5393
			B		2649.31	5,740.18	68,882.06	33.1164
			C		2781.76	6,027.15	72,325.76	34.7720
			D		2920.86	6,328.53	75,942.36	36.5108
			E		3066.91	6,644.98	79,739.66	38.3364
5411	Plant Mechanic I	TEAMSTERS	A		2657.37	5,757.64	69,091.62	33.2171
			B		2790.23	6,045.50	72,545.98	34.8779
			C		2929.74	6,347.77	76,173.24	36.6218
			D		3076.23	6,665.17	79,981.98	38.4529
			E		3230.04	6,998.42	83,981.04	40.3755
5412	Plant Mechanic II	TEAMSTERS	A		2723.78	5,901.53	70,818.28	34.0473
			B		2859.98	6,196.63	74,359.48	35.7498
			C		3002.98	6,506.46	78,077.48	37.5373
			D		3153.11	6,831.74	81,980.86	39.4139
			E		3310.77	7,173.34	86,080.02	41.3846
4601	Police Assistant	TTSSEA	A		1839.75	3,986.13	47,833.50	22.9969
			B		1931.75	4,185.46	50,225.50	24.1469
			C		2028.33	4,394.72	52,736.58	25.3541
			D		2129.74	4,614.44	55,373.24	26.6218
			E		2236.25	4,845.21	58,142.50	27.9531
6212	Police Captain*	TPMA	A		5731.63	12,418.54	149,022.38	71.6454
			B		6018.22	13,039.48	156,473.72	75.2278
			C		6319.12	13,691.43	164,297.12	78.9890
			D		6635.08	14,376.01	172,512.08	82.9385
			E		6966.86	15,094.87	181,138.36	87.0858
1513	Police Chief*	DH	Min		7369.94	15,968.21	191618.51	92.1243
			Max		8958.24	19,409.53	232914.34	111.9780
6103	Police Corporal	TPOA	A	3,946.48		7,892.96	94,715.52	45.5346
			B	4,143.82		8,287.64	99,451.68	47.8115
			C	4,351.01		8,702.02	104,424.24	50.2020
			D	4,568.57		9,137.14	109,645.68	52.7122
			E	4,796.99		9,593.98	115,127.76	55.3478
9501	Police Intern/Parking Enforcement Officer	LS	A					16.9000
			B					17.7500
			C					18.6300
			D					19.5600
			E					20.5400
6211	Police Lieutenant*	TPMA	A		4960.59	10,747.95	128,975.34	62.0074
			B		5208.61	11,285.33	135,423.86	65.1076
			C		5469.06	11,849.63	142,195.56	68.3633
			D		5742.50	12,442.09	149,305.00	71.7813
			E		6029.62	13,064.18	156,770.12	75.3703

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City of Tracy
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6102	Police Officer	TPOA	A	3,587.71		7,175.42	86,105.04	41.3951
			B	3,767.10		7,534.20	90,410.40	43.4649
			C	3,955.46		7,910.92	94,931.04	45.6382
			D	4,153.25		8,306.50	99,678.00	47.9203
			E	4,360.90		8,721.80	104,661.60	50.3161
4103	Police Records Assistant I	TTSSEA	A		2073.33	4,492.22	53,906.58	25.9166
			B		2177.01	4,716.86	56,602.26	27.2126
			C		2285.87	4,952.72	59,432.62	28.5734
			D		2400.15	5,200.33	62,403.90	30.0019
			E		2520.16	5,460.35	65,524.16	31.5020
4104	Police Records Assistant II	TTSSEA	A		2176.98	4,716.79	56,601.48	27.2123
			B		2285.85	4,952.68	59,432.10	28.5731
			C		2400.12	5,200.26	62,403.12	30.0015
			D		2520.13	5,460.29	65,523.38	31.5016
			E		2646.14	5,733.31	68,799.64	33.0768
9551	Police Reserve	LS	A					37.8600
6105	Police Sergeant	TPOA	A	4,323.40		8,646.80	103,761.60	49.8835
			B	4,539.59		9,079.18	108,950.16	52.3779
			C	4,766.58		9,533.16	114,397.92	54.9969
			D	5,004.90		10,009.80	120,117.60	57.7466
			E	5,255.16		10,510.32	126,123.84	60.6341
2712	Police Support Operations Manager*	CONF	A		5278.14	11,435.97	137,231.64	65.9768
			B		5542.05	12,007.78	144,093.30	69.2756
			C		5819.14	12,608.14	151,297.64	72.7393
			D		6110.09	13,238.53	158,862.34	76.3761
			E		6415.60	13,900.47	166,805.60	80.1950
4701	Police Support Services Technician	TTSSEA	A		2523.14	5,466.81	65,601.64	31.5393
			B		2649.31	5,740.18	68,882.06	33.1164
			C		2781.76	6,027.15	72,325.76	34.7720
			D		2920.86	6,328.53	75,942.36	36.5108
			E		3066.91	6,644.98	79,739.66	38.3364
6101	Police Trainee (Non-Sworn)	TPOA	A	3,119.65		6,239.30	74,871.60	35.9946
9638	Pool Manager	LS	A					18.4700
			B					19.3900
			C					20.3600
			D					21.3800
			E					22.4500
5408	Principal WWTP Operator	TEAMSTERS	A		3499.92	7,583.16	90,997.92	43.7490
			B		3674.91	7,962.31	95,547.66	45.9364
			C		3858.67	8,360.46	100,325.42	48.2334
			D		4051.60	8,778.47	105,341.60	50.6450
			E		4254.17	9,217.37	110,608.42	53.1771

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9533	Professional Standards Officer	LS	A					48.5000
			B					50.9200
			C					53.4700
			D					56.1400
			E					58.9500
9110	Program Assistant	LS	Min					13.0000
			Max					22.3800
9231	Project Specialist I	LS	Min					13.0000
			Max					43.3500
9232	Project Specialist II	LS	Min					43.3600
			Max					122.2000
5518	Property and Evidence Technician	TEAMSTERS	A		2236.01	4,844.69	58,136.26	27.9501
			B		2347.80	5,086.90	61,042.80	29.3475
			C		2465.20	5,341.27	64,095.20	30.8150
			D		2588.47	5,608.36	67,300.22	32.3559
			E		2717.87	5,888.72	70,664.62	33.9734
2585	Public Information Officer	CONF	A		3484.90	7,550.62	90,607.40	43.5613
			B		3659.15	7,928.16	95,137.90	45.7394
			C		3842.10	8,324.55	99,894.60	48.0263
			D		4034.21	8,740.79	104,889.46	50.4276
			E		4235.93	9,177.85	110,134.18	52.9491
5502	Public Safety Dispatcher I	TEAMSTERS	A		2583.24	5,597.02	67,164.24	32.2905
			B		2712.39	5,876.85	70,522.14	33.9049
			C		2848.01	6,170.69	74,048.26	35.6001
			D		2990.41	6,479.23	77,750.66	37.3801
			E		3139.95	6,803.23	81,638.70	39.2494
9512	Public Safety Dispatcher II - Per Diem	LS	A					30.9100
			B					32.4600
			C					34.0800
			D					35.7800
			E					37.5700
5503	Public Safety Dispatcher II	TEAMSTERS	A		2834.02	6,140.38	73,684.52	35.4253
			B		2975.71	6,447.38	77,368.46	37.1964
			C		3124.50	6,769.75	81,237.00	39.0563
			D		3280.73	7,108.25	85,298.98	41.0091
			E		3444.77	7,463.67	89,564.02	43.0596
5504	Public Safety Dispatcher - Lead	TEAMSTERS	A		2975.71	6,447.38	77,368.46	37.1964
			B		3124.50	6,769.75	81,237.00	39.0563
			C		3280.73	7,108.25	85,298.98	41.0091
			D		3444.77	7,463.67	89,564.02	43.0596
			E		3617.02	7,836.88	94,042.52	45.2128
1512	Public Works Director*	DH	Min		6472.60	14,023.96	168287.50	80.9075
			Max		7861.15	17,032.50	204389.89	98.2644

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3401	Public Works Superintendent*	TMMBU	A		3929.74	8,514.44	102,173.24	49.1218
			B		4126.23	8,940.17	107,281.98	51.5779
			C		4332.54	9,387.17	112,646.04	54.1568
			D		4549.17	9,856.54	118,278.42	56.8646
			E		4776.62	10,349.35	124,192.12	59.7078
3405	Public Works Supervisor	TMMBU	A		3274.33	7,094.39	85,132.58	40.9291
			B		3438.03	7,449.07	89,388.78	42.9754
			C		3609.93	7,821.52	93,858.18	45.1241
			D		3790.43	8,212.60	98,551.18	47.3804
			E		3979.94	8,623.21	103,478.44	49.7493
9517	Range Master	LS	A					29.1000
			B					30.5500
			C					32.0800
			D					33.6800
			E					35.3700
4105	Receptionist	TTSSEA	A		1672.50	3,623.75	43,485.00	20.9063
			B		1756.12	3,804.93	45,659.12	21.9515
			C		1843.93	3,995.19	47,942.18	23.0491
			D		1936.14	4,194.97	50,339.64	24.2018
			E		2032.94	4,404.71	52,856.44	25.4118
3626	Records Unit Supervisor*	TMMBU	A		2971.80	6,438.90	77,266.80	37.1475
			B		3120.40	6,760.87	81,130.40	39.0050
			C		3276.41	7,098.89	85,186.66	40.9551
			D		3440.24	7,453.86	89,446.24	43.0030
			E		3612.23	7,826.50	93,917.98	45.1529
9631	Recreation Leader I	LS	A					13.0000
			B					13.6500
			C					14.3300
			D					15.0400
			E					15.8000
9632	Recreation Leader II	LS	A					16.2800
			B					17.1000
			C					17.9500
			D					18.8500
			E					19.7900
9633	Recreation Leader III	LS	A					18.4700
			B					19.3900
			C					20.3600
			D					21.3800
			E					22.4500
4401	Recreation Prgm Coordinator I	TTSSEA	A		2432.34	5,270.07	63,240.84	30.4043
			B		2553.97	5,533.61	66,403.22	31.9246
			C		2681.66	5,810.27	69,723.16	33.5208
			D		2815.74	6,100.77	73,209.24	35.1968
			E		2956.52	6,405.80	76,869.52	36.9565

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4402	Recreation Prgm Coordinator II	TTSSEA	A		2675.59	5,797.12	69,565.34	33.4449
			B		2809.37	6,086.97	73,043.62	35.1171
			C		2949.84	6,391.32	76,695.84	36.8730
			D		3097.33	6,710.89	80,530.58	38.7166
			E		3252.17	7,046.37	84,556.42	40.6521
3511	Recreation Service Manager*	TMMBU	A		4046.89	8,768.27	105,219.14	50.5861
			B		4249.23	9,206.67	110,479.98	53.1154
			C		4461.70	9,667.02	116,004.20	55.7713
			D		4684.79	10,150.38	121,804.54	58.5599
			E		4919.03	10,657.90	127,894.78	61.4879
3513	Recreation Services Program Manager*	TMMBU	A		3869.04	8,382.92	100,595.04	48.3630
			B		4062.50	8,802.09	105,625.00	50.7813
			C		4265.62	9,242.18	110,906.12	53.3203
			D		4478.91	9,704.31	116,451.66	55.9864
			E		4702.85	10,189.51	122,274.10	58.7856
3505	Recreation Services Supervisor*	TMMBU	A		3517.32	7,620.86	91,450.32	43.9665
			B		3693.19	8,001.92	96,022.94	46.1649
			C		3877.85	8,402.01	100,824.10	48.4731
			D		4071.74	8,822.11	105,865.24	50.8968
			E		4275.32	9,263.20	111,158.32	53.4415
9626	Recreation Specialized Instructor	LS	Min					13.0000
			Max					46.1100
3433	Safety Coordinator	TMMBU	A		2957.10	6,407.05	76,884.60	36.9638
			B		3104.94	6,727.37	80,728.44	38.8118
			C		3260.19	7,063.75	84,764.94	40.7524
			D		3423.19	7,416.92	89,002.94	42.7899
			E		3594.36	7,787.78	93,453.36	44.9295
3105	Senior Accountant*	TMMBU	A		3655.15	7,919.50	95,033.90	45.6894
			B		3837.91	8,315.48	99,785.66	47.9739
			C		4029.81	8,731.26	104,775.06	50.3726
			D		4231.30	9,167.82	110,013.80	52.8913
			E		4442.87	9,626.22	115,514.62	55.5359
4113	Senior Accounting Assistant	TTSSEA	A		2261.39	4,899.68	58,796.14	28.2674
			B		2374.46	5,144.67	61,735.96	29.6808
			C		2493.18	5,401.89	64,822.68	31.1648
			D		2617.85	5,672.01	68,064.10	32.7231
			E		2748.73	5,955.59	71,466.98	34.3591
5323	Senior Building Maintenance Worker	TEAMSTERS	A		2486.09	5,386.53	64,638.34	31.0761
			B		2610.38	5,655.83	67,869.88	32.6298
			C		2740.89	5,938.60	71,263.14	34.2611
			D		2877.95	6,235.56	74,826.70	35.9744
			E		3021.86	6,547.37	78,568.36	37.7733

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5325	Senior Electrician	TEAMSTERS	A		3220.76	6,978.32	83,739.76	40.2595
			B		3381.81	7,327.26	87,927.06	42.2726
			C		3550.91	7,693.64	92,323.66	44.3864
			D		3728.44	8,078.29	96,939.44	46.6055
			E		3914.86	8,482.20	101,786.36	48.9358
3304	Senior Engineer*	TMMBU	A		4554.08	9,867.18	118,406.08	56.9260
			B		4781.78	10,360.53	124,326.28	59.7723
			C		5020.87	10,878.56	130,542.62	62.7609
			D		5271.92	11,422.50	137,069.92	65.8990
			E		5535.51	11,993.61	143,923.26	69.1939
5315	Senior Equipment Mechanic	TEAMSTERS	A		2597.33	5,627.55	67,530.58	32.4666
			B		2727.18	5,908.89	70,906.68	34.0898
			C		2863.55	6,204.36	74,452.30	35.7944
			D		3006.72	6,514.56	78,174.72	37.5840
			E		3157.06	6,840.30	82,083.56	39.4633
2513	Senior Human Resources Analyst*	CONF	A		3820.04	8,276.76	99,321.04	47.7505
			B		4011.04	8,690.59	104,287.04	50.1380
			C		4211.59	9,125.12	109,501.34	52.6449
			D		4422.18	9,581.39	114,976.68	55.2773
			E		4643.29	10,060.47	120,725.54	58.0411
4208	Senior Information Systems Technician	TTSSEA	A		3028.06	6,560.80	78,729.56	37.8508
			B		3179.47	6,888.86	82,666.22	39.7434
			C		3338.45	7,233.31	86,799.70	41.7306
			D		3505.37	7,594.97	91,139.62	43.8171
			E		3680.63	7,974.70	95,696.38	46.0079
9637	Senior Lifeguard	LS	A					16.2800
			B					17.1000
			C					17.9500
			D					18.8500
			E					19.7900
5305	Senior Maintenance Worker	TEAMSTERS	A		2424.71	5,253.54	63,042.46	30.3089
			B		2545.92	5,516.16	66,193.92	31.8240
			C		2673.22	5,791.98	69,503.72	33.4153
			D		2806.89	6,081.60	72,979.14	35.0861
			E		2947.22	6,385.65	76,627.72	36.8403
3203	Senior Planner*	TMMBU	A		3903.90	8,458.45	101,501.40	48.7988
			B		4099.10	8,881.39	106,576.60	51.2388
			C		4304.06	9,325.47	111,905.56	53.8008
			D		4519.26	9,791.73	117,500.76	56.4908
			E		4745.22	10,281.31	123,375.72	59.3153
5402	Senior Water Plant Operator	TEAMSTERS	A		3047.50	6,602.92	79,235.00	38.0938
			B		3199.88	6,933.08	83,196.88	39.9985
			C		3359.88	7,279.74	87,356.88	41.9985
			D		3527.87	7,643.72	91,724.62	44.0984
			E		3704.26	8,025.90	96,310.76	46.3033

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5407	Senior WW Plant Operator	TEAMSTERS	A		2860.38	6,197.49	74,369.88	35.7548
			B		3003.37	6,507.31	78,087.62	37.5421
			C		3153.55	6,832.70	81,992.30	39.4194
			D		3311.24	7,174.36	86,092.24	41.3905
			E		3476.81	7,533.09	90,397.06	43.4601
3343	Supervising Building & Fire Inspector	TMMBU	A		3495.11	7,572.74	90,872.86	43.6889
			B		3669.86	7,951.37	95,416.36	45.8733
			C		3853.36	8,348.95	100,187.36	48.1670
			D		4046.03	8,766.40	105,196.78	50.5754
			E		4248.33	9,204.72	110,456.58	53.1041
3345	Supervising Construction Inspector	TMMBU	A		3643.21	7,893.63	94,723.46	45.5401
			B		3825.38	8,288.33	99,459.88	47.8173
			C		4016.65	8,702.75	104,432.90	50.2081
			D		4217.47	9,137.86	109,654.22	52.7184
			E		4428.34	9,594.74	115,136.84	55.3543
3344	Supervising Plans Examiner*	TMMBU	A		3427.59	7,426.45	89,117.34	42.8449
			B		3598.96	7,797.75	93,572.96	44.9870
			C		3778.92	8,187.66	98,251.92	47.2365
			D		3967.86	8,597.03	103,164.36	49.5983
			E		4166.26	9,026.90	108,322.76	52.0783
3523	Technical Theatre Supervisor*	TMMBU	A		2919.91	6,326.48	75,917.66	36.4989
			B		3065.92	6,642.83	79,713.92	38.3240
			C		3219.21	6,974.96	83,699.46	40.2401
			D		3380.17	7,323.71	87,884.42	42.2521
			E		3549.19	7,689.92	92,278.94	44.3649
4461	Theatre Operations & Tech Asst	TTSSEA	A		2042.58	4,425.59	53,107.08	25.5323
			B		2144.70	4,646.85	55,762.20	26.8088
			C		2251.94	4,879.21	58,550.44	28.1493
			D		2364.53	5,123.15	61,477.78	29.5566
			E		2482.75	5,379.30	64,551.50	31.0344
9361	Theatre Technician	LS	A					27.7300
			B					29.1200
			C					30.5700
			D					32.1000
			E					33.7100
1109	Transportation Commissioner			Stipend $50.00 per meeting				
3423	Treatment Plant Facilities Maintenance Superintendent*	TMMBU	A		4077.99	8,835.65	106,027.74	50.9749
			B		4281.88	9,277.41	111,328.88	53.5235
			C		4495.97	9,741.27	116,895.22	56.1996
			D		4720.78	10,228.36	122,740.28	59.0098
			E		4956.81	10,739.76	128,877.06	61.9601
3410	Treatment Plant Facilities Maintenance Supervisor	TMMBU	A		3398.31	7,363.01	88,356.06	42.4789
			B		3568.23	7,731.17	92,773.98	44.6029
			C		3746.64	8,117.72	97,412.64	46.8330
			D		3933.98	8,523.63	102,283.48	49.1748
			E		4130.68	8,949.81	107,397.68	51.6335

Employees marked with an * (asterisk) are salaried
Employees are paid semi-monthly

City of Tracy
Master Salary Schedule

Effective 07-01-2020

Class Code	Position Title	Unit		Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
1520	Utilities Director*	DH	Min		6937.39	15,031.02	180372.19	86.7174
			Max		8430.97	18,267.11	219205.26	105.3871
3424	Utilities Laboratory Supervisor*	TMMBU	A		3670.21	7,952.13	95,425.46	45.8776
			B		3853.71	8,349.71	100,196.46	48.1714
			C		4046.39	8,767.18	105,206.14	50.5799
			D		4248.71	9,205.54	110,466.46	53.1089
			E		4461.15	9,665.83	115,989.90	55.7644
3403	Utility Line Maintenance Superintendent*	TMMBU	A		4003.88	8,675.08	104,100.88	50.0485
			B		4204.06	9,108.80	109,305.56	52.5508
			C		4414.27	9,564.26	114,771.02	55.1784
			D		4634.98	10,042.46	120,509.48	57.9373
			E		4866.73	10,544.59	126,534.98	60.8341
5404	Utility Operator	TEAMSTERS	A		3264.21	7,072.46	84,869.46	40.8026
			B		3427.39	7,426.02	89,112.14	42.8424
			C		3598.78	7,797.36	93,568.28	44.9848
			D		3778.72	8,187.23	98,246.72	47.2340
			E		3967.65	8,596.58	103,158.90	49.5956
9351	Water Patrol Aide	LS	A					15.3400
			B					16.1100
			C					16.9100
			D					17.7600
			E					18.6500
5401	Water Plant Operator	TEAMSTERS	A		2785.18	6,034.56	72,414.68	34.8148
			B		2924.43	6,336.27	76,035.18	36.5554
			C		3070.67	6,653.12	79,837.42	38.3834
			D		3224.20	6,985.77	83,829.20	40.3025
			E		3385.44	7,335.12	88,021.44	42.3180
5403	Water Plant Operator-In-Training	TEAMSTERS	A		2307.10	4,998.72	59,984.60	28.8388
			B		2422.47	5,248.69	62,984.22	30.2809
			C		2543.58	5,511.09	66,133.08	31.7948
			D		2670.77	5,786.67	69,440.02	33.3846
			E		2804.30	6,075.99	72,911.80	35.0538
3421	Water Plant Superintendent*	TMMBU	A		4003.88	8,675.08	104,100.88	50.0485
			B		4204.06	9,108.80	109,305.56	52.5508
			C		4414.27	9,564.26	114,771.02	55.1784
			D		4634.98	10,042.46	120,509.48	57.9373
			E		4866.73	10,544.59	126,534.98	60.8341
3431	Water Resources Coordinator*	TMMBU	A		2596.88	5,626.58	67,518.88	32.4610
			B		2726.72	5,907.90	70,894.72	34.0840
			C		2863.06	6,203.30	74,439.56	35.7883
			D		3006.21	6,513.46	78,161.46	37.5776
			E		3156.52	6,839.13	82,069.52	39.4565

Employees marked with an * (asterisk) are salaried
Employees are paid semi-monthly

City of Tracy
Master Salary Schedule

Effective 07-01-2020

Class Code	Position Title	Unit		Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
3422	WW Operations Superintendent*	TMMBU	A		4077.99	8,835.65	106,027.74	50.9749
			B		4281.88	9,277.41	111,328.88	53.5235
			C		4495.97	9,741.27	116,895.22	56.1996
			D		4720.78	10,228.36	122,740.28	59.0098
			E		4956.81	10,739.76	128,877.06	61.9601
5406	WW Plant Operator	TEAMSTERS	A		2608.96	5,652.75	67,832.96	32.6120
			B		2739.41	5,935.39	71,224.66	34.2426
			C		2876.38	6,232.16	74,785.88	35.9548
			D		3020.19	6,543.75	78,524.94	37.7524
			E		3171.20	6,870.94	82,451.20	39.6400
5405	WW Plant Operator-In-Training	TEAMSTERS	A		2165.44	4,691.79	56,301.44	27.0680
			B		2273.72	4,926.40	59,116.72	28.4215
			C		2387.39	5,172.68	62,072.14	29.8424
			D		2506.77	5,431.34	65,176.02	31.3346
			E		2632.10	5,702.89	68,434.60	32.9013

Employees marked with an * (asterisk) are salaried
Employees are paid semi-monthly

RESOLUTION 2020 - _____

AMEND THE CITY OF TRACY MASTER EMPLOYEE PAY SCHEDULE AND THE PAY RATES FOR CITY OF TRACY ESTABLISHED POSITIONS

WHEREAS, The City Council approves the Master Employee Pay Schedule identifying the rate of pay for each City of Tracy classification titles and pay rates, and

WHEREAS, The City Council approves the employment agreements containing the rate of pay for the City Manager and City Attorney, and

WHEREAS, The Public Employees' Retirement Law (PERL) governs the California Public Employees Retirement System, codified in California Code of Regulation Section 570.5, requires City Council approval to modify the rate of pay or classification titles by amending the Master Employee Pay Schedule, and

WHEREAS, the City's Master Employee Pay Schedule is required to accurately reflect the cost of living increase approved in 2018 in accordance with CalPERS regulations.

NOW, THEREFORE, BE IT RESOLVED, That City Council of the City of Tracy hereby amends the City of Tracy Master Employee Pay Schedule, a copy of which is attached to the staff report accompanying this resolution, approving the pay rates for all City of Tracy Established Positions.

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

The foregoing Resolution 2020 - _____ was adopted by the Tracy City Council on the 7th day of July, 2020 by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

_____
MAYOR

ATTEST:

_____
CITY CLERK

July 7, 2020

AGENDA ITEM 1.H

REQUEST

AUTHORIZE THE CITY MANAGER TO SUBMIT AND RECEIVE A PLANNING GRANT APPLICATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT IN COMPLIANCE WITH THE STATE LOCAL EARLY ACTION PLANNING GRANT PROGRAM AND EXECUTE ANY NECESSARY DOCUMENTS RELATED TO THE GRANT

EXECUTIVE SUMMARY

This agenda item is a request to authorize the City Manager to submit a grant application to the California Department of Housing and Community Development for professional planning services and to cover staff costs in accordance with the Local Early Action Planning Grant Program, in an amount up to $300,000. The professional services could apply to housing-related planning activities such as preparation of amendments to City regulations or design standards (e.g. parking, prepare "off-the-shelf" ADU building permit plans, revise the Zoning Ordinance to provide "by-right zoning" for multi-family development in commercial zones, re-zonings to be consistent with the General Plan, or others) to support or encourage residential development. This item also requests that Council authorize the City Manager to execute any contracts and documents related to the grant if the City's application is approved.

DISCUSSION

As part of the 2019-20 Budget Act, the State allocated funds for cities to update policies or regulations that encourage the production of housing. With this allocation, the State Department of Housing and Community Development (HCD) established the Local Early Action Planning (LEAP) Grant Program. LEAP provides one-time grant funding to cities and counties to amend their General Plans, zoning ordinances, or other standards that will facilitate housing production and help local governments implement their Housing Elements.

Activities eligible for funding must demonstrate an increase in housing related planning activities and facilitate accelerated housing production. Eligible activities of LEAP grants include much overlap with SB 2 planning grants and may be used to continue work started with an SB grant. In February 2020, the City of Tracy was awarded an SB 2 grant of $310,000. The maximum amount available to the City of Tracy through the LEAP Grant Program is $300,000. Potential planning activities for funding include the list of 17 City Council workforce and affordable housing items identified in February 2020 and other updates required by the State or of priority to the City. Specific activities include items such as the following:

-prepare a transit-oriented development plan around the downtown/future Valley Link station;
-consider amendment(s) to the Growth Management Ordinance regarding numbers of housing units in the downtown or other areas or provide additional

growth allotments for projects that include a specified percentage of affordable units;
-increase maximum densities in the higher density residential zones, particularly in the downtown or bowtie areas;
-remove minimum lot sizes in favor of floor area ratio and/or units per net acre;
-allow taller building, greater lot coverage and reduced setbacks in moderate- and higher-density zones;
-increase minimum densities in medium density residential zones;
-encourage accessory dwelling units by lessening setback or parking requirements in some areas;
-analyze development potential of vacant or underutilized sites;
-update parking regulations to more in line with parking demands for multi-family development;
-prepare zoning map amendments for residential development to be consistent with the General Plan (required by the City's Housing Element);
-prepare "off-the-shelf" Accessory Dwelling Unit building permit plans;
-amend the Zoning Ordinance to provide "by-right zoning" for multi-family development in Tracy's commercial zones;
-prepare CEQA "pre-clearance" (e.g., Negative Declaration) for multi-family development on one or more vacant, multi-family-zoned sites.

The grant application specifically requires that City Council approve a resolution approving the submittal of the application be provided to HCD (Attachment A). Upon City Council approval of the resolution, staff will submit the grant application and execute any necessary agreements between the City and State. If the grant is approved by the State, the City will use City staff time and seek professional consulting services, as necessary, to prepare General Plan, Tracy Municipal Code, Design Goals and Standards, or other City document amendments for City Council consideration.

STRATEGIC PLAN

This agenda item is not related to any of the Council's Strategic Plans.

FISCAL IMPACT

This agenda item will allow the City to apply for up to $300,000 in grant funding to procure professional planning services and cover City staff costs. The grant does not require a match from the City or elsewhere. Staff time associated with managing the projects and completing grant reporting may be financed through the grant and is not expected to require additional staff hours beyond the normal budgeted scope of duties.

RECOMMENDATION

Staff recommends that the City Council, by resolution, authorize the City Manager to submit a LEAP planning grant application to the California Department of Housing and Community Development in compliance with State LEAP Grant Program and execute any necessary documents related to the grant.

Prepared by: Alan Bell, Senior Planner

Reviewed by: Bill Dean, Assistant Development Services Director
Karin Schnaider, Finance Director
Andrew Malik, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

Attachment A: Resolution

Attachment A

RESOLUTION 2020-_____

AUTHORIZING THE CITY MANAGER TO SUBMIT AND RECEIVE A PLANNING GRANT APPLICATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT IN COMPLIANCE WITH THE STATE LOCAL EARLY ACTION PLANNING GRANT PROGRAM AND EXECUTE ANY NECESSARY DOCUMENTS RELATED TO THE GRANT

WHEREAS, Pursuant to Health and Safety Code 50515 et. Seq, the California Department of Housing and Community Development (Department) is authorized to issue a Notice of Funding Availability (NOFA) as part of the Local Government Planning Support Grants Program (hereinafter referred to by the Department as the Local Early Action Planning Grants program or LEAP), and

WHEREAS, The City Council of the City of Tracy desires to submit a LEAP grant application package ("Application"), on the forms provided by the Department, for approval of grant funding for projects that assist in the preparation and adoption of planning documents and process improvements that accelerate housing production and facilitate compliance to implement the sixth cycle of the regional housing need assessment, and

WHEREAS, The Department has issued a NOFA and Application on January 27, 2020 in the amount of $119,040,000 for assistance to all California Jurisdictions;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy ("Applicant") resolves as follows**:**

SECTION 1. The City Manager is hereby authorized and directed to apply for and submit to the Department the Application package;

SECTION 2. In connection with the LEAP grant, if the Application is approved by the Department, the City Manager of the City of Tracy is authorized to submit the Application, enter into, execute, and deliver on behalf of the Applicant, a State of California Agreement (Standard Agreement) for the amount of $300,000, and any and all other documents required or deemed necessary or appropriate to evidence and secure the LEAP grant, the Applicant's obligations related thereto, and all amendments thereto, and

SECTION 3. The Applicant shall be subject to the terms and conditions as specified in the NOFA, and the Standard Agreement provided by the Department after approval. The Application and any and all accompanying documents are incorporated in full as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the Application will be enforceable through the fully executed Standard Agreement. Pursuant to the NOFA and in conjunction with the terms of the Standard Agreement, the Applicant hereby agrees to use the funds for eligible uses and allowable expenditures in the manner presented and specifically identified in the approved Application.

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

The foregoing Resolution 2020-_____ was adopted by the Tracy City Council on the 7th day of July, 2020, by the following vote:

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

_____
MAYOR

ATTEST:

_____
CITY CLERK

July 7, 2020

AGENDA ITEM 1.I

REQUEST

APPROVE AMENDMENT NO. 2 TO THE MASTER PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TRACY AND GOODWIN CONSULTING GROUP, INC., FOR TAX CONSULTING AND ADMINISTRATION SERVICES FOR SPECIAL FINANCING DISTRICTS TO STIPULATE AN AGREEMENT TERM, AUTHORIZE THE CITY MANAGER TO EXECUTE EXTENSIONS, AND TO INCLUDE A NOT TO EXCEED AMOUNT OF $250,000 PER FISCAL YEAR

EXECUTIVE SUMMARY

The City and Goodwin Consulting Group entered into a Master Professional Services Agreement approved by the City Manager on November 30, 2015 to provide special tax consulting and administration services for infrastructure and service community facilities districts for new development occurring in the City.

Amendment No. 1 to the Agreement was approved by the City Manager on October 3, 2019, changing the agreement title and replacing Exhibits A and B of the Agreement.

The City now desires to amend Section 2 of the Agreement relating to term, to specify a three year term date, with an extension option for an additional three terms of three years each upon authorization of the City Manager, and adding a not to exceed amount of $250,000 per fiscal year to Section 3 relating to compensation.

DISCUSSION

The City engaged Goodwin Consulting Group in November 2015 to provide special tax consulting and administration services for infrastructure and service community facilities districts for new development, assisting the City in performing analyses and formations of special financing districts that fund public infrastructure, pubic services or both.

Goodwin Consulting Group also provides all services needed that are associated with the issuance of bonds and manages the annual administration of all the City's districts.

Services provided to the City include:

- District Cash Flow Analysis
- Rate & Method Apportionments of Special Assessment or Tax
- Preparation of District Boundary Maps
- Review of Legal Documents
- Map & Parcel Research
- Classification of Property
- District Database Management
- Annual Special Assessment or Tax Levy Calculation

- Annual District Administration Report Preparation
- Annual Special Assessment or Tax Enrollment
- Delinquent Special Assessment or Tax Reporting
- Prepayment Calculations (Infrastructure Districts)
- Bond Redemption Administration (Infrastructure Districts)
- Disclosure Regulations Compliance (Infrastructure Districts)
- Arbitrage Rebate Calculations (Infrastructure Districts)

Since 2015, the City has evaluated the services performed by Goodwin and the existing tax consultant, Willdan. Over time, the City has shifted away from services provided by Willdan, as it has received superior services from Goodwin. As a result, in October 2019, the first major amendment was approved by the City Council. The second contract amendment will consolidate all the services performed by Goodwin into a single contract as well as amends the following:

- Section 2, Time of Performance will be amended to include Section 2.1 Term, adding a term that will begin July 1, 2020 and ending on June 30, 2023, unless terminated. The amendment will also allow for the agreement to be extended an additional three terms of three years each by the City Manager following a written determination that the consultant has satisfactorily met all of the requirements of the agreement.

- Section 3 Compensation will be amended to add a specific dollar amount in Section 3.1 Not to Exceed Amount of $250,000 per fiscal year and shall not exceed the amount set forth in each individual Task Order. In addition, no work shall be performed in excess of the total compensation amount.

By amending the Agreement to add current and updated language, it will facilitate an enhanced tracking of expenditures to ensure compliance is being met, while streamlining project delivery.

STRATEGIC PLAN

This agenda item is consistent with the Council adopted Governance Strategy Goal 2 to ensure continued fiscal sustainability through financial and budgetary stewardship.

FISCAL IMPACT

The funding source is primarily collected through tax administration fees and cost recovery agreements from developers. In addition, the Finance department funds forecasting and consulting services through their operations budget.

RECOMMENDATION

That the City Council, by resolution, approve Amendment No. 2 to the Master Professional Services Agreement between the City of Tracy and Goodwin Consulting Group, Inc., for tax consulting and administration services for special financing districts to stipulate a term agreement, authorize the City Manager to execute extensions, and to include a not to exceed amount of $250,000 per fiscal year.

Prepared by: Karin Schnaider, Finance Director

Reviewed by: Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENT

Attachment A - Amendment No. 2 to the Master Professional Services Agreement with Goodwin Consulting Group, Inc., for Tax Consulting and Administration Services for Special Financing Districts

CITY OF TRACY
AMENDMENT NO. 2 TO
MASTER PROFESSIONAL SERVICES AGREEMENT WITH GOODWIN CONSULTING GROUP, INC., FOR TAX CONSULTING AND ADMINISTRATION SERVICES FOR SPECIAL FINANCING DISTRICTS

This Amendment No. 2 (**Amendment**) to the Master Professional Services Agreement for Tax Consulting and Administration Services for Special Financing Districts is entered into between the City of Tracy, a municipal corporation (**City**), and Goodwin Consulting Group, Inc. (**Consultant**). City and Consultant are referred to individually as "**Party**" and collectively as "**Parties**."

Recitals

A. The City and Consultant entered into a Master Professional Services Agreement (**Agreement**) to provide Special Tax Consulting Services and Administration Services for Infrastructure and Services Community Facilities Districts, which was approved by the City Manager on November 30, 2015.

B. Amendment No. 1 to the Agreement was approved by the City Manager on October 3, 2019 changing the agreement title and replacing Exhibits A and B of the Agreement.

C. The City and Consultant desire to amend the Agreement to amend Section 2 relating to the term and Section 3 relating to compensation.

D. This Amendment is being executed pursuant to Resolution No. _____ approved by Tracy City Council on July 7, 2020.

Now therefore, the Parties mutually agree as follows:

1. Incorporation by Reference. This Amendment incorporates by reference all terms set forth in 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.

A. Section 2. Time of Performance and Section 2.1 Term are hereby amended and replaced in their entirety to read as follows:

"**2. <u>Time of Performance</u>.** Time is of the essence in the performance of services under this Agreement and the timing requirements set forth here shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. Consultant shall begin performance, and shall complete all required services no later than the dates set forth in each individual Task Order. Any services for which times for performance are not specified in each individual Task Order shall be started and completed by Consultant in a reasonably prompt and timely manner based upon the circumstances and direction communicated to the Consultant. Consultant shall submit all requests for extensions of time to the City in writing no later than ten days after the start of the condition which purportedly caused the delay, and not later than

the date on which performance is due. City shall grant or deny such requests at its sole discretions

2.1 Term. The term of this Agreement shall begin on July 1, 2020 and end on June 30, 2023, unless terminated in accordance with Section 6. This Agreement may be extended for an additional three terms of three years each by the City Manager following a written determination that Consultant has satisfactorily met all the requirements of this Agreement."

B. Section 3 Compensation and Section 3.1 Not to Exceed amount of the Agreement are hereby amended in their entirety to read as follows:

"**3. Compensation.** City shall pay Consultant on a time and expense basis, at the billing rates set forth in Exhibit "B-2" attached and incorporated by reference for services provided under this Agreement.

3.1 Not to Exceed Amount. Consultant's total compensation under this Agreement shall not exceed $250,000 per fiscal year and shall not exceed the amount set forth in each individual Task Order. Consultant's billing rates shall cover all costs and expenses for Consultant's performance of this Agreement. No work shall be performed by Consultant in excess of the total compensation amount provided in this section without the City's prior written approval. Consultant's billing rates under this Agreement may be annually increased in January of each year by the lesser of 3% or the annual increase in the Cost of Living Index – All Items, for the Sacramento Metropolitan Region."

C. Exhibit A-2 "Scope of Services, updated March 16, 2020", attached hereto shall replace and supersede Exhibit A-1 attached to the Agreement.

D. Exhibit B-2 "Compensation" attached hereto shall replace and supersede Exhibit B-1 attached to the Agreement.

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

By: Robert Rickman
Title: Mayor

Date: _____

Attest:

Adrianne Richardson, City Clerk

Approved as to form:

Leticia Ramirez, City Attorney

Goodwin Consulting Group Inc.

Susan Goodwin

By: Susan Goodwin
Title: President

Date: 6/26/20

Federal Employer Tax ID No. 94-3393430

Victor S Irzk

By: Victor S. Irzk
Title: Chief Financial Officer

Date: 06-25-20

Exhibits:

A-2: Scope of Services
B-2: Compensation

EXHIBIT A-2

CITY OF TRACY MASTER PROFESSIONAL SERVICES AGREEMENT FOR TAX CONSULTING AND ADMINISTRATION SERVICES FOR SPECIAL FINANCING DISTRICTS

SCOPE OF WORK

Goodwin Consulting Group, Inc. (GCG) will serve as tax consultant and special finance district administrator to assist the City of Tracy in performing analyses and formations of special financing Districts (Districts) that will fund public infrastructure, public services, or both. For infrastructure Districts, GCG will also provide all services needed in association with the issuance of bonds. In addition, GCG will manage the annual administration of all Districts, including preparing the special financing district levies, complying with continuing disclosure requirements, and preparing arbitrage rebate calculations. Specifically, GCG will provide the following services:

A. INFRASTRUCTURE DISTRICTS (WITH OR WITHOUT SERVICES)

A-1. Kick-Off Meeting and Collection of Data

GCG will meet with City staff, the financial advisor, bond counsel and underwriter, and the developer to compile data, confirm assumptions, and discuss the structure and components of the special financing program. This task will include (i) identifying public facilities to be funded through the District, anticipated absorption rates, and timing and number of bond issues, if any; (ii) confirming the allocation of special assessment or taxes to land uses within the District and reviewing the advantages and disadvantages associated with various allocation methods; (iii) evaluating the need for separate improvement areas, assessment or tax zones, as well as property that may be designated as future annexation area; (iv) discussing acceptable maximum assessment or tax rates based on City policy and competitive market conditions; and (v) coordinating with the financial advisor and underwriter regarding the anticipated bond structure, including the special assessment or tax and debt service escalator, bond interest rate, short-term reinvestment rate, capitalized interest, reserve fund, and other features that may affect the size of bond issues and the corresponding annual debt service.

A-2. District Cash Flow Analysis

GCG will use the information compiled in Task A-1 to prepare an analysis of the annual cash flow of the District. The analysis will identify the maximum special assessment or tax that will be needed to maintain required debt service coverage on bonded indebtedness issued on behalf of the District. In addition, the cash flow will (i) estimate the special assessment or tax burden on undeveloped property based on a given absorption scenario, (ii) determine the size of the initial and subsequent bond sales taking into consideration minimum value-to-lien requirements set forth in state law and City policy, and (iii) evaluate the increased bonding capacity that is created from an escalating special assessment or tax and debt service, or other unique bond structure.

GCG will either present the cash flow analysis at a second meeting or circulate the analysis to the working group for review prior to the second meeting. Subsequent iterations of the analysis will be prepared based on feedback from City staff, the developer, the financial advisor, bond counsel and other members of the working group.

Ultimately, through review and discussion of each alternative, the team will select a special finance structure which GCG will incorporate in the Rate and Method of Apportionment of Special Assessment or Tax prepared in Task A-3 below.

A-3. Rate and Method of Apportionment of Special Assessment or Tax

Based on the special finance structure selected pursuant to Task A-2 above, GCG will prepare the Rate and Method of Apportionment of Special Assessment or Tax (RMA), which will serve as the official special assessment or tax formula for the District. The RMA will provide detail and direction as to how the special assessment or tax should be levied in future years to ensure adequate revenues are available for timely repayment of debt service on bonded indebtedness issued by the District. The RMA will be included as an exhibit to the Resolution of Intention to Form the District, which will be adopted by the City Council as part of the first set of actions taken towards forming the District.

In addition to providing guidance relative to the annual levy of special assessments or taxes in the district, the RMA will provide some or all of the following items:

- Identification of the maximum special assessment or tax for each special assessment or tax category, including each category of developed and undeveloped property
- Provision for a back-up special assessment or tax or alternate mechanism to be used to maintain maximum special assessment or tax revenues in the event that land uses change in future years
- A detailed prepayment formula that will provide flexibility for a property owner to prepay all or a portion of the special assessment or tax obligation after some or all bonds have been issued for the District
- Steps associated with annexing property into the District, including determination of special assessment or tax rates for annexing property, adjustment of prepayment figures, and updates to expected maximum revenues, if applicable.

A-4. Preparation of District Boundary Map (optional)

If requested, GCG will prepare the official boundary map for the District in a format acceptable to the County Recorder's Office. The map will include the initial District boundaries, as well as identifying the boundaries of any future annexation area. GCG will record the District boundary map pursuant to Section 3111 of the Streets and Highway Code.

A-5. Contributions to Other District Documents

In coordination with the working group, GCG will review, prepare and contribute to other documents required in the District formation proceedings that relate specifically to the special assessment or tax formula. Specifically, GCG will:

- Prepare the District Report required pursuant to Section 53321.5 of the Government Code

- Review the Bond Purchase Agreement, Fiscal Agent Agreement and/or Bond Indenture to assure that the flow of special assessment or tax revenues and interest earnings as set forth in these documents are consistent with assumptions used in the District cash flow analysis

- Review and record the Notice of Special Assessment or Tax Lien

- Review the Official Statement and, at the request of the financial advisor or underwriter, prepare tables demonstrating special assessment or tax coverage, diversification of special assessment or tax burdens among major landowners and/or general District cash flows

- Execute the Certificate of Special Assessment or Tax Consultant to confirm the adequacy of special assessment or tax payments to meet District obligations

A-6. Meeting Attendance

GCG will attend meetings with City staff and other members of the working group to acquire information, present cash flow alternatives, and review formation documents. In addition, GCG will attend City Council meetings to present the special assessment or tax formula and answer questions from the Council. A total of five (5) working group meetings and two (2) Council meetings is included in the budget presented in Exhibit B below.

B. SERVICES DISTRICTS

B-1. Kick-Off Meeting and Collection of Data

GCG will meet with City staff, developers, and the City's legal counsel to discuss the structure and components of the District, including special assessment or tax categories; maximum special assessment or tax rates and annual escalators; development triggers for levy of the special assessments or taxes; boundaries of the Districts, future annexation areas, and assessment or tax zones; and District formation timelines and action items. GCG will coordinate with the City regarding annual maintenance and administration costs to determine the maximum special assessment or tax rates for property in the Districts.

B-2. Rate and Method of Apportionment of Special assessment or tax

Based on the special assessment or tax structure selected by the working group, GCG will prepare the Rate and Method of Apportionment of Special Assessment or Tax (RMA) for the District, which will provide detail and direction as to how the special assessment or taxes should be levied in future years to ensure adequate revenues are available for timely payment of services costs funded by the Districts. The RMA will be included as an exhibit to the Resolution of Intention, which will be adopted by the City Council as part of the first set of actions taken towards forming the District.

B-3. Preparation of District Boundary Map (optional)

If requested, GCG will prepare the official boundary map for the District in a format acceptable to the County Recorder's Office. The map will include the initial District

boundaries, as well as identifying the boundaries of any future annexation area. GCG will record the District boundary map pursuant to Section 3111 of the Streets and Highway Code.

B-4. Review of Legal Documents

GCG will coordinate with the City's legal counsel to review and contribute to the DISTRICT formation documents, including the District Report required pursuant to Section 53321.5 of the Government Code.

B-5. Meeting Attendance

GCG will attend meetings with City staff and other members of the working group to acquire information, present the special assessment or tax formula, and review formation documents. In addition, GCG will attend City Council meetings to answer questions from the Council. A total of three (3) working group meetings and two (2) Council meetings is included in the budget presented in Exhibit B below.

C. DISTRICT ADMINISTRATION

C-1. Background Research

For each District, GCG will gather information and construct a database that will be used to calculate the annual special assessment or tax levy. This task will include the following:

Map & Parcel Research: Identify and obtain copies of all subdivision, final and parcel maps. Identify all relevant information such as date of subdivision, property use, and acreage of each parcel in the District. Once the Assessor's tax roll has been closed for the upcoming fiscal year, review the assessor parcel maps and determine the assessor parcel numbers that will be valid for the fiscal year.

Building Permit Tracking: If required to implement the special assessment or tax formula, monitor on an annual basis which parcels have had building permits issued and the type of land use for which such permits or certificates have been issued.

Classification of Property: Pursuant to the RMA, categorize each parcel to the appropriate special assessment or tax classification, including each category of Developed Property and Undeveloped Property.

Database Management: Prepare a database for the District which will contain all properties, parcel numbers, square footage, assigned tax categories, and other relevant information which will allow for the assignment of the special assessment or tax pursuant to the RMA.

C-2. Annual Special Assessment or Tax Levy Calculation

GCG will calculate the special assessment or tax levy for each taxable parcel in the District by applying the RMA. GCG will identify all District expenses including annual debt service, the budget for public service costs to be funded in the following fiscal year, administrative expenses, and collection costs. Any applicable surplus special

assessment or taxes, interest earnings, and other credits will be applied to reduce the annual special assessment or tax levy.

C-3. Annual District Administration Report Preparation

GCG will annually prepare a special assessment or tax administration report for the District which contains the results of our parcel research and findings of the financial analysis. An explanation of the methodology employed to calculate the special assessments or taxes levied will be incorporated. The report will also include annual reporting items required by the newly adopted Senate Bill 165 (Local Agency Special Tax and Bond Accountability Act). The appendix to this report will identify the special tax levy for each assessor's parcel for the fiscal year.

C-4. Annual Special Assessment or Tax Enrollment

GCG will compile a list of parcels in the District that will be subject to the special assessment or tax levy and format it in compliance with the specific formatting instructions of the County Auditor-Controller's office. The formatted assessment or tax levies will be submitted to the Auditor-Controller's Office on or before August 10 (or other specified date) for inclusion on the consolidated property tax bills.

C-5. Delinquent Special Assessment or Tax Reporting

GCG will monitor the Auditor-Controller's assessment and tax collection summaries and report on delinquent parcels and corresponding delinquent District assessments and taxes. After discussion with the City, GCG will prepare and mail demand letters to property owners with delinquent special assessments or taxes. Additionally, for infrastructure Districts, GCG will work with the City to ensure the District's compliance with any foreclosure covenants and provisions in the bond documents.

C-6. Answer Inquiries from Various Parties

GCG will respond to property owners, realtors, title companies, appraisers and other parties' questions regarding the special assessment or tax and other District related issues. A GCG staff member will be listed as the contact for calls that are received by the Treasurer/Tax Collector's Office, and calls will be responded to on the day received.

C-7. Coordination of Foreclosure Activities (Infrastructure Districts)

If requested, GCG will assist the City in complying with provisions in the bond indenture or fiscal agent agreement regarding actions to be taken in the event of a foreclosure on a property due to assessment or tax delinquency. GCG will coordinate with City staff and legal counsel to identify those parcels for which judicial foreclosure will be initiated.

C-8. Prepayment Calculations (Infrastructure Districts)

GCG will provide developers, title agents and other interested parties with the prepayment amount required to pay down the special assessment or tax lien on their property(ies).

C-9. Bond Redemption Administration (Infrastructure Districts)

GCG will work with the homebuilders, title agents and bond trustee to ensure that prepayment checks are processed properly and the correct bond amount is redeemed at each interest payment date. GCG will further ensure that prepayment amounts are allocated to the appropriate District accounts.

C-10. Disclosure Regulations Compliance (Infrastructure Districts)

GCG will provide information to the Municipal Securities Rulemaking Board (pursuant to S.E.C. regulations) and the California Debt and Investment Advisory Commission (pursuant to Senate Bill 1464) and prepare special tax disclosure materials to home buyers as specified in Senate Bill 1464. This task shall include the following subtasks:

a. Prepare the annual Continuing Disclosure Report and respond to secondary information requirements set forth in SEC Section 15c2-12, as amended.

b. Submit the annual Fiscal Report as specified in Government Code Section 53359.5 to California Debt and Investment Advisory Commission by October of each year.

c. Prepare special tax disclosure materials on the City's behalf for resale properties as required by Government Code Section 53340.2.

C-11. Arbitrage Rebate Calculations (Infrastructure Districts)

GCG will prepare annual or five-year arbitrage rebate calculations. A report, identifying the rebate liability for the District, will be produced. GCG will determine the amount, if any, that must be rebated to the federal government at each five-year interval.

D. Other Consulting Services

Other special finance district and tax consulting services, shall be clearly defined in Task Orders and will be billed on a time and materials basis or pursuant to an accepted proposal per an approved Task Order specific to the particular requested service.

EXHIBIT B-2

CITY OF TRACY MASTER PROFESSIONAL SERVICES AGREEMENT FOR TAX CONSULTING AND ADMINISTRATION SERVICES FOR SPECIAL FINANCING DISTRICTS

COMPENSATION & FEE SCHEDULE

A. Infrastructure Districts (With or Without Services)

The maximum budget for services associated with formation of an infrastructure District and issuance of a first series of bonds will be based on the size of the bond issue due to the increased liability risk associated with larger bond issues. Costs billed to the City prior to the first bond issue will be limited to $30,000; a separate and additional $2,000 fee will apply if GCG prepares the District boundary map. The total fee associated with District formation and issuance of the first series of bonds (not including preparation of the boundary map) will be the amount determined using the following schedule:

First Bond Issue Size	Total Fee *
Up to $2,000,000	$48,000
$2,000,000 - $10,000,000	$48,000 + .0010 of amount over $2,000,000
$10,000,000 +	$56,000 + .0008 of amount over $10,000,000

**** The fee schedule above is valid through December 31, 2020 and may be adjusted thereafter.***

Prior to the sale of bonds, GCG will bill for services on a time and materials basis using the hourly rates identified below not to exceed total billings of $30,000 or $32,000 if GCG prepares the boundary map. Upon the sale of a first bond issue, any remaining portion of the total fee will be paid from proceeds of the issue. If no bonds are sold, GCG will only be paid for hours worked and expenses incurred. These maximum fees will be subject to an inflation adjustment after December 31, 2020. Services will be billed based on the following hourly fee schedule:

*GCG Hourly Service Rates **	
Managing Principal	$325/Hour
Senior Principal	$310/Hour
Principal	$275/Hour
Vice President	$245/Hour
Senior Associate	$225/Hour
Associate	$210/Hour
Analyst	$195/Hour
Research Assistant	$95/Hour

**** The rates reflected above are valid through December 31, 2020 and may be adjusted thereafter.***

B. Services Districts

The maximum budget for services associated with formation of a services District is $25,000, not including preparation of the District boundary map, which would be a separate and additional fee of $2,000. This budget represents a maximum amount not to be exceeded. Additional consulting services beyond those included in the scope of work may be provided within the maximum budget if total hourly billings are less than the budget maximum. Alternatively, if the scope of work can be completed for less than the maximum budget, only hours actually expended will be billed. Services will be billed based on the hourly fee schedule set forth above, and these maximum fees will be subject to an inflation adjustment after fiscal year 2020-21.

C. District Administration

The budget for administration services in the first two fiscal years is: (i) for infrastructure Districts, $15,000 *per year* plus expenses, and (ii) for services Districts, $6,000 *per year* plus expenses. This budget includes all aspects of District administration, including preparation of the assessment or tax levy, delinquency management, continuing disclosure, and arbitrage rebate calculations associated with the first bond issue. If a District includes multiple series of bonds, an additional $1,000 will be added for arbitrage rebate calculations for each subsequent series of bonds after the first bond issue. These budgets represent maximum amounts not to be exceeded; additional consulting services beyond those included in the scope of work may be provided within the maximum budget if total hourly billings are less than the budget maximum. Alternatively, if the scope of work can be completed for less than the maximum budget, only hours actually expended will be billed. These maximum fees will be subject to an inflation adjustment after fiscal year 2020-21.

D. Limitations

The following services are not included in the scope of work provided above and will be billed on a time and materials basis or pursuant to an accepted proposal for the issuance of a Task Order:

- Attendance at more meetings than that set forth for each component of the Scope of Work in Exhibit A
- Issuance of subsequent series of bonds
- Other consulting services as noted in Section D of Exhibit A

RESOLUTION _____

APPROVING AMENDMENT NO. 2 TO THE MASTER PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TRACY AND GOODWIN CONSULTING GROUP, INC., FOR TAX CONSULTING AND ADMINISTRATION SERVICES FOR SPECIAL FINANCING DISTRICTS TO STIPULATE AN AGREEMENT TERM, AUTHORIZE THE CITY MANAGER TO EXECUTE EXTENSIONS, AND TO INCLUDE A NOT TO EXCEED AMOUNT OF $250,000 PER FISCAL YEAR

WHEREAS, The City and Goodwin Consulting Group entered into a Master Professional Services Agreement on November 30, 2015 to provide special tax consulting and administration services for infrastructure and service community facilities districts, and

WHEREAS, Amendment No. 1 to the Agreement was approved on October 3, 2019, changing the agreement title and replacing Exhibits A and B of the Agreement, and

WHEREAS, The City desires to amend Section 2 of the Agreement relating to term to specify a three year term date, with an extension option for an additional three terms of three years each upon authorization of the City Manager, and

WHEREAS, Section 3 relating to compensation will be amended to specify a not to exceed amount of $250,000 per fiscal year, and

WHEREAS, Amending the Agreement to add current and updated language will facilitate an enhanced tracking of expenditures to ensure compliance is being met, while streamlining project delivery;

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Tracy hereby approves Amendment No. 2 to the Professional Services Agreement with Goodwin Consulting Group, Inc., for tax consulting and administration services for special financing districts to stipulate an Agreement term, authorize the City Manager to execute extensions, and to include a not to exceed amount of $250,000 per fiscal year.

* * * * * * * * * * *

The foregoing Resolution 2020_____ was passed and adopted by the Tracy City Council on the 7th day of July, 2020, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

July 7, 2020

AGENDA ITEM 3.B

REQUEST

PUBLIC HEARING TO CONSIDER APPLICATIONS FOR REZONING THE APPROXIMATELY 10.92-ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF CORRAL HOLLOW ROAD AND MIDDLEFIELD DRIVE, ASSESSOR'S PARCEL NUMBER 244-020-31, FROM PLANNED UNIT DEVELOPMENT (PUD) TO NEIGHBORHOOD SHOPPING (NS) ZONE AND A DEVELOPMENT REVIEW PERMIT FOR AN AUTOMOTIVE SERVICE STATION, ELECTRIC VEHICLE CHARGING STATION, AND CONVENIENCE STORE

EXECUTIVE SUMMARY

This agenda item is a request for the following:

1. Rezone the subject property currently a part of the Edgewood Planned Unit Development (PUD) from PUD to Neighborhood Shopping (NS) Zone, and
2. Approve a Development Review Permit for 3,884 sf convenience store building, an automotive service station with six dispensers and an 2,880 sf canopy, an electric vehicle charging station consisting of seven stations, and associated parking area and landscaping improvements on the approximately 2.44-acre northwestern portion of the Project site.

DISCUSSION

Project Background, Location, and Description

In the mid-1990's, the City Council approved Concept, Preliminary, and Final Development Plans and a subdivision map for the Edgewood Planned Unit Development (PUD) located north of Linne Road between Corral Hollow Road and Tracy Boulevard. Edgewood consists of single-family residences, parks, a school, a multi-family residential site, and a neighborhood shopping center. The subdivision has been built out with exception of a 10.92-acre property designated for a neighborhood shopping center located at the southeast corner of Corral Hollow Road and Middlefield Drive, across the street from the Waterstone Apartments and adjacent to Don Cose Park (Attachment A: Location Map of subject site).

In 2012 and 2013, the City received applications for development of multi-family housing and self-storage on the subject site. After receiving opposition from the neighboring property owners on the Project, the applicant withdrew the development applications.

The property has since changed ownership, and the property owners are proposing to rezone the 10.92-acre site from PUD to Neighborhood Shopping (NS) Zone, which principally permits a variety of neighborhood-serving retail uses and conditionally permits automotive service stations. The applicant, on the property owners' behalf, has also submitted applications for a Conditional Use Permit and development review permit for the construction of an automotive service station with an electric charging station and a retail convenience store.

Rezoning

As discussed above, the Edgewood PUD originally designated the subject site as "neighborhood shopping center," but the PUD did not establish land use or design standards for development of a neighborhood shopping center. Rather than amend the PUD to establish development standards, the applicant has proposed to rezone the site to the NS Zone as described in Title 10, Chapter 10.08, Article 17 (Attachments B and C), which permits a certain number of consumer services intended for the convenience of surrounding neighborhoods.

The Project site is designated Commercial under the General Plan. The NS Zone is consistent with the Commercial designation of the General Plan.

Land Use

According to the applicant, the property owners intend to build out the site with neighborhood-serving commercial development as indicated on the site plan (Attachment D). At this time, the property owners desire to construct an automotive service station and electrical charging station, with a potential car wash and possible retail multi-tenant building in the future. The automotive service station use is conditionally permitted in the NS Zone, and the applicant applied for a conditional use permit (CUP19-0013) to establish the use at this site. On June 10, 2020, the Planning Commission considered the application, further described below.

In 2009, regulations were adopted by the Airport Land Use Commission (ALUC) of the San Joaquin County Council of Governments (SJCOG) to minimize the public's exposure to excessive noise and safety hazards, as well as ensure that the approaches to airports are kept clear of structures and other conflicts that could pose an aviation safety hazard. Due to the proximity of the site to the Tracy Municipal Airport, the Airport Land Use Compatibility Plan (ALUCP) has identified approximately half of the subject site to be located within Airport Compatibility Zones 2 and 3, which impose land use limitations on new development at the site. The improvements proposed with this development review permit application are outside of Zones 2 and 3. City staff worked with SJCOG staff, who administers the ALUCP, to confirm that the proposed land uses and a site layout are compatible with the ALUCP. Future development within Zones 2 and 3 will be submitted to the City and SJCOG for review.

Development Plan, Architecture, and Circulation

The proposed development plan consists of a 3,884 sf convenience store building, an automotive service station with six double-sided dispensers and an 2,880 sf canopy, an electric vehicle charging station consisting of seven stations, an air and water dispenser with a dedicated parking area, and associated parking and landscaping improvements on the approximately 2.44-acre northwestern portion of the subject site.

The proposed buildings and associated structures are of high-quality aesthetic that meets the City's Design Goals and Standards for commercial architecture. The buildings employ varying roof heights and materials, building popouts and wall movement, substantial stonework, decorative trims and accent lighting, and application of warm colors. The mansard tile roof and exposed rafter tails complement the

residential character of the adjacent subdivision. The fueling area canopy and the trash enclosure will architecturally match the building. All onsite structures are designed with a complementary level of architectural detailing, and utility equipment will largely be screened behind decorative screen walls and/or landscaping. As part of the Project construction, the corner "Edgewood" sign, screen wall, and conifer trees at the Corral Hollow Road and Middlefield Drive intersection is proposed to be removed. Instead, the corner will be held by the new convenience store building and new landscaping.

The site plan proposes through circulation throughout the developed area of the site and is designed to allow for connectivity to future development on the remainder of the parcel. Two driveways are proposed to serve the site, a full access driveway on Middlefield Drive, which aligns with the opening in the medians and with the driveway that serves the apartment complex to the north, and a partial access driveway on Corral Hollow Road.

The two existing driveways will be reconstructed to serve the site in accordance with City standards. The Project is conditioned to construct frontage improvements on Corral Hollow Road in accordance with the Corral Hollow Plan Line and the traffic analysis that was prepared for this Project. These improvements include the removal of existing frontage and construction of a right-turn pocket from Corral Hollow Road onto Middlefield Drive and a bike lane, as well as restoration of the sidewalk, curb, gutter, and right-of-way landscaping. The property line location and onsite improvements will not be affected by the frontage improvements. The driveway on Corral Hollow Road will be restricted to right-in, right-out movements, as the Project will be conditioned to construct a median on Corral Hollow Road that will restrict left-turn in and out movements at this driveway. The Project will also be conditioned to lengthen the left-turn lane on westbound Middlefield Drive and reconstruct the median accordingly. These frontage improvements aim to keep traffic moving efficiently.

Planning Commission Recommendation and Neighborhood Comments

Because this site has long been designated for a neighborhood shopping center, staff asked the applicant to conduct outreach efforts to the residents within Edgewood to explain the proposed land use amendments, share the proposed development plan, and listen to comments and/or concerns they may have prior to scheduling the item for Planning Commission and City Council consideration.

According to the applicant, the Project proposal was well-received by the residents with whom they spoke. City staff heard from several members of the public in support of neighborhood-serving retail uses at the subject site and one opposed to the Project. There were no written comments received on the proposed site layout or architecture.

At the June 10th public hearing, the Planning Commission considered the rezone, development review permit, and Conditional Use Permit applications. After receiving public comment, the Planning Commission voted to recommend approval of the rezone and development review permit applications and approved the Conditional Use Permit application for automotive service stations to be permitted at the site subject to the City Council rezoning the site to NS.

Environmental Document

California Environmental Quality Act (CEQA) Guidelines Section 15183 allows a streamlined environmental review process for projects that are consistent with the densities established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified. As noted above, the proposed Project is consistent with the land use designation and densities established by the Tracy General Plan, for which an EIR was certified. The provisions contained in Section 15183 of the CEQA Guidelines are presented in an environmental analysis prepared by De Novo Planning Group (Attachment E).

STRATEGIC PLAN

This agenda item is not related to any of the Council's Strategic Plans.

FISCAL IMPACT

This agenda item will not require any expenditure of funds. The applicant paid the application processing fees established by the City Council for the rezone and development review permit applications and entered into a Cost Recovery Agreement for the consultant and staff time that was required to prepare the technical studies and environmental analysis documentation in accordance with CEQA. The applicant will also pay all of the appropriate building permit and development impact fees upon the commencement of Project improvements.

RECOMMENDATION

The Planning Commission and staff recommend that the City Council do the following:

1. Introduce and waive the full reading of an ordinance that rezones the subject property from Planned Unit Development (PUD) Zone to Neighborhood Shopping (NS) Zone (Application Number R19-0001), and

2. Approve Development Review Permit application number D19-0031 for a 3,884 sf convenience store building, an automotive service station with six dispensers and an 2,880 sf canopy, an electric vehicle charging station consisting of seven stations, and associated parking area and landscaping improvements on the approximately 2.44-acre northwestern portion of the Project site, not to take effect until and unless the Project site is rezoned to the Neighborhood Shopping Zone following City Council approval of the rezone request (R19-0001).

Prepared by: Kimberly Matlock, Associate Planner

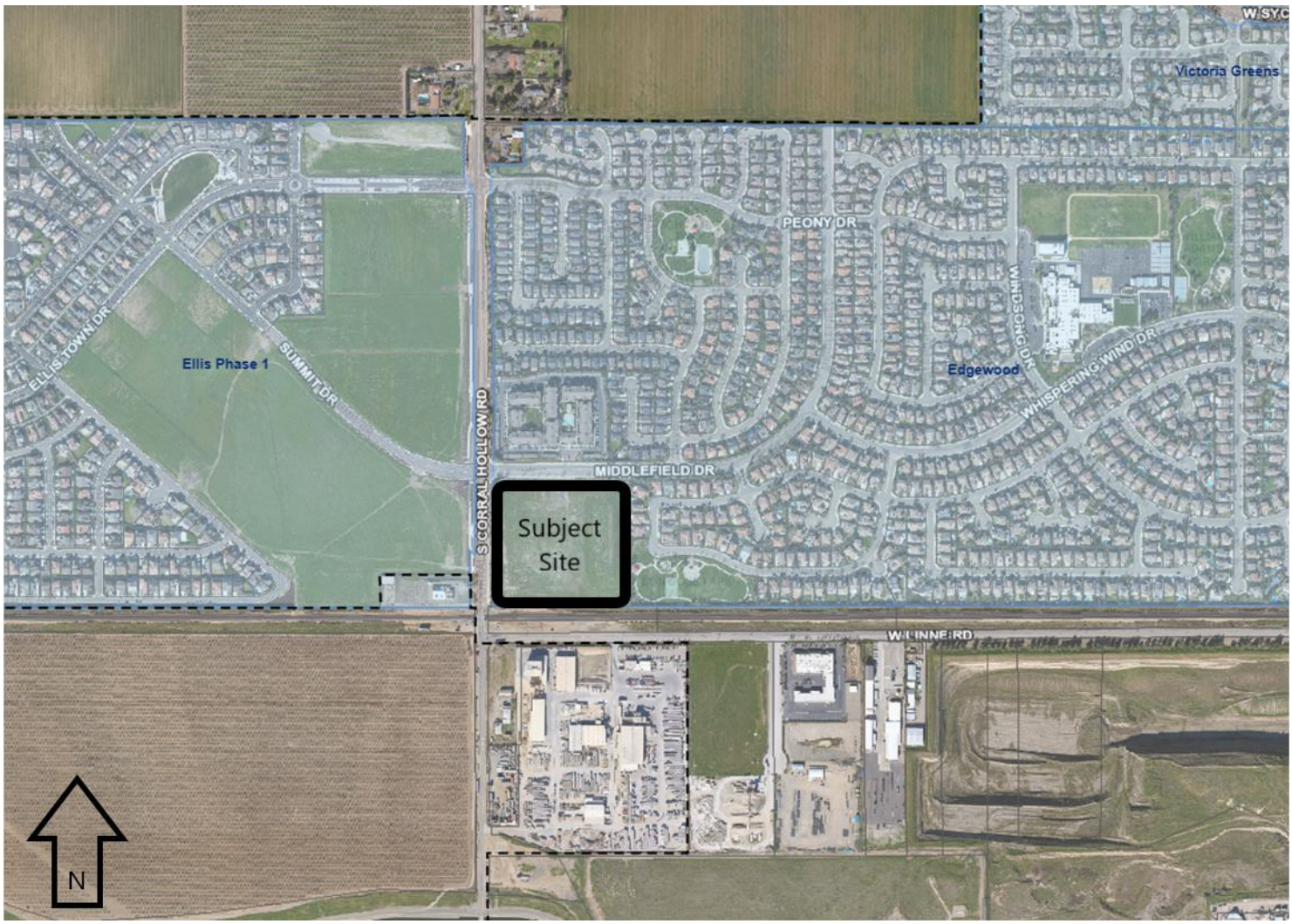
Reviewed by: Bill Dean, Assistant Development Services Director
Karin Schnaider, Finance Director
Andrew Malik, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

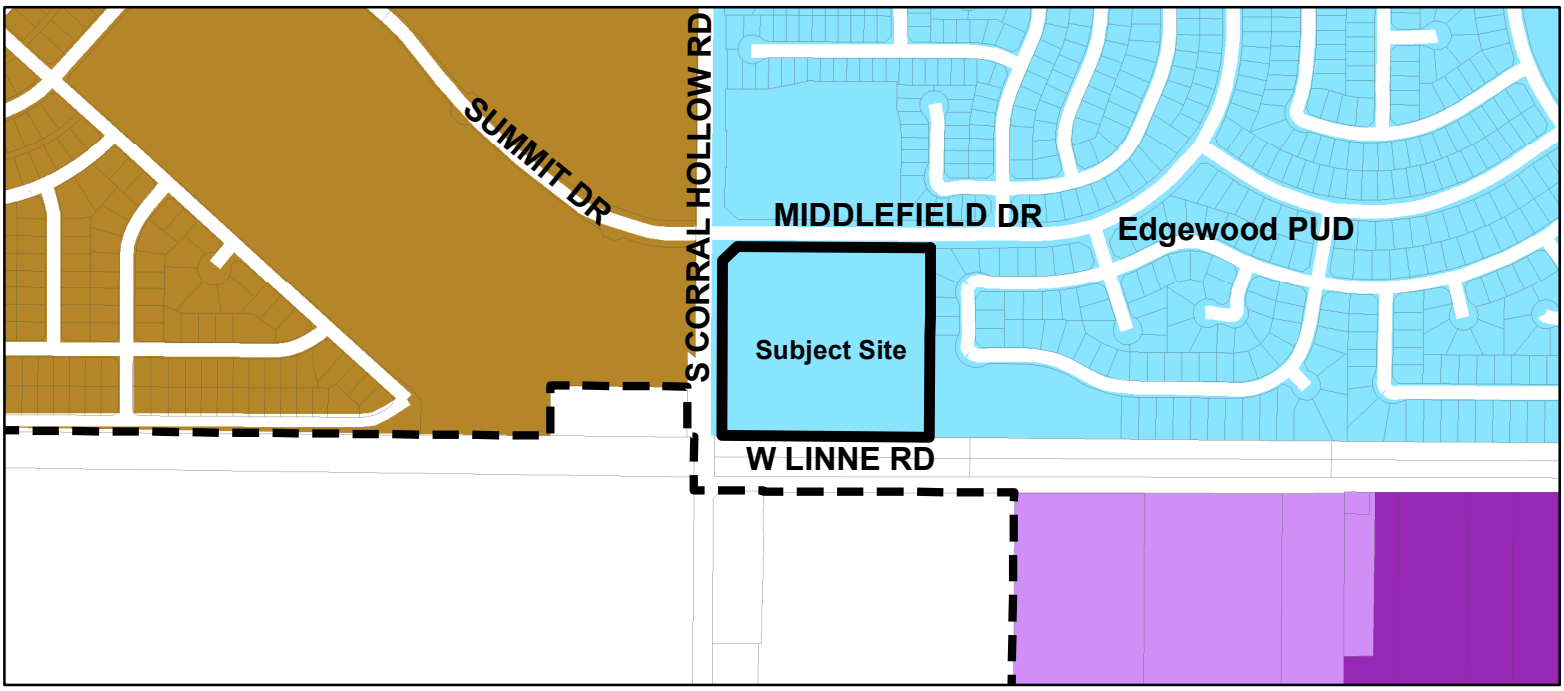
Attachment A – Location Map
Attachment B – Map of Existing and Proposed Zoning
Attachment C – Neighborhood Shopping Zone excerpted from the TMC
Attachment D – Project Plans
Attachment E – Environmental Analysis by De Novo Planning Group

Location Map

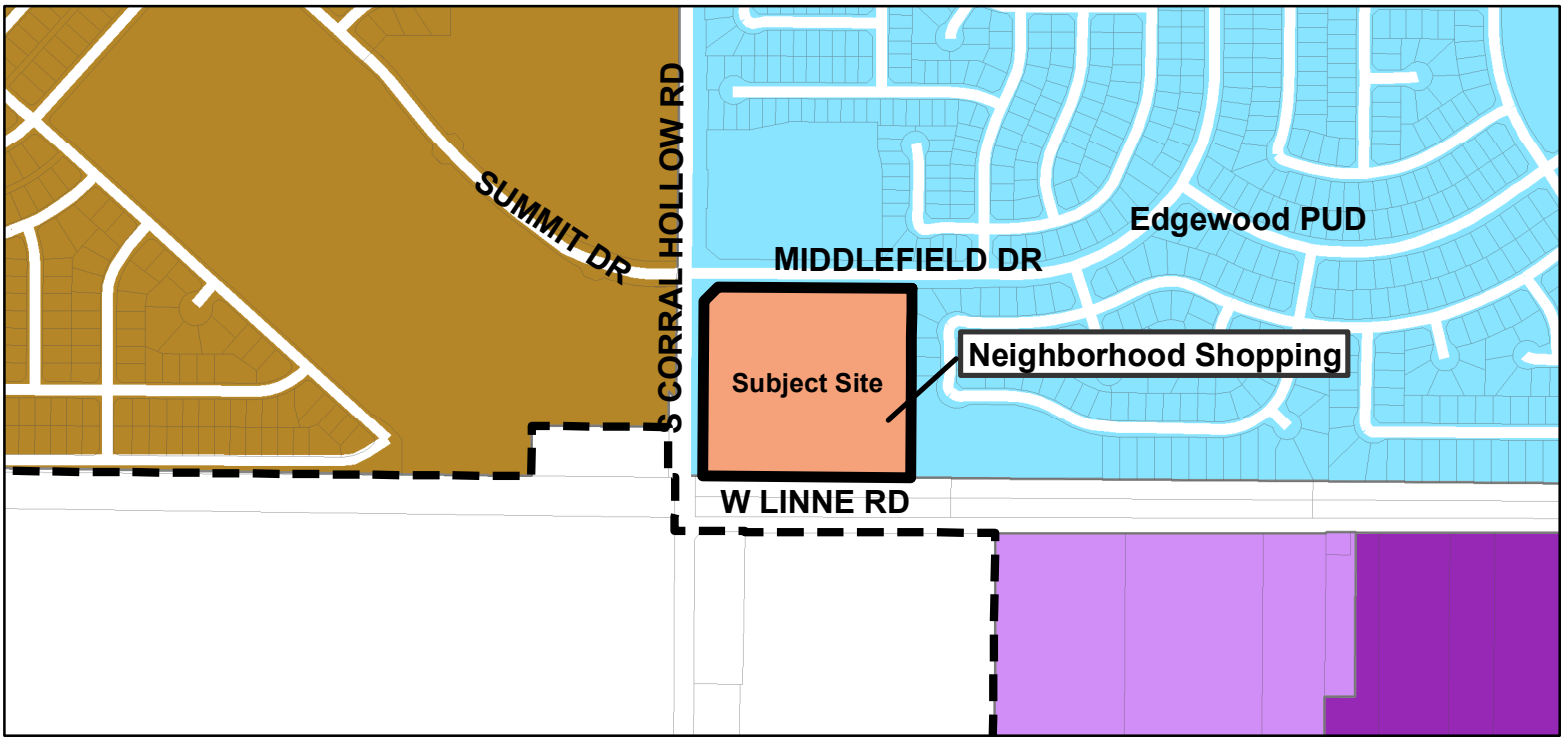


Existing and Proposed Zoning

Existing Zoning



Proposed Zoning



Legend

City Limits

ZONING

- Ellis Specific Plan
- Light Industrial
- Heavy Industrial
- Neighborhood Shopping
- Planned Unit Development

N

TRACY

Think Inside the Triangle™

0 500 1,000 2,000 Feet

Tracy Municipal Code, Title 10, Article 17. - Neighborhood Shopping Zone (NS)

10.08.2220 - Purpose (NS).

Uses in the Neighborhood Shopping (NS) Zone are intended for the convenience of the surrounding neighborhoods.

(Prior code § 10-2.1700)

10.08.2230 - Descriptive regulations (NS).

In the NS Zone the following specified regulations shall govern, unless otherwise provided in this chapter:

(a) Neighborhood shopping centers are located as an integral part of neighborhoods for the purpose of providing goods and services to the residents of the surrounding area. Neighborhood shopping centers are also provided to allow those uses not ordinarily considered detrimental to a residential zone because of traffic, noise, or other nuisance factors.

(b) Uses in the Neighborhood Shopping (NS) Zone are primarily for the convenience of the surrounding neighborhoods, and are not intended to be business/ professional centers. A conditional use permit shall be required for Business and Professional Office uses listed in Group 41 exceeding 3,000 square feet in gross floor area. The cumulative gross floor area of all business/professional office uses in a Neighborhood Shopping Zone shall not exceed ten (10) percent of the total gross floor area of the center.

(c) No commercial use or retail stores in the NS Zone shall be devoted to the sale of used or secondhand goods, clothing, wares, or other merchandise.

(d) All permitted commercial uses shall be confined within completely enclosed buildings.

(e) Neighborhood shopping centers should be designed and located to serve a population of at least 2,500 persons.

(Prior code § 10-2.1701)

10.08.2240 - Permitted uses (NS).

(a) In the NS Zone, only uses which are included in the following use groups shall be permitted without conditional approval:

Group 1	Minor public service uses;
Group 4	Temporary buildings and uses;
Group 29	Accessory uses;
Group 30	Institutional and recreational uses serving local residential areas;

Group 41	Business and Professional Office Uses, uses less than 3,000 square feet in gross floor area providing services to residents of the surrounding neighborhoods; and
Group 42	Retail trade establishment, convenience goods.

(b) In the NS Zone, uses which are included in the following use groups shall be permitted only with conditional approval:

Group 2	Local public service and utility installations;
Group 41	Business and Professional Office Uses, uses greater than 3,000 square feet in gross floor area providing services to residents of the surrounding neighborhood;
Group 43	Consumer service and retail trade establishments, including only those uses of subsection (c) of Section 10.08.2230 which serve less than 14 percent alcohol; and
Group 44	Automobile service stations (not including repair work). Excluding uses referenced in subsection (b), (c), (d) and (e) of Section 10.08.2230.

(Prior code § 10-2.1702)

10.08.2250 - Signs (NS).

Signs shall be permitted in the NS Zone in compliance with the provisions of Article 35 of this chapter.

(Prior code § 10-2.1703)

10.08.2260 - Building site area (NS).

The minimum area zoned neighborhood shopping shall not be less than two (2) contiguous acres. Neighborhood shopping center sites less than two (2) acres in size, under separate ownership, and not separated by public streets, rights-of-way or easements shall be permitted provided the combined size of such separate sites established a zone of two (2) acres or more. Said individual neighborhood shopping sites shall individually comply with the development standards of the Neighborhood Shopping Zone sites within which they are located. Said individual neighborhood shopping sites shall have shared access and integrated, internal circulation plan.

(Prior code § 10-2.1704)

10.08.2270 - Lot area (NS).

(See sections 10.08.2260 and 10.08.2280 of this Article.)

(Prior code § 10-2.1705)

10.08.2280 - Yard areas (NS).

Minimum yards in the NS Zone shall be as follows:

(a) Front yards. The same as the most restrictive adjacent zone along the street frontages; and

(b) Side and rear yards. Fifteen (15) feet, except where adjoining a commercial or industrial zones there shall be no yard requirements.

(Prior code § 10-2.1706)

10.08.2290 - Height (NS).

The maximum height in the Neighborhood Shopping Zone shall be two and one-half (2½) stories or thirty-five (35) feet, whichever is less.

(Prior code § 10-2.1707)

10.08.2300 - Permissible lot coverage (NS).

The lot coverage in the NS Zone shall conform to the design standards as approved in the final site development plan as set forth in this Article. However, buildings, parking and accessory routes shall not constitute more than ninety (90) percent of the total development area.

(Prior code § 10-2.1708)

10.08.2310 - Floor area (NS).

There shall be no maximum floor area requirements in the NS Zone, except for business and/or professional offices which shall not exceed 3,000 square feet for any one user, or greater than ten (10) percent of the total floor area of the center for all business and/or professional office uses in the NS Zone. Business and Professional Office Uses listed in Group 41 that are individually greater than 3,000 square feet in gross floor area shall require a conditional use permit.

(Prior code § 10-2.1709)

10.08.2320 - Off-street parking (NS).

(See Article 26 of this chapter.)

(Prior code § 10-2.1710)

10.08.2330 - Usable open space (NS).

The usable open space in the NS Zone shall conform to the final site development plan as set forth in this Article. However, a minimum of ten (10) percent of the total area shall be reserved for pedestrian malls, landscaping, or other open spaces.

(Prior code § 10-2.1711)

10.08.2340 - Loading and unloading space (NS).

All commercial property in the NS Zone shall designate an area for loading and unloading upon such property. This area shall not be included in the required parking area.

(Prior code § 10-2.1712)

10.08.2350 - Development review (NS).

All uses requiring a building permit shall obtain development review compliance, except as provided for in Article 30 of this chapter.

(Prior code § 10-2.1713)

ATTACHMENT D

SITE DATA

NOTES

1. ZONE: CURRENT: PUD
   PROPOSED: NS – NEIGHBORHOOD SHOPPING (REZONE) 1
2. GENERAL PLAN: COMMERCIAL
3. PROPERTY OWNER: HARPREET SINGH & VARINDER PAL SINGH
   15 E. GRANTLINE ROAD
   TRACY, CALIFORNIA 95304
4. ENGINEER: SCHACK & COMPANY, INC.
   DAN R. SCHACK
   1025 CENTRAL AVENUE
   TRACY, CALIFORNIA 95376
   (209) 835-2178
5. PROPERTY ADDRESS: NOT ASSIGNED
   TRACY, CALIFORNIA 95304
6. ASSESSORS PARCEL: 248-080-13
7. UTILITIES:

WATER	CITY OF TRACY
SANITARY SEWER	CITY OF TRACY
STORM WATER	CITY OF TRACY
TELEPHONE	AT&T
CABLE TV	COMCAST
ELECTRIC	PACIFIC GAS & ELECTRIC
GAS	PACIFIC GAS & ELECTRIC

8. EXTERIOR LIGHTING MOUNTED ON BUILDING OR IN PARKING AREA WILL BE DIRECTED AWAY FROM ADJOINING PROPERTIES. ILLUMINATION OF (N) PARKING AREAS SHALL MEET MINIMUM STANDARD OF 1-FOOTCANDLE PER SQ.FT
9. ALL WORK WILL CONFORM TO CITY OF TRACY STANDARDS
10. TRASH ENCLOSURE WILL BE COVERED & HAVE SCREEN WALLS/GATES TO A (MIN) OF 7'-0" HT. FINISH WILL CONFORM TO BUILDING FINISH IN COLOR & TEXTURES. GATES WILL BE SCREENED SOLID & OF METAL CONSTRUCTION. SCREEN WALLS WILL BE OF MASONRY CONSTRUCTION
11. STORM DRAINAGE WILL SURFACE FLOW THROUGH CURBS TO VEGETATED BIO-RETENTION AREAS & DRAIN TO EXISTING CITY OF TRACY STORM DRAIN FACILITIES. SEE PRELIMINARY GRADING & UTILITY PLAN
12. EXTERIOR SIGNAGE SHALL CONFORM TO CITY OF TRACY SIGN ORDINANCE, UNDER SEPARATE PERMIT, WITH PROPOSED SITE SIGNAGE DESCRIBED AS FOLLOWS:

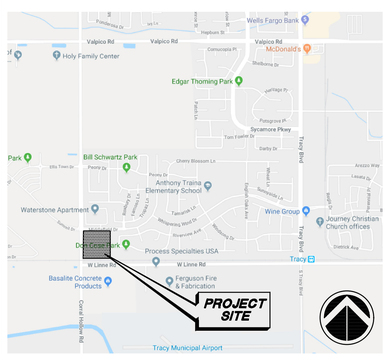
    MONUMENT SIGN: 24 ft² @ 6'-0" HEIGHT MAXIMUM W/ (2) PER PARCEL ALLOWED
    FREESTANDING SIGN: 100 ft2 @ 15'-0" HEIGHT MAXIMUM
13. CBC OCCUPANCY & CONSTRUCTION: OCCUPANCY GROUP 'M' (CONVENIENCE STORE)
    OCCUPANCY GROUP 'M' (FUELING CANOPY)
14. BACKFLOW PREVENTION DEVICES FOR ALL WATER LINES SHALL BE INSTALLED PER CITY STD'S.
15. (E) EASEMENTS & UTILITIES SHOWN ARE PER RECORD INFORMATION
16. PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD PLAIN
17. THE PROJECT IS ANTICIPATED TO BE COMPLETED IN A MINIMUM OF (3) PHASES. PHASE 2 (CARWASH) AND PHASE 3 (RETAIL) ARE NOT PROPOSED WITH THIS APPLICATION AND WILL REQUIRE ADDITIONAL DEVELOPMENT REVIEW PROCESSES
18. ABBREVIATIONS:

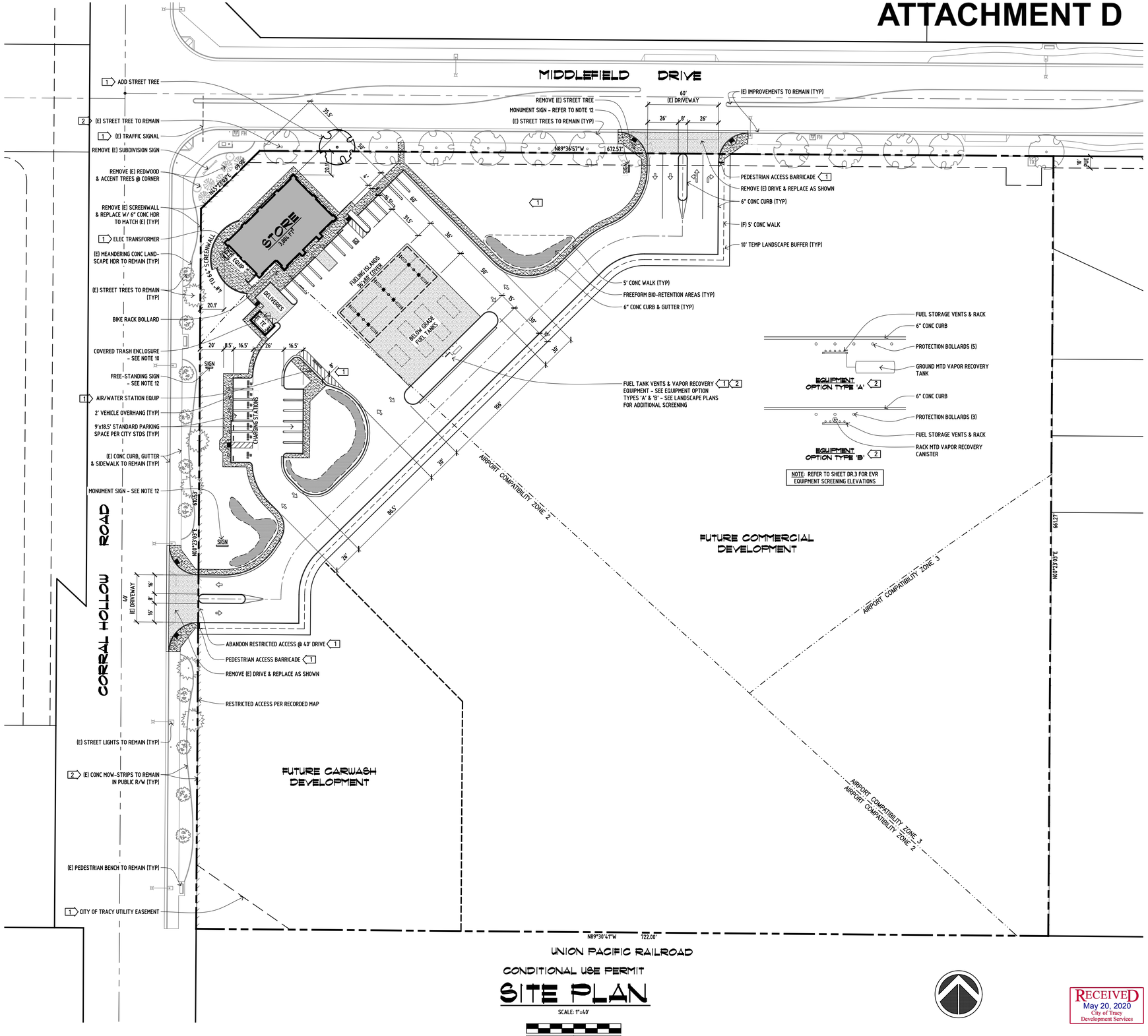
BSL	BUILDING SETBACK LINE	(N)	NEW
CBC	CALIFORNIA BUILDING CODE	(E)	EXISITNG
CFC	CALIFORNIA FIRE CODE	(F)	FUTURE
PUE	PUBLIC UTILITY EASEMENT	(TYP)	TYPICAL
FTP	FOOTPRINT	ROW	RIGHT-OF-WAY
STD	STANDARD	sf	SQUARE FEET
MIN	MINIMUM	W/	WITH

AREAS & PARKING

1. SITE AREA:
   3 TOTAL PARCEL (10.92 ACRES) 475,675 sf
   PROPOSED DEVELOPMENT (PHASE 1) 106,464 sf
   3 FUTURE DEVELOPMENT (PHASE 2 & 3) 369,211 sf
2. BUILDING AREA:
   CONVENIENCE STORE 3,884 sf
   FUELING ISLAND 2,880 sf
   TOTAL FLOOR AREA (PHASE 1) 6,764 sf
3. BUILDING COVERAGE: 6,764 / 106,764 (NO REQUIREMENT) 6.3 %
4. DEVELOPED LOT COVERAGE: 74,371 / 106,464 (90% MAX) 69.9 %
5. SITE DEVELOPMENT AREAS:
   PAVEMENT & HARDSCAPE 66,998 sf
   PLANTING AREA (INCLUDES BIO-RETENTION) 29,374 sf
   BUILDING ROOF AREA 7,373 sf
   TOTAL PHASE 1 AREA (INCLUDES KIOSK AREAS) 106,464 sf
6. REFER TO PRELIMINARY LANDSCAPE PLAN FOR PLANTING & SHADING RATIOS
7. PARKING: REQUIRED: CONVENIENCE STORE @ (1) SPACE / 250 sf (3,884 ft²) 15.5 sp
   TOTAL PARKING REQUIRED 16 sp
   PROVIDED: STANDARD SPACES 19 sp
   COMPACT SPACES 0 sp
   ACCESSIBLE SPACES 1 sp
   TOTAL PARKING PROVIDED 20 sp
   CHARGING STATION SPACES 7 sp
8. BICYCLES: REQUIRED FOR AUTOMOBILE PARKING SPACES (0-19) 0 sp

LOCATION MAP





CONDITIONAL USE PERMIT
SITE PLAN

SCALE: 1"=40'

0 40' 80'

RECEIVED
May 20, 2020
City of Tracy
Development Services

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DATE	SYMBOL	
11/27/19	1	DEVELOPMENT REVIEW RESPONSE
01/20/20	2	DEVELOPMENT REVIEW RESPONSE #2
05/20/20	3	PROPERTY AREA CORRECTION

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☐	FINAL CONSTRUCTION	

CONDITIONAL USE PERMIT
REZONE
Edgewood Commercial Development
SOUTHEAST CORNER
MIDDLEFIELD ROAD & CORRAL HOLLOW ROAD
TRACY, CALIFORNIA 95377

Schack & Company, Inc.
Professional Engineering Group
1025 Central Avenue Tracy, California 95376
Ph: (209) 835-2178 Fax: (209) 835-1848
www.schackandco.com
arch.engr@schackandco.com

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SYMBOL LEGEND

NEW	EXIST	SYMBOL DESCRIPTION
12"SD	12"SD	STORM DRAIN W/ LINE SIZE (8" OR GREATER)
CB	CB	STORM DRAIN CATCH BASIN
DI	DI	STORM DRAIN DROP INLET
MH	MH	STORM DRAIN MANHOLE
6"SD	6"SD	STORM DRAIN W/ LINE SIZE (SMALLER THAN 8")
AD	AD	STORM AREA DRAIN
SDCO	SDCO	STORM DRAIN CLEAN-OUT
OF	OF	STORM DRAIN OVERFLOW
12"SS	12"SS	SANITARY SEWER W/ LINE SIZE
MH	MH	SANITARY SEWER MANHOLE
SSCO	SSCO	SANITARY SEWER CLEAN-OUT
		SANITARY SEWER WYE/SWEEP TO SEWER MAIN
12"W	12"W	WATER W/ LINE SIZE
		WATER VALVE
WM	WM	WATER METER
F.S.	F.S.	FIRE SERVICE W/ LINE SIZE
FH	FH	FIRE HYDRANT
FDC	FDC	FIRE DEPARTMENT CONNECTION
FBPD	FBPD	FIRE SERVICE BACKFLOW PREVENTION DEVICE
SCV	SCV	FIRE SERVICE SINGLE CHECK VALVE
JT.U	JT.U	JOINT TRENCH UNDERGROUND UTILITIES
JT.O	JT.O	JOINT OVERHEAD UTILITIES
ELE.U	ELE.U	ELECTRIC UNDERGROUND LINES
ELE.O	ELE.O	ELECTRIC OVERHEAD LINES
TEL.U	TEL.U	TELEPHONE UNDERGROUND LINES
TEL.O	TEL.O	TELEPHONE OVERHEAD LINES
CTV.U	CTV.U	CABLE TELEVISION UNDERGROUND LINES
CTV.O	CTV.O	CABLE TELEVISION OVERHEAD LINES
GAS	GAS	GAS LINES
PP TP JP	PP TP JP	POWER POLE, TELEPHONE POLE OR JOINT POLE
		STREET LIGHTS [PUBLIC]
		SITE LIGHTS [PRIVATE]
		GRADE SLOPE DIRECTION

GENERAL NOTES

1. BIO-RETENTION AREAS SHALL BE DESIGNED & INSTALLED PER THE CITY OF TRACY "MULTI-AGENCY POST-CONSTRUCTION STORMWATER STANDARDS MANUAL", DATED JUNE 2015
2. MAIN ELECTRIC PANEL & METERS WILL BE INSTALLED INSIDE THE BUILDING. GAS SERVICE & METER WILL BE SCREENED BY LANDSCAPING OR ARCHITECTURAL FEATURE, IF REQ'D

PRELIMINARY BIO-RETENTION ANALYSIS

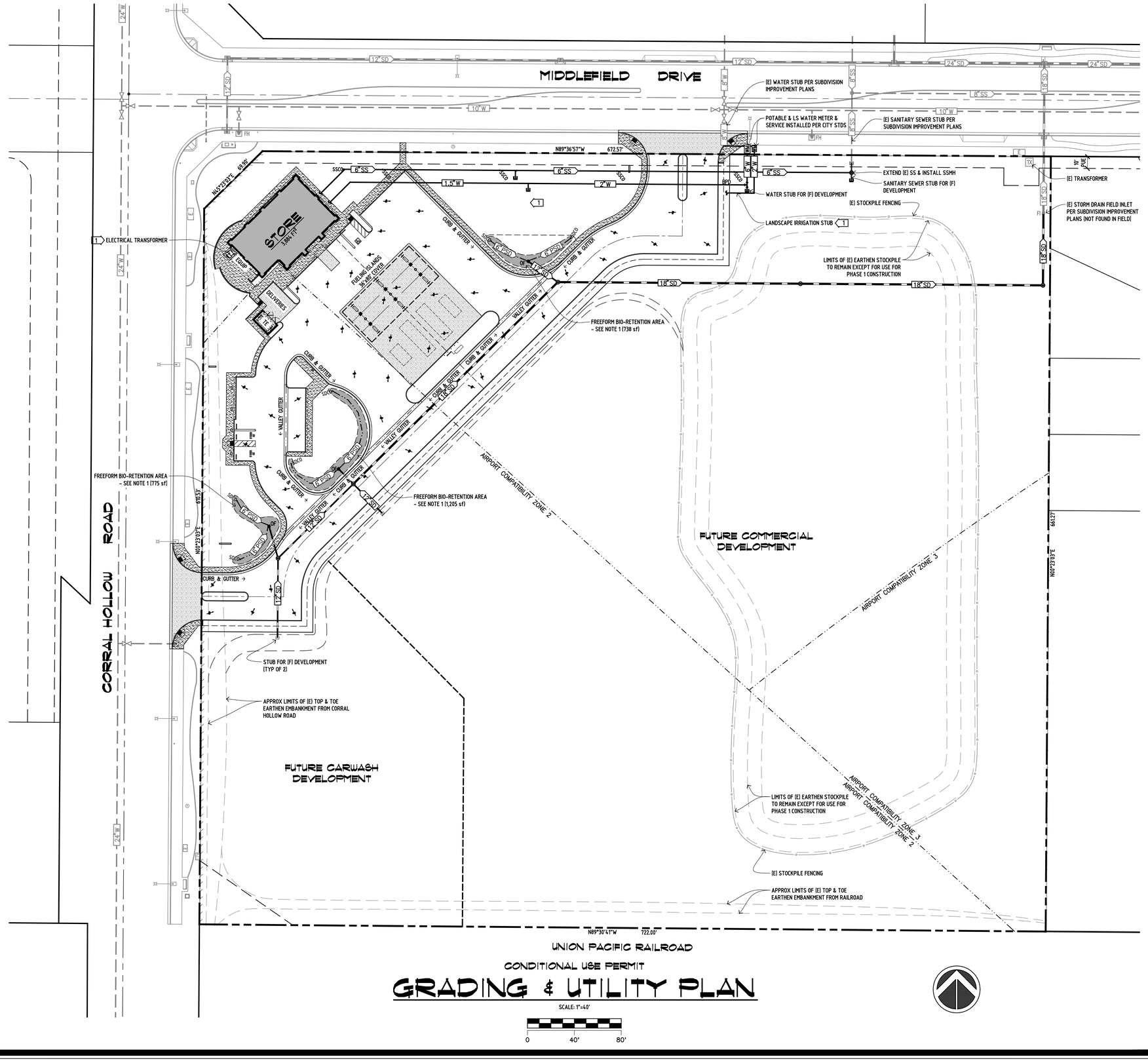
PROJECT	AREAS	DMA	PROJECT
Edgewood Commecial Development	Roof	A_R	7,378 ft²
S.E. Corner Middlefield Road & Corral Hollow Road	Hardscape & Paving	A_P	66,998 ft²
Tracy, California	Landscape	A_L	29,374 ft²
	Bioretention	A_B	2,719 ft²
	Total	A	106,469 ft²

FORMULA			
Imperviousness Ratio	$(A_R+A_P)/A$	I_R	0.699
Runoff Coefficient	$[0.858 \times I_R^3 - 0.78 \times I_R^2 + 0.774 \times I_R + 0.04]$	C	0.493
Unit Stormwater Volume	$[a \times C \times P_R]$	P_R	0.319 in

Stormwater Design Volume	$[A \times P_R/12]$	SDV	2,830.9 ft³
Stormwater Runoff Volume Credits		SDV_{credit}	0.0 ft³
Adjusted Stormwater Design Volume	$[SDV - SDV_{credit}]$	SDV_{adj}	2,830.9 ft³

BIORETENTION FACILITY LAYER		
Ponding Zone Depth	d_{pz}	0.50 ft
Planting Media Layer Depth	d_{pm}	1.50 ft
Planting Media Porosity	n_{pm}	20%
Gravel Layer Depth	d_g	1.50 ft
Gravel Layer Porosity	n_g	20%

FORMULA			
Required Bottom Surface Area of Bioretention Facility	$[SDV_{adj} / d_{pz} + (n_{pm} \times d_{pm}) + (n_g \times d_g)]$		2,573.5 ft²
Provided Bottom Surface Area of Bioretention Facility			2,719.0 ft²



CONDITIONAL USE PERMIT

GRADING & UTILITY PLAN

SCALE: 1"=40'

0 40' 80'

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CONDITIONAL USE PERMIT
REZONE

Edgewood Commercial Development

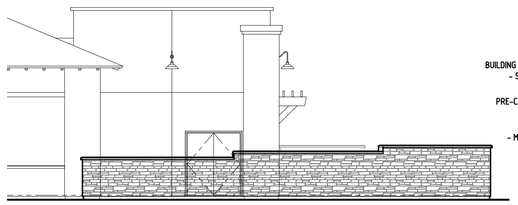
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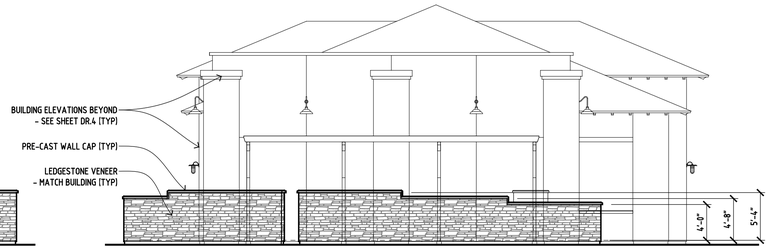
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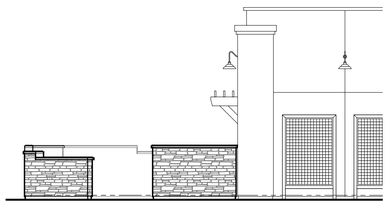
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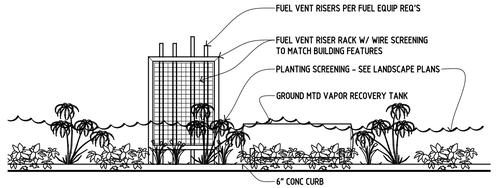
NORTHWEST ELEVATION



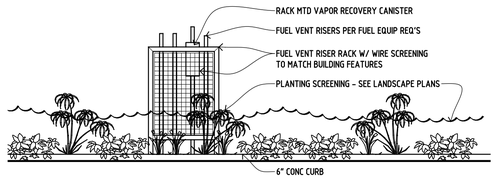
SOUTHWEST ELEVATION



SOUTHEAST ELEVATION



OPTION 'A' - SOUTHEAST ELEVATION



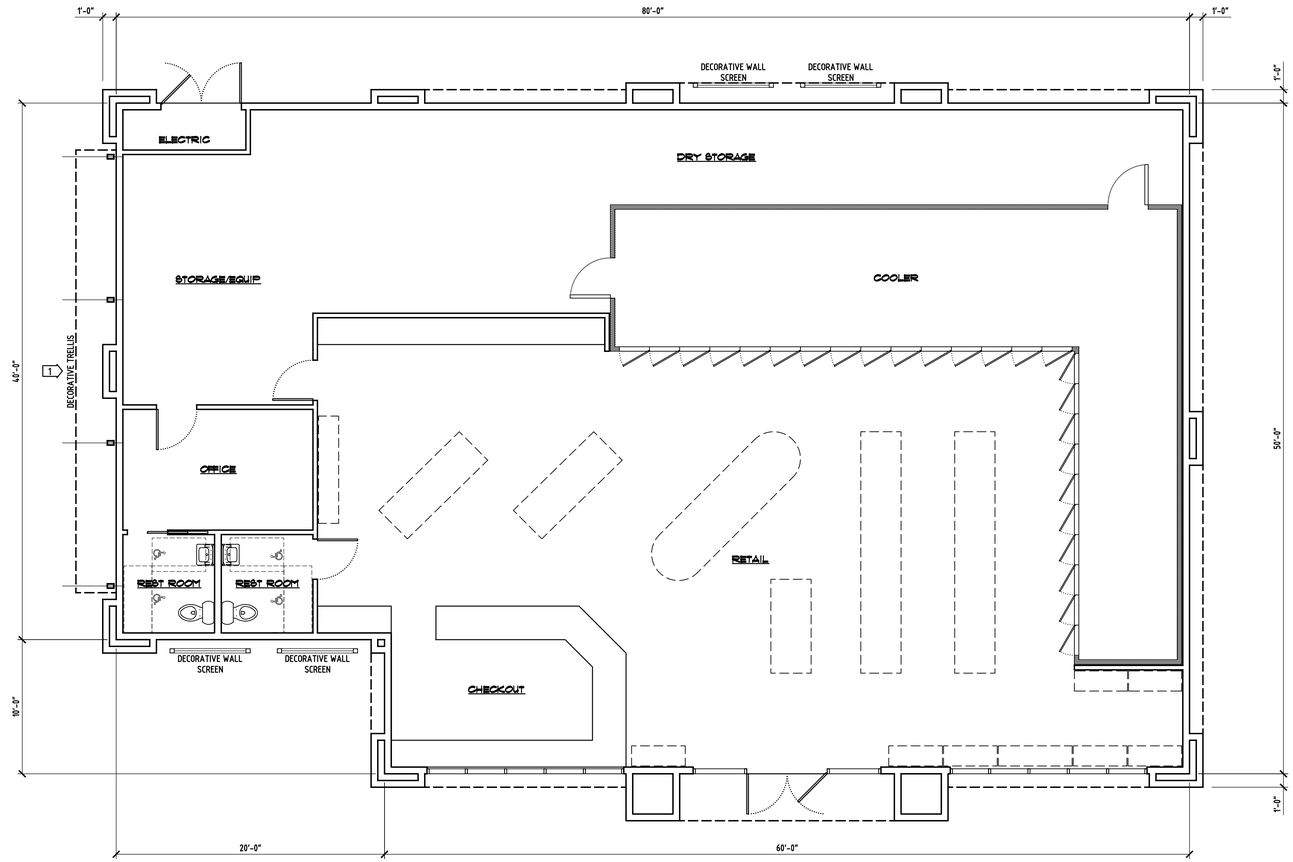
OPTION 'B' - SOUTHEAST ELEVATION

EQUIPMENT SCREEN WALL ELEVATIONS <1>

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

EVR EQUIPMENT SCREEN <2>

SCALE: 3/16"=1'-0"



CONVENIENCE STORE

CONDITIONAL USE PREMIT

FLOOR PLAN

SCALE: 3/16"=1'-0"

0 5'-4" 10'-8"

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2	01/20/20	DEVELOPMENT REVIEW RESPONSE #2

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CONDITIONAL USE PERMIT
REZONE

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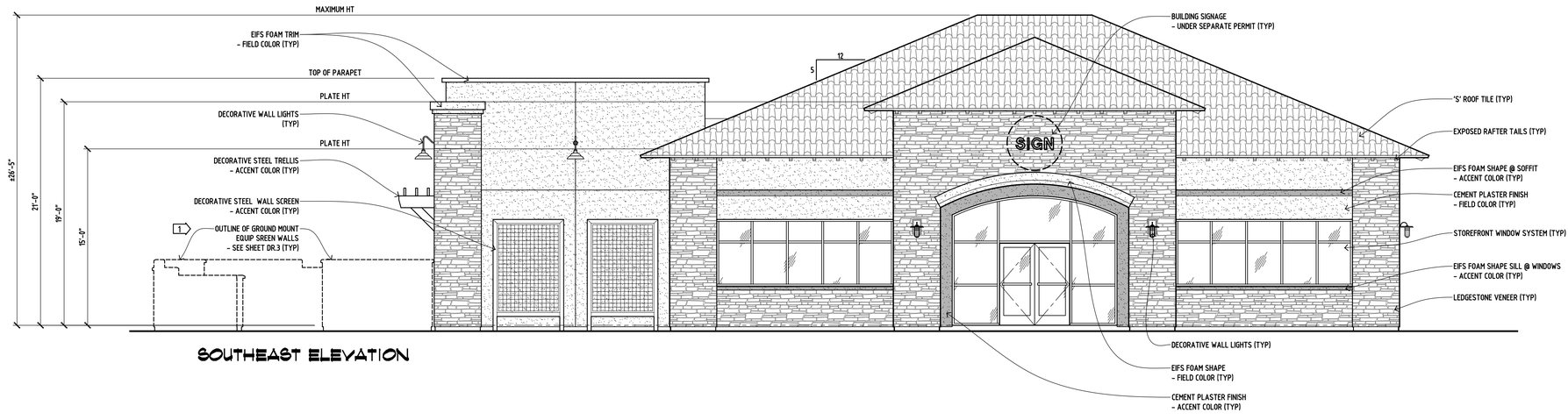
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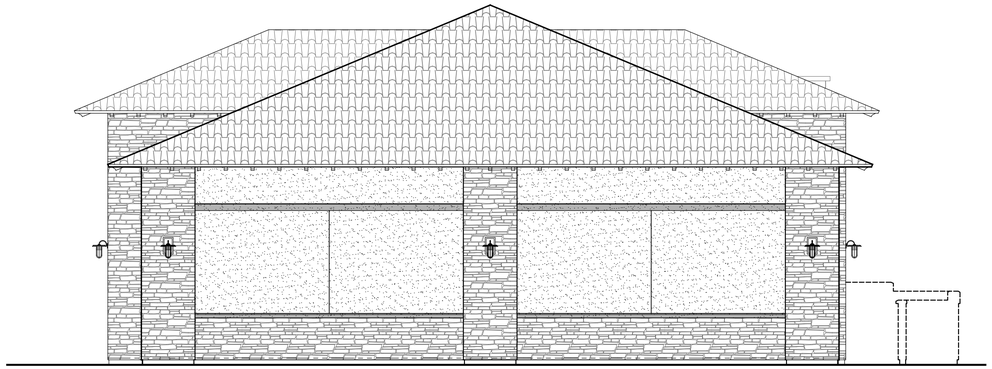
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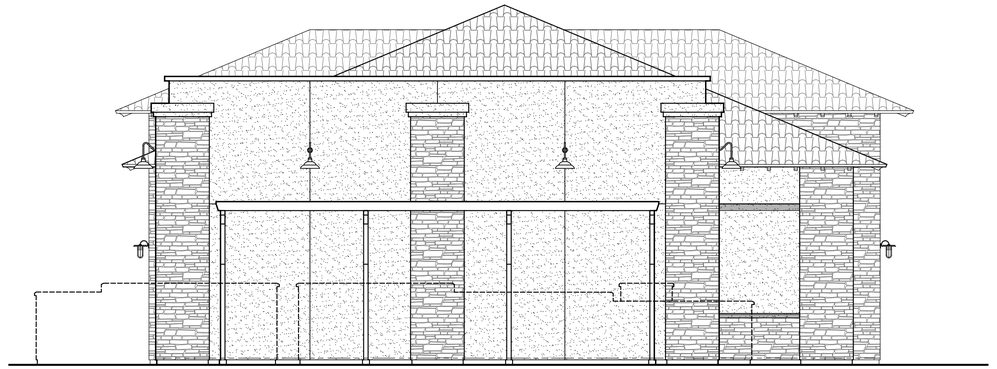
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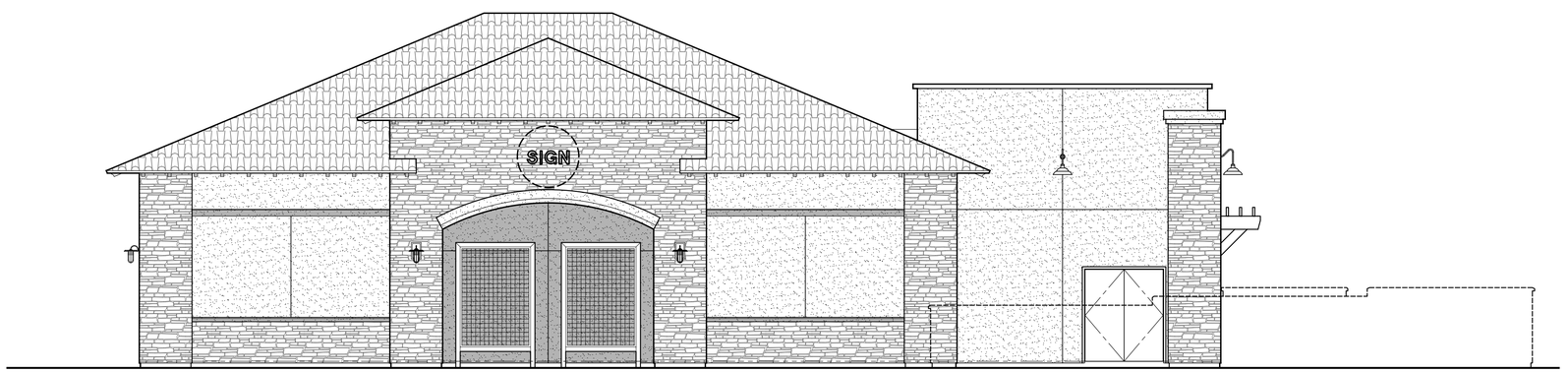
SOUTHEAST ELEVATION



NORTHEAST ELEVATION



SOUTHWEST ELEVATION



NORTHWEST ELEVATION

CONVENIENCE STORE

CONDITIONAL USE PERMIT

EXTERIOR ELEVATIONS

SCALE: 3/16"=1'-0"

0 5'–4" 10'–8"

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CONDITIONAL USE PERMIT
REZONE

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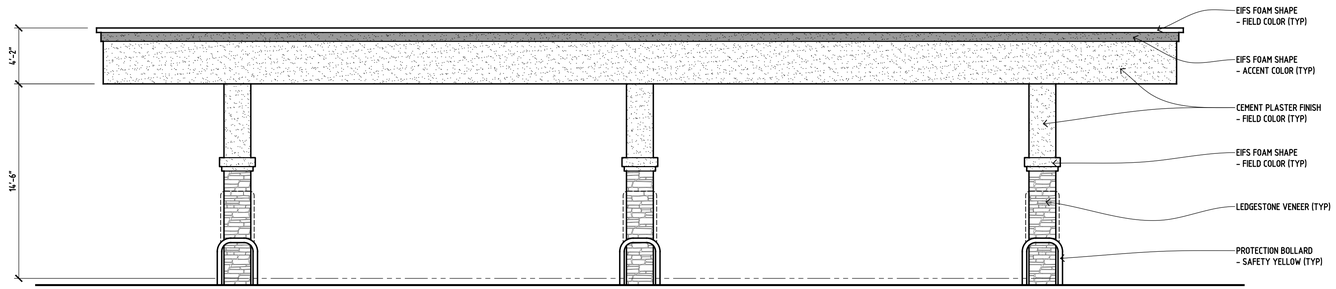
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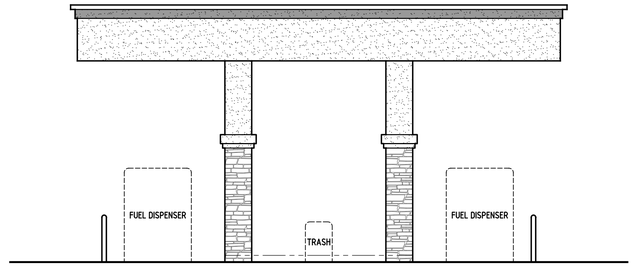
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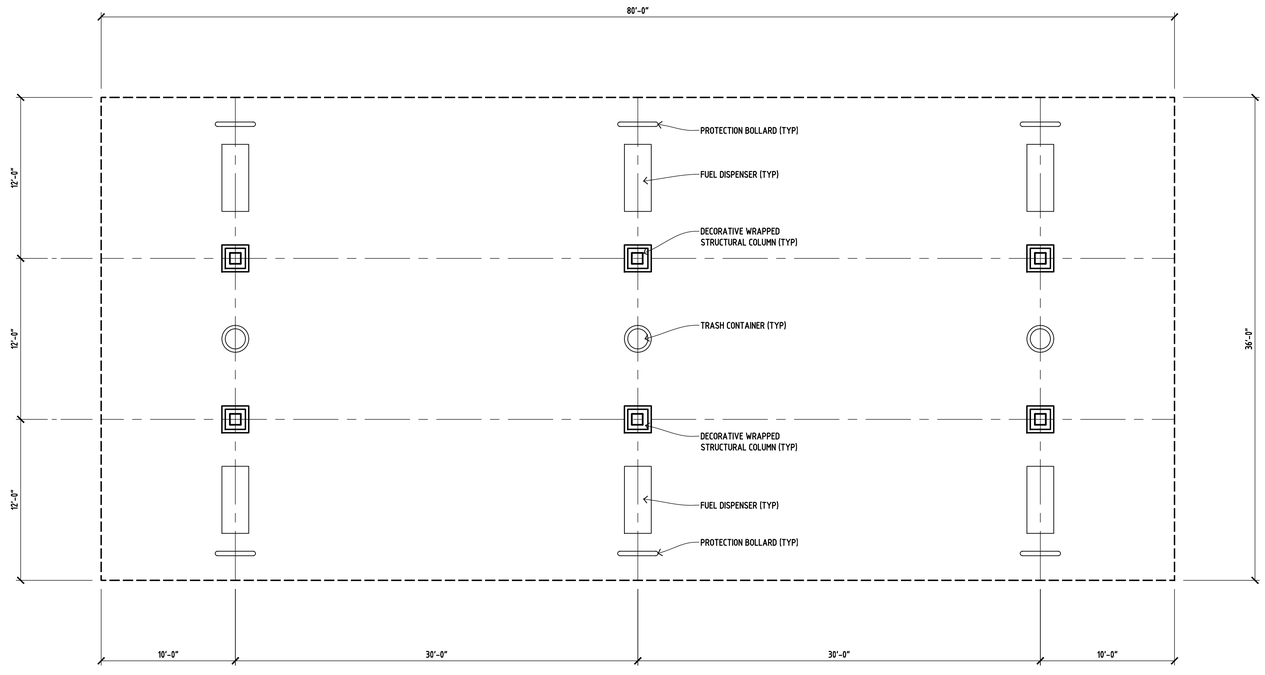


FUEL ISLAND

CONDITIONAL USE PERMIT

EXTERIOR ELEVATION

SCALE: 3/16"=1'-0"



FUEL ISLAND

CONDITIONAL USE PERMIT

FLOOR PLAN

SCALE: 3/16"=1'-0"

0 5'-4" 10'-8"

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CONDITIONAL USE PERMIT
REZONE

Edgewood Commercial Development

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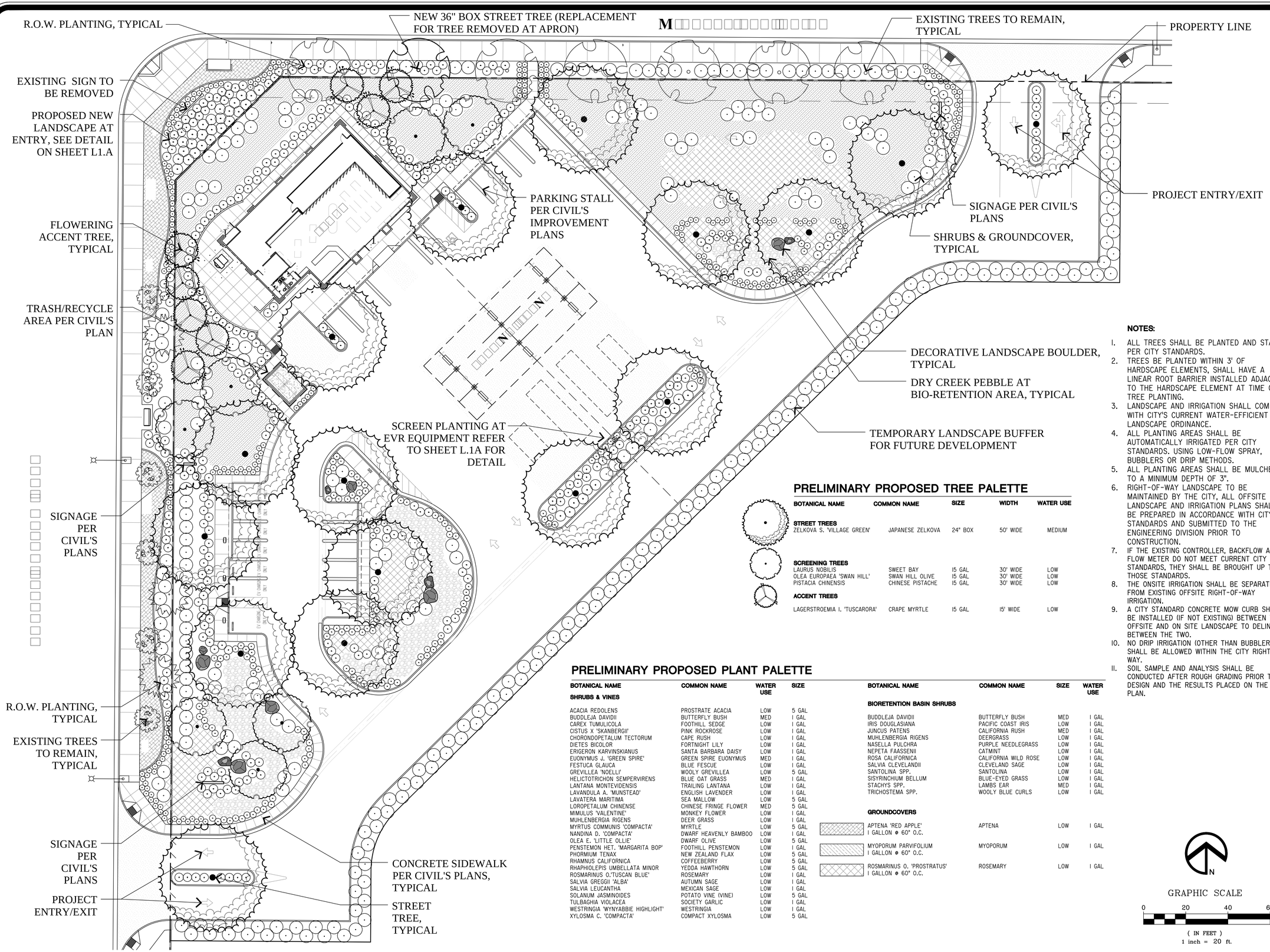
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PRELIMINARY PROPOSED TREE PALETTE

BOTANICAL NAME	COMMON NAME	SIZE	WIDTH	WATER USE
STREET TREES				
ZELKOVA S. 'VILLAGE GREEN'	JAPANESE ZELKOVA	24" BOX	50' WIDE	MEDIUM
SCREENING TREES				
LAURUS NOBILIS	SWEET BAY	15 GAL	30' WIDE	LOW
OLEA EUROPAEA 'SWAN HILL'	SWAN HILL OLIVE	15 GAL	30' WIDE	LOW
PISTACIA CHINENSIS	CHINESE PISTACHE	15 GAL	30' WIDE	LOW
ACCENT TREES				
LAGERSTROEMIA I. 'TUSCARORA'	CRAPE MYRTLE	15 GAL	15' WIDE	LOW

PRELIMINARY PROPOSED PLANT PALETTE

BOTANICAL NAME	COMMON NAME	WATER USE	SIZE
SHRUBS & VINES			
ACACIA REDOLENS	PROSTRATE ACACIA	LOW	5 GAL
BUDDLEJA DAVIDII	BUTTERFLY BUSH	MED	1 GAL
CAREX TUMULICOLA	FOOTHILL SEDGE	LOW	1 GAL
CISTUS X 'SKANBERGII'	PINK ROCKROSE	LOW	1 GAL
CHORONDOPETALUM TECTORUM	CAPE RUSH	LOW	1 GAL
DIETES BICOLOR	FORTNIGHT LILY	LOW	1 GAL
ERIGERON KARVINSKIANUS	SANTA BARBARA DAISY	LOW	1 GAL
EUONYMUS J. 'GREEN SPIRE'	GREEN SPIRE EUONYMUS	MED	1 GAL
FESTUCA GLAUCA	BLUE FESCUE	LOW	1 GAL
GREVILLEA 'NOELLI'	WOOLY GREVILLEA	LOW	5 GAL
HELICTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	MED	1 GAL
LANTANA MONTEVIDENSIS	TRAILING LANTANA	LOW	1 GAL
LAVANDULA A. 'MUNSTEAD'	ENGLISH LAVENDER	LOW	1 GAL
LAVATERA MARITIMA	SEA MALLOW	LOW	5 GAL
LOROPETALUM CHINENSE	CHINESE FRINGE FLOWER	MED	5 GAL
MIMULUS 'VALENTINE'	MONKEY FLOWER	LOW	1 GAL
MUHLENBERGIA RIGENS	DEER GRASS	LOW	1 GAL
MYRTUS COMMUNIS 'COMPACTA'	MYRTLE	LOW	5 GAL
NANDINA D. 'COMPACTA'	DWARF HEAVENLY BAMBOO	LOW	1 GAL
OLEA E. 'LITTLE OLLIE'	DWARF OLIVE	LOW	5 GAL
PENSTEMON HET. 'MARGARITA BOP'	FOOTHILL PENSTEMON	LOW	1 GAL
PHORMIUM TENAX	NEW ZEALAND FLAX	LOW	5 GAL
RHAMNUS CALIFORNICA	COFFEEBERRY	LOW	5 GAL
RHAPHIOLEPIS UMBELLATA MINOR	YEDDA HAWTHORN	LOW	5 GAL
ROSMARINUS O.'TUSCAN BLUE'	ROSEMARY	LOW	1 GAL
SALVIA GREGGII 'ALBA'	AUTUMN SAGE	LOW	1 GAL
SALVIA LEUCANTHA	MEXICAN SAGE	LOW	1 GAL
SOLANUM JASMINOIDES	POTATO VINE (VINE)	LOW	5 GAL
TULBAGHIA VIOLACEA	SOCIETY GARLIC	LOW	1 GAL
WESTRINGIA 'WYNYABBIE HIGHLIGHT'	WESTRINGIA	LOW	1 GAL
XYLOSMA C. 'COMPACTA'	COMPACT XYLOSMA	LOW	5 GAL

BOTANICAL NAME	COMMON NAME	WATER USE	SIZE
BIORETENTION BASIN SHRUBS			
BUDDLEJA DAVIDII	BUTTERFLY BUSH	MED	1 GAL
IRIS DOUGLASIANA	PACIFIC COAST IRIS	LOW	1 GAL
JUNCUS PATENS	CALIFORNIA RUSH	MED	1 GAL
MUHLENBERGIA RIGENS	DEERGRASS	LOW	1 GAL
NASELLA PULCHRA	PURPLE NEEDLEGRASS	LOW	1 GAL
NEPETA FAASSENII	CATMINT	LOW	1 GAL
ROSA CALIFORNICA	CALIFORNIA WILD ROSE	LOW	1 GAL
SALVIA CLEVELANDII	CLEVELAND SAGE	LOW	1 GAL
SANTOLINA SPP.	SANTOLINA	LOW	1 GAL
SISYRINCHIUM BELLUM	BLUE-EYED GRASS	LOW	1 GAL
STACHYS SPP.	LAMBS EAR	MED	1 GAL
TRICHOSTEMA SPP.	WOOLY BLUE CURLS	LOW	1 GAL
GROUNDCOVERS			
APTENA 'RED APPLE' I GALLON @ 60" O.C.	APTENA	LOW	1 GAL
MYOPORUM PARVIFOLIUM I GALLON @ 60" O.C.	MYOPORUM	LOW	1 GAL
ROSMARINUS O. 'PROSTRATUS' I GALLON @ 60" O.C.	ROSEMARY	LOW	1 GAL

NOTES:

1. ALL TREES SHALL BE PLANTED AND STAKED PER CITY STANDARDS.
2. TREES BE PLANTED WITHIN 3' OF HARDSCAPE ELEMENTS, SHALL HAVE A LINEAR ROOT BARRIER INSTALLED ADJACENT TO THE HARDSCAPE ELEMENT AT TIME OF TREE PLANTING.
3. LANDSCAPE AND IRRIGATION SHALL COMPLY WITH CITY'S CURRENT WATER-EFFICIENT LANDSCAPE ORDINANCE.
4. ALL PLANTING AREAS SHALL BE AUTOMATICALLY IRRIGATED PER CITY STANDARDS. USING LOW-FLOW SPRAY, BUBBLERS OR DRIP METHODS.
5. ALL PLANTING AREAS SHALL BE MULCHED TO A MINIMUM DEPTH OF 3".
6. RIGHT-OF-WAY LANDSCAPE TO BE MAINTAINED BY THE CITY, ALL OFFSITE LANDSCAPE AND IRRIGATION PLANS SHALL BE PREPARED IN ACCORDANCE WITH CITY STANDARDS AND SUBMITTED TO THE ENGINEERING DIVISION PRIOR TO CONSTRUCTION.
7. IF THE EXISTING CONTROLLER, BACKFLOW AND FLOW METER DO NOT MEET CURRENT CITY STANDARDS, THEY SHALL BE BROUGHT UP TO THOSE STANDARDS.
8. THE ONSITE IRRIGATION SHALL BE SEPARATED FROM EXISTING OFFSITE RIGHT-OF-WAY IRRIGATION.
9. A CITY STANDARD CONCRETE MOW CURB SHALL BE INSTALLED (IF NOT EXISTING) BETWEEN THE OFFSITE AND ON SITE LANDSCAPE TO DELINEATE BETWEEN THE TWO.
10. NO DRIP IRRIGATION (OTHER THAN BUBBLERS) SHALL BE ALLOWED WITHIN THE CITY RIGHT-OF-WAY.
11. SOIL SAMPLE AND ANALYSIS SHALL BE CONDUCTED AFTER ROUGH GRADING PRIOR TO DESIGN AND THE RESULTS PLACED ON THE PLAN.

N

GRAPHIC SCALE

0 20 40 60

(IN FEET)
1 inch = 20 ft.

DATE	SYMBOL	REVISIONS

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INITIAL PLAN REVIEW	
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FINAL CONSTRUCTION	

LANDSCAPE IMPROVEMENTS

EDGEWOOD COMMERCIAL DEVELOPMENT

SOUTHEAST CORNER
OF CORRAL HOLLOW ROAD
MIDDLE RD. & GRANT LINE RD.
TRACY, CALIFORNIA 95377

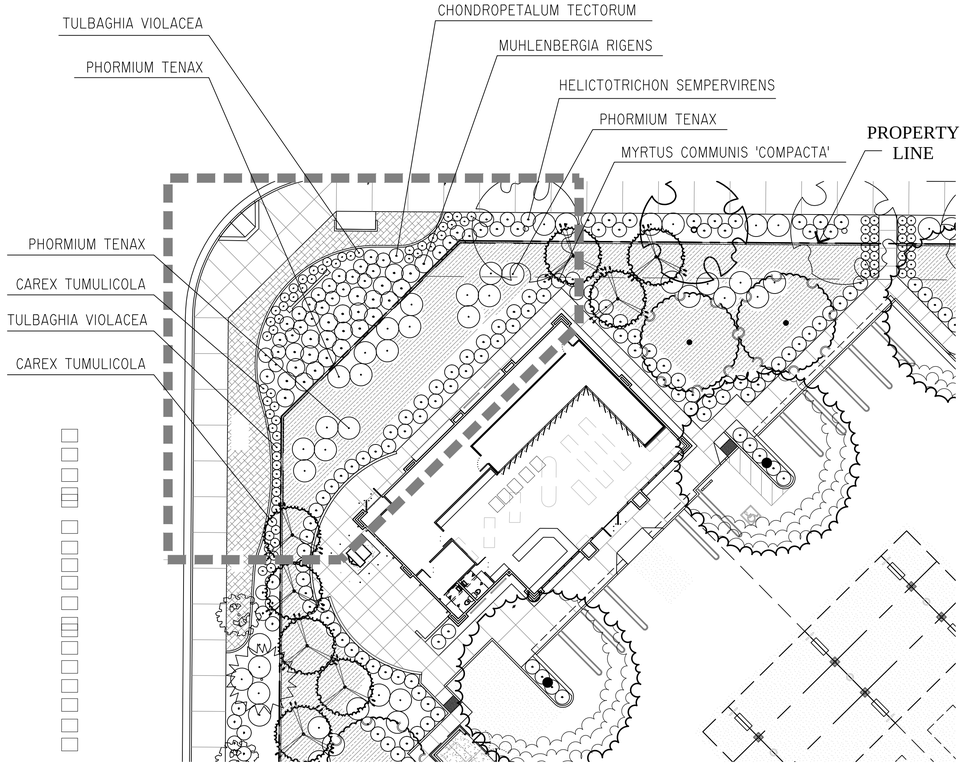
RIPLEY DESIGN GROUP, INC.

RIPLEY DESIGN GROUP

LICENSED LANDSCAPE ARCHITECT
JENNIFER M. CARPENTER
3684
Jennifer Carpenter
SIGNATURE
RENEWAL DATE: 01-28-2020
01-22-2020
DATE
State of California

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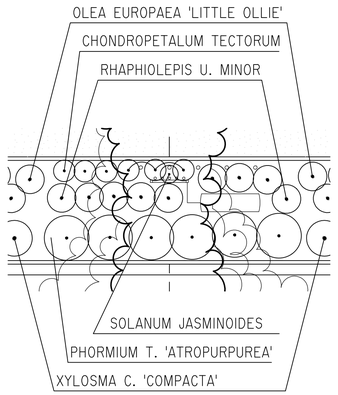


PROPOSED LANDSCAPE AT ENTRY

GRAPHIC SCALE

0 20 40 60

(IN FEET)
1 inch = 20 ft.

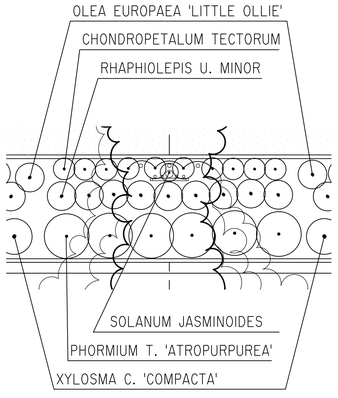


PLANTING AT EVR UNIT - TYPE A

GRAPHIC SCALE

0 10 20 30

(IN FEET)
1 inch = 10 ft.



PLANTING AT EVR UNIT - TYPE B

GRAPHIC SCALE

0 10 20 30

(IN FEET)
1 inch = 10 ft.

PRELIMINARY PROPOSED TREE PALETTE

BOTANICAL NAME	COMMON NAME	SIZE	WIDTH	WATER USE
STREET TREES				
ZELKOVA S. 'VILLAGE GREEN'	JAPANESE ZELKOVA	24" BOX	50' WIDE	MEDIUM
SCREENING TREES				
LAURUS NOBILIS	SWEET BAY	15 GAL	30' WIDE	LOW
OLEA EUROPAEA 'SWAN HILL'	SWAN HILL OLIVE	15 GAL	30' WIDE	LOW
PISTACIA CHINENSIS	CHINESE PISTACHE	15 GAL	30' WIDE	LOW
ACCENT TREES				
LAGERSTROEMIA I. 'TUSCARORA'	CRAPE MYRTLE	15 GAL	15' WIDE	LOW

PRELIMINARY PROPOSED PLANT PALETTE

BOTANICAL NAME	COMMON NAME	WATER USE	SIZE
SHRUBS & VINES			
ACACIA REDOLENS	PROSTRATE ACACIA	LOW	5 GAL
BUDDLEJA DAVIDII	BUTTERFLY BUSH	MED	1 GAL
CAREX TUMULICOLA	FOOTHILL SEDGE	LOW	1 GAL
CISTUS X 'SKANBERGII'	PINK ROCKROSE	LOW	1 GAL
CHONDROPETALUM TECTORUM	CAPE RUSH	LOW	1 GAL
DIETES BICOLOR	FORTNIGHT LILY	LOW	1 GAL
ERIGERON KARVINSKIANUS	SANTA BARBARA DAISY	LOW	1 GAL
EUONYMUS J. 'GREEN SPIRE'	GREEN SPIRE EUONYMUS	MED	1 GAL
FESTUCA GLAUCA	BLUE FESCUE	LOW	1 GAL
GREVILLEA 'NOELLI'	WOOLY GREVILLEA	LOW	5 GAL
HELICTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	MED	1 GAL
LANTANA MONTEVIDENSIS	TRAILING LANTANA	LOW	1 GAL
LAVANDULA A. 'MUNSTEAD'	ENGLISH LAVENDER	LOW	1 GAL
LAVATERA MARITIMA	SEA MALLOW	LOW	5 GAL
LOROPETALUM CHINENSE	CHINESE FRINGE FLOWER	MED	5 GAL
MIMULUS 'VALENTINE'	MONKEY FLOWER	LOW	1 GAL
MUHLENBERGIA RIGENS	DEER GRASS	LOW	1 GAL
MYRTUS COMMUNIS 'COMPACTA'	MYRTLE	LOW	5 GAL
NANDINA D. 'COMPACTA'	DWARF HEAVENLY BAMBOO	LOW	1 GAL
OLEA E. 'LITTLE OLLIE'	DWARF OLIVE	LOW	5 GAL
PENSTEMON HET. 'MARGARITA BOP'	FOOTHILL PENSTEMON	LOW	1 GAL
PHORMIUM TENAX	NEW ZEALAND FLAX	LOW	5 GAL
RHAMNUS CALIFORNICA	COFFEEBERRY	LOW	5 GAL
RHAPHIOLEPIS UMBELLATA MINOR	YEDDA HAWTHORN	LOW	5 GAL
ROSMARINUS O.'TUSCAN BLUE'	ROSEMARY	LOW	1 GAL
SALVIA GREGGII 'ALBA'	AUTUMN SAGE	LOW	1 GAL
SALVIA LEUCANTHA	MEXICAN SAGE	LOW	1 GAL
SOLANUM JASMINOIDES	POTATO VINE (VINE)'	LOW	5 GAL
ULBAGHIA VIOLACEA	SOCIETY GARLIC	LOW	1 GAL
WESTRINGIA 'WYNYABBIE HIGHLIGHT'	WESTRINGIA	LOW	1 GAL
XYLOSMA C. 'COMPACTA'	COMPACT XYLOSMA	LOW	5 GAL
BIORETENTION BASIN SHRUBS			
BUDDLEJA DAVIDII	BUTTERFLY BUSH	MED	1 GAL
IRIS DOUGLASIANA	PACIFIC COAST IRIS	LOW	1 GAL
JUNCUS PATENS	CALIFORNIA RUSH	MED	1 GAL
MUHLENBERGIA RIGENS	DEERGRASS	LOW	1 GAL
NASELLA PULCHRA	PURPLE NEEDLEGRASS	LOW	1 GAL
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ROSA CALIFORNICA	CALIFORNIA WILD ROSE	LOW	1 GAL
SALVIA CLEVELANDII	CLEVELAND SAGE	LOW	1 GAL
SANTOLINA SPP.	SANTOLINA	LOW	1 GAL
SISYRINCHIUM BELLUM	BLUE-EYED GRASS	LOW	1 GAL
STACHYS SPP.	LAMBS EAR	MED	1 GAL
TRICHOSTEMA SPP.	WOOLY BLUE CURLS	LOW	1 GAL
GROUNDCOVERS			
APTENA 'RED APPLE' I GALLON @ 60" O.C.	APTENA	LOW	1 GAL
MYOPORUM PARVIFOLIUM I GALLON @ 60" O.C.	MYOPORUM	LOW	1 GAL
ROSMARINUS O. 'PROSTRATUS' I GALLON @ 60" O.C.	ROSEMARY	LOW	1 GAL



APTENA 'RED APPLE'



CHONDROPETALUM TECTORUM



PHORMUM TENAX



MUHLENBERGIA RIGENS



TULBAGHIA VIOLACEA



CAREX TUMULICOLA



MYRTUS COMMUNIS 'COMPACTA'



HELICTOTRICHON SEMPERVIRENS



XYLOSMA C. 'COMPACTA'



SOLANUM JASMINOIDES



PHORMUM TENAX 'ATROPURPUREA'



CHONDROPETALUM TECTORUM



OLEA E. 'LITTLE OLLIE'



RHAPHIOLEPIS U. MINOR

REVISIONS		
DATE	SYMBOL	

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PERMIT ISSUANCE	
BID DOCUMENTS	
FINAL CONSTRUCTION	

LANDSCAPE IMPROVEMENTS

EDGEWOOD COMMERCIAL DEVELOPMENT

SOUTHEAST CORNER
MIDDLEFIELD ROAD & HOLLOW ROAD
TRACY, CALIFORNIA 95377

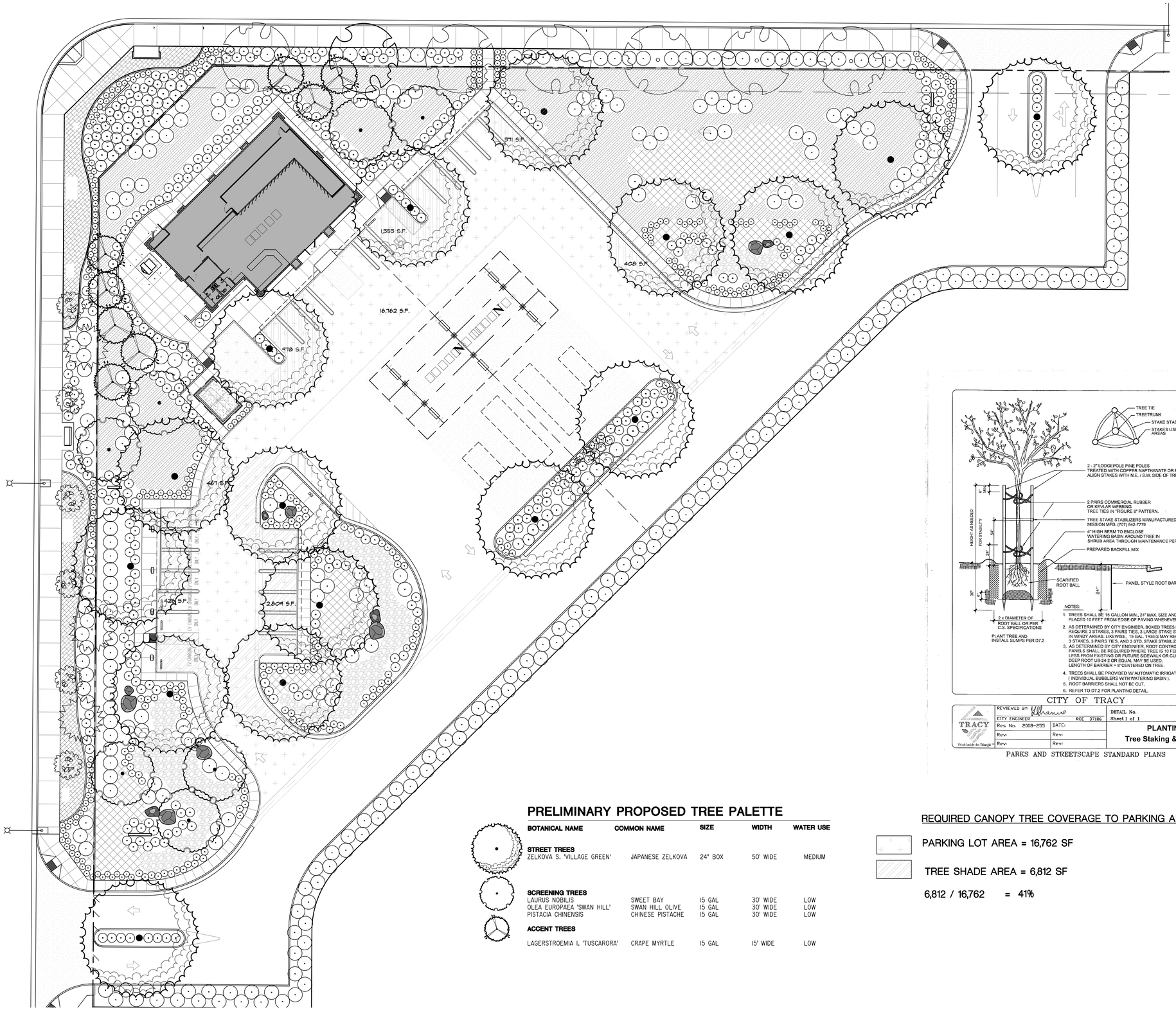
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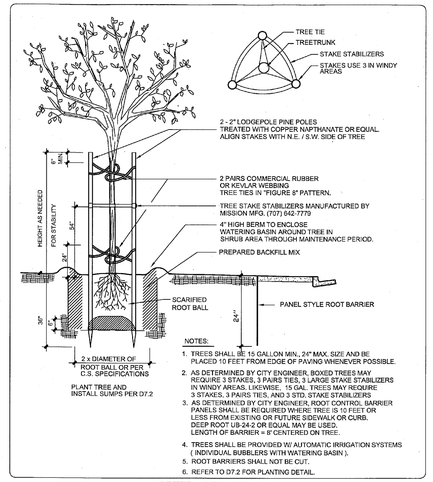
RIPLEY DESIGN GROUP

LICENSED LANDSCAPE ARCHITECT
JENNIKA M. CARPENTER
3684
RENEWAL DATE 02-28-2020
01-22-2020
DATE
State of California

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JOB NO.

OF 7 SHEETS





CITY OF TRACY

TRACY Think Inside the Triangle	REVIEWED BY:		DETAIL No. D 7.4.1
	CITY ENGINEER	RCE 37186	Sheet 1 of 1
	Res No. 2008-255	DATE:	PLANTING
	Rev:	Rev:	Tree Staking & Planting
	Rev:	Rev:	

PARKS AND STREETSCAPE STANDARD PLANS

PRELIMINARY PROPOSED TREE PALETTE

BOTANICAL NAME	COMMON NAME	SIZE	WIDTH	WATER USE
STREET TREES				
ZELKOVA S. 'VILLAGE GREEN'	JAPANESE ZELKOVA	24" BOX	50' WIDE	MEDIUM
SCREENING TREES				
LAURUS NOBILIS	SWEET BAY	15 GAL	30' WIDE	LOW
OLEA EUROPAEA 'SWAN HILL'	SWAN HILL OLIVE	15 GAL	30' WIDE	LOW
PISTACIA CHINENSIS	CHINESE PISTACHE	15 GAL	30' WIDE	LOW
ACCENT TREES				
LAGERSTROEMIA I. 'TUSCARORA'	CRAPE MYRTLE	15 GAL	15' WIDE	LOW

REQUIRED CANOPY TREE COVERAGE TO PARKING AREA RATIO (40%)

PARKING LOT AREA = 16,762 SF

TREE SHADE AREA = 6,812 SF

6,812 / 16,762 = 41%

DATE	SYMBOL	REVISIONS

LANDSCAPE IMPROVEMENTS

EDGEWOOD COMMERCIAL DEVELOPMENT

SOUTHEAST CORNER MIDDLEFIELD ROAD & CORRAL HOLLOW ROAD TRACY, CALIFORNIA 95377

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RIPLEY DESIGN GROUP

LICENSED LANDSCAPE ARCHITECT
ANNITA M. CARPENTER
3684
RENEWAL DATE 02-28-2021
01-22-2020
DATE
State of California

DATE

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ACACIA REDOLENS



BUDDLEJA DAVIDII



CAREX TUMULICOLA



CHONDROPETALUM TECTORUM



CISTUS X 'SKANBERGII'



DIETES BICOLOR



ERIGERON KARVINSKIANUS



EUONYMUS J. 'GREEN SPIRE'



FESTUCA GLAUCA



GREVILLEA 'NOELLI'



HELICTOTRICHON SEMPERVIRENS



LANTANA MONTEVIDENSIS



LAVANDULA A. 'MUNSTEAD'

DATE	SYMBOL	REVISIONS

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	PERMIT ISSUANCE	
	BID DOCUMENTS	
	FINAL CONSTRUCTION	

LANDSCAPE IMPROVEMENTS

EDGEWOOD COMMERCIAL DEVELOPMENT

SOUTHEAST CORNER
OF CORRAL HOLLOW ROAD
TRACY, CALIFORNIA 95377

RIPLEY DESIGN GROUP, INC.

RIPLEY DESIGN GROUP

LICENSED LANDSCAPE ARCHITECT
JANITZKA M. CARPENTER
3684
Janitzka Carpenter
SIGNATURE
RENEWAL DATE 08-31-2021
01-22-2020
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State of California

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JOB NO.

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LAVATERA MARITIMA



LOROPETALUM CHINENSE



MIMULUS 'VALENTINE'



MUHLENBERGIA RIGENS



MYRTUS COMMUNIS 'COMPACTA'



NANDINA D. 'COMPACTA'



OLEA E. 'LITTLE OLLIE'



PENSTEMON HET. 'MARGARITA BOP'



PHORMUM TENAX 'ATROPURPUREA'



RHAMNUS CALIFORNICA



RHAPHIOLEPIS UMBELLATA MINOR



ROSMARINUS O. 'TUSCAN BLUE'



SALVIA GREGGII 'ALBA'

DATE	SYMBOL	REVISIONS

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LANDSCAPE IMPROVEMENTS

EDGEWOOD COMMERCIAL DEVELOPMENT

SOUTHEAST CORNER OF CORRAL HOLLOW ROAD AND GRANT LINE ROAD
TRACY, CALIFORNIA 95377

RIPLEY DESIGN GROUP, INC.

RIPLEY DESIGN GROUP

LICENSED LANDSCAPE ARCHITECT
CYNTHIA M. CARPENTER
3684
SIGNATURE
RENEWAL DATE 08-28-2020
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SALVIA LEUCANTHA



SOLANUM JASMINOIDES



WESTRINGIA 'WYNYABBIE HIGHLIGHT'



XYLOSMA CONGESTUM 'COMPACTA'



TULBAGHIA VIOLACEA

□□□□N□□□□□□□



APTENA 'RED APPLE'



MYOPORUM PARVIFOLIUM



ROSMARINUS O. 'PROSTRATUS'

□□□□□



ZELKOVA S. 'VILLAGE GREEN'



LAGERSTROEMIA TUSCARORA



LAURUS NOBILIS



PISTACIA CHINENSIS



OLEA EUROPAEA 'SWAN HILL'

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LANDSCAPE IMPROVEMENTS

EDGEWOOD COMMERCIAL DEVELOPMENT

SOUTHEAST CORNER
MIDDLE ELEMENTARY SCHOOL ON CORRAL HOLLOW ROAD
TRACY, CALIFORNIA 95377

RIPLEY DESIGN GROUP, INC.

RIPLEY DESIGN

LICENSED LANDSCAPE ARCHITECT
AGNIESZKA M. CARPENTER
3684
SIGNATURE
RENEWAL DATE 12-31-2020
01-22-2020
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State of California

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OF 7 SHEETS

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BUDDLEJA DAVIDII



IRIS DOUGLASIANA



JUNCUS PATENS



MUHLENBERGIA RIGENS



NASSELLA PULCHRA



NEPETA FAASSENII



ROSA CALIFORNICA



SALVIA CLEVELANDII



SANTOLINA



SISYRINCHIUM BELLUM



STACHYS SPP



TRICHOSTEMA LANATUM

DATE	SYMBOL	REVISIONS

DRAWING RELEASE

	DESCRIPTION	DATE
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	PERMIT ISSUANCE	
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LANDSCAPE IMPROVEMENTS

EDGEWOOD COMMERCIAL DEVELOPMENT

SOUTHEAST CORNER
MIDDLEFIELD ROAD & HOLLOW ROAD
TRACY, CALIFORNIA 95377

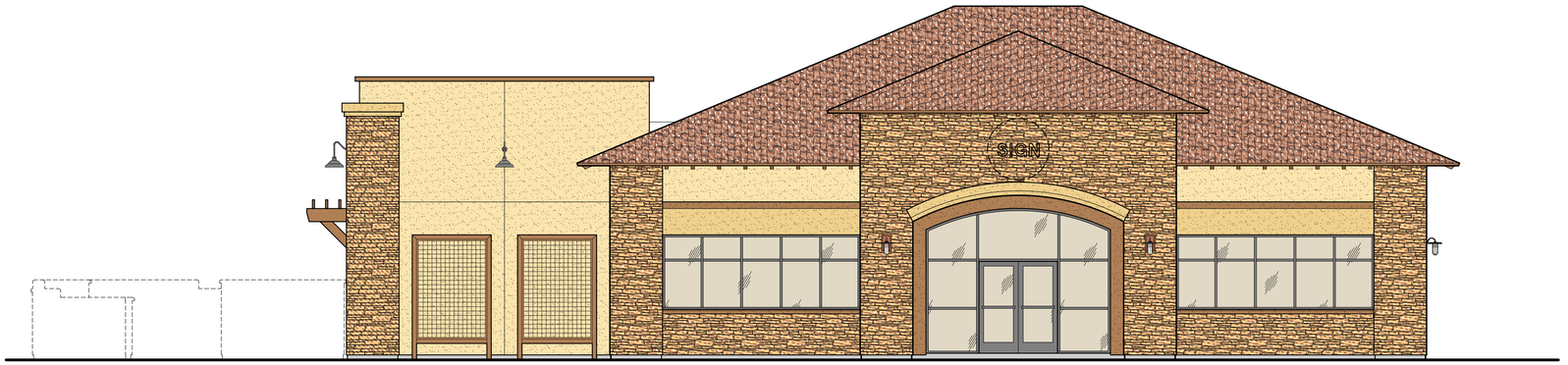
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RIPLEY DESIGN GROUP

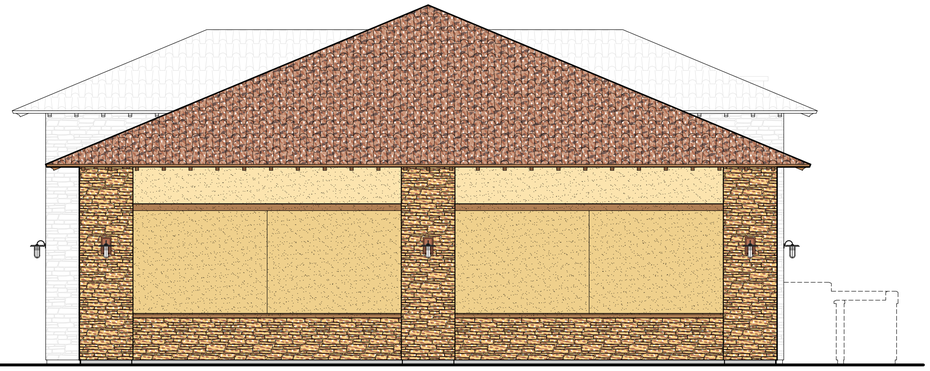
LICENSED LANDSCAPE ARCHITECT
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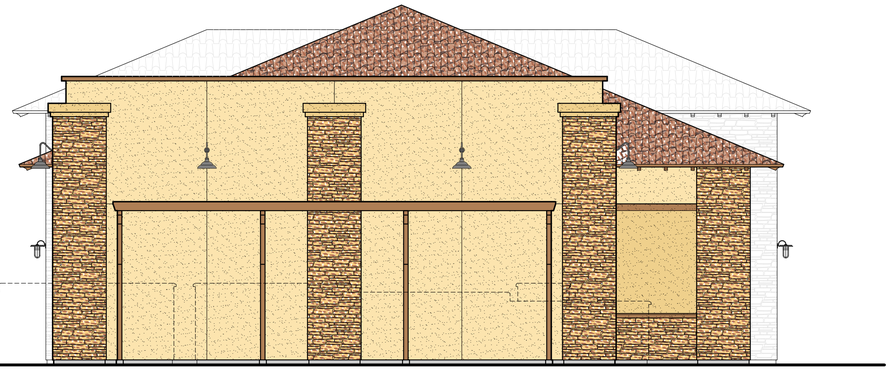
OF 7 SHEETS



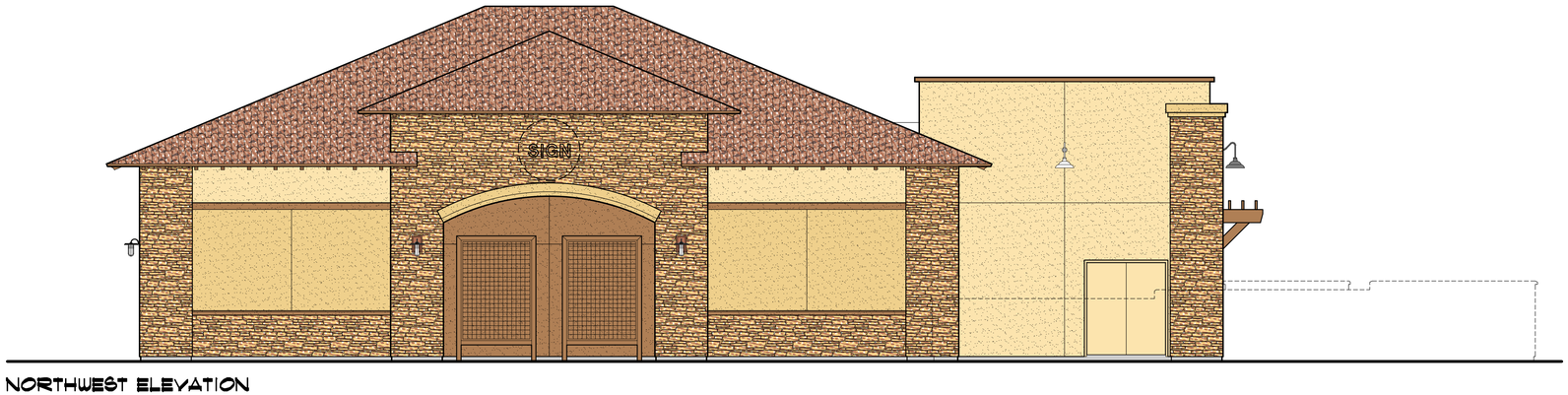
SOUTHEAST ELEVATION



NORTHEAST ELEVATION



SOUTHWEST ELEVATION



NORTHWEST ELEVATION

CONVENIENCE STORE

CONDITIONAL USE PERMIT

EXTERIOR ELEVATIONS

SCALE: 3/16"=1'-0"

0 5'-4" 10'-8"

REVISIONS

DATE	SYMBOL	REVISIONS

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■	INITIAL PLAN REVIEW	09/30/19
■	ADDITIONAL PLAN REVIEW	
☐	PERMIT ISSUANCE READY	
☐	FINAL CONSTRUCTION	

CONDITIONAL USE PERMIT
REZONE

Edgewood Commercial Development

SOUTHEAST CORNER
MIDDLEFIELD ROAD / CORRAL HOLLOW ROAD
TRACY, CALIFORNIA 95377

Schack & Company, Inc.
Professional Design Group
1825 Carnegie Avenue Tracy, California 95376
Ph.(209)835-1173 Fax:(209)835-1486
www.schackandco.com
arch-engr@schackandco.com

DATE: 09/06/19
DRAWN BY: SFS
CHECKED BY: SFS
JOB NO: 19.007

DR.4
OF 11 SHEETS

Attachment E

ENVIRONMENTAL CHECKLIST

FOR THE

Edgewood Commercial Project

June 2020

Prepared for:

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

Prepared by:

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

De Novo Planning Group

A Land Use Planning, Design, and Environmental Firm

ENVIRONMENTAL CHECKLIST

FOR THE

Edgewood Commercial
PROJECT

June 2020

Prepared for:

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

Prepared by:

De Novo Planning Group
1020 Suncast Lane, Suite 106
El Dorado Hills, CA 95762
(916) 580-9818

INTRODUCTION

The following pages provide an analysis of the proposed Edgewood Commercial (Project) with respect to the project's consistency with the City of Tracy General Plan, the analysis contained in the General Plan EIR, and any site-specific environmental impacts or cumulative impacts that may result from project implementation.

As explained in the following pages, the proposed project is consistent with the City's General Plan, for which an EIR was prepared and certified, and there are no site-specific or cumulative impacts associated with the proposed project that have not been fully addressed in a previous environmental document, or that cannot be mitigated to a less-than-significant level through the application of uniformly applied development policies and/or standards. The findings presented below demonstrate that no additional environmental analysis is required under the California Environmental Quality Act (CEQA) prior to approval of the proposed project.

PROJECT OVERVIEW

PROJECT LOCATION

The project site consists of a vacant 10.29-acre parcel located southeast of the intersection of Corral Hollow Road and Middlefield Drive in the City of Tracy. The project site is located on Assessor Parcel Number (APN) 248-180-13. The project's location is shown in Figure 1.

PROJECT DESCRIPTION

The proposed project would include the development of a 3,884 square foot (sf) convenience store and 2,880 sf fueling island, consisting of 12 gas pumps and four below grade fuel tanks, on approximately 2.44-acres in the northwest corner of the 10.29-acre project site. In addition, the proposed project would include a rezone of the entire 10.29-acre parcel from Planned Unit Development (PUD) to Neighborhood Shopping (NS). Figure 2 displays the proposed site plan. It should be noted that future site development may occur in additional phases; however, the future phases are not proposed at this time and will require a separate development review process(es).

The proposed project would include the removal of the existing subdivision sign and trees at the northwest corner of the project site, directly southeast of the intersection of Corral Hollow Road and Middlefield Drive. The proposed project would also remove the existing on-site screenwall located adjacent to the subdivision and construct a new six-foot screenwall adjacent to the proposed convenience store, extending the screenwall along a portion of the adjacent roadways. Landscaping and parking would be provided throughout the 2.44-acre portion of the project site currently proposed for development.

Access to the convenience store and fueling island would be provided by an existing driveway located on Corral Hollow Road, along the western boundary of the site, and by an existing driveway located on Middlefield Drive, along the northern boundary of the site connected via a new southwest to northeast internal roadway, as shown on Figure 2. A total of 26 automobile parking spaces would be provided. 12 standard vehicle parking spaces and one accessible parking space are proposed along the convenience store frontage and six standard vehicle

parking spaces and seven electric vehicle charging parking stalls are proposed in a separate parking area located directly north of the proposed site access off Corral Hollow Road.

Three freeform bio-retention areas would be provided in the three landscaped areas adjacent to the fueling island and directly north of the driveway off Corral Hollow Drive. The freeform bio-retention areas would be designed and installed per the City of Tracy "Multi-Agency Post-Construction Standards Manual." The freeform bio-retention areas would drain via a proposed 12-inch storm drain (SD) pipeline running beneath the internal roadway and connecting to a proposed 18-inch SD pipeline. The proposed 18-inch storm drain pipeline would connect to the existing storm drain inlet on Middlefield Drive.

An existing eight-inch diameter water distribution stub is located in Middlefield Drive adjacent to the proposed driveway. The project proposes to connect to the existing water system installing a domestic water meter/service lateral to serve the proposed convenience store and one water stub for future development, as well as a water meter/service lateral for irrigation to serve the landscaping.

An existing eight-inch diameter sewer main is located in Middlefield Drive adjacent to the project site. The project proposes to connect to the eight-inch diameter sewer main, install a sanitary sewer manhole, and extend the sewer system via a proposed six-inch sanitary sewer pipeline to serve the site.

EXISTING SITE USES

The project site is currently vacant and undeveloped with various trees located along the right-of-way on Corral Hollow Road and Middlefield Drive. A subdivision sign and six-foot-tall screenwall exists at the northwest corner of the project site. No structures are located on-site. Figure 3 shows an aerial of the project site.

SURROUNDING LAND USES

The surrounding area includes single-family residential neighborhoods to the north and east (General Plan designation of Residential Low), a multi-family apartment building complex (Waterstone Apartments) to the north of the project site, past Middlefield Drive (General Plan designation of Residential High), and vacant land (General Plan designation of Commercial) and a single-family subdivision (General Plan designation of Residential Traditional) to the west across South Corral Hollow Road. A variety of industrial buildings (General Plan designation of Industrial) exist just to the south of the site, beyond the Union Pacific railroad (UPRR) track and Linne Road. The UPRR track is an active line, serving Altamont Commuter Express (ACE) users daily. The Tracy Municipal Airport (General Plan designation of Public Facilities) is also located south of project site, beyond the existing industrial area. An elementary school (Anthony Traina Elementary) is located approximately 750 yards (0.4 miles) to the northeast. There is also a small park containing a tennis court and a jungle gym immediately adjacent to the east (Don Cose Park).

GENERAL PLAN AND ZONING DESIGNATIONS

The City of Tracy General Plan land use designation for the project site is Commercial (consistent with the proposed project) and the project site is currently zoned PUD on the City of Tracy Zoning

Map. The Commercial (C) land use designation, as described in the Tracy General Plan Land Use Element, allows for a relatively wide range of uses but focuses primarily on retail and consumer service activities that meet the needs of Tracy residents and employees as well as passthrough travelers. Specific uses allowed in the Commercial land use designation include grocery and convenience stores, auto service stations, salons, restaurants, and fast-food establishments to name a few. According to the City's General Plan, Commercial parcels may have a maximum floor-area ration (FAR) of 1.0. The proposed project's average FAR would be approximately 0.063, consistent with the City's General Plan.

As previously noted, the proposed project would include a rezone of the 10.29-acre parcel from PUD to NS, which would focus the uses on-site and implement the site's Commercial land use designation. Changing the parcel's zoning from PUD to NS would not result in any new or intensified development; thus, the rezone to NS is consistent with the previous analysis contained in the General Plan EIR. The purpose of the Neighborhood Shopping zone, as described in the City of Tracy Municipal Code, is to provide goods and services to the residents of the surrounding area. Specific uses allowed in the NS zone include institutional and recreational uses serving local residents, retail trade establishments and convenience goods. NS uses are not ordinarily considered detrimental to a residential zone because of traffic, noise, or other nuisance factors. The proposed fuel station and convenience store are allowed uses within the NS zone, and require a Conditional Use Permit (CUP). Figure 4 also displays the existing and proposed zoning designation for the project site and the existing zoning of the surrounding area.

REQUESTED ENTITLEMENTS AND OTHER APPROVALS

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

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

- Rezone from PUD to Neighborhood Shopping Zone.
- Conditional Use Permit.
- Adoption of the CEQA Exemption (Guidelines Section 15183).
- Development Review Permit.
- Development of Conditions of Approval (COA).

The following agencies may be required to issue permits or approve certain aspects of the proposed project:

- Central Valley Regional Water Quality Control Board (CVRWQCB) - Storm Water Pollution Prevention Plan (SWPPP) approval prior to construction activities.
- San Joaquin Valley Air Pollution Control District (SJVAPCD) - Approval of construction-related air quality permits.
- San Joaquin Council of Governments (SJCOG) - Review of project application to determine consistency with the San Joaquin County Multi-Species Habitat, Conservation, and Open Space Plan (SJMSCP).

PREVIOUS ENVIRONMENTAL ANALYSES OF THE PROPOSED PROJECT

One previous environmental analysis has been prepared and certified which is applicable to the proposed project.

On February 1, 2011, the City adopted a new General Plan and certified the associated General Plan EIR (State Clearinghouse (SCH) # 2008092006). The proposed project would be consistent with the General Plan designation of Commercial, as described above. The General Plan EIR assumed full development and buildout of the project site, consistent with the uses and development standards proposed by the project. The cumulative impacts associated with buildout of the City of Tracy General Plan, including the project site, were fully addressed in the General Plan EIR.

CEQA GUIDELINES SECTION 15183 EXEMPTIONS

CEQA Guidelines Section 15183 allows a streamlined environmental review process for projects that are consistent with the densities established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified. As noted above, the proposed project is consistent with the land use designation and densities established by the Tracy General Plan, for which an EIR was certified. The provisions contained in Section 15183 of the CEQA Guidelines are presented below.

15183. Projects Consistent with a Community Plan or Zoning

(a) CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

(b) In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:

> *(1) Are peculiar to the project or the parcel on which the project would be located,*
> *(2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,*
> *(3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or*
> *(4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.*

(c) If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied

development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.

(d) This section shall apply only to projects which meet the following conditions:

(1) The project is consistent with:

(A) A community plan adopted as part of a general plan,
(B) A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or
(C) A general plan of a local agency, and

(2) An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.

(e) This section shall limit the analysis of only those significant environmental effects for which:

(1) Each public agency with authority to mitigate any of the significant effects on the environment identified in the planning or zoning action undertakes or requires others to undertake mitigation measures specified in the EIR which the lead agency found to be feasible, and
(2) The lead agency makes a finding at a public hearing as to whether the feasible mitigation measures will be undertaken.

(f) An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the City or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. The finding shall be based on substantial evidence which need not include an EIR. Such development policies or standards need not apply throughout the entire City or county, but can apply only within the zoning district in which the project is located, or within the area subject to the community plan on which the lead agency is relying. Moreover, such policies or standards need not be part of the general plan or any community plan, but can be found within another pertinent planning document such as a zoning ordinance. Where a City or county, in previously adopting uniformly applied development policies or standards for imposition on future projects, failed to make a finding as to whether such policies or standards would substantially mitigate the effects of future projects, the decision-making body of the City or county, prior to approving such a future project pursuant to this section, may hold a public hearing for the purpose of considering whether, as applied to the project, such standards or policies would substantially mitigate the effects of the project. Such a public hearing need only be held if the City or county decides to apply the standards or policies as permitted in this section.

(g) Examples of uniformly applied development policies or standards include, but are not limited to:

(1) Parking ordinances.

(2) Public access requirements.
(3) Grading ordinances.
(4) Hillside development ordinances.
(5) Flood plain ordinances.
(6) Habitat protection or conservation ordinances.
(7) View protection ordinances.
(8) Requirements for reducing greenhouse gas emissions, as set forth in adopted land use plans, policies, or regulations.

(h) An environmental effect shall not be considered peculiar to the project or parcel solely because no uniformly applied development policy or standard is applicable to it.

(i) Where the prior EIR relied upon by the lead agency was prepared for a general plan or community plan that meets the requirements of this section, any rezoning action consistent with the general plan or community plan shall be treated as a project subject to this section.

(1) "Community plan" is defined as a part of the general plan of a City or county which applies to a defined geographic portion of the total area included in the general plan, includes or references each of the mandatory elements specified in Section 65302 of the Government Code, and contains specific development policies and implementation measures which will apply those policies to each involved parcel.
(2) For purposes of this section, "consistent" means that the density of the proposed project is the same or less than the standard expressed for the involved parcel in the general plan, community plan or zoning action for which an EIR has been certified, and that the project complies with the density-related standards contained in that plan or zoning. Where the zoning ordinance refers to the general plan or community plan for its density standard, the project shall be consistent with the applicable plan.

(j) This section does not affect any requirement to analyze potentially significant offsite or cumulative impacts if those impacts were not adequately discussed in the prior EIR. If a significant offsite or cumulative impact was adequately discussed in the prior EIR, then this section may be used as a basis for excluding further analysis of that offsite or cumulative impact.

PROJECT-SPECIFIC ENVIRONMENTAL REVIEW

The attached Environmental Checklist includes a discussion and analysis of any peculiar or site-specific environmental impacts associated with construction and operation of the proposed project. The Environmental Checklist identifies the applicable City of Tracy development standards and policies that would apply to the proposed project during both the construction and operational phases, and explains how the application of these uniformly applied standards and policies would ensure that no peculiar or site-specific environmental impacts would occur.

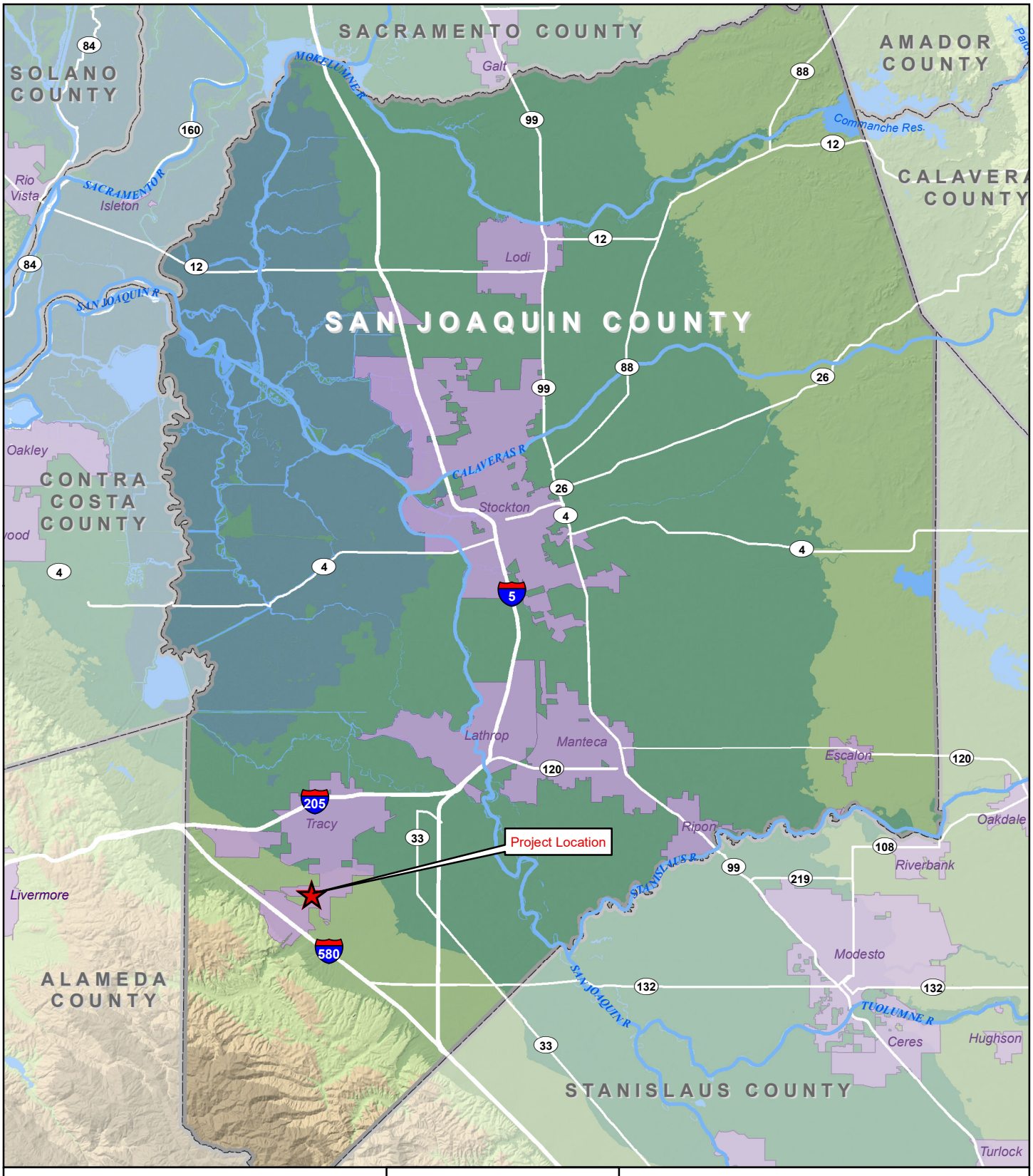
CONCLUSION

As described above, the proposed Edgewood Commercial (project) is consistent with the land use designations and development intensities assigned to the project site by the City of Tracy General Plan. Cumulative impacts associated with development and buildout of the project site,

as proposed, were fully addressed in the City of Tracy General Plan EIR (SCH# 2008092006). Since the proposed project is consistent with the land use designation and development intensity for the site identified in the General Plan and analyzed in the General Plan EIR, implementation of the proposed project would not result in any new or altered cumulative impacts beyond those addressed in the General Plan EIR.

The analysis in the attached CEQA Environmental Checklist demonstrates that there are no site-specific or peculiar impacts associated with the project, and identifies uniformly applied standards and policies that would be applied to the project. The Project Requirements identified in the attached environmental analysis include requirements that must be implemented by the proposed project in order to ensure that any site-specific impacts or construction-related impacts are reduced to a less-than-significant level. All Project Requirements identified in the attached Environmental Checklist shall be made a condition of project approval and shall be implemented within the timeframes identified.

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Legend

- Project Location
- County Boundary
- City Area

Sources: CalAtlas; San Joaquin, Stanislaus, Sacramento, Solano, Contra Costa, and Alameda Counties. Map date: December 20, 2019.

N

0 2½ 5

Miles

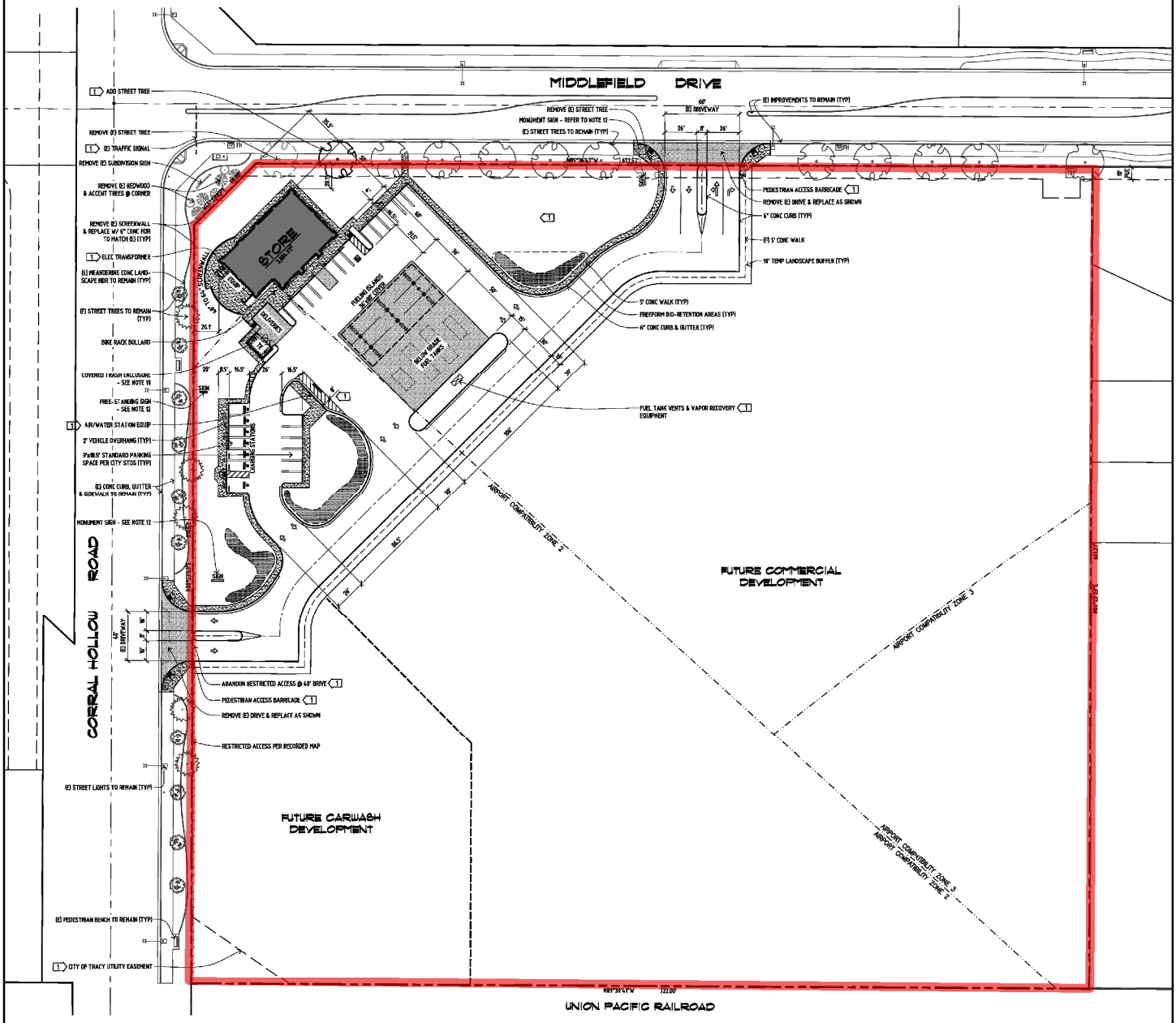
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Figure 1. Regional Location Map

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Legend

Project Boundary

N

0 50 100

Feet

1:1,500

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Figure 2. Site Plan

Sources: Schack & Company, Inc. 8/28/19;
San Joaquin County GIS. Map date: December 20, 2019.

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Legend

Project Boundary

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0 250 500

Feet

1:6,000

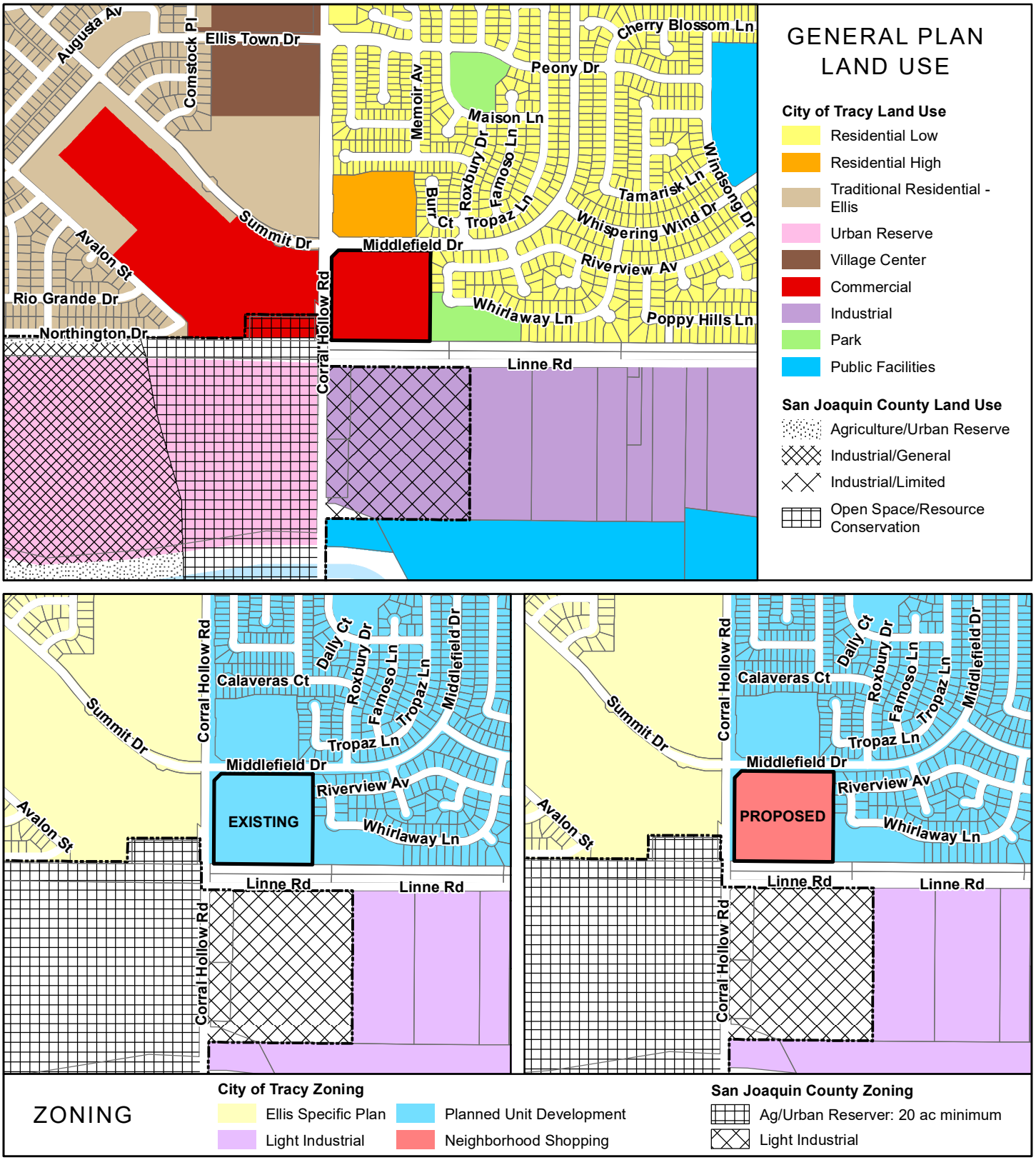
Sources: San Joaquin County GIS; ArcGIS Online World Imagery Map Service. Map date: December 20, 2019.

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Figure 3. Aerial View of Project Site

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Sources: San Joaquin County; City of Tracy.
Map date: December 20, 2019. Revised: January 15, 2020.

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Figure 4. General Plan and Zoning

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ENVIRONMENTAL CHECKLIST

I. AESTHETICS -- WOULD THE PROJECT:

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

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant. There are no scenic vistas located on or adjacent to the project site. The proposed project is considered an infill project, and the proposed uses on the site are consistent and compatible with the surrounding land uses. The surrounding area includes single-family residential neighborhoods to the north, west, and east (General Plan designation of Residential Low and zoning of PUD), a multi-family apartment building to the north (General plan designation of Residential High and zoning of PUD), and the Tracy Municipal Airport bordering on the south (General Plan Designation of Public Facilities and zoning of Light Industrial). An elementary school (Anthony Traina Elementary) is located approximately 750 yards (0.4 miles) to the northeast. There is also a Union Pacific Railroad (UPRR) track along the southern boundary of the subject property, which provides regular Altamont Corridor Express (ACE) train service.

Implementation of the proposed project would provide for a commercial development to serve the surrounding neighborhoods on a project site that is bordered by similarly scaled development to the north, east, and south, as described above. The project site is not topographically elevated from the surrounding lands, and is not highly visible from areas beyond the immediate vicinity of the site. There are no prominent features on the site, such as trees, rock outcroppings, or other visually distinctive features that contribute to the scenic quality of the site. The project site is not designated as a scenic vista by the City of Tracy General Plan.

Implementation of the proposed project would not significantly change the existing visual character of the project area, as much of the areas immediately adjacent to the site to the north, west, and east are used for residential purposes, and lands to the south of the site are industrial in nature. The proposed site plan would place a six-foot screenwall at the northwest corner of the project site extending along the adjacent roadways to screen the convenience store. Additionally, the development would provide a visual screen and buffer between the existing industrial uses to the south and the existing residential uses to the north of the site.

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

Response b): Less than Significant. As described in the Tracy General Plan EIR**,** there are two Officially Dedicated California Scenic Highway segments in the Tracy Planning Area, which extend a total length of 16 miles. The first designated scenic highway is the portion of Interstate (I) 580 between I-205 and I-5, which offers views of the Coast Range to the west and the Central Valley's urban and agricultural lands to the east. The second scenic highway is the portion of I-5 that starts at I-205 and continues south to Stanislaus County, which allows for views of the surrounding agricultural lands and the Delta-Mendota Canal and California Aqueduct.

The scenic portion of the I-580 highway runs approximately 1.5 miles from the project site (at its closest point, to the southwest). The project is not highly visible from this highway, blending into the surrounding existing land uses and terrain. Additionally, the project is not at all visible along any scenic section of I-5. Development of the proposed project would not result in the removal of any trees, rock outcroppings, or buildings of historical significance, and would not result in changes to any of the viewsheds from the designated scenic highways in the vicinity of the City of Tracy. Therefore, there is a **less than significant impact**.

Response c): Less than Significant. The proposed project would be visually compatible with the surrounding residential land uses and would not significantly degrade the existing visual quality of the site or the surrounding area. The project is consistent with the Commercial land use designation and will comply with City standards, including, but not limited to, the City's Design Goals and Standard Plans, which would ensure that the exterior facades of the proposed commercial structures, streetscape improvements and exterior lighting improvements are compatible with the surrounding land uses. This is a **less than significant** impact.

Response d): Less than Significant. Daytime glare can occur when the sunlight strikes reflective surfaces such as windows, vehicle windshields and shiny reflective building materials. The proposed project would introduce a new commercial structure and fueling station into the project site; however, reflective building materials are not proposed for use in the project, and as such, the project would not result in increases in daytime glare.

The proposed project would include exterior lighting around the structure, and landscaped areas within the site. The City of Tracy Standard Plan #140 establishes street light standards, and requirements for light illumination. The City addresses light and glare issues on a case-by-case

basis during project approval and typically adds requirements as a condition of project approval to shield and protect against light spillover from one property to the next. The implementation of City standards and requirements would reduce any impacts related to light and glare to a **less-than-significant** level.

Project Requirement(s)

Project Requirement 1*: A lighting plan shall be prepared in accordance with the City of Tracy Standard Plan #140 that establishes street light standards, and requirements for light illumination, and the Tracy Municipal Code, 10.08.4000 (a), which specifies that the site plan and architectural review package includes an exterior lighting standards and devices review. The lighting plan shall include the following:*

- *Design of site lighting and exterior building light fixtures to reduce the effects of light pollution and glare off of glass and metal surfaces;*
- *Lighting shall be directed downward and light fixtures shall be shielded to reduce upward and spillover lighting.*

II. AGRICULTURE AND FOREST RESOURCES: WOULD THE PROJECT:

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

RESPONSES TO CHECKLIST QUESTIONS

Response a): No Impact. The project site is underlain by Zacharias clay loam, zero to two percent slopes, and Zacharias gravelly clay loam, zero to two percent slopes. While both soils are considered Prime Farmland soils if irrigated, the project site is designated as Urban and Built-up Land by the California Department of Conservation, Farmland Mapping and Monitoring Program and the USDA Soil Conservation Service.

The proposed project is identified for urban land uses in the Tracy General Plan, and the project is consistent with the uses established by the General Plan. Development of the site for urban uses and the corresponding conversion of agricultural land associated with buildout of the Tracy General Plan, including the project site, was taken into consideration in the City of Tracy General Plan and General Plan EIR. On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for the direct impacts to farmland resulting from adoption of the General Plan and EIR. As such, the project would have **no impact** related to this environmental topic.

Response b): No Impact. The project site is not under a Williamson Act Contract, nor are any of the parcels immediately adjacent to the project site under a Williamson Act Contract, or designated for agricultural uses. Therefore, implementation of the proposed project would not conflict with a Williamson Act Contract, and would not conflict with any agricultural zoning. As such, there is **no impact**.

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

Response e): No Impact. As described under Responses (a) and (b) above, the proposed project site is not currently designated or zoned for agricultural uses. The project site does not contain forest resources. There is **no impact** related to this environmental topic.

III. AIR QUALITY -- WOULD THE PROJECT:

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

EXISTING SETTING

The subject site is located in the City of Tracy and within the San Joaquin Valley Air Basin (SJVAB). This region has had chronic non-attainment of federal and state clean air standards for ozone/oxidants and particulate matter due to a combination of topography and climate. The San Joaquin Valley (Valley) is hemmed in on three sides by mountain ranges, with prevailing winds carrying pollutants and pollutant precursors from urbanized areas to the north (and in turn contributing pollutants and precursors to downwind air basins). The Mediterranean climate of this region, with a high number of sunny days and little or no measurable precipitation for several months of the year, fosters photochemical reactions in the atmosphere, creating ozone and particulate matter. Regional factors affect the accumulation and dispersion of air pollutants within the SJVAB.

Air pollutant emissions overall are fairly constant throughout the year, yet the concentrations of pollutants in the air vary from day to day and even hour to hour. This variability is due to complex interactions of weather, climate, and topography. These factors affect the ability of the atmosphere to disperse pollutants. Conditions that move and mix the atmosphere help disperse pollutants, while conditions that cause the atmosphere to stagnate allow pollutants to concentrate. Local climatological effects, including topography, wind speed and direction, temperature, inversion layers, precipitation, and fog can exacerbate the air quality problem in the SJVAB.

The SJVAB is approximately 250 miles long and averages 35 miles wide, and is the second largest air basin in the state. The SJVAB is defined by the Sierra Nevada in the east (8,000 to 14,000 feet in elevation), the Coast Ranges in the west (averaging 3,000 feet in elevation), and the Tehachapi mountains in the south (6,000 to 8,000 feet in elevation). The Valley is basically flat with a slight downward gradient to the northwest. The Valley opens to the sea at the Carquinez Straits where the San Joaquin-Sacramento Delta empties into San Francisco Bay. The Valley, thus, could be considered a "bowl" open only to the north.

During the summer, wind speed and direction data indicate that summer wind usually originates at the north end of the Valley and flows in a south-southeasterly direction through the Valley, through Tehachapi pass, into the Southeast Desert Air Basin. In addition, the Altamont Pass also serves as a funnel for pollutant transport from the San Francisco Bay Area Air Basin into the region.

During the winter, wind speed and direction data indicate that wind occasionally originates from the south end of the Valley and flows in a north-northwesterly direction. Also, during the winter months, the Valley generally experiences light, variable winds (less than 10 mph). Low wind speeds, combined with low inversion layers in the winter, create a climate conducive to high carbon monoxide (CO) and particulate matter (PM10 and PM2.5) concentrations. The SJVAB has an "Inland Mediterranean" climate averaging over 260 sunny days per year. The Valley floor is characterized by warm, dry summers and cooler winters. For the entire Valley, high daily temperature readings in summer average 95ºF. Temperatures below freezing are unusual. Average high temperatures in the winter are in the 50s, but highs in the 30s and 40s can occur on days with persistent fog and low cloudiness. The average daily low temperature is 45ºF.

The vertical dispersion of air pollutants in the Valley is limited by the presence of persistent temperature inversions. Solar energy heats up the Earth's surface, which in turn radiates heat and warms the lower atmosphere. Therefore, as altitude increases, the air temperature usually decreases due to increasing distance from the source of heat. A reversal of this atmospheric state, where the air temperature increases with height, is termed an inversion. Inversions can exist at the surface or at any height above the ground, and tend to act as a lid on the Valley, holding in the pollutants that are generated here.

REGULATIONS

The San Joaquin Valley Air Pollution Control District (SJVAPCD) is the local regional jurisdictional entity charged with attainment planning, rulemaking, rule enforcement, and monitoring under Federal and State Clean Air Acts and Clean Air Act Amendments. They do this through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues.

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

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

The *2007 Ozone Plan* calls for a 75-percent reduction in ozone-forming oxides of nitrogen emissions.

The SJVAPCD has also prepared the *2007 PM_{10} Maintenance Plan and Request for Redesignation* (2007 PM_{10} Plan). On April 24, 2006, the SJVAPCD submitted a Request for Determination of PM_{10} Attainment for the Basin to the California Air Resources Board (CARB). CARB concurred with the request and submitted the request to the U.S. EPA on May 8, 2006. On October 30, 2006, the EPA issued a Final Rule determining that the Basin had attained the National Ambient Air Quality Standards (NAAQS) for PM_{10}. However, the EPA noted that the Final Rule did not constitute a redesignation to attainment until all of the Federal Clean Air Act requirements under Section 107(d)(3) were met.

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

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b): Less than Significant. Air quality emissions would be generated during construction of the proposed project and during operation of the proposed project. Operational emissions would come primarily from vehicle emissions from vehicle trips generated by the proposed project. Construction-related air quality impacts and operational air quality impacts are addressed separately below.

Construction-Related Emissions

Construction would result in numerous activities that would generate dust. The fine, silty soils in the project area and often strong afternoon winds exacerbate the potential for dust, particularly in the summer months. Grading, leveling, earthmoving and excavation are the activities that generate the most particulate emissions. Impacts would be localized and variable. The initial phase of project construction would involve grading and leveling the project site and installation of supporting underground infrastructure, such as water, sewer, storm drain, and electrical lines.

A quantification of the project's construction emissions of ROG, NO_X, PM_{10}, and $PM_{2.5}$ has been performed using the California Emissions Estimator Model (CalEEMod™) (v. 2016.3.2). Below is

a list of model assumptions used in the construction screens of CalEEMod. Table 1 presents the estimated construction phase schedule, which shows the duration of each construction phase. Table 2 shows the off-road construction equipment used during construction for each phase and Table 3 shows the construction emissions for the construction years 2020 and 2021.

Table 1: Construction Phase

PHASE #	PHASE NAME	START DATE	END DATE	# DAYS WEEK	# DAYS
1	Site Preparation	8/29/2020	9/1/2020	5	2
2	Grading	9/2/2020	9/7/2020	5	4
3	Building Construction	9/8/2020	6/14/2021	5	200
4	Paving	6/15/2021	6/28/2021	5	10
5	Architectural Coating	6/29/2021	7/12/2021	5	10

SOURCE: CALEEMOD, V.2016.3.2. (SEE APPENDIX A)

Table 2: Off-Road Equipment

EQUIPMENT TYPE	UNIT AMOUNT	HOURS/DAY	HORSEPOWER	LOAD FACTOR
Site Preparation				
Rubber Tired Dozers	1	7.00	247	0.40
Tractors/Loaders/Backhoes	1	8.00	97	0.37
Graders	1	8.00	187	0.41
Grading				
Graders	1	6.00	187	0.41
Rubber Tired Dozers	1	6.00	247	0.40
Tractors/Loaders/Backhoes	1	7.00	97	0.37
Building Construction				
Cranes	1	6.00	231	0.29
Forklifts	1	6.00	89	0.20
Generator Sets	1	8.00	84	0.74
Tractors/Loaders/Backhoes	1	6.00	97	0.37
Welders	3	8.00	46	0.45
Paving				
Pavers	1	6.00	130	0.42
Paving Equipment	1	8.00	132	0.36
Rollers	1	7.00	80	0.38
Tractors/Loaders/Backhoes	1	8.00	97	0.37
Architectural Coating				
Air Compressors	1	6.00	78	0.48

SOURCE: CALEEMOD, V.2016.3.2.(SEE APPENDIX A)

Table 3: Construction Emissions in Tons Per Year (Unmitigated)

YEAR	POLLUTANTS AND THRESHOLDS			
	ROG	NO_x	PM_{10} TOTAL	$PM_{2.5}$ TOTAL
	≤ 10 TONS/YEAR	≤ 10 TONS/YEAR	≤ 15 TONS/YEAR	≤ 15 TONS/YEAR
2020	0.0958	0.7249	0.0650	0.0460
2021	0.1835	0.9241	0.0627	0.0467
Maximum Per Year	**0.1835**	**0.9241**	**0.0650**	**0.0467**
Threshold Exceeded in Any Year?	**No**	**No**	**No**	**No**

NOTES: THE AIR DISTRICT IS ATTAINMENT FOR CO, AND SO_2.

SOURCE: CALEEMOD, V.2016.3.2. (SEE APPENDIX A)

The SJVAPCD has established construction-related emissions thresholds of significance as follows: 10 tons per year of NO_X, 10 tons per year of ROG, or 15 tons per year of PM_{10} or $PM_{2.5}$. If the proposed project's emissions will exceed the SJVAPCD's threshold of significance for construction-generated emissions, the proposed project will have a significant impact on air quality and all feasible mitigation are required to be implemented to reduce emissions. As shown in Table 3 above, annual emissions will not exceed the SJVAPCD thresholds of significance in any given year. However, regardless of emission quantities, the SJVAPCD requires construction-related project requirements in accordance with their rules and regulations. Implementation of the following project requirements will ensure that the proposed project's construction-related emissions are at a **less-than-significant** level.

Project Requirement(s)

Project Requirement 2*: Prior to the commencement of grading activities, the City shall require the contractor hired to complete the grading activities to prepare a construction emissions reduction plan that meets the requirements of SJVAPCD Rule VIII. The construction emissions reductions plan shall be submitted to the SJVAPCD for review and approval. The City of Tracy shall ensure that all required permits from the SJVAPCD have been issued prior to commencement of grading activities. The construction emissions reduction plan should include the following requirements and measures:*

- *Properly and routinely maintain all construction equipment, as recommended by manufacturer's manuals, to control exhaust emissions.*
- *Shut down equipment when not in use for extended periods of time, to reduce exhaust emissions associated with idling engines.*
- *Encourage ride-sharing and use of transit transportation for construction employees commuting to the project site.*
- *Use electric equipment for construction whenever possible in lieu of fossil fuel-powered equipment.*
- *Curtail construction during periods of high ambient pollutant concentrations.*
- *Construction equipment shall operate no longer than eight cumulative hours per day.*
- *All construction vehicles shall be equipped with proper emission control equipment and kept in good and proper running order to reduce NOx emissions.*
- *On-road and off-road diesel equipment shall use aqueous diesel fuel if permitted under manufacturer's guidelines.*
- *On-road and off-road diesel equipment shall use diesel particulate filters if permitted under manufacturer's guidelines.*
- *On-road and off-road diesel equipment shall use cooled exhaust gas recirculation (EGR) if permitted under manufacturer's guidelines.*
- *Use of Caterpillar pre-chamber diesel engines or equivalent shall be utilized if economic and available to reduce NOx emissions.*
- *All construction activities within the project site shall be discontinued during the first stage smog alerts.*
- *Construction and grading activities shall not be allowed during first stage ozone alerts. (First stage ozone alerts are declared when ozone levels exceed 0.20 ppm for the 1-hour average.)*

Implementation of the above requirements shall occur during all grading or site clearing activities. The SJVAPCD shall be responsible for monitoring.

***Project Requirement 3**: The following requirements, in addition to those required under Regulation VIII of the SJVAPCD, shall be implemented by the project's contractor during all phases of project grading and construction to reduce fugitive dust emissions:*

- *Water previously disturbed exposed surfaces (soil) a minimum of three-times/day or whenever visible dust is capable of drifting from the site or approaches 20 percent opacity.*
- *Water all haul roads (unpaved) a minimum of three-times/day or whenever visible dust is capable of drifting from the site or approaches 20 percent opacity.*
- *All access roads and parking areas shall be covered with asphalt-concrete paving or water sprayed regularly.*
- *Dust from all on-site and off-site unpaved access roads shall be effectively stabilized by applying water or using a chemical stabilizer or suppressant.*
- *Reduce speed on unpaved roads to less than 15 miles per hour.*
- *Install and maintain a trackout control device that meets the specifications of SJVAPCD Rule 8041 if the site exceeds 150 vehicle trips per day or more than 20 vehicle trips per day by vehicles with three or more axles.*
- *Stabilize all disturbed areas, including storage piles, which are not being actively utilized for construction purposes using water, chemical stabilizers or by covering with a tarp, other suitable cover or vegetative ground cover.*
- *Control fugitive dust emissions during land clearing, grubbing, scraping, excavation, leveling, grading or cut and fill operations with application of water or by presoaking.*
- *When transporting materials offsite, maintain a freeboard limit of at least six inches and over or effectively wet to limit visible dust emissions.*
- *Limit and remove the accumulation of mud and/or dirt from adjacent public roadways at the end of each workday. (Use of dry rotary brushes is prohibited except when preceded or accompanied by sufficient wetting to limit visible dust emissions and the use of blowers is expressly forbidden.)*
- *Remove visible track-out from the site at the end of each workday.*
- *Cease grading activities during periods of high winds (greater than 20 mph over a one-hour period).*
- *Asphalt-concrete paving shall comply with SJVAPCD Rule 4641 and restrict use of cutback, slow-sure, and emulsified asphalt paving materials.*

Implementation of the above requirements shall occur during all grading or site clearing activities. The SJVAPCD shall be responsible for monitoring.

Operational Emissions

CalEEMod™ (v.2016.3.2) was used to estimate emissions for buildout of the proposed project. Table 4 shows the emissions, which include mobile, area source, and energy emissions of criteria pollutants that would result from operations of the proposed project.

Table 4: Operational Buildout Generated Emissions in Tons Per Year (Unmitigated)

CATEGORY	POLLUTANTS AND THRESHOLDS			
	ROG	NO_x	PM_{10}	$PM_{2.5}$
	≤ 10 TONS/YEAR	≤ 10 TONS/YEAR	≤ 15 TONS/YEAR	≤ 15 TONS/YEAR
Area	0.0370	1.0000e-005	0.0000	0.0000
Energy	5.3000e-004	4.8600e-003	3.7000e-004	3.7000e-004
Mobile	0.5722	3.3805	0.5056	0.1416
Total	**0.6097**	**3.3854**	**0.5059**	**0.1420**
Threshold Exceeded?	**No**	**No**	**No**	**No**

SOURCE: CALEEMOD, V.2016.3.2.(SEE APPENDIX A)

The SJVAPCD has established thresholds of significance to which proposed project emissions are compared to determine the level of significance. The SJVAPCD has established operations- related emissions thresholds of significance as follows: 10 tons per year of NO_x, 10 tons per year of ROG, 15 tons per year of PM_{10}, and 15 tons per year of $PM_{2.5}$. If the proposed project's emissions will exceed the SJVAPCD's threshold of significance for operational-generated emissions, the proposed project will have a significant impact on air quality and all feasible mitigation are required to be implemented to reduce emissions to the extent feasible. As shown in Table 4, annual emissions of ROG, NO_X, PM_{10}, and $PM_{2.5}$ would not exceed the SJVAPCD thresholds of significance.

Development of the site for urban (commercial) uses and the subsequent increase in ROG, NO_X, PM_{10}, and $PM_{2.5}$ emissions was taken into consideration in the City of Tracy General Plan and General Plan EIR. On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for the significant generation of long-term ROG, NO_X, and PM_{10} emissions resulting from adoption of the General Plan.

The proposed project is identified for urban land uses in the Tracy General Plan. The proposed project is consistent with the overriding considerations that were adopted for the General Plan and the established mitigation measures under that Plan. As such, implementation of the proposed project would not create new impacts over and above those identified in the General Plan EIR, nor significantly change previously identified impacts.

Additionally, the proposed project is subject to the SJVAPCD Rule 9510 (Indirect Source Rule, or ISR), which could result in substantial mitigation of emissions beyond what is reflected in the modeling outputs. The reductions are accomplished by the incorporation of mitigation measures into projects and/or by the payment of an Indirect Source Rule fee for any required reductions that have not been accomplished through project mitigation commitments. The actual calculations will be accomplished by the SJVAPCD and project applicants as the project (or portions of the project) are brought forward for approval under Rule 9510.

District Rule 9510 requires developers of residential, commercial and industrial projects to reduce smog-forming (NO_X) and particulate (PM_{10} and $PM_{2.5}$) emissions generated by their projects. The Rule applies to projects which, upon full build-out, will include 2,000 sf of commercial space or more. Project developers are required to reduce:

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

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

Overall, the project would result in **less-than-significant** air quality impacts. However, regardless of the expected emissions totals, the project is still subject to the requirements of SJVAPCD Rule 9510, which requires developers of large residential, commercial and industrial projects to reduce smog-forming (NO_X) and particulate (PM_{10} and $PM_{2.5}$) emissions generated by their projects.

Project Requirement(s)

Project Requirement 4: *Prior to the issuance of the first building permit, the project applicant shall coordinate with the SJVAPCD to verify that the project meets the requirements of District Rule 9510, which is aimed at the following reductions:*

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

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

Response c): Less than Significant. Some land uses are considered more sensitive to air pollution than others, due to the types of population groups or activities involved. Heightened sensitivity may be caused by health problems, proximity to emission sources, and/or duration of exposure to air pollutants. Sensitive receptors include children, the elderly, and the infirm. Land uses that are typically considered to be sensitive receptors include residences, schools, playgrounds, childcare centers, retirement homes, convalescent homes, hospitals, and medical

clinics. The nearest sensitive receptor to the project site is an apartment complex located approximately 175-feet north of the project site.

The proposed project would introduce a new gasoline service station that would have associated toxic air containments (TACs) emissions. Benzene is the primary TAC associated with gasoline storage and refueling at gasoline stations. Benzene is carcinogen, in addition to representing a non-cancer health risk (including the potential for anemia). Gasoline vapors are released during the filling for the stationary underground storage tanks (USTs), during the transfer those underground tanks to individual vehicles, and during individual vehicle refueling and associated spillage.

The SJVAPCD has a TAC screening tool to determine if the project would be considered a "high priority" project for TAC impacts. De Novo Planning Group utilized the SJVAPCD's Prioritization Calculator to determine the health risks associated with the release of benzene vapor from the proposed gasoline fueling station on the nearest sensitive receptor. The results of the Prioritization Calculator are in Table 5.

Table 5: SJVAPCD's Prioritization Calculator: Benzene

	Sensitive Receptor (R) and Proximity Factors			
	0 sf < R < 100 sf	100 sf ≤ R < 250 sf	250 sf ≤ R < 500 sf	500 sf ≤ R < 1000 sf
Cancer	2.16	0.54	0.09	0.02
Chronic	0.06	0.01	<0.01	<0.01
Acute	0.24	0.06	0.01	<0.01
Max Score	**2.16**	**0.54**	**0.09**	**0.02**
Screening Threshold Exceeded?	**No**	**No**	**No**	**No**

SOURCE: SJVAPCD'S PRIORITIZATION CALCULATOR (SEE APPENDIX A)

The SJVAPCD has established thresholds of significance to which proposed project emissions are compared to determine the level of significance. The SJVAPCD has established TAC-related emissions thresholds of significance as follows: < 20 per million for Cancer Risk and less than 1 per million for Chronic (non-cancer) and Acute (non-cancer) Risk. If the proposed project's emissions will exceed the SJVAPCD's threshold of significance for TAC emissions, the proposed project will have a significant impact on sensitive receptors by exposing them to substantial pollutant concentrations. As shown in Table 5, TAC emissions would not exceed the SJVAPCD thresholds of significance for Cancer, Chronic, or Acute risk. Even if the project were 0 meters from the residential receptor to the north, the project would not exceed the SJVAPCD's TAC screening thresholds, and thereby does not trigger the need for an HRA.

The SJVAPCD has stringent requirements for the control of gasoline vapor emissions from gasoline-dispensing facilities. SJVAPCD Rule 4621, Gasoline Transfer into Stationary Storage Containers, Delivery Vessels, and Bulk Plants, prohibits the transfer or allowance of the transfer of gasoline into stationary tanks at a gasoline-dispensing facility unless a CARB-certified Phase I vapor recovery system is used. SJVAPCD Rule 4622, Gasoline Transfer into Motor Vehicle Fuel Tanks further prohibits the transfer or allowance of the transfer of gasoline from stationary tanks

into motor vehicle fuel tanks at a gasoline-dispensing facility unless a CARB-certified Phase II vapor recovery system is used during each transfer. Vapor recovery systems collect gasoline vapors that would otherwise escape into the air during bulk fuel delivery (Phase I) or fuel storage and vehicle refueling (Phase II). Phase I vapor recovery system components include the couplers that connect tanker trucks to the underground tanks, spill containment drain valves, overfill prevention devices, and vent pressure/vacuum valves.

Phase II vapor recovery system components include gasoline dispensers, nozzles, piping, break away hoses, face plates, vapor processors, and system monitors. SJVAPCD's permitting procedures require substantial control of emissions, and permits are not issued unless TAC risk screening or TAC risk assessment can show that risks are not significant. In addition, California has statewide limits on the benzene content in gasoline, which greatly reduces the toxic potential of gasoline emissions.

As described above, the proposed project would not generate significant emissions of criteria air pollutants and would not result in substantial pollutant concentrations. The proposed project would be subject to the SJVAPCD requirements for construction and operational emissions outlined in requirements 2 through 4. Therefore, this is considered a **less-than-significant** impact.

Response d): Less than Significant. Offensive odors rarely cause any physical harm; however, they still can be very unpleasant, leading to considerable distress among the public, and often generate citizen complaints to local governments and regulatory agencies. Major sources of odor-related complaints by the general public commonly include wastewater treatment facilities, landfill disposal facilities, food processing facilities, agricultural activities, and various industrial activities (e.g., petroleum refineries, chemical and fiberglass manufacturing, painting/ coating operations, landfills, and transfer stations).

According to the CARB's Handbook, some of the most common sources of odor complaints received by local air districts are sewage treatment plants, landfills, recycling facilities, waste transfer stations, petroleum refineries, biomass operations, auto body shops, coating operations, fiberglass manufacturing, foundries, rendering plants, and livestock operations. The project does not propose any of the aforementioned uses. Additionally, SJVAPCD presents odor screening distances for a variety of land uses. The project does not propose any of the uses which require screening distances to be met.

The project site could be considered a source of unpleasant odors by some given the proposed future uses; however, as noted previously, SJVAPCD has stringent requirements for the control of gasoline vapor emissions from gasoline-dispensing facilities as articulated in District Rules 4621 and 4622. Compliance with these rules would ensure that potential odors generated at the project site result in a **less than significant** impact and no mitigation is required.

IV. BIOLOGICAL RESOURCES -- Would the project:

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

EXISTING SETTING

The following will describe the existing setting of the San Joaquin County region noting the special-status species known to occur within the region.

Special-Status Invertebrates. Special-status invertebrates that occur within the region include: longhorn fairy shrimp, vernal pool fairy shrimp, and midvalley fairy shrimp, which requires vernal pools and swale areas within grasslands; and the valley elderberry longhorn beetle, which is an insect that is only associated with blue elderberry plants, oftentimes in riparian areas and sometimes on land in the vicinity of riparian areas.

Special-Status Reptiles and Amphibians. Special-status reptiles and amphibians that occur within the region include: the western pond turtle, which requires aquatic environments located along ponds, marshes, rivers, and ditches; the California tiger salamander, which is found is grassland habitats where there are nearby seasonal wetlands for breeding; the silvery legless

lizard, which is found in sandy or loose loamy soils under sparse vegetation with high moisture content; San Joaquin whipsnake, which requires open, dry habitats with little or no tree cover with mammal burrows for refuge; the Alameda whipsnake, which is restricted to valley-foothill hardwood habitat on south-facing slopes; the California horned lizard, which occurs in a variety of habitats including, woodland, forest, riparian, and annual grasslands, usually in open sandy areas; the foothill yellow-legged frog, which occurs in partly shaded and shallow streams with rocky soils; the California red legged frog, which occurs in stream pools and ponds with riparian or emergent marsh vegetation; and the western spadefoot toad, which requires grassland habitats associated with vernal pools.

Special-Status Plant Species. Numerous special-status plant species are known to occur in the region. Many of these special status plant species require specialized habitats such as serpentine soils, rocky outcrops, slopes, vernal pools, marshes, swamps, riparian habitat, alkali soils, and chaparral, which are not present on the project site. The project site is located in an area that was likely valley grassland prior to human settlement, and there are several plant species that are found in valley and foothills grasslands areas. These species include large-flowered fiddleneck, bent-flowered fiddleneck, big-balsamroot, big tarplant, round-leaved filaree, Lemmon's jewelflower, and showy golden madia. Human settlement has involved a high frequency of ground disturbance associated with the historical farming activities in the region, including the project site.

Special-Status Bird Species. Special-status birds that occur within the region include: tricolored blackbird, Swainson's hawk, northern harrier, and bald eagle, which are associated with streams, rivers, lakes, wetlands, marshes, and other wet environments; loggerhead shrike, and burrowing owl, which lives in open areas, usually grasslands, with scattered trees and brush; and raptors that are present in varying habitats throughout the region.

> ***Swainson's Hawk.*** The Swainson's hawk is threatened in California and is protected by the California Department of Fish and Wildlife (CDFW) and the Migratory Bird Treaty Act (MBTA). Additionally, Swainson's hawk foraging habitat is protected by the CDFW. Swainson's hawks forage in open grasslands and agricultural fields and commonly nest in solitary trees and riparian areas in close proximity to foraging habitat. The foraging range for Swainson's hawk is ten miles from its nesting location.
>
> ***Burrowing Owl.*** Burrowing owls are a California Species of Special Concern and are protected by the CDFW and the MBTA. Burrowing owls forage in open grasslands and shrublands and typically nest in old ground squirrel burrows. The project site contains suitable, but not high-quality habitat for burrowing owls.

RESPONSES TO CHECKLIST QUESTIONS

Response a, e, f): Less than Significant. The project site is located within the jurisdiction of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan ("Plan" or "SJMSCP") and is located within the within the Central/Southwest Transition Zone of the SJMSCP. The San Joaquin Council of Governments (SJCOG) prepared the Plan pursuant to a Memorandum of Understanding adopted by SJCOG, San Joaquin County, the United States Fish and Wildlife

Service (USFWS), the CDFW, Caltrans, and the cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy in October 1994. On February 27, 2001, the Plan was unanimously adopted in its entirety by SJCOG. The City of Tracy adopted the Plan on November 6, 2001.

According to Chapter 1 of the SJMSCP, its key purpose is to "provide a strategy for balancing the need to conserve open space and the need to convert open space to non-open space uses, while protecting the region's agricultural economy; preserving landowner property rights; providing for the long-term management of plant, fish and wildlife species, especially those that are currently listed, or may be listed in the future, under the Federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA); providing and maintaining multiple use Open Spaces which contribute to the quality of life of the residents of San Joaquin County; and, accommodating a growing population while minimizing costs to project proponents and society at large."

In addition to providing compensation for conversion of open space to non-open space uses, which affect plant and animal species covered by the SJMSCP, the SJMSCP also provides some compensation to offset impacts of open space conversions on non-wildlife related resources such as recreation, agriculture, scenic values and other beneficial open space uses. Specifically, the SJMSCP compensates for conversions of open space to urban development and the expansion of existing urban boundaries, among other activities, for public and private activities throughout the County and within Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy.

Participation in the SJMSCP is voluntary for both local jurisdictions and project applicants. Only agencies adopting the SJMSCP would be covered by the SJMSCP. Individual project applicants have two options if their project is located in a jurisdiction participating in the SJMSCP: mitigating under the SJMSCP or negotiating directly with the state and/or federal permitting agencies. If a project applicant opts for SJMSCP coverage in a jurisdiction that is participating under the SJMSCP, the following options are available, unless their activities are otherwise exempted: pay the appropriate fee; dedicate, as conservation easements or fee title, habitat lands; purchase approved mitigation bank credits; or, propose an alternative mitigation plan.

Responsibilities of permittees covered by the SJMSCP include collection of fees, maintenance of implementing ordinances/resolutions, conditioning permits (if applicable), and coordinating with the Joint Powers Authority (JPA) for Annual Report accounting. Funds collected for the SJMSCP are to be used for the following: acquiring Preserve lands, enhancing Preserve lands, monitoring and management of Preserve lands in perpetuity, and the administration of the SJMSCP. Because the primary goal of SJMSCP is to preserve productive agricultural use that is compatible with SJMSCP's biological goals, most of the SJMSCP's Preserve lands would be acquired through the purchase of easements in which landowners retain ownership of the land and continue to farm the land. These functions are managed by SJCOG.

The proposed project is classified as Urban Habitat under the SJMSCP. The proposed project was analyzed for consistency with the SJMSCP by De Novo Planning Group, and it was determined that the proposed project would not conflict with the SJMSCP. The City of Tracy and the project applicant shall consult with SJCOG to utilize coverage of the project to mitigate the impacts to the

various habitat and species pursuant to the SJMSCP prior to development of the site (Project Requirement 5). Therefore, this is a **less-than-significant** impact. Additionally, the implementation of Project Requirement 5 would ensure a **less-than-significant** impact to special-status invertebrates, special-status reptiles and amphibians, and special-status plants.

With respect to Swainson's hawks, no nesting habitat for this species occurs on-site. However, because of the numerous documented occurrences within ten miles of the project site it is necessary to implement Project Requirement 6 to ensure Swainson's hawk are not impacted during construction activities. Therefore, the implementation of Project Requirement 6 would ensure a **less-than-significant** impact to Swainson's hawk

With respect to burrowing owls, impacts are considered unlikely, due to the presence of urban development surrounding the site to the east, west, and northwest. However, the land to the south and southeast of the project site contains agricultural land which offers moderate foraging and roosting habitat for wintering or breeding owls. The implementation of Project Requirement 7 would ensure that burrowing owls are not impacted during construction activities. The implementation of Project Requirement 7 would ensure a **less-than-significant** impact to burrowing owls.

Project Requirement(s)

Project Requirement 5: *Prior to development of the site, including the commencement of grading activities, the City of Tracy and the project applicant shall consult with SJCOG to utilize coverage of the project pursuant to the SJMSCP*.

Project Requirement 6: *The project proponent shall implement the following measures to avoid or minimize impacts on Swainson's hawk:*

- *No more than 30 days before the commencement of construction, a qualified biologist shall perform preconstruction surveys for nesting Swainson's hawk and other raptors during the nesting season (February 1 through August 31).*
- *Appropriate buffers shall be established and maintained around active nest sites during construction activities to avoid nest failure as a result of project activities. The appropriate size and shape of the buffers shall be determined by a qualified biologist, in coordination with CDFW, and may vary depending on the nest location, nest stage, and construction activity. The buffers may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. Monitoring shall be conducted to confirm that project activity is not resulting in detectable adverse effects on nesting birds or their young. No project activity shall commence within the buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use.*
- *Before the commencement of construction, the project proponent shall provide compensatory mitigation for the permanent loss of Swainson's hawk foraging habitat. Mitigation shall be at the CDFW specified ratios, which are based on distance to nests. The project site's distance to the closest nest likely falls within the range of "within 5 miles of an active nest tree but greater than 1 mile from the nest tree." As such, the project shall be*

responsible for 0.75 acres of each acre of urban development authorized (0-75:1 ratio). The project proponent shall either provide lands protected through fee title acquisition or conservation easement (acceptable to the CDFW) on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk.

Project Requirement 7: *Prior to the commencement of grading activities or other ground disturbing activities on the project site, the project applicant shall arrange for a qualified biologist to conduct a preconstruction survey for western burrowing owls. If no owls or owl nests are detected, then construction activities may commence. If burrowing owls or occupied nests are discovered, then the following shall be implemented:*

- *During the breeding season (February 1 through September 1) occupied burrows shall not be disturbed and shall be provided with a 75 meter protective buffer until and unless the SJCOG Technical Advisory Committee (TAC), with the concurrence of the Permitting Agencies' representatives on the TAC; or unless a qualified biologist approved by the Permitting Agencies verifies through non-invasive means that either: 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Once the fledglings are capable of independent survival, the burrow can be destroyed. They should only be destroyed by a qualified biologist using passive one-way eviction doors to ensure that owls are not harmed during burrow destruction. Methods for removal of burrows are described in the California Department of Fish and Game's Staff Report on Burrowing Owls (October, 1995)*
- *During the non-breeding season (September 1 through January 31) burrowing owls occupying the project site should be evicted from the project site by passive relocation as described in the California Department of Fish and Game's Staff Report on Burrowing Owls (Oct., 1995)*

Implementation of this requirement shall occur prior to grading or site clearing activities. SJCOG shall be responsible for monitoring and a qualified biologist shall conduct surveys and relocate owls as required.

Responses b): No Impact. Riparian natural communities support woody vegetation found along rivers, creeks and streams. Riparian habitat can range from a dense thicket of shrubs to a closed canopy of large mature trees covered by vines. Riparian systems are considered one of the most important natural resources. While small in total area when compared to the state's size, they provide a special value for wildlife habitat.

Over 135 California bird species either completely depend upon riparian habitats or use them preferentially at some stage of their life history. Riparian habitat provides food, nesting habitat, cover, and migration corridors. Another 90 species of mammals, reptiles, invertebrates and amphibians depend on riparian habitat. Riparian habitat also provides riverbank protection, erosion control and improved water quality, as well as numerous recreational and aesthetic values.

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

Response c): Less than Significant. A wetland is an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

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

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

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

There are no wetlands located on the project site. Therefore, this is a **less-than-significant** impact and no mitigation is required.

Response d): Less than Significant. According to the California Department of Fish and Wildlife BIOS Viewer, no wildlife corridors or wildlife nursery sites exist on or adjacent to the project site. The nearest wildlife corridor is located approximately 3.0 miles southeast of the project site. Implementation of the proposed project would have a **less-than-significant** impact.

V. CULTURAL RESOURCES -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	

RESPONSES TO CHECKLIST QUESTIONS

Response a), b), c), d): Less than Significant. The City of Tracy General Plan and subsequent EIR do not identify the project site as having prehistoric period, or cultural resources. Additionally, a review of literature maintained by the Central California Information Center of the California Historical Resources Information System at California State University, Stanislaus identified that no previously identified prehistoric period cultural resources are known within, or within a 1/4-mile radius of the project site. Therefore, it is not anticipated that site grading and preparation activities would result in impacts to cultural, historical, archaeological or paleontological resources. There are no known human remains located on the project site, nor is there evidence to suggest that human remains may be present on the project site.

However, as with most projects in California that involve ground-disturbing activities, there is the potential for discovery of previously unknown cultural and historical resource or human remains.

The implementation of Requirement 8 would require appropriate steps to preserve and/or document any previously undiscovered resources that may be encountered during construction activities, including human remains. Implementation of this requirement would reduce this impact to a **less than significant** level.

Project Requirement(s)

Project Requirement 8: *If any prehistoric or historic artifacts, human remains or other indications of archaeological resources are found during grading and construction activities, an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be consulted to evaluate the finds and recommend appropriate mitigation measures.*

- *If cultural resources or Native American resources are identified, every effort shall be made to avoid significant cultural resources, with preservation an important goal. If significant sites cannot feasibly be avoided, appropriate mitigation measures, such as data recovery excavations or photographic documentation of buildings, shall be undertaken consistent with applicable state and federal regulations.*
    - *If human remains are discovered, all work shall be halted immediately within 50 meters (165 feet) of the discovery, the County Coroner must be notified, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.*
    - *If any fossils are encountered, there shall be no further disturbance of the area surrounding this find until the materials have been evaluated by a qualified paleontologist, and appropriate treatment measures have been identified.*

VI. ENERGY

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

Responses to Checklist Questions

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

The proposed project includes the construction of a 3,884 square foot (sf) convenience store and 2,880 sf fueling island. The amount of energy used at the project site would directly correlate to the size of the proposed units, the energy consumption of associated unit appliances, and outdoor lighting. Other major sources of proposed project energy consumption include fuel used by vehicle trips generated during project construction and operation, and fuel used by off-road construction vehicles during construction.

The following discussion provides calculated levels of energy use expected for the proposed project, based on commonly used modelling software (i.e. CalEEMod v.2016.3.2 and the California Air Resource Board's EMFAC2017). It should be noted that many of the assumptions provided by CalEEMod are conservative relative to the proposed project. Therefore, this discussion provides a conservative estimate of proposed project emissions.

Electricity and Natural Gas

Total annual unmitigated and mitigated electricity (kWh) and natural gas (kBTU) usage associated with the operation of the proposed project are shown in Tables 6 and 7, below (as provided by CalEEMod). According to Calico's Appendix A: Calculation Details for CalEEMod, CalEEMod uses the California Commercial End Use Survey (CEUS) database to develop energy intensity value for non-residential buildings.

Table 6: Project Operational Natural Gas and Electricity Usage (Unmitigated Scenario)

Emissions[(a)]	*Natural Gas (kBTU/year)*	*Electricity (kWh/year)*
Convenience Market (24 Hour)	45,443	45,792.4
Gas/Service Station	53,683	24,336
Other Asphalt Surfaces	0	0
Parking Lot	0	1,573.25
Total	**102,126**	**71,701.65**

NOTE: [(A)] NUMBERS PROVIDED BY CALEEMOD (SEE ATTACHMENT A).
SOURCE: CALEEMOD (V.2016.3.2.

Table 7: Project Operational Natural Gas and Electricity Usage (Mitigated Scenario)

Emissions[(a)]	*Natural Gas (kBTU/year)*	*Electricity (kWh/year)*
Convenience Market (24 Hour)	45,443	45,792.4
Gas/Service Station	53,683	24,336
Other Asphalt Surfaces		0
Parking Lot		1,573.25
Total	**102,126**	**71,701.65**

NOTE: [(A)] NUMBERS PROVIDED HERE MAY NOT ADD UP EXACTLY TO TOTAL DUE TO ROUNDING.
SOURCE: CALEEMOD (V.2016.3.2.

As shown in Tables 6 and 7, the convenience store and gas station are expected to use 102,126 kBTU of natural gas per year and 71,701.65 kWh of electricity per year. It should be noted that the project operational natural gas and energy usage is the same in the unmitigated and mitigated scenarios.

On-Road Vehicles (Operation)

The proposed project would generate vehicle trips during its operational phase. According to the Transportation Impact Analysis Report prepared for the proposed project (Kimley Horn, 2020), the project would generate approximately 2,464 new daily vehicles trips. In order to calculate operational on-road vehicle energy usage and emissions, default trip lengths generated by CalEEMod were used, which are based on the project location and urbanization level parameters De Novo (the CEQA consultant) selected within CalEEMod (i.e. "San Joaquin Valley Air Pollution Control District" project location and "Urban" setting, respectively). These values are provided by the individual districts or use a default average for the state, depending on the location of the proposed project (CAPCOA, 2017). Based on the vehicle trip data provided in the Traffic Impact Assessment, and assumptions included within the CalEEMod model, the proposed project would generate approximately 3,619 average daily vehicle miles travelled (Average Daily VMT). Using fleet mix data provide by CalEEMod (v2016.3.2), and Year 2021 gasoline and diesel MPG (miles per gallon) factors for individual vehicle classes as provided by EMFAC2017, De Novo derived weighted MPG factors for operational on-road vehicles of approximately 26.8 MPG for gasoline and 9.5 MPG for diesel vehicles. With this information, De Novo calculated as a conservative estimate that the unmitigated proposed project would generate vehicle trips that would use a total of approximately 122 gallons of gasoline and 38 gallons of diesel fuel per day, on average, or 44,419 gallons of gasoline and 13,701 annual gallons of diesel fuel per year.

On-Road Vehicles (Construction)

The proposed project would also generate on-road vehicle trips during project construction (from construction workers and vendors). Estimates of vehicle fuel consumed were derived based on the assumed construction schedule, vehicle trip lengths and number of workers per construction phase as provided by CalEEMod, and Year 2020 gasoline MPG factors provided by EMFAC2017. For the purposes of simplicity, it was assumed that all vehicles used gasoline as a fuel source (as opposed to diesel fuel or alternative sources). Table 8, below, describes gasoline and diesel fuel used by on-road mobile sources during each phase of the construction schedule. As shown, the vast majority of on-road mobile vehicle fuel used during the construction of the proposed project would occur during the building construction phase. See Appendix A for a detailed calculation.

Table 8: On-Road Mobile Fuel Generated by Project Construction Activities – By Phase

Construction Phase	*# of Days*	*Total Daily Worker Trips[(a)]*	*Total Daily Vendor Trips[(a)]*	*Gallons of Gasoline Fuel[(b)]*	*Gallons of Diesel Fuel[(b)]*
Site Preparation	10	8	-	32	-
Grading	4	8	-	13	-
Building Construction	200	31	12	2,471	2,495
Paving	10	13	-	52	-
Architectural Coating	10	6	-	24	-
Total	**N/A**	**N/A**	**N/A**	**2,592**	**2,495**

NOTE: [(A)] PROVIDED BY CALEEMOD. [(B)] SEE APPENDIX A FOR FURTHER DETAIL

SOURCE: CALEEMOD (V.2016.3.2); EMFAC2017.

Off-Road Vehicles (Construction)

Off-road construction vehicles would use diesel fuel during the construction phase of the proposed project. A non-exhaustive list of off-road constructive vehicles expected to be used during the construction phase of the proposed project includes: cranes, forklifts, generator sets, tractors, excavators, and dozers. Based on the total amount of CO_2 emissions expected to be generated by the proposed project (as provided by the CalEEMod output), and a CO_2 to diesel fuel conversion factor (provided by the U.S. Energy Information Administration), the proposed project would use a total of approximately 16.7 gallons of diesel fuel for off-road construction vehicles (during the site preparation and grading phases of the proposed project). Detailed calculations are provided in Appendix A.

Conclusion

The proposed project would use energy resources for the operation of project buildings (electricity and natural gas), for on-road vehicle trips (e.g. gasoline and diesel fuel) generated by the proposed project, and from off-road construction activities associated with the proposed project (e.g. diesel fuel). Each of these activities would require the use of energy resources. The proposed project would be responsible for conserving energy, to the extent feasible, and relies

heavily on reducing per capita energy consumption to achieve this goal, including through Statewide and local measures.

The proposed project would be in compliance with all applicable Federal, State, and local regulations regulating energy usage. For example, PG&E is responsible for the mix of energy resources used to provide electricity for its customers, and it is in the process of implementing the Statewide Renewable Portfolio Standard (RPS) to increase the proportion of renewable energy (e.g. solar and wind) within its energy portfolio. PG&E is expected to achieve at least a 33% mix of renewable energy resources by 2020, and 50% by 2030. Additionally, energy-saving regulations, including the latest State Title 24 building energy efficiency standards ("part 6"), would be applicable to the proposed project. Other Statewide measures, including those intended to improve the energy efficiency of the statewide passenger and heavy-duty truck vehicle fleet (e.g. the Pavley Bill and the Low Carbon Fuel Standard), would improve vehicle fuel economies, thereby conserving gasoline and diesel fuel. These energy savings would continue to accrue over time. Furthermore, as described previously, the incorporation of the mitigation measures described previously in this section would further reduce project energy consumption.

As a result, the proposed project would not result in any significant adverse impacts related to project energy requirements, energy use inefficiencies, and/or the energy intensiveness of materials by amount and fuel type for each stage of the project including construction, operations, maintenance, and/or removal. PG&E, the electricity and natural gas provider to the site, maintains sufficient capacity to serve the proposed project. The proposed project would comply with all existing energy standards, including those established by the City of Tracy, and would not result in significant adverse impacts on energy resources. For these reasons, the proposed project would not be expected cause an inefficient, wasteful, or unnecessary use of energy resources nor cause a significant impact on any of the threshold as described by Appendix F of the CEQA Guidelines. This is a ***less than significant*** impact.

VII. GEOLOGY AND SOILS -- WOULD THE PROJECT:

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a.i), a.ii): Less than Significant. The project site is located in an area of moderate to high seismicity. No known active faults cross the project site, and the site is not located within an Alquist-Priolo Earthquake Fault Zone, however, relatively large earthquakes have historically occurred in the Bay Area and along the margins of the Central Valley. Many earthquakes of low magnitude occur every year in California. The nearest earthquake fault zoned as active by the State of California Geological Survey is the Black Butte Fault, located approximately 3.4 miles to the west of the site. However, the Black Butte fault is not considered an active fault that would

trigger evaluation under the Alquist-Priolo Earthquake Fault Zoning Act. Other active and potentially active faults near the project site include the San Joaquin fault, 4.4 miles south of the site, the Midway fault, 4.5 miles west, and Corral Hollow-Carnegie fault zone, 6.4 miles southwest. Figure 5 shows nearby faults in relation to the project site.

Active faults capable of producing significant ground shaking at the site include the Calaveras, approximately 25 miles southwest; the Hayward fault, approximately 28 miles west; the Ortigalita fault, approximately 30 miles southwest; and the San Andreas Fault, approximately 50 miles southwest of the site. Any one of these faults could generate an earthquake capable of causing strong ground shaking at the subject site. Earthquakes of Moment Magnitude (Mw) 7 and larger have historically occurred in the region and numerous small magnitude earthquakes occur every year.

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

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

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

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

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

> **SA-1.1, Policy P1:** Underground utilities, particularly water and natural gas mains, shall be designed to withstand seismic forces.
>
> **SA-1.1, Policy P2:** Geotechnical reports shall be required for development in areas where potentially serious geologic risks exist. These reports should address the degree of

hazard, design parameters for the project based on the hazard, and appropriate mitigation measures.

SA-1.2, Policy P1: All construction in Tracy shall conform to the California Building Code and the Tracy Municipal Code including provisions addressing unreinforced masonry buildings.

Implementation of the requirements of the California Building Code and the Tracy General Plan would ensure that impacts on humans associated with seismic hazards would be **less than significant**. No additional mitigation is required.

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

The geologic conditions conducive to lateral spreading include gentle surface slope (0.3-5% slope), and liquefiable soils. As identified in the Tracy General Plan EIR, the majority of the Tracy Planning Area is at low risk for liquefaction, with the exception for the river banks within the Planning Area. Objective SA-1.1 states that geologic hazards should be minimized. The Safety Element contains a policy requiring that geotechnical engineering studies be undertaken for any development in areas where potentially serious geologic risks exist (Objective SA- 1.1, P1), which would include liquefaction. The General Plan EIR concluded that the implementation of this policy would reduce the potential risk of liquefaction to a less-than-significant level.

Expansive soils are those that undergo volume changes as moisture content fluctuates; swelling substantially when wet or shrinking when dry. Soil expansion can damage structures by cracking foundations, causing settlement and distorting structural elements. Expansion is a typical characteristic of clay-type soils. Expansive soils shrink and swell in volume during changes in moisture content, such as a result of seasonal rain events, and can cause damage to foundations, concrete slabs, roadway improvements, and pavement sections. Soil expansion is dependent on many factors. The more clayey, critically expansive surface soil and fill materials will be subjected to volume changes during seasonal fluctuations in moisture content. As indicated in the Tracy General Plan EIR, Tracy does have a moderate to high risk for expansive soils, depending on the location and soil type, and according to the NCIS Web Soil Survey, soils that underlay the project site are considered to have a high to very high potential for expansion. The Safety Element contains objectives to minimize geologic hazards, and a policy to require geotechnical reports for all development proposed in areas with risk of geological hazard (Objective SA-1.1, P2).

Therefore, it was concluded that implementation of the General Plan policy would reduce the potential impact related to the risk of soil expansion to a less-than-significant level

Prior to development of the project site, a subsurface geotechnical investigation must be performed to identify onsite soil conditions and identify any site-specific engineering measures to be implemented during the construction of building foundations and subsurface utilities. Additionally, the California Building Code Title 24, Part 2, Chapter 18, Section 1803.1.1.2 requires specific geotechnical evaluation when a preliminary geotechnical evaluation determines that expansive or other special soil conditions are present, which, if not corrected, would lead to structural defects. As such, this is a **less-than-significant** impact. Adherence to the engineering requirements contained in the subsurface geotechnical report would ensure that this impact is **less than significant**.

Project Requirements

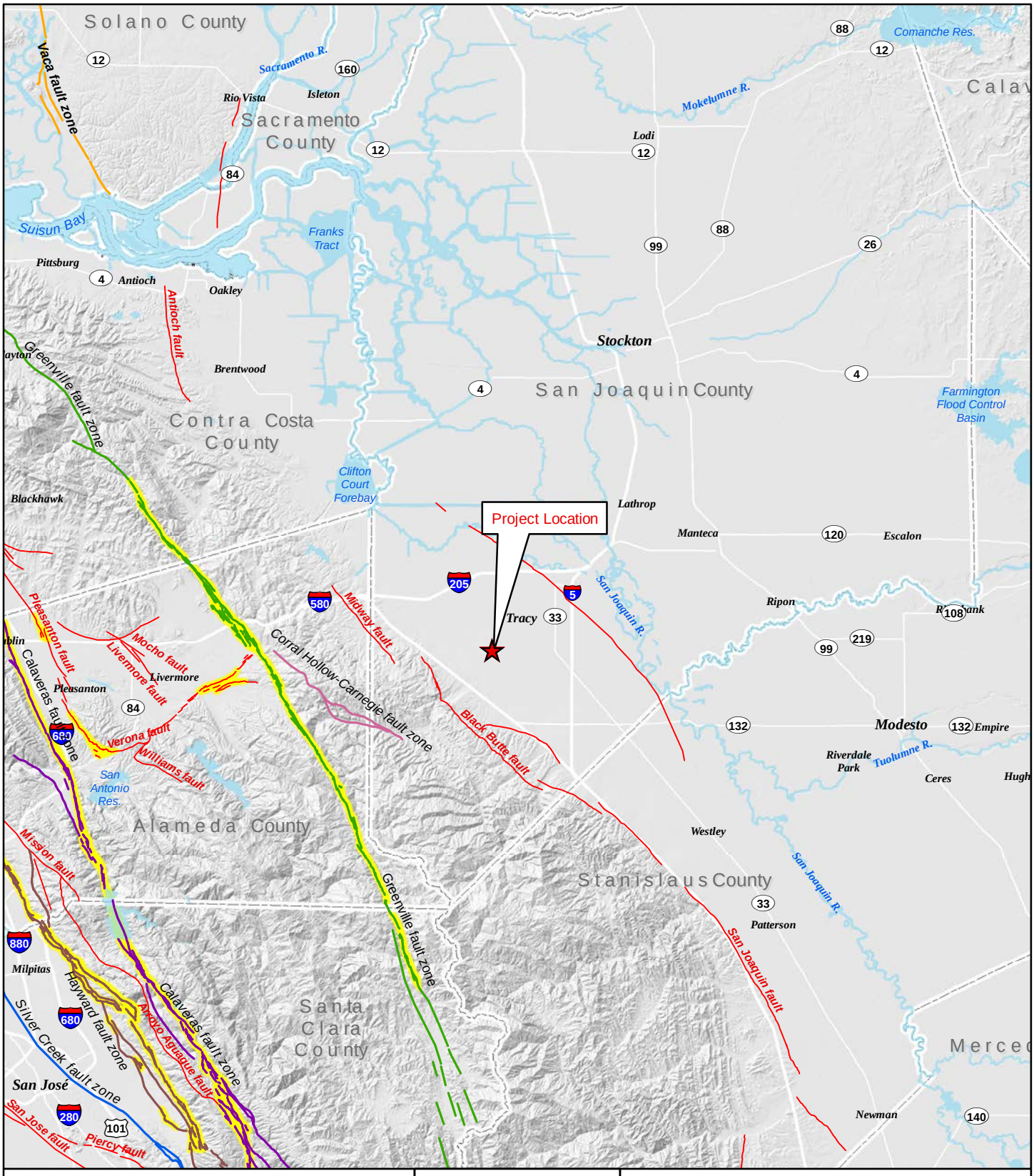
Requirement 9: *Prior to development of the project site, a subsurface geotechnical investigation must be performed to identify onsite soil conditions and identify any site-specific engineering measures to be implemented during the construction of building foundations and subsurface utilities.*

Responses a.iv): Less than Significant. The project site is relatively flat and there are no major slopes in the vicinity of the project site. As such, the project site is exposed to little or no risk associated with landslides. This is a **less-than-significant** impact.

Response b): Less than Significant. Construction and site preparation activities associated with development of the project site include grading for the construction of the proposed project. During the construction preparation process, existing vegetation would be removed to grade and compact the project site, as necessary. As construction occurs, these exposed surfaces could be susceptible to erosion from wind and water. Effects from erosion include impacts on water quality and air quality. Exposed soils that are not properly contained or capped increase the potential for increased airborne dust and increased discharge of sediment and other pollutants into nearby stormwater drainage facilities. Risks associated with erosive surface soils can be reduced by using appropriate controls during construction and properly revegetating exposed areas. Project Requirement 3 requires the implementation of various dust control measures during site preparation and construction activities that would reduce the potential for soil erosion and the loss of topsoil. Additionally, Project Requirement 9 would require the implementation of various best management practices (BMPs) that would reduce the potential for disturbed soils and ground surfaces to result in erosion and sediment discharge into adjacent surface waters during construction activities. The implementation of these requirements would reduce these impacts to a **less than significant** level and no additional mitigation is required.

Response e): No Impact. The project site would be served by public wastewater facilities and does not require an alternative wastewater system such as septic tanks. Implementation of the proposed project would have **no impact** on this environmental issue.

Response f): Less than Significant. Known paleontological resources or sites are not located on the project site. Additionally, unique geologic features are not located on the site. The site is currently undeveloped and surrounded by existing or future urban development. As discussed in Section V, Cultural Resources, should artifacts or unusual amounts of stone, bone, or shell be uncovered during construction activities, an archeologist should be consulted for an evaluation. Implementation of Project Requirement 8 would require investigations and avoidance methods in the event that a previously undiscovered cultural resource is encountered during construction activities. With implementation of Project Requirement 8, impacts to paleontological resources or unique geologic features are not expected. This is a ***less than significant*** impact.


Solano County
Sacramento County
Contra Costa County
San Joaquin County
Alameda County
Stanislaus County
Santa Clara County
Project Location
Vaca fault zone
Sacramento R.
Rio Vista
Isleton
Suisun Bay
Franks Tract
Pittsburg
Antioch
Oakley
Antioch fault
Brentwood
Greenville fault zone
Blackhawk
Clifton Court Forebay
Stockton
Lathrop
Manteca
Escalon
Tracy
Ripon
Modesto
Empire
Riverdale Park
Ceres
Westley
Patterson
Newman
Mokelumne R.
Comanche Res.
Lodi
Farmington Flood Control Basin
San Joaquin R.
Tuolumne R.
Pleasanton fault
Mocho fault
Livermore fault
Livermore
Pleasanton
Calaveras fault zone
Verona fault
Williams fault
San Antonio Res.
Corral Hollow-Carnegie fault zone
Midway fault
Black Butte fault
Milpitas
Hayward fault zone
Silver Creek fault zone
Arroyo Aguajito fault
San José
San Jose fault
Piercy fault
San Joaquin fault
Legend
Alquist-Priolo Zone
Calaveras fault zone
Corral Hollow-Carnegie fault zone
Greenville fault zone
Hayward fault zone
Silver Creek fault zone
Vaca fault zone
Named Fault
0 2½ 5
Miles
Data sources: US Geologic Survey; CalAtlas. Map date: June 19, 2018.
EDGEWOOD COMMERCIAL
Figure 5. Earthquake Fault Map
De Novo Planning Group

VIII. GREENHOUSE GAS EMISSIONS – WOULD THE PROJECT:

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

BACKGROUND DISCUSSION

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

Naturally occurring greenhouse gases include water vapor (H_2O), carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and ozone (O_3). Several classes of halogenated substances that contain fluorine, chlorine, or bromine are also greenhouse gases, but they are, for the most part, solely a product of industrial activities. Although the direct greenhouse gases CO_2, CH_4, and N_2O occur naturally in the atmosphere, human activities have changed their atmospheric concentrations. From the pre-industrial era (i.e., ending about 1750) to 2011, concentrations of these three greenhouse gases have increased globally by 40, 150, and 20 percent, respectively (IPCC 2013)[1].

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

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors (California Energy Commission 2014) [2]. In California, the transportation sector is the largest emitter of GHGs, followed by electricity generation (California Energy Commission 2014).

[1] Intergovernmental Panel on Climate Change. 2013. "Climate Change 2013: The Physical Science Basis, Summary for Policymakers." Available: <http://www.climatechange2013.org/images/report/WG1AR5_SPM_FINAL.pdf>.

[2] California Energy Commission. 2014. California Greenhouse Gas Emission Inventory. Available: <http://www.arb.ca.gov/cc/inventory/inventory_current.htm>.

GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern, respectively. California produced 424.1 million gross metric tons of carbon dioxide equivalents ($MMTCO_2e$) in 2017 (California Energy Commission, 2019). By 2020, California is projected to produce 509 $MMTCO_2e$ per year (California Air Resources Board, 2015).

Carbon dioxide equivalents are a measurement used to account for the fact that different GHGs have different potential to retain infrared radiation in the atmosphere and contribute to the greenhouse effect. This potential, known as the global warming potential of a GHG, is also dependent on the lifetime, or persistence, of the gas molecule in the atmosphere. Expressing GHG emissions in carbon dioxide equivalents takes the contribution of all GHG emissions to the greenhouse effect and converts them to a single unit equivalent to the effect that would occur if only CO_2 were being emitted.

Consumption of fossil fuels in the transportation sector was the single largest source of California's GHG emissions in 2017, accounting for 41% of total GHG emissions in the state. This category was followed by the industrial sector (24%), the electricity generation sector (including both in-state and out-of-state sources) (15%), the agriculture sector (8%), the residential energy consumption sector (7%), and the commercial energy consumption sector (5%) (California Energy Commission, 2019).

EFFECTS OF GLOBAL CLIMATE CHANGE

The effects of increasing global temperature are far-reaching and extremely difficult to quantify. The scientific community continues to study the effects of global climate change. In general, increases in the ambient global temperature as a result of increased GHGs are anticipated to result in rising sea levels, which could threaten coastal areas through accelerated coastal erosion, threats to levees and inland water systems and disruption to coastal wetlands and habitat.

If the temperature of the ocean warms, it is anticipated that the winter snow season would be shortened. Snowpack in the Sierra Nevada provides both water supply (runoff) and storage (within the snowpack before melting), which is a major source of supply for the state. The snowpack portion of the supply could potentially decline by 70% to 90% by the end of the 21st century (Cal EPA 2006)[3]. This phenomenon could lead to significant challenges securing an adequate water supply for a growing state population. Further, the increased ocean temperature could result in increased moisture flux into the state; however, since this would likely increasingly come in the form of rain rather than snow in the high elevations, increased precipitation could lead to increased potential and severity of flood events, placing more pressure on California's levee/flood control system.

Sea level has risen approximately seven inches during the last century and it is predicted to rise an additional 22 to 35 inches by 2100, depending on the future GHG emissions levels (Cal EPA

[3] California Environmental Protection Agency, Climate Action Team. 2006. Climate Action Team Report to Governor Schwarzenegger and the Legislature. Available: <http://www.climatechange.ca.gov/climate_action_team/reports/>.

2006). If this occurs, resultant effects could include increased coastal flooding, saltwater intrusion and disruption of wetlands (Cal EPA 2006). As the existing climate throughout California changes over time, mass migration of species, or failure of species to migrate in time to adapt to the perturbations in climate, could also result. Under the emissions scenarios of the Climate Scenarios report (California Environmental Protection Agency, 2010), the impacts of global warming in California are anticipated to include, but are not limited to, the following.

Public Health

Higher temperatures are expected to increase the frequency, duration, and intensity of conditions conducive to air pollution formation. For example, days with weather conducive to ozone formation are projected to increase from 25% to 35% under the lower warming range and to 75% to 85% under the medium warming range. In addition, if global background ozone levels increase as predicted in some scenarios, it may become impossible to meet local air quality standards. Air quality could be further compromised by increases in wildfires, which emit fine particulate matter that can travel long distances depending on wind conditions. The Climate Scenarios report indicates that large wildfires could become up to 55% more frequent if GHG emissions are not significantly reduced.

In addition, under the higher warming scenario, there could be up to 100 more days per year with temperatures above 90°F in Los Angeles and 95°F in Sacramento by 2100. This is a large increase over historical patterns and approximately twice the increase projected if temperatures remain within or below the lower warming range. Rising temperatures will increase the risk of death from dehydration, heat stroke/exhaustion, heart attack, stroke, and respiratory distress caused by extreme heat.

Water Resources

A vast network of man-made reservoirs and aqueducts capture and transport water throughout the state from Northern California rivers and the Colorado River. The current distribution system relies on Sierra Nevada snow pack to supply water during the dry spring and summer months. Rising temperatures, potentially compounded by decreases in precipitation, could severely reduce spring snow pack, increasing the risk of summer water shortages.

The state's water supplies are also at risk from rising sea levels. An influx of saltwater would degrade California's estuaries, wetlands, and groundwater aquifers. Saltwater intrusion caused by rising sea levels is a major threat to the quality and reliability of water within the southern edge of the Sacramento/San Joaquin River Delta, a major state fresh water supply. Global warming is also projected to seriously affect agricultural areas, with California farmers projected to lose as much as 25% of the water supply they need; decrease the potential for hydropower production within the state (although the effects on hydropower are uncertain); and seriously harm winter tourism. Under the lower warming range, the snow dependent winter recreational season at lower elevations could be reduced by as much as one month. If temperatures reach the higher warming range and precipitation declines, there might be many years with insufficient snow for skiing, snowboarding, and other snow dependent recreational activities.

If GHG emissions continue unabated, more precipitation will fall as rain instead of snow, and the snow that does fall will melt earlier, reducing the Sierra Nevada spring snow pack by as much as 70% to 90%. Under the lower warming scenario, snow pack losses are expected to be only half as large as those expected if temperatures were to rise to the higher warming range. How much snow pack will be lost depends in part on future precipitation patterns, the projections for which remain uncertain. However, even under the wetter climate projections, the loss of snow pack would pose challenges to water managers, hamper hydropower generation, and nearly eliminate all skiing and other snow-related recreational activities.

Agriculture

Increased GHG emissions are expected to cause widespread changes to the agriculture industry reducing the quantity and quality of agricultural products statewide. Although higher carbon dioxide levels can stimulate plant production and increase plant water-use efficiency, California's farmers will face greater water demand for crops and a less reliable water supply as temperatures rise.

Plant growth tends to be slow at low temperatures, increasing with rising temperatures up to a threshold. However, faster growth can result in less-than-optimal development for many crops, so rising temperatures are likely to worsen the quantity and quality of yield for a number of California's agricultural products. Products likely to be most affected include wine grapes, fruits and nuts, and milk.

Crop growth and development will be affected, as will the intensity and frequency of pest and disease outbreaks. Rising temperatures will likely aggravate ozone pollution, which makes plants more susceptible to disease and pests and interferes with plant growth.

In addition, continued global warming will likely shift the ranges of existing invasive plants and weeds and alter competition patterns with native plants. Range expansion is expected in many species while range contractions are less likely in rapidly evolving species with significant populations already established. Should range contractions occur, it is likely that new or different weed species will fill the emerging gaps. Continued global warming is also likely to alter the abundance and types of many pests, lengthen pests' breeding season, and increase pathogen growth rates.

Forests and Landscapes

Global warming is expected to alter the distribution and character of natural vegetation thereby resulting in a possible increased risk of large wildfires. If temperatures rise into the medium warming range, the risk of large wildfires in California could increase by as much as 55%, which is almost twice the increase expected if temperatures stay in the lower warming range. However, since wildfire risk is determined by a combination of factors, including precipitation, winds, temperature, and landscape and vegetation conditions, future risks will not be uniform throughout the state. For example, if precipitation increases as temperatures rise, wildfires in southern California are expected to increase by approximately 30% toward the end of the century. In contrast, precipitation decreases could increase wildfires in northern California by up to 90%.

Moreover, continued global warming will alter natural ecosystems and biological diversity within the state. For example, alpine and sub-alpine ecosystems are expected to decline by as much as 60% to 80% by the end of the century as a result of increasing temperatures. The productivity of the state's forests is also expected to decrease as a result of global warming.

Rising Sea Levels

Rising sea levels, more intense coastal storms, and warmer water temperatures will increasingly threaten the state's coastal regions. Under the higher warming scenario, sea level is anticipated to rise 22 to 35 inches by 2100. Elevations of this magnitude would inundate coastal areas with saltwater, accelerate coastal erosion, threaten vital levees and inland water systems, and disrupt wetlands and natural habitats.

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant. Development of the site for urban uses and the corresponding generation of GHG emissions associated with buildout of the Tracy General Plan, including the project site, was taken into consideration in the City of Tracy General Plan and General Plan EIR. As described in Chapter 3 of the 2010 Recirculated Supplemental General Plan Draft EIR, the Tracy General Plan and Sustainability Action Plan include policies and measures to reduce GHG emissions, supporting the State's emission reduction targets and other environmental goals. In total, it is estimated that measures in the General Plan and Sustainability Action Plan would reduce 2020 business-as-usual (BAU) GHG emissions by between 382,422 and 486,115 metric tons CO_2e. Although the General Plan and Sustainability Action Plan include many goals, policies, and measures that would reduce GHG emissions from projected BAU levels, the Tracy General Plan would not meet the San Joaquin Valley Air Pollution Control District's threshold of a 29 percent reduction in GHG emissions from BAU projected emissions. Therefore, the General Plan and Sustainability Action Plan would result in a significant GHG emission impact.

On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for the significant generation of GHG emissions resulting from adoption of the General Plan.

The proposed project is identified for urban land uses in the Tracy General Plan. The proposed project is consistent with the overriding considerations that were adopted for the General Plan and the established mitigation measures under that Plan. As such, implementation of the proposed project would not create new impacts over and above those identified in the General Plan EIR, nor significantly change previously identified impacts. This is a **less-than-significant** impact.

Response b): Less than Significant. In February 2011, the City of Tracy adopted the Tracy Sustainability Action Plan, which includes programs and measures to reduce GHGs through community and municipal operations. Programs and measures contained in the Sustainability Action Plan that relate to the proposed project include, but are not limited to:

- **Measure E-1:** Implement California Green Building Standards, as contained in Title 24, Part 11, CCR.
- **Measure T-5 c and d:** Which promote the use of alternative transportation measures, including bikes and pedestrian travel, by providing connections to existing bike and pedestrian facilities.
- **Measure E-2 e:** Requiring energy efficient exterior lighting.

The City of Tracy will require the project to fully implement all applicable requirements of the Sustainability Action Plan. The proposed project would be constructed in compliance with the California Green Building Standards, and would install energy efficient exterior lighting. Implementation of the requirements of the Sustainability Action Plan, and other relevant policies in the Tracy General Plan represent the application of uniformly applied measures aimed at reducing GHG emissions from new development projects. This is a **less-than-significant** impact.

Project Requirement(s)

Project Requirement 10: *Prior to construction, the project applicant shall demonstrate compliance* of *all applicable requirements of the Sustainability Action Plan to the City of Tracy Development Services Department for review and approval.*

IX. HAZARDS AND HAZARDOUS MATERIALS -- WOULD THE PROJECT:

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b): Less than Significant. The proposed project would place a new fueling station and convenience store in an area of the City that currently contains predominantly residential and industrial uses. The proposed project would include underground fuel tanks (USTs), which would dispense fuels through 12 pumps. The underground storage of hazardous materials is subject to the provisions of the California Health and Safety Code Chapter 6.95 and Title 23 of the California Code of Regulations. The San Joaquin County Environmental Health Department has been authorized to administer the Hazardous Materials Business Plan Program as the Certified Unified Program Agency (CUPA) protect the public health from exposure to hazardous materials stored in the USTs, including protection of groundwater from being contaminated. Compliance with the San Joaquin County Environmental Health Department's Hazardous Materials Business Plan Program would ensure the potential impacts related to the release of hazardous materials into the environment would be less than significant.

The proposed fueling station would require the routine transport and use of hazardous materials as part of the operation. The transport of fuels to the project site would be required to adhere to the Hazardous Materials Regulations stipulated in the Code of Federal Regulation, Title 49, Parts 100-185, which regulates the transportation of hazardous material and hazardous waste. Therefore, the operational phase of the proposed project does not pose a significant hazard to the public or the environment.

Construction equipment and materials would likely require the use of petroleum-based products (oil, gasoline, diesel fuel), and a variety of common chemicals including paints, cleaners, and solvents. Transportation, storage, use, and disposal of hazardous materials during construction activities would be required to comply with applicable federal, state, and local statutes and regulations. Compliance would ensure that human health and the environment are not exposed to hazardous materials. In addition, Project Requirement 13 (Hydrology and Water Quality) requires the project applicant to implement a SWPPP during construction activities, which would prevent any contaminated runoff from leaving the project site.

Overall, compliance with applicable federal, state, local statutes and regulations and preparation of the SWPPP provided in Project Requirement 13, would result in the project having a **less-than-significant** impact relative to this issue.

Response c): Less than Significant. The project site is not located within 1/4-mile of an existing school. The nearest sensitive receptor to the project site is Anthony Traina Elementary located approximately 750 yards (0.4 miles) to the northeast of the project site. Therefore, this is a **less-than-significant** impact

Response d): Less than Significant. According the California Department of Toxic Substances Control (DTSC) there are no Federal Superfund Sites, State Response Sites, or Voluntary Cleanup Sites on, or adjacent to the project site. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5.

The nearest site to the proposed project is located approximately 1.7 miles southeast of the project site. Information relating to this site is provided below:

Tracy Tire Fire (site # 39000003)

- Cleanup Status: Refer: Integrated Waste Management Board (IWMB) as of 6/15/2009
- Site Type: State Response
- National Priorities List: No
- Acres: 50 acres
- Cleanup Oversight Agencies:
    - DTSC - Site Cleanup Program
    - IWMB (Lead Agency)
    - Regional Water Control Board 5S – Central Valley

As stated in the City's General Plan and General Plan EIR, developers are required to conduct the necessary level of environmental investigation prior to project approval to ensure that development sites would not affect the environment or the health or safety of future property owners (Objective SA-4.1, P2). The General Plan EIR concluded that this policy would reduce the potential impact to a less-than-significant level. Therefore, implementation of the proposed project would result in a **less-than-significant** impact relative to this environmental topic.

Responses e): Less than Significant. The Federal Aviation Administration (FAA) establishes distances of ground clearance for take-off and landing safety based on such items as the type of aircraft using the airport.

While there are no private airstrips within the vicinity of the project site, the Tracy Municipal Airport is located approximately ½ mile to the south (at its closest point). The Airport is a general aviation airport owned by the City and managed by the Public Works Department. The project site is located within the Tracy Municipal Airports (AIA) with portions also within the Traffic Pattern Zone (TPZ)-Zone 7, the Inner Turning Zone (ITZ)-Zone 3, and Inner Approach Departure Zone (IADZ)-Zone 2.

Pursuant to the State Aeronautics Act (Public Utilities Code Section 21676), the project is subject to a Consistency Determination by the San Joaquin County Airport Land Use Commission. The San Joaquin Council of Governments (SJCOG), acting as the Airport Land Use Commission (ALUC), has reviewed the application for the Edgewood Commercial project sent on October 2, 2019. In a letter issued by ALUC staff on October 16, 2019 (Isaiah Anderson, SJCOG Assistant Regional Planner), the San Joaquin ALUC noted that gas stations are prohibited in IADZ-Zone 2 and ITZ-Zone 3. However, after further review, SJCOG ALUC staff have determined that the gas station lies outside of these two zones within the TPZ-Zone 7. Therefore, ALUC has determined that the proposed land use designations for the Edgewood Commercial project are consistent with the 2018 San Joaquin County Airport Land Use Compatibility Plan's (ALUCP) safety zones and development criteria.

The following are recommendations, standards, and project design conditions specific to compliance with the ALUCP and are carried through as conditions of approval, as these are project design conditions that are required as part of compliance with the 2018 ALUCP:

1.Within the IADZ-Zone 2 and ITZ-Zone 3:

- No part of the gas station or related development (such as fuel storage) shall be located.
- An Avigation Easement shall be dedicated to the City of Tracy, as the owner of Tracy Municipal Airport, to convey rights associated with aircraft overflight of a property.

2. Airspace review is required for objects greater than 35 feet tall. Please notify the FAA by completing Form 7460-1, Notice of Proposed Construction of Alteration, available at: https://www.faa.gov/forms/index.cfm/go/document.information/documentid/186273.

The completed form should be sent to the FAA Western Pacific Region San Francisco Airports District Office, 1000 Marina Blvd., Ste. 220, Brisbane, CA 94005-1863.

3. New land uses that may cause visual, electronic, or increased bird strike hazards to aircraft in flight shall not be permitted within any airport's influence area. Specific characteristics to be avoided include:

- Glare or distracting lights which could be mistaken for airport lights. Reflective materials are not permitted to be used in structures or signs (excluding traffic directing signs);
- Sources of dust, steam, or smoke which may impair pilot visibility;
- Sources of electrical interference with aircraft communications or navigation. No transmissions which would interfere with aircraft radio communications or navigational signals are permitted.
- Occupied structures must be soundproofed to reduce interior noise to 45 decibel(dB) according to State guidelines.
- Within the airport's influence area, ALUC review is required for any proposed object taller than 100 feet above ground level (AGL).

4. Regardless of location within San Joaquin County, ALUC review is required in addition to FAA notification in accordance with Code of Federal Regulations, Part 77 for any proposal for construction or alteration under the following conditions:

a. If requested by the FAA.

b. Any construction or alteration that is more than 200 ft. AGL at its site.

c. Any construction or alteration that exceeds an imaginary surface extending outward and upward at the following slopes:

   i. 100 to 1 for a horizontal distance of 20,000 ft. of a public use or military airport from any point on the runway of each airport with its longest runway more than 3,200 ft.

   ii. 50 to 1 for a horizontal distance of 10,000 ft. of a public use or military airport from any point on the runway of each airport with its longest runway no more than 3,200 ft.

   iii. 25 to 1 for a horizontal distance of 5,000 ft. of the nearest take-off and landing area of a public use heliport.

d. Any highway, railroad or other traverse way whose prescribed adjusted height would exceed the above noted standards

e. Any construction or alteration located on a public use airport or heliport regardless of height or location.

Safety hazards related to the project's proximity to the Tracy Municipal Airport are **less than significant**, and no additional requirements, beyond the ALUC compliance requirements identified above, is required. The ALUC will review the project to ensure the proposed project would comply with all necessary requirements.

Response f): No Impact. The General Plan includes policies that require the City to maintain emergency access routes that are free of traffic impediments (Objective SA-6.1, P1 and A2). The proposed project does not include any actions that would impair or physically interfere with an adopted emergency response plan or emergency evacuation plan. The project involves the development of commercial land uses within an urbanized environment, and would not interfere with any emergency response or evacuation plans. Implementation of the proposed project would result in **no impact** on this environmental topic.

Response g): Less than Significant. The risk of wildfire is related to a variety of parameters, including fuel loading (vegetation), fire weather (winds, temperatures, humidity levels and fuel moisture contents) and topography (degree of slope). Steep slopes contribute to fire hazard by intensifying the effects of wind and making fire suppression difficult. Fuels such as grass are highly flammable because they have a high surface area to mass ratio and require less heat to reach the ignition point, while fuels such as trees have a lower surface area to mass ratio and require more heat to reach the ignition point.

The City has areas with an abundance of flashy fuels (i.e., grassland) in the outlying residential parcels and open lands that, when combined with warm and dry summers with temperatures often exceeding 100 degrees Fahrenheit, create a situation that results in higher risk of wildland fires. Most wildland fires are human caused, so areas with easy human access to land with the appropriate fire parameters generally result in an increased risk of fire.

The California Department of Forestry has designated the western and southern edge of the City as having a moderate wildland fire potential. This is predominately a result of the hills and grassland habitat that persists. The proposed project is located in an urbanized area of the City adjacent to agricultural fields. The agricultural fields in the vicinity of the project site have a low to moderate wildfire potential. Irrigated agricultural lands that are actively farmed have a low wildland fire potential, while fallow fields that are not actively managed or irrigated have a moderate wildfire potential. The project site and the surrounding area is served by Fire Station #97, which is located at 595 West Central Avenue, approximately 2.3 miles (driving distance) northeast of the project site. The project site is located within the Fire Department's 5-minute response zone. The proximity of Fire Station #97 to the project site would ensure that in the event of a wildfire on agricultural lands west of the project site, the fire department could respond within five minutes. The project site is adequately served by roadways that provide emergency vehicle access to the site, and the site would be equipped with fire hydrants that meet the City of Tracy's design and fire flow requirements. This is a **less than significant** impact and no mitigation is required.

X. HYDROLOGY AND WATER QUALITY -- WOULD THE PROJECT:

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a): Less than Significant. Wastewater generated by the proposed project would be conveyed to the Tracy Wastewater Treatment Plan (WWTP) for treatment and disposal. The City's wastewater collection system consists of gravity sewer lines, pump stations and the WWTP. Wastewater flows toward the northern part of the City where it is treated at the WWTP and then discharged into the Old River in the southern Sacramento-San Joaquin Delta. The project's potential to violate a water quality standard or waste discharge requirement is related to the treatment of wastewater generated by the project, and the quality of stormwater runoff generated at the project site. These two issues are addressed below.

In 2008 the City expanded its wastewater treatment capacity to 10.8 million gallons per day (mgd). The City's Wastewater Treatment Plant (WWTP) currently treats approximately 9.0 mgd

of wastewater. The City's WWTP provides secondary-level treatment of wastewater followed by disinfection. Treated effluent from the WWTP is conveyed to a submerged diffuser for discharge into the Old River. The WWTP has an NPDES permit for discharge into the Old River from the State Regional Water Quality Control Board. A unit generation factor of 1,140 gallons per day of wastewater per acre a day was used to estimate the wastewater that would be generated by the proposed project.[4] Based on this generation factor, it is estimated that the proposed project would generate up to 0.0027816 mgd of wastewater. The addition of 0.0027816 mgd of wastewater would not exceed the treatment capacity of the City's WWTP, or violate waste discharge requirements under the City's National Pollutant Discharge Elimination System (NPDES) permit. As such, the project would not cause, or contribute to, a violation of wastewater quality standards or waste discharge requirements.

In order to ensure that stormwater runoff from the project site does not adversely increase pollutant levels in adjacent surface waters and stormwater conveyance infrastructure, the City requires the application of BMPs to effectively reduce pollutants from stormwater leaving the site during both the construction and operational phases of the project. Additionally, projects are required to prepare a Stormwater Pollution Prevention Plan (SWPPP). The final storm drainage infrastructure plan for the project would also be submitted to the City for review and approval.

The collection of fees and determined fair share fee amounts are adopted by the City as Conditions of Approval (COAs) for all new development projects prior to project approval. The payment of applicable development impact fees by the proposed project would ensure that the project pays its fair-share of capital improvement fees towards future system expansions, as identified in the 2012 Tracy Wastewater Master Plan. Additionally, through compliance with the NPDES permit requirements, and compliance with the SWPPP, the proposed project would not result in a violation of any water quality standards or waste discharge requirements. Therefore, through compliance with the NPDES, the SWPPP required by Project Requirement 11, and the final storm drainage infrastructure plan required by Project Requirement 12, impacts are considered **less than significant**.

Project Requirement(s)

Project Requirement 11*: The project applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) that includes specific types and sources of stormwater pollutants, determine the location and nature of potential impacts, and specify appropriate control measures to eliminate any potentially significant impacts on receiving water quality from stormwater runoff. The SWPPP shall require treatment BMPs that incorporate, at a minimum, the required hydraulic sizing design criteria for volume and flow to treat projected stormwater runoff. The SWPPP shall comply with the most current standards established by the Central Valley RWQCB. Best Management Practices shall be selected from the City's Manual of Stormwater Quality Control Standards for New Development*

[4] Wastewater Flow and Loading Generation Factors from the Tracy Wastewater Master Plan (Office, Retail and Commercial Flow wastewater generation factor).

and Redevelopment according to site requirements and shall be subject to approval by the City Engineer and Central Valley RWQCB.

Project Requirement 12: *Prior to approval of the building permit, the project applicant shall submit a detailed storm drainage infrastructure plan to the City of Tracy Development Services Department for review and approval. The project's storm drainage infrastructure plans shall, to the satisfaction of the City Engineer, demonstrate adequate infrastructure capacity to collect and direct all stormwater generated on the project site within the onsite retention/detention facility to the City's existing stormwater conveyance system, and demonstrate that the project would not result in on- or off-site flooding impacts. The project shall also pay all applicable development impact fees, which would include funding for offsite Citywide storm drainage infrastructure improvements identified in the 2012 City of Tracy Citywide Storm Drainage Master Plan.*

Responses b): Less than Significant. The proposed project would not result in the construction of new groundwater wells, nor would it increase existing levels of groundwater pumping. The proposed project would be served by the City's municipal water system. The City of Tracy uses several water sources, including the US Bureau of Reclamation, the South County Water Supply Project (SCWSP), and groundwater.

The City's existing Groundwater Management Policy prohibits groundwater extraction to exceed 9,000 AF (the determined safe yield). The General Plan contains policies to address groundwater use and conservation that will assist in avoiding impacts to groundwater sources. The City will use surface water supplies to the greatest extent feasible to reduce reliance on groundwater (Objective PF-6.1, P3) and to reserve groundwater supplies for emergency use, such as droughts or short-term shortages (Objective PF-6.4, P1). As a result of adopted City policies and General Plan policies, a less-than-significant groundwater impact was determined by the General Plan EIR. The proposed project is consistent with land use designation and density analyzed under the General Plan EIR. Thus, the proposed project potential for groundwater depletion is consistent with the General Plan EIR finding of less than significant.

Groundwater recharge occurs primarily through percolation of surface waters through the soil and into the groundwater basin. The addition of significant areas of impervious surfaces (such as roads, parking lots, buildings, etc.) can interfere with this natural groundwater recharge process. Upon full project buildout, portions of the project site would be covered in impervious surfaces, which would limit the potential for groundwater percolation to occur on the project site. However, given the relatively large size of the groundwater basin in the Tracy area, the areas of impervious surfaces added as a result of project implementation will not adversely affect the recharge capabilities of the local groundwater basin. Additionally, the project would maintain pervious surfaces within the on-site landscaping and retention basin. These pervious areas could maintain opportunities for groundwater recharge.

Because the City has adequate existing water service capacity to serve the project, and the limited scope of impervious surface coverage (when compared to the larger groundwater basin), the proposed project would result in **less-than-significant** impacts related to depletion of groundwater supplies and interference with groundwater recharge.

Responses c), e): When land is in a natural or undeveloped condition, precipitation will infiltrate/percolate the soils and mulch. Much of the rainwater that falls on natural or undeveloped land slowly infiltrates the soil and is stored either temporarily or permanently in underground layers of soil. When the soil becomes completely soaked or saturated with water or the rate of rainfall exceeds the infiltration capacity of the soil, the rainwater begins to flow on the surface of land to low lying areas, ditches, channels, streams, and rivers. Rainwater that flows off of a site is defined as storm water runoff. When a site is in a natural condition or is undeveloped, a larger percentage of rainwater infiltrates into the soil and a smaller percentage flows off the site as storm water runoff.

The infiltration and runoff process is altered when a site is developed with urban uses. Houses, buildings, roads, and parking lots introduce asphalt, concrete, and roofing materials to the landscape. These materials are relatively impervious, which means that they absorb less rainwater. As impervious surfaces are added to the ground conditions, the natural infiltration process is reduced. As a result, the volume and rate of storm water runoff increases. The increased volumes and rates of storm water runoff can result in flooding in some areas if adequate storm drainage facilities are not provided.

There are no rivers, streams, or water courses located on or immediately adjacent to the project site. As such, there is no potential for the project to alter a water course, which could lead to on or offsite flooding. Drainage improvements associated with the project site would be located on the project site, and the project would not alter or adversely impact offsite drainage facilities.

Development of the project site would place impervious surfaces on portions of the 2.44-acre project site. Development of the project site would potentially increase local runoff production, and would introduce constituents into storm water that are typically associated with urban runoff. These constituents include heavy metals (such as lead, zinc, and copper) and petroleum hydrocarbons. BMPs will be applied to the proposed site development to limit the concentrations of these constituents in any site runoff that is discharged into downstream facilities to acceptable levels. Stormwater flows from the project site would be directed to the proposed bio-retention areas by a new stormwater conveyance system.

In order to ensure that stormwater runoff from the project site does not adversely increase pollutant levels in adjacent surface waters and stormwater conveyance infrastructure, Project Requirement 11 requires the preparation of a SWPPP. As described previously, the SWPPP would require the application of BMPs to effectively reduce pollutants from stormwater leaving the site during both the construction and operational phases of the project.

Additionally, the project is subject to the requirements of Chapter 11.34 of the Tracy Municipal Code – Stormwater Management and Discharge Control. The purpose of this Chapter is to "*Protect and promote the health, safety and general welfare of the citizens of the City by controlling non-stormwater discharges to the stormwater conveyance system, by eliminating discharges to the stormwater conveyance system from spills, dumping, or disposal of materials other than stormwater, and by reducing pollutants in urban stormwater discharges to the maximum extent practicable.*"

This chapter is intended to assist in the protection and enhancement of the water quality of watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Water Pollution Control Act (Clean Water Act, 33 USC Section 1251 et seq.), Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.) and National Pollutant Discharge Elimination System ("NPDES") Permit No. CAS000004, as such permit is amended and/or renewed.

New development projects in the City of Tracy are required to provide site-specific storm drainage solutions and improvements that are consistent with the overall storm drainage infrastructure approach presented in the 2012 City of Tracy Citywide Storm Drainage Master Plan. The project applicant is required to submit a detailed storm drainage infrastructure plan to the City of Tracy Development Services Department for review and approval. The project's storm drainage infrastructure plans must demonstrate adequate infrastructure capacity to collect and direct all stormwater generated on the project site within the on-site retention facility to the City's existing stormwater conveyance system and demonstrate that the project would not result in on- or off-site flooding impacts.

Prior to approval of the building permit, the project applicant is required to submit a detailed storm drainage infrastructure plan to the City of Tracy Development Services Department for review and approval. The project's storm drainage infrastructure plans must demonstrate adequate infrastructure capacity to collect and direct all stormwater generated on the project site within onsite retention/detention facilities to the City's existing stormwater conveyance system, and demonstrate that the project would not result in on- or off-site flooding impacts. The project is also required to pay all applicable development impact fees, which would include funding for offsite Citywide storm drainage infrastructure improvements identified in the 2012 City of Tracy Citywide Storm Drainage Master Plan. The development of an onsite storm drainage system, the payment of all applicable fees, and the implementation of Requirement 12 would ensure that this impact is less than significant.

A Preliminary Storm Drainage Evaluation Technical Memorandum (Storm Water Consulting Inc., January 2020) was prepared for the Project (see *Appendix B*), which included a review of the downstream capacity for the storm drain system residing within the Edgewood development. According to the Citywide Storm Drainage Master Plan, the Project site is a part of the existing Edgewood development area (totaling approximately 300 acres). The Edgewood development area includes Sub-Basins W14, W15, and W21 per the Citywide Storm Drainage Master Plan. The downstream capacity analysis evaluated the existing storm drain route extending between the Project and the headwater of the City's Westside Channel within the Edgewood development. The existing storm drain route is shown in Exhibit A of the Preliminary Storm Drainage Evaluation (incorporated by reference). Under the assumption that all local Sub-Basins, including the Project (Sub-Basin EC), would contribute to the storm drain system, the analysis found that there would be a capacity deficiency along the existing 24-inch SD segment in English Oaks Avenue between Whispering Wind Drive and Cherry Blossom Drive. The capacity deficiency will produce surcharging from the storm drains into the streets in English Oaks Avenue and upstream during the design storm. To ensure adequate downstream capacity, the project proponent will need to

incorporate one of the alternatives recommended by Storm Water Consulting to the proposed storm drainage for the project. The alternatives have been included as Project Requirement 13. Additionally, the Preliminary Storm Drainage Evaluation also included a review of the Site Plan and Grading and Utility Plan provided by the applicant and provided preliminary storm water quality recommendations. According to the Memorandum, the plans are insufficient at this time and will require additional information with respect to storm drainage facilities. These information needs have been included in Project Requirement 14.

Ultimately, in order to ensure that stormwater runoff generated at the project site as a result of new impervious surfaces does not exceed the capacity of the existing or planned stormwater drainage system, Project Requirement 12 above requires the project applicant to submit a detailed storm drainage infrastructure plan to the City of Tracy Development Services Department for review and approval. The detailed storm drainage infrastructure plan will be required to incorporate Project Requirements 13 to ensure adequate downstream capacity. The project's storm drainage infrastructure plans shall, to the satisfaction of the City Engineer, demonstrate adequate infrastructure capacity to collect and direct all stormwater generated on the project site within the onsite retention/detention facility to the City's existing stormwater conveyance system, and demonstrate that the project would not result in on- or off-site flooding impacts. The implementation of this requirement would reduce this impact to a less-than-significant level.

Through the payment of all applicable fees, and the implementation of Project Requirements 12 through 14 would ensure that this impact is **less than significant**.

Project Requirement 13*: The project proponent shall incorporate one of the following improvements into the project site design:*

1. *Replace the existing 24-inch SD in English Oaks Avenue (Whispering Winds Drive to Cherry Blossom Lane) with a 30-inch SD, and discharge runoff from the Project site directly to the 18-inch SD stub provided at the northeast corner of the project site; or*
2. *Provide detention/retention storage within the Project site at storage volumes that conform to the requirements for Temporary Retention Basins, Single Parcel, Section 5.06, in the City of Tracy Design Standards (runoff volume from a single 10-year 48-hour storm). The detention/retention storage facility(s) could be drained to the 18-inch SD stub after storm events when the downstream system is empty, and regulated by a hand operated or automated sluice gate installed at an appropriate onsite location. Requirements for discharge authorizations would need to be established by the City.*

Project Requirement 14*: The project proponent shall revise the Site Plan and Grading and Utility Plan to include the following additional information:*

- *Existing topography of the overall site;*
- *Proposed grades for site improvements and invert elevations and slopes for proposed onsite storm drains;*

- *Invert elevation for the existing 24-inch SD in Middlefield Drive at the existing 18-inch SD stub connection from the site, and invert elevation for the existing 18-inch SD stub at the point of connection serving onsite storm drains; and*
- *Show detention/retention facility, required storage volume, provided storage volume, maximum water surface elevation, and provisions for drainage outflow, if applicable.*

Responses d): Less than Significant. The 100-year floodplain denotes an area that has a one percent chance of being inundated during any particular 12-month period. The risk of a site within the 100-year floodplain being flooded in any century is one percent but statistically the risk is almost 40 percent in any 50-year period.

Floodplain zones are determined by the Federal Emergency Management Agency (FEMA) and used to create Flood Insurance Rate Maps (FIRMs). These tools assist cities in mitigating flooding hazards through land use planning. FEMA also outlines specific regulations for any construction, whether residential, commercial, or industrial within 100-year floodplains.

The project site is not located within the FEMA designated 100-year floodplain. This is a **less than significant** impact and no mitigation is required.

XI. LAND USE AND PLANNING - Would the project:

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a): No Impact. The project site is surrounded by residential and industrial uses. The project would be consistent and compatible with the surrounding land uses, and would not divide an established community. There is **no impact.**

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

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

The project site is currently designated Commercial by the City of Tracy General Plan Land Use Designations Map. The Commercial land use designation allows for a relatively wide range of uses but focuses primarily on retail and consumer service activities that meet the needs of Tracy residents and employees as well as passthrough travelers. Specific uses allowed in the Commercial land use designation include grocery and convenience stores, auto service stations, salons, restaurants, and fast-food establishments to name a few. According to the City's General Plan, Industrial parcels should have a maximum FAR of 1. The proposed project's average FAR would be 0.063. Therefore, the proposed project is consistent and compatible with the Commercial land use designation. The project's consistency with other General Plan policies that provide environmental protections are addressed within the relevant sections of this document.

The project site is currently zoned Planned Unit Development, which is designed to allow flexibility and creativity in site planning. The proposed project would include a rezone to Neighborhood Shopping to focus the uses on-site and implement the site's Commercial land use designation. Changing the parcel's zoning from PUD to NS would not result in any new or intensified development; thus, the rezone to NS is consistent with the previous analysis contained in the City of Tracy General Plan EIR for the site. Therefore, impacts to land use compatibility would be ***less than significant***.

XII. MINERAL RESOURCES -- Would the project:

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

RESPONSES TO CHECKLIST QUESTIONS

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

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

Figure 4.8-1 of the General Plan EIR identifies Mineral Resource Zones (MRZs) throughout the Tracy Planning Area. The project site is located within an area designated as MRZ-2. The MRZ-2 designation applies to areas where adequate information indicates that significant mineral deposits are present or where it is judged that a high likelihood for their presence exists.

As described on page 4.8-4 of the Tracy General Plan Draft EIR, the City of Tracy has an agreement with the State Division of Mines and Geology that the area north of Linne Road would allow for urban development, while areas south of Linne Road would be protected for aggregate mining. Of the area classified by the State Division of Mines and Geology as having potentially significant mineral deposits, the bulk of it is designated by the City as Aggregate in the General Plan, with some additional areas that have potentially significant aggregate deposits designated as Industrial. Although the project is in an area where significant mineral deposits have a high likelihood of existing (MRZ-2), the project site is located north of Linne Road, in the area of the City designated for urban development. Since the City of Tracy has taken appropriate steps to safeguard its aggregate resources for future use, the project would not result in the loss of availability of a known mineral resource. This impact is considered **less than significant**.

XIII. NOISE -- WOULD THE PROJECT RESULT IN:

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

RESPONSES TO CHECKLIST QUESTIONS

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

The proposed project is located in an area consisting predominately of residential, agricultural, and industrial land uses. The proposed project involves the development of a 3,884 square foot convenience store with 12 vehicle fueling pumps. Convenience markets and gas service stations do not generate significant noise levels beyond those associated with common activities (i.e., car doors, voices, delivery truck unloading, etc.). However, traffic generated by the proposed project has the potential to contribute to roadway noise levels in the vicinity of the project site and throughout other areas of the City. According to the Edgewood Commercial Traffic Review (dated April 9, 2020) prepared by Kimley-Horn and Associates (Kimley-Horn), the proposed project is anticipated to generate 2,464 daily, 24 AM peak hour (14 in/10 out), and 14 PM peak hour (9 in/5 out) net new trips.

On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for the increase in vehicle roadway noise resulting from adoption of the General Plan and EIR. As described in this Draft EIR, vehicular traffic on existing roadways in Tracy would increase as development proceeds and the city's population increases. Under buildout of the General Plan, which includes the proposed project site, noise levels would increase substantially (3 A-weighted decibels [dBA] day/night average sound level [L_{DN}] or greater) along major roadways throughout Tracy, including portions of I-205, I-580, Grant Line Road, Schulte Road, Valpico Road, Linne Road, Lammers Road, Corral Hollow Road, Tracy

Boulevard, and MacArthur Drive. Other than Valpico Road and I-580, all significant increases would occur adjacent to existing noise sensitive areas. Given that the proposed project is consistent with the site's current General Plan land use designation, traffic generated by the project has been anticipated and evaluated by the City. Pursuant to Public Resources Code Section 21083.3, if a development project is consistent with the General Plan, the subsequent analysis of the project's environmental impacts would be limited to the effects on the environment which are peculiar to the project and which were not addressed as significant effects in the General Plan EIR.

The Tracy General Plan Noise Element also contains several policies that are intended to ensure that new development projects are not exposed to excessive noise levels. The General Plan Noise Element policies applicable to the proposed project are summarized below.

Objective N-1.1 Ensure appropriate exterior and interior noise levels for new land uses.

Policies

P1. Noise sensitive land uses shall not be located in areas with noise levels that exceed those considered normally acceptable for each land use unless measures can be implemented to reduce noise to acceptable levels.

P2. Land uses shall require appropriate interior noise environments when located in areas adjacent to major noise generators.

P3. Recognizing that some new single-family residential uses may be located adjacent to non-residential uses, new single- family residential development shall not exceed 60 L_{DN} (day/night average noise level) for exterior noise in private use areas.

P4. New residential uses exposed to noise levels exceeding 60 L_{DN} shall be analyzed following protocols in the operative California Building Code or other operative code.

P5. For new residential land uses, noise from external sources shall not cause building interiors to exceed 45 L_{DN}.

P7. New residential development affected by noise from railroads or aircraft operations shall be designed to limit typical maximum instantaneous noise levels to 50 dBA in bedrooms and 55 dBA in other rooms.

P8. Measures to attenuate exterior and/or interior noise levels to acceptable levels shall be incorporated into all development projects. Acceptable, conditionally acceptable and unacceptable noise levels are presented in Figure 9-3.

Objective N-1.3 Consider noise issues in the Development Review process.

Policies

P1. Development projects shall be evaluated for potential noise impacts and conflicts as part of the Development Review process.

P2. Significant noise impacts shall be mitigated as a condition of project approval.

P3. New development projects shall have an acoustical specialist prepare a noise analysis with recommendations for design mitigation if a noise-producing project is proposed near existing or planned noise-sensitive uses.

P4. Proposed noise sensitive projects within noise-impacted areas shall submit acoustical studies and provide necessary mitigation from noise.

P5. Site design techniques shall be considered as the primary means to minimize noise impacts as long as they do not conflict with the goals of the Community Character Element. Techniques include:

- Designing landscaped building setbacks to serve as a buffer between the noise source and receptor.
- Placing noise-tolerant land uses, such as parking lots, maintenance facilities, and utility areas between the noise source, such as highways and railroad tracks, and receptor.
- Orienting buildings to shield noise sensitive outdoor spaces from a noise source.
- Locating bedrooms or balconies on the sides of buildings facing away from noise sources.
- Utilizing noise barriers (e.g., fences, walls, or landscaped berms) to reduce adverse noise levels in noise-sensitive outdoor activity areas.

The proposed project would be subject to these General Plan policies. As described previously, development of the site for urban uses and the subsequent increase in operational noise was taken into consideration in the City of Tracy General Plan and General Plan EIR.

It should be noted that construction activities at the project site would result in temporary increases in noise levels that could expose adjacent residences to increased noise levels and noise nuisances. During construction of the proposed project, heavy equipment would be used for grading, excavation, paving, and building construction, which would increase ambient noise levels when in use. Noise levels would vary depending on the type of equipment used, how the equipment is operated, and how well the equipment is maintained. In addition, noise exposure at any single point outside the project site would vary depending on the proximity of construction activities to that point. Table 9 shows the maximum noise levels associated with typical construction equipment. Based on the table, activities involved in typical construction could generate maximum noise levels up to 85 dB at a distance of 50 feet.

Table 9: Construction Equipment Noise

TYPE OF EQUIPMENT	*MAXIMUM LEVEL, DB AT 50 FEET*
Backhoe	78
Compactor	83
Compressor (air)	78
Dozer	82
Dump Truck	76
Excavator	81
Generator	81
Pneumatic Tools	85

SOURCE: FEDERAL HIGHWAY ADMINISTRATION, ROADWAY CONSTRUCTION NOISE MODEL USER'S GUIDE, JANUARY 2006.

As distance between equipment increases, dispersion and distance attenuation reduce the effects of combining separate noise sources. The noise levels from a source will decrease at a rate of approximately 6 dB per every doubling of distance from the noise source. Because the project site is adjacent to existing residential subdivisions, this temporary increase in construction noise is considered potentially significant. The following requirement would place restrictions on the time of day that construction activities can occur, and includes additional techniques to reduce noise levels at adjacent residences during construction activities. The implementation of this requirement would reduce this temporary impact to a **less-than-significant** level.

Project Requirement(s)

Project Requirement 15*: The following requirements shall be implemented during all construction phases of the project:*

a) *Construction activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. Construction activities shall be prohibited on Sundays and federal holidays.*
b) *Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations.*
c) *Construction equipment staging areas shall be located at the furthest distance possible from nearby noise-sensitive land uses.*

Response b): Less than Significant. No major stationary sources of groundborne vibration were identified in the project area that would result in the long-term exposure of proposed onsite land uses to unacceptable levels of ground vibration. In addition, the proposed project would not involve the use of any major equipment or processes that would result in potentially significant levels of ground vibration that would exceed these standards at nearby existing land uses. However, construction activities associated with the proposed project would require the use of various tractors, trucks, and potentially jackhammers that could result in intermittent increases in groundborne vibration levels. The use of major groundborne vibration-generating construction equipment/processes (i.e., blasting, pile driving) is not anticipated to be required for construction of the proposed project.

Groundborne vibration levels commonly associated with construction equipment are summarized in Table 10. Based on the levels presented in Table 10, groundborne vibration generated by construction equipment would not be anticipated to exceed approximately 0.09 inches per second (in/sec) peak particle velocity (ppv) at 25 feet. Predicted vibration levels would not be anticipated to exceed recommended criteria for structural damage and human annoyance (0.2 and 0.1 in/sec ppv, respectively) at nearby land uses. As a result, short-term groundborne vibration impacts would be considered **less-than-significant** and no mitigation is required**.**

Table 10: Representative Vibration Source Levels for Construction Equipment

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

SOURCE: FTA 2006, CALTRANS 2004.

Response c): Less than Significant. The Tracy Municipal Airport is the closest airport to the project site, located less than ½ mile to the southeast of the project site. The Airport is a general aviation airport owned by the City and managed by the Public Works Department. The City of Tracy adopted an Airport Master Plan in 1998, and the ALUC adopted an ALUCP in 2009 after analyzing the impacts to safety on surrounding development from the Tracy Municipal Airport.

The San Joaquin County Airport Land Use Plan establishes noise contours surrounding the Tracy Municipal Airport. As shown on Figure 4.14-3 of the Tracy General Plan Final Supplemental EIR (Certified on February 1, 2011), the proposed convenience store and gas fueling station are located outside of both the 65 dBCNEL and the 60 dBCNEL noise contours for the Tracy Municipal Airport. According to Section 4.12.750 of the Tracy Municipal Code, the sound level limit for commercial districts is 65 dBCNEL. As such, the project site would not be exposed to excessive noise from the Tracy Municipal Airport. This is a **less than significant** impact, and no mitigation is required.

XIV. POPULATION AND HOUSING -- WOULD THE PROJECT:

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

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant. The proposed commercial development would not induce population growth, either directly or indirectly. The convenience store and fueling station would not generate significant employment opportunities in Tracy and would not expand the job base such that population growth may occur.

The potential for the project to directly induce population growth in the City of Tracy is not a significant impact in and of itself. Population growth can result in impacts to other environmental topics, such as traffic, service demands, etc. The employment growth that would occur as a result of approval and development of the proposed project was considered in the Tracy General Plan and General Plan EIR. The proposed project is consistent with the land use designation for the site that was addressed in the General Plan EIR, and the environmental effects of the employment growth generated by the project were considered in the analysis of buildout of the Tracy General Plan. Additionally, as described throughout this environmental document, the employment growth attributable to the proposed project would not result in any significant site-specific environmental impacts to other environmental topics that cannot be mitigated to a less-than-significant level. Therefore, this impact is **less-than-significant**, as demonstrated throughout this document.

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

XV. PUBLIC SERVICES

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

RESPONSES TO CHECKLIST QUESTIONS

Response a):

i) Fire Protection and Emergency Medical Services: Less than Significant. The City of Tracy, as a member agency of the South San Joaquin County Fire Authority (SSJCFA), provides fire protection, life safety, and emergency response services to 167 square miles of the southern part of San Joaquin County. In 2018, the SSJCFA was established to more effectively and efficiently serve the City of Tracy and the Tracy Rural Fire Protection District (FPD) while allowing for future regionalization of fire protection services.

The SSJCFA currently operates six fire stations, a support services building, and an administrative office. Twenty-four hour-a-day staffing is provided with six paramedic engine companies, and one paramedic ladder truck company. Four fire stations are within the incorporated area of the City of Tracy, and two are in the surrounding rural Tracy area. The Fire Department maintains a repurposed unstaffed fire station that serves as support for operations and apparatus storage. Fire Stations 92 and 96 relocated in 2014 due to findings of a Standards of Cover study conducted in 2007. The repositioning of these facilities achieves more efficient fire protection coverage to the jurisdictional area of both the City and Rural Fire District.

The Fire Department completed an updated Standards of Cover study in May 2017. The study provided findings and recommendations as to where proposed fire stations should be located. The proposed project is located within the first-due response area of Fire Station #97, which is located at 595 West Central Avenue, greater than two miles northeast of the project site. The Standards of Cover study indicated that the project site is located outside of the Fire Department's established 4-minute travel time. The study recommends a new fire station should be added to the southwest City area, and Fire Station #97 should be moved to the southwest to improve first-due and multi-unit coverage.

Medical transport is provided by private ambulance company via contract with the San Joaquin County Emergency Medical Services Agency. American Medical Response (AMR) is the current exclusive emergency ambulance service provider in San Joaquin County. Escalon Community Ambulance, Manteca District Ambulance, and Ripon Consolidated Fire District are exceptions to the County's exclusive contract with AMR.

The Fire Department provides Advanced Life Support Services from all of its fire stations. Emergency medical services in Tracy and the surrounding areas are reported to be good, as Tracy is one of only three fire departments in San Joaquin County that provide Advanced Life Support services.

Recognizing the potential need for increases in fire protection and emergency medical services, the City's General Plan includes policies to ensure that adequate related facilities are funded and provided to meet future growth (Objective PF-1.1, P1). This policy will be implemented through the review of all new projects within the City, prior to development, and through the collection of development impact fees for the funding of facilities. The project will pay its proportionate fair share toward the construction of a nearby fire station to serve this and other development in the vicinity. Without the payment of applicable development impact fees, implementation of the proposed project may adversely impact existing fire and emergency services within the City and could require the construction of new fire protection facilities.

Impact fees from new development are collected based upon projected impacts from each development. The adequacy of impact fees is reviewed on an annual basis to ensure that the fee is commensurate with the service. Payment of the applicable impact fees by the project applicant as COAs prior to project approval, and ongoing revenues that would come from property taxes, sales taxes, and other revenues generated by the project, would fund capital and labor costs associated with fire protection services.

In order to provide adequate fire protection and suppression services to the project site, the Tracy Fire Department must have access to adequate onsite hydrants with adequate fire-flow pressure available to meet the needs of fire suppression units. The final site plans and development specifications developed for the proposed project will indicate the location and design specifications of the fire hydrants that will be required within the project site. Therefore, this is considered a **less-than-significant** impact.

ii) Police Protection: Less than Significant. The Tracy Police Department provides police protection services to the City of Tracy. Its headquarters are located at 1000 Civic Center Drive, and there are no satellite offices or plans to construct any in the near future.

The Department divides calls into three categories, Priority 1, 2, and 3 calls. Priority 1 calls are defined as life threatening situations. Priority 2 calls are not life threatening, but require immediate response. Priority 3 calls cover all other calls received by the police. Average response time for Priority 1 calls within City limits is approximately six to eight minutes. Response time for Priority 2 and 3 calls is, on average, 22 minutes.

The Tracy Police Department provides mutual aid to the San Joaquin County Sheriff's office, and vice versa, when a situation exceeds the capabilities of either department. Mutual aid is coordinated through the San Joaquin County Sheriff.

Impact fees from new developments are collected based upon projected impacts from each development by the City as COAs prior to project approval. The adequacy of impact fees is reviewed on an annual basis to ensure that the fee is commensurate with the service. Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from property taxes, and other revenues generated by the project, would fund capital and labor costs associated with police services.

It is not anticipated that implementation of the proposed project would result in significant new demand for police services. Project implementation would not require the construction of new police facilities to serve the project site, nor would it result in impacts to the existing response times and existing police protection service levels. Furthermore, the City's General Plan ensures the City maintains adequate police staffing, performance levels and facilities to serve Tracy's existing population as well as any future growth (Goal PF-2, policy P.1). Therefore, this is considered a **less-than-significant** impact.

iii) Schools: Less than Significant. Implementation of the proposed project would result in modest employment growth within the City of Tracy, which may increase enrollment at schools within the Tracy Unified School District incrementally. The Tracy Unified School District collects impact fees from new developments under the provisions of SB 50. Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from taxes, would fund capital and labor costs associated with school services. The adequacy of fees is reviewed on an annual basis to ensure that the fee is commensurate with the service. Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from property taxes, sales taxes, and other revenues generated by the project, would fund improvements associated with school services and would ensure that project impacts to school services are **less than significant**.

iv) Parks: Potential project impacts to parks and recreational facilities are addressed in the following section of this document.

v) Other Public Facilities: Less than Significant. Other public facilities in the City of Tracy include libraries, hospitals, and cultural centers such as museums and music halls. The proposed project may increase demand on these facilities in a limited capacity. The City of Tracy General Plan requires new development to pay its fair share of the costs of public buildings by collecting the Public Buildings Impact Fee. The Public Buildings Impact fee is used by the City to expand public services and maintain public buildings, including the Civic Center and libraries in order to meet the increased demand generated by new development. Payment of the applicable impact fees by the project applicant, as COAs prior to project approval, and ongoing revenues that would come from taxes, would ensure that project impacts to libraries and public buildings are **less than significant**.

XVI. RECREATION

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b): Less than Significant. The proposed project would not increase demand for parks and recreational facilities within the City of Tracy and would not increase the use of the City's existing parks and recreation system. The City of Tracy requires the payment of the project's fair share in-lieu parks fees, as required by the City's General Plan. The collection of fees and determined fair share fee amounts are adopted by the City as COAs for all new development projects prior to project approval. Fees paid aid in the development of new park-space and maintenance as required, to ensure continued high quality park facilities for all City residents. As such, this is a **less-than-significant** impact.

XVII. TRANSPORTATION/TRAFFIC -- WOULD THE PROJECT:

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

RESPONSES TO CHECKLIST QUESTIONS

Response a), b): Less than Significant. The proposed project includes the construction of a 3,884 square foot convenience store, 6 fueling islands (12 gas pumps), seven electric vehicle charging stations, and 20 parking stalls. Site access will be provided by two driveways: one along Corral Hollow Road and one along Middlefield Drive. The proposed project is consistent with the General Plan land use designation for the site and is consistent with the assumed density level for development of the site.

A Traffic and Engineering Review Memorandum (dated April 9, 2020) was prepared by Kimley-Horn for the proposed project, which can be found in *Appendix C*. The Edgewood Commercial Traffic Review analyzed the proposed project under Existing Conditions and Background plus Project Conditions, as well as included a trip generation and distribution analysis, a review of the proposed driveway access, a queuing analysis, and a review of site circulation.

Development of the proposed project would add vehicle trips to the City's roadway network along Corral Hollow Road. In November 2016, the City adopted the Corral Hollow Plan Line to identify roadway facility and intersection improvements needed to accommodate the traffic generated by buildout of the City's General Plan along the Corral Hollow Corridor. Kimley-Horn reviewed the proposed site plan to determine if the proposed project's network improvements are consistent with the Corral Hollow Plan Line. The proposed project will be required to match its frontage improvements with Section E (proposed Corral Hollow Cross Section) of the Coral Hollow Plan Line. Additionally, to reduce queues at Middlefield Drive Kimley-Horn recommended a number of improvements, including restriping of lanes, addition of a second turn lane, and median modifications. These improvement recommendations to the external network and Middlefield Drive have been included in Project Requirement 16.

Trip generation for the proposed project was calculated using trip generation rates contained in the Institute of Transportation Engineers (ITE) *Trip Generation Manual,* 10th Edition for Gasoline/Service Station with Convenience Market (LUC 945). The proposed project is

anticipated to generate 2,464 daily, 24 AM peak hour (14 in/10 out), and 14 PM peak hour (9 in/5 out) net trips. The number of trips resulting from the project site was accounted for in the City's General Plan EIR.

The study focused on evaluating traffic conditions at the following three intersections:

1. Middlefield Drive and Waterstone Apartments/Project Driveway #1
2. Corral Hollow Road and Middlefield Drive/Summit Drive
3. Corral Hollow Road and Project Driveway #2

Under both the Existing and Background plus Project conditions, the Corral Hollow Road and Middlefield Drive/Summit Drive intersection is the only intersection found to fall below Level of Service (LOS) standards. Congestion currently occurs at the Corral Hollow Road and Middlefield Drive intersection in the southbound direction and the westbound direction in the mornings. The LOS results do not reflect this due to oversaturated traffic conditions and the counted cars being based on capacity not true demand. Therefore, even though the LOS analysis at the intersection of Corral Hollow Road and Middlefield Drive is acceptable, field observations indicate the AM peak and demand exceeds capacity resulting in the intersection operating below LOS standards. Table 11 illustrates the LOS results and delay under the Existing Conditions and Background plus Project Conditions. Kimley-Horn provided several comments regarding the design of the Corral Hollow Road and Middlefield Drive intersection to improve the operations, which have been included in Project Requirement 16.

Table 11: Corral Hollow Road and Middlefield Drive/Summit Drive LOS Results

LOS STANDARD	*CONTROL TYPE*	*AM PEAK HOUR*			*PM PEAK HOUR*		
		MOVEMENT	*DELAY*	*LOS*	*MOVEMENT*	*DELAY*	*LOS*
Existing (2019) Conditions LOS Results							
D	Signal	--	32.8	C	--	16.2	B
Background plus Project Conditions LOS Results							
D	Signal	--	40.5	D	--	17.3	B

NOTE: DELAY = SECONDS/VEHICLE.
SOURCE: KIMLEY-HORN, APRIL 2020.

The queuing analysis found that queuing occurs in the southbound direction of Corral Hollow Road due to the lane drop immediately north of the Corral Hollow Road and Middlefield Drive intersection. The westbound left turn queues also exceeded capacity, partially due to cut through traffic from the east. Based on this queuing, Kimley-Horn provided several striping, median, and signal modification improvement recommendations. In addition, Kimley-Horn provided several recommendations to the designs of both driveways, as well as comments to improve the overall internal circulation of the site. These recommendations have also been included in Project Requirement 16.

The collection of fees and determined fair share fee amounts are adopted by the City as COAs for all new development projects prior to project approval. The payment of applicable traffic impact fees by the proposed project would ensure that the project pays its fair-share of capital improvement fees towards the future transportation system improvements and expansions. The

payment of these fair-share traffic impact fees would assist the City of Tracy with implementation of the various improvements identified in the Transportation Master Plan and Corral Hollow Plan Line, in order to maintain acceptable levels of service throughout the City.

Implementation of Project Requirement 16 and the payment of applicable traffic impact fees would ensure that project-related traffic impacts are **less than significant**.

Project Requirement(s)

***Project Requirement 16**: The project proponent shall incorporate the following improvements into the project site design:*

1. *General Recommendation:*
    - *Add centerline striping in the main drive aisle.*
2. *Driveway 1 (Middlefield Driveway):*
    - *Add stop sign, limit line, and pavement markings.*
    - *Restripe to one incoming lane for the interim condition.*
    - *The driveway will be wider than the 34-foot commercial driveway maximum (City of Tracy Design Standard 3.09(B)). This will require a design exception if acceptable.*
    - *Convert the driveway curb returns to driveway flares. The existing driveway may need to be constructed to be ADA-compliant.*
3. *Driveway 2 (Corral Hollow Driveway):*
    - *Add a stop sign, right turn only signal sign (CAMUTCD Sign R3-5(R)), limit line, stop pavement markings, and right turn arrow pavement marking.*
    - *Add "tuff curb", or similar product, in the Corral Hollow Road painted median to deter left turn movements in and out of the driveway.*
    - *The driveway will be wider than the 34-foot commercial driveway maximum (City of Tracy Design Standard 3.09(B)). This will require a design exception if acceptable.*
    - *Convert the driveway curb returns to driveway flares. The existing driveway may need to be constructed to be ADA-compliant.*
    - *Conform to the Corral Hollow Plan Line – Section E (November 7, 2016) along Project frontage.*
    - *Provide the following lane geometry at the intersection of Corral Hollow Middlefield Drive/Summit Drive (in conformance with the Corral Hollow Plan Line)*
        - *12-foot northbound right turn pocket*
        - *6-foot northbound bike slot*
        - *Two 11-foot northbound through lanes*
4. *Corral Hollow and Middlefield Intersection:*
    - *Stripe the existing westbound through/right lane to a left/through/right lane. The addition of a second left turn lane will improve operations*

Responses c, d): **Less than Significant.** Site access and circulation for the proposed project was addressed in the Edgewood Commercial Traffic Review prepared by Kimley-Horn (April 9, 2020). Kimley-Horn found that, with the above referenced project requirements and improvements, the proposed site access is adequate and will not have any on-site operational issues. The proposed

access driveways from Middlefield Drive and Corral Hollow Road are also projected to be adequate for vehicles accessing the site, including emergency vehicles and other service vehicles.

Implementation of the proposed project would have a less-than-significant impact related to emergency access and would not interfere with an emergency evacuation plan. Therefore, this is considered a **less-than-significant** impact.

XVIII. TRIBAL CULTURAL RESOURCES

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a-b): There is a potential for the discovery of prehistoric, ethnohistoric, or historic archaeological sites that may meet the definition of Tribal Cultural Resources (TCRs). Although no TCRs have been documented on the project site, the project is in a region where significant cultural resources have been recorded and there remains a potential that undocumented archaeological resources that may meet the TCR definition could be unearthed or otherwise discovered during ground-disturbing and construction activities. Examples of significant archaeological discoveries that may meet the TCR definition would include villages and cemeteries. Due to the possible presence of undocumented TCRs within the project site, construction-related impacts on tribal cultural resources may occur.

Project Requirement 8 would require appropriate steps to preserve and/or document any previously undiscovered resources that may be encountered during construction activities, including human remains. Implementation of this requirement would reduce this impact to a **less-than-significant** level.

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

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a), c): Less than Significant. Wastewater generated by the proposed project would be conveyed to the Tracy Wastewater Treatment Plan (WWTP) for treatment and disposal. The City's wastewater collection system consists of gravity sewer lines, pump stations and the WWTP. Wastewater flows toward the northern part of the City where it is treated at the WWTP and then discharged into the Old River in the southern Sacramento-San Joaquin Delta. The City's WWTP provides secondary-level treatment of wastewater followed by disinfection. Treated effluent from the WWTP is conveyed to a submerged diffuser for discharge into the Old River. The WWTP has an NPDES permit for discharge into the Old River from the State Regional Water Quality Control Board. The City of Tracy expanded the treatment capacity to 10.8 million gallons per day (mgd) in 2008.

As discussed in the Hydrology and Water Quality section, a unit generation factor of 1,140 gallons per day of wastewater per acre a day was used to estimate the wastewater that would be generated by the proposed project.[5] Based on this generation factor, it is estimated that the proposed project would generate up to 0.0027816 mgd of wastewater. The addition of 0.0027816 mgd of wastewater would not exceed the treatment capacity of the City's WWTP, or

[5] Wastewater Flow and Loading Generation Factors from the Tracy Wastewater Master Plan (Office, Retail and Commercial Flow wastewater generation factor).

violate waste discharge requirements under the City's National Pollutant Discharge Elimination System (NPDES) permit. Additionally, the Tracy General Plan EIR determined that no significant wastewater-related impacts were identified as a result of buildout of the General Plan. Because the project is consistent with the intended uses allowed under the General Plan no impacts beyond those identified should result from implementation of the proposed project. As such, the project would not cause, or contribute to, a violation of wastewater quality standards or waste discharge requirements.

Development of the project site would place impervious surfaces on the majority of the 2.44-acre project site. Development of the project site would potentially increase local runoff production and would introduce constituents into storm water that are typically associated with urban runoff. These constituents include heavy metals (such as lead, zinc, and copper) and petroleum hydrocarbons. BMPs will be applied to the proposed site development to limit the concentrations of these constituents in any site runoff that is discharged into downstream facilities to acceptable levels.

Permanent onsite storm drainage would be installed to serve the proposed project. The potential environmental impacts of construction of the onsite storm drainage system are addressed throughout this Initial Study, given that all improvements would occur onsite, within the area proposed for disturbance. As described above under the Hydrology and Water Quality Section, new development projects in the City of Tracy are required to provide site-specific storm drainage solutions and improvements that are consistent with the overall storm drainage infrastructure approach presented in the 2012 City of Tracy Citywide Storm Drainage Master Plan. Prior to approval of the building permit, the project applicant is required to submit a detailed storm drainage infrastructure plan to the City of Tracy Development Services Department for review and approval (Project Requirement 12). The detailed storm drainage infrastructure plan will be required to include one of the infrastructure alternatives recommended by Storm Water Consulting to ensure adequate downstream capacity (Project Requirement 13). The project's storm drainage infrastructure plans must demonstrate adequate infrastructure capacity to collect and direct all stormwater generated on the project site within the onsite retention/detention facility to the City's existing stormwater conveyance system, and demonstrate that the project would not result in on- or off-site flooding impacts.

The project is also required to pay all applicable development impact fees, which would include funding for offsite Citywide storm drainage infrastructure improvements identified in the 2012 City of Tracy Citywide Storm Drainage Master Plan. The collection of fees and determined fair share fee amounts are adopted by the City as COAs for all new development projects prior to project approval. The adequacy of impact fees is reviewed on an annual basis to ensure that the fee is commensurate with the service.

Overall, this is a **less than significant** impact.

Responses b): Less than Significant. The City of Tracy obtains water from both surface water and groundwater sources. The amount of water that Tracy uses from each of its water supply sources to make up its total water use varies from year to year based on contractual agreements, annual precipitation, and City policies about how to expand, utilize, and manage its water resources. As described in the 2015 City of Tracy Urban Water Management Plan, Tracy's maximum annual water supply amounts to over 33,600 acre-feet per year (afy) from its various supply sources.

Potable water for the proposed project would be supplied from the City's municipal water system. The project site would receive potable water via a connection to existing water mains located Middlefield Drive. The project proposes three connections to this existing 8-inch diameter water distribution main: one domestic water meter/service lateral to serve the proposed convenience store, one water stub for future development, and one water meter/service lateral for irrigation to serve the landscaping. The proposed project's water demand was included in the demand calculations for the 2012 Citywide Water System Master Plan.

The 2012 Citywide Water System Master Plan provides an evaluation of the required backbone potable and recycled water infrastructure required to serve buildout of the City's General Plan. The 2012 Citywide Water System Master Plan analyzed the future water demand for the project site, which assumed the development of a commercial building with a FAR of 0.3 and a water demand factor of 2.0 acre-feet per acre per year(af/ac/yr). It should be noted that this water demand factor of 1.5 af/ac/yr is only be applied to 85 percent of the total gross acres of the project site because it was assumed that 15 percent of all commercial sites would be landscaped and utilize recycled water. Therefore, the 2012 Citywide Water Systems Master Plan estimated the future water demand on site to be approximately 4.148 af/ac/yr. The proposed project includes the development of a convenience store and gas service station with a FAR of 0.063, Because the proposed project includes the development of a commercial building with a much smaller FAR, it is fair to assume that the project's proposed water demand would be less than what was assumed in the 2012 Citywide Water Systems Master Plan and General Plan EIR. Therefore, there should be sufficient and adequate water supplies available to serve the project during normal, dry and multiple dry years.

Additionally, the project applicant would be required to pay all applicable development impact fees, which would include funding for offsite Citywide water infrastructure improvements identified in the 2012 City of Tracy Citywide Water System Master Plan. The collection of fees and determined fair share fee amounts are adopted by the City as COAs for all new development projects prior to project approval. The payment of applicable development impact fees by the proposed project would ensure that the project pays its fair-share of capital improvement fees towards future system expansions, as identified in the 2012 Citywide Water System Master Plan.

Overall, this is a **less-than-significant** impact.

Responses d) and e): Less than Significant. The City of Tracy has an exclusive franchise agreement with Tracy Disposal Service for solid waste collection and disposal and recycling collection. Solid waste is collected and taken to the 40-acre Tracy Material Recovery Facility

(MRF) and Transfer Station on South MacArthur Drive before being sent to the Foothill Sanitary landfill, 48 miles northeast of Tracy, off of Shelton Road east of Linden, California. The MRF is operated by Tracy Material Recovery and Solid Waste Transfer, Inc., and has capacity of approximately 1,000 tons per day, but averages approximately 350 tons per day, of which 85 percent is generated in Tracy. Approximately 175,000 tons of solid waste is generated in Tracy each year, of which approximately 27 percent is residential garbage.

The approximately 800-acre Foothill landfill, owned by San Joaquin County, is the primary disposal facility accepting the City's solid waste. The Foothill landfill receives approximately 810 tons per day. The landfill is permitted to accept up to 1,500 tons per day, and has a permitted capacity of 138 million cubic yards, of which approximately 125 million cubic yards of capacity remains. It is estimated that the Foothill landfill will have the capacity to accept solid waste from the City of Tracy until 2054.

The proposed project would not generate significant volumes of solid waste, beyond levels normally found in gas service station developments. Using CalRecycle's service station solid waste generation rate of 0.9 pounds per 100 sf per day, the 3,884-sf convenience store and 2,880 sf fueling island is expected to produce approximately 608.76 pounds per day. The addition of the solid waste generated by the project would not exceed the capacity of the local landfills.

As described above, there is adequate landfill capacity to serve the proposed project, and the project will comply with all applicable statutes and regulations related to solid waste. This is a **less-than-significant** impact.

XX. WILDFIRE

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

Existing Setting

The California Department of Forestry and Fire Protection (Cal Fire) has designated the southern portion of the City along Interstate 580 as a Local Responsibility Area (LRA), which is within the Moderate Fire Hazard Severity Zone (MFHSZ) with a small portion along the southern most City limits within the High Fire Hazard Severity Zone (HFHSZ). This rating does not extend to the project site; as such, the site is not in or near land classified as a Very High Fire Hazard Severity Zone (VHFHSZ). Additionally, the proposed project is not located within a State Responsibility Area (SRA). Although this CEQA topic only applies to areas within an SRA or VHFHSZ, out of an abundance of caution, these checklist questions are analyzed below.

Responses to Checklist Questions

Response a): The project site would connect to an existing network of City streets. The nearest Cal Fire Station (Cal Fire Station 26 – Castle Rock) is located approximately 3.7 miles to the northwest of the project site and the nearest Tracy Fire Station (Tracy Fire Station 97) is located approximately 1.47 miles northeast of the project site. The proposed circulation improvements implemented by Project Requirement 17 would ensure the appropriate turning radiuses have been planned to accommodate fire trucks onsite as well as allow for greater emergency access relative to existing conditions. Moreover, the proposed project would require building construction to meet the fire code requirements, and would have fire hydrants consistent with the standards of the City; such fire hydrants would assist with fire suppression efforts if a fire was to occur on or near the project site. Therefore, impacts from project implementation would be considered ***less than significant*** relative to adopted emergency response plans or evacuation

plans. This topic does not warrant additional analysis and will not be addressed further in the EIR.

Response b): The risk of wildfire is related to a variety of parameters, including fuel loading (vegetation), fire weather (winds, temperatures, humidity levels and fuel moisture contents) and topography (degree of slope). Steep slopes contribute to fire hazard by intensifying the effects of wind and making fire suppression difficult. Fuels such as grass are highly flammable because they have a high surface area to mass ratio and require less heat to reach the ignition point. The project site is located in an area that is predominately residential, agricultural, and industrial, which is not considered at a significant risk of wildlife. There are no steep slopes on or near the project site. Development of the project would not exacerbate fire risks. Therefore, impacts from project implementation would be considered ***less than significant*** relative to the spread of wildfire. This topic does not warrant additional analysis and will not be addressed further in the EIR.

Response c): The project includes development of infrastructure (water, sewer, and storm drainage) to serve the proposed convenience store and service station. The project does not include the construction of fuel breaks, emergency water sources, or power lines. As noted above, the proposed project would require fire hydrants consistent with the standards of the City, and such fire hydrants would assist with fire suppression efforts if a fire was to occur. The proposed infrastructure improvements would allow for decreased fire risk relative to existing conditions. Therefore, impacts from project implementation would be considered ***less than significant*** relative to infrastructure that may exacerbate fire risk. This topic does not warrant additional analysis and will not be addressed further in the EIR.

Response d): The proposed project would require the installation of storm drainage infrastructure to ensure that storm waters properly drain from the project site and does not result in downstream flooding or major drainage changes. As previously stated in the Hydrology and Water Quality section, through the payment of all applicable fees, and the implementation of Project Requirements 13 through 16, the proposed storm drainage plan infrastructure would control runoff and prevent flooding, erosion, and sedimentation.

Runoff from the project site currently flows to the existing City storm drains located in Middlefield Drive. Upon development of the site, stormwater would flow to the on-site retention basins and/or the existing storm drains in the adjacent roadways. Additionally, the project site is located within FEMA Zone X (un-shaded), indicating that the site is located outside of the 100-year flood hazard zone.

Landslides include rockfalls, deep slope failure, and shallow slope failure. Factors such as the geological conditions, drainage, slope, vegetation, and others directly affect the potential for landslides. The project site is relatively flat with an elevation ranging from approximately 165 feet to 157 feet above MSL. Upon development of the project, the site would be graded to further flatten the project site. The project would also be required to comply with the provisions of the California Building Standard's Code, which requires development projects to perform geotechnical investigations in accordance with State law, which include general engineering characteristics of the subsurface conditions within the project site and potential mitigation

strategies to address any geotechnical concerns or potential hazards(such as slope failure). Therefore, the potential for a landslide (including rockfalls, deep slope failure, and shallow slope failure) on the project site is low.

Overall, impacts from project implementation would be considered **less than significant** relative to risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. This topic does not warrant additional analysis and will not be addressed further in the EIR.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE --

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

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant. As described throughout the analysis above, the proposed project would not result in any significant impacts that would substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal to the environment.

All potentially significant impacts related to plant and animal species would be reduced to a less-than-significant level through the application of uniformly applied development policies and/or standards. The proposed project is required to implement a range of standard and uniformly applied development policies and standards, most of which are identified in the Tracy General Plan or various infrastructure master plans, which would reduce any potentially significant impacts to a less-than-significant level. The cumulative impacts associated with development of the project were considered, analyzed and disclosed in the City of Tracy General Plan and General Plan EIR. On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for all significant impacts associated with buildout of the Tracy General Plan. The project would not result in any cumulative impacts that were not contemplated in the General Plan EIR. The project would not result in any peculiar site-specific impacts, impacts to biological resources or impacts to cultural and/or historical resources.

The proposed project would implement requirements aimed at reducing stormwater pollutants and runoff, as well as through compliance of various state, regional and local standards. Specifically related to ensuring the continued sustainability of biological resources through

adaptive management, Project Requirement 5 ensures the project proponent seeks coverage under the SJMSCP to mitigate for habitat impacts to covered special status species. Through the application of uniformly applied development policies and/or standards, the project would not result in any cumulative impacts related to biological resources. Therefore, these are **less-than-significant** impacts.

Response b): **Less than Significant.** The General Plan EIR assumed full development and buildout of the project site, consistent with the use and density proposed by the project. The cumulative impacts associated with buildout of the City of Tracy General Plan, including the project site, were fully addressed in the General Plan EIR. Additionally, as described throughout the analysis above, the proposed project would not result in any significant individual or cumulative impacts that would not be reduced to less-than-significant levels through the application of uniformly applied development policies and/or standards. Therefore, this is considered a **less-than-significant** impact.

Response c): Less than Significant. As described throughout the analysis above, the proposed project would not result in any significant impacts that would have environmental effects which will cause substantial adverse effects on humans. The analysis in the relevant sections above provides the application of uniformly applied development policies and/or standards reduce any potentially significant impacts on humans to less-than-significant levels. A variety of requirements including those related to aesthetics and light and glare, GHG and air quality, cultural resources, hazardous materials, seismic hazards, water pollution and water quality, and noise, ensure any adverse effects on humans are reduce to an acceptable standard. Therefore, this is considered a **less-than-significant** impact.

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APPENDIX A

Edgewood Commercial

San Joaquin County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Parking Lot	4.50	1000sqft	0.10	4,495.00	0
Convenience Market (24 Hour)	3.88	1000sqft	0.09	3,884.00	0
Gasoline/Service Station	12.00	Pump	0.04	2,880.00	0
Other Asphalt Surfaces	63.11	1000sqft	1.45	63,113.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.7	**Precipitation Freq (Days)**	51
Climate Zone	2			**Operational Year**	2021
Utility Company	Pacific Gas & Electric Company				
CO2 Intensity (lb/MWhr)	641.35	**CH4 Intensity (lb/MWhr)**	0.029	**N2O Intensity (lb/MWhr)**	0.006

1.3 User Entered Comments & Non-Default Data

Project Characteristics -

Land Use - Project Description:
3,884 square foot convenience store with 12 gas pums (2,880 square foot fueling area)
27 9'x18.5' parking spaces = 4,495 square feet
Other paved surfaces includes driveways and sidewalks: 63,113 square feet

Construction Phase -

Vehicle Trips - Vehicle Trips= Refer to Kimley-Horn Traffic Study Trip Generation

Land Use Change - Project site is 2.49 acres. 1.70732 acres being developed as part of the project leaving 0.74268

Table Name	Column Name	Default Value	New Value
tblLandUse	LandUseSquareFeet	4,500.00	4,495.00
tblLandUse	LandUseSquareFeet	3,880.00	3,884.00
tblLandUse	LandUseSquareFeet	1,694.10	2,880.00
tblVehicleTrips	DV_TP	27.00	29.00
tblVehicleTrips	PR_TP	14.00	12.00
tblVehicleTrips	ST_TR	863.10	0.00
tblVehicleTrips	ST_TR	168.56	205.36
tblVehicleTrips	SU_TR	758.45	0.00
tblVehicleTrips	SU_TR	168.56	205.36
tblVehicleTrips	WD_TR	737.99	0.00
tblVehicleTrips	WD_TR	168.56	205.36

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2020	0.0958	0.7249	0.6175	1.2000e-003	0.0294	0.0356	0.0650	0.0117	0.0343	0.0460	0.0000	101.9641	101.9641	0.0164	0.0000	102.3731
2021	0.1835	0.9241	0.8726	1.7100e-003	0.0198	0.0429	0.0627	5.3800e-003	0.0413	0.0467	0.0000	145.0179	145.0179	0.0224	0.0000	145.5767
Maximum	**0.1835**	**0.9241**	**0.8726**	**1.7100e-003**	**0.0294**	**0.0429**	**0.0650**	**0.0117**	**0.0413**	**0.0467**	**0.0000**	**145.0179**	**145.0179**	**0.0224**	**0.0000**	**145.5767**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2020	0.0958	0.7249	0.6175	1.2000e-003	0.0294	0.0356	0.0650	0.0117	0.0343	0.0460	0.0000	101.9640	101.9640	0.0164	0.0000	102.3730
2021	0.1835	0.9241	0.8726	1.7100e-003	0.0198	0.0429	0.0627	5.3800e-003	0.0413	0.0467	0.0000	145.0178	145.0178	0.0224	0.0000	145.5765
Maximum	**0.1835**	**0.9241**	**0.8726**	**1.7100e-003**	**0.0294**	**0.0429**	**0.0650**	**0.0117**	**0.0413**	**0.0467**	**0.0000**	**145.0178**	**145.0178**	**0.0224**	**0.0000**	**145.5765**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
1	8-3-2020	11-2-2020	0.4340	0.4340
2	11-3-2020	2-2-2021	0.5903	0.5903
3	2-3-2021	5-2-2021	0.5395	0.5395
4	5-3-2021	8-2-2021	0.3755	0.3755
		Highest	0.5903	0.5903

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.0370	1.0000e-005	7.7000e-004	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.4900e-003	1.4900e-003	0.0000	0.0000	1.5900e-003
Energy	5.3000e-004	4.8600e-003	4.0800e-003	3.0000e-005		3.7000e-004	3.7000e-004		3.7000e-004	3.7000e-004	0.0000	26.1486	26.1486	1.0400e-003	2.9000e-004	26.2617
Mobile	0.5722	3.3805	3.5846	9.7100e-003	0.4966	9.0000e-003	0.5056	0.1331	8.4500e-003	0.1416	0.0000	898.6019	898.6019	0.0926	0.0000	900.9171
Waste						0.0000	0.0000		0.0000	0.0000	3.6802	0.0000	3.6802	0.2175	0.0000	9.1176
Water						0.0000	0.0000		0.0000	0.0000	0.1417	0.9821	1.1239	0.0146	3.5000e-004	1.5941
Total	**0.6097**	**3.3854**	**3.5895**	**9.7400e-003**	**0.4966**	**9.3700e-003**	**0.5059**	**0.1331**	**8.8200e-003**	**0.1420**	**3.8220**	**925.7341**	**929.5560**	**0.3258**	**6.4000e-004**	**937.8921**

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.0370	1.0000e-005	7.7000e-004	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.4900e-003	1.4900e-003	0.0000	0.0000	1.5900e-003
Energy	5.3000e-004	4.8600e-003	4.0800e-003	3.0000e-005		3.7000e-004	3.7000e-004		3.7000e-004	3.7000e-004	0.0000	26.1486	26.1486	1.0400e-003	2.9000e-004	26.2617
Mobile	0.5722	3.3805	3.5846	9.7100e-003	0.4966	9.0000e-003	0.5056	0.1331	8.4500e-003	0.1416	0.0000	898.6019	898.6019	0.0926	0.0000	900.9171
Waste						0.0000	0.0000		0.0000	0.0000	3.6802	0.0000	3.6802	0.2175	0.0000	9.1176
Water						0.0000	0.0000		0.0000	0.0000	0.1417	0.9821	1.1239	0.0146	3.5000e-004	1.5941
Total	**0.6097**	**3.3854**	**3.5895**	**9.7400e-003**	**0.4966**	**9.3700e-003**	**0.5059**	**0.1331**	**8.8200e-003**	**0.1420**	**3.8220**	**925.7341**	**929.5560**	**0.3258**	**6.4000e-004**	**937.8921**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

2.3 Vegetation

Vegetation

	CO2e
Category	MT
Vegetation Land Change	-7.5310
Total	**-7.5310**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Site Preparation	Site Preparation	8/29/2020	9/1/2020	5	2	
2	Grading	Grading	9/2/2020	9/7/2020	5	4	
3	Building Construction	Building Construction	9/8/2020	6/14/2021	5	200	
4	Paving	Paving	6/15/2021	6/28/2021	5	10	
5	Architectural Coating	Architectural Coating	6/29/2021	7/12/2021	5	10	

Acres of Grading (Site Preparation Phase): 1

Acres of Grading (Grading Phase): 1.5

Acres of Paving: 1.55

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 10,146; Non-Residential Outdoor: 3,382; Striped Parking Area: 4,056 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Architectural Coating	Air Compressors	1	6.00	78	0.48
Paving	Cement and Mortar Mixers	1	6.00	9	0.56
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Cranes	1	6.00	231	0.29
Building Construction	Forklifts	1	6.00	89	0.20
Site Preparation	Graders	1	8.00	187	0.41
Paving	Pavers	1	6.00	130	0.42
Paving	Rollers	1	7.00	80	0.38
Grading	Rubber Tired Dozers	1	6.00	247	0.40
Building Construction	Tractors/Loaders/Backhoes	1	6.00	97	0.37
Grading	Tractors/Loaders/Backhoes	1	7.00	97	0.37
Paving	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Site Preparation	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Grading	Graders	1	6.00	187	0.41
Paving	Paving Equipment	1	8.00	132	0.36
Site Preparation	Rubber Tired Dozers	1	7.00	247	0.40
Building Construction	Welders	3	8.00	46	0.45

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Architectural Coating	1	6.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	7	31.00	12.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Grading	3	8.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Paving	5	13.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	3	8.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 Site Preparation - 2020

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					5.8000e-003	0.0000	5.8000e-003	2.9500e-003	0.0000	2.9500e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	1.6300e-003	0.0184	7.7100e-003	2.0000e-005		8.2000e-004	8.2000e-004		7.6000e-004	7.6000e-004	0.0000	1.5127	1.5127	4.9000e-004	0.0000	1.5249
Total	**1.6300e-003**	**0.0184**	**7.7100e-003**	**2.0000e-005**	**5.8000e-003**	**8.2000e-004**	**6.6200e-003**	**2.9500e-003**	**7.6000e-004**	**3.7100e-003**	**0.0000**	**1.5127**	**1.5127**	**4.9000e-004**	**0.0000**	**1.5249**

3.2 Site Preparation - 2020

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	3.0000e-005	2.0000e-005	2.3000e-004	0.0000	6.0000e-005	0.0000	6.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.0565	0.0565	0.0000	0.0000	0.0566
Total	**3.0000e-005**	**2.0000e-005**	**2.3000e-004**	**0.0000**	**6.0000e-005**	**0.0000**	**6.0000e-005**	**2.0000e-005**	**0.0000**	**2.0000e-005**	**0.0000**	**0.0565**	**0.0565**	**0.0000**	**0.0000**	**0.0566**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					5.8000e-003	0.0000	5.8000e-003	2.9500e-003	0.0000	2.9500e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	1.6300e-003	0.0184	7.7100e-003	2.0000e-005		8.2000e-004	8.2000e-004		7.6000e-004	7.6000e-004	0.0000	1.5127	1.5127	4.9000e-004	0.0000	1.5249
Total	**1.6300e-003**	**0.0184**	**7.7100e-003**	**2.0000e-005**	**5.8000e-003**	**8.2000e-004**	**6.6200e-003**	**2.9500e-003**	**7.6000e-004**	**3.7100e-003**	**0.0000**	**1.5127**	**1.5127**	**4.9000e-004**	**0.0000**	**1.5249**

3.2 Site Preparation - 2020

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	3.0000e-005	2.0000e-005	2.3000e-004	0.0000	6.0000e-005	0.0000	6.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.0565	0.0565	0.0000	0.0000	0.0566
Total	**3.0000e-005**	**2.0000e-005**	**2.3000e-004**	**0.0000**	**6.0000e-005**	**0.0000**	**6.0000e-005**	**2.0000e-005**	**0.0000**	**2.0000e-005**	**0.0000**	**0.0565**	**0.0565**	**0.0000**	**0.0000**	**0.0566**

3.3 Grading - 2020

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					9.8300e-003	0.0000	9.8300e-003	5.0500e-003	0.0000	5.0500e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	2.7000e-003	0.0302	0.0129	3.0000e-005		1.3700e-003	1.3700e-003		1.2600e-003	1.2600e-003	0.0000	2.4779	2.4779	8.0000e-004	0.0000	2.4980
Total	**2.7000e-003**	**0.0302**	**0.0129**	**3.0000e-005**	**9.8300e-003**	**1.3700e-003**	**0.0112**	**5.0500e-003**	**1.2600e-003**	**6.3100e-003**	**0.0000**	**2.4779**	**2.4779**	**8.0000e-004**	**0.0000**	**2.4980**

3.3 Grading - 2020

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	6.0000e-005	5.0000e-005	4.5000e-004	0.0000	1.3000e-004	0.0000	1.3000e-004	3.0000e-005	0.0000	3.0000e-005	0.0000	0.1130	0.1130	0.0000	0.0000	0.1131
Total	**6.0000e-005**	**5.0000e-005**	**4.5000e-004**	**0.0000**	**1.3000e-004**	**0.0000**	**1.3000e-004**	**3.0000e-005**	**0.0000**	**3.0000e-005**	**0.0000**	**0.1130**	**0.1130**	**0.0000**	**0.0000**	**0.1131**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					9.8300e-003	0.0000	9.8300e-003	5.0500e-003	0.0000	5.0500e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	2.7000e-003	0.0302	0.0129	3.0000e-005		1.3700e-003	1.3700e-003		1.2600e-003	1.2600e-003	0.0000	2.4779	2.4779	8.0000e-004	0.0000	2.4980
Total	**2.7000e-003**	**0.0302**	**0.0129**	**3.0000e-005**	**9.8300e-003**	**1.3700e-003**	**0.0112**	**5.0500e-003**	**1.2600e-003**	**6.3100e-003**	**0.0000**	**2.4779**	**2.4779**	**8.0000e-004**	**0.0000**	**2.4980**

3.3 Grading - 2020

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	6.0000e-005	5.0000e-005	4.5000e-004	0.0000	1.3000e-004	0.0000	1.3000e-004	3.0000e-005	0.0000	3.0000e-005	0.0000	0.1130	0.1130	0.0000	0.0000	0.1131
Total	**6.0000e-005**	**5.0000e-005**	**4.5000e-004**	**0.0000**	**1.3000e-004**	**0.0000**	**1.3000e-004**	**3.0000e-005**	**0.0000**	**3.0000e-005**	**0.0000**	**0.1130**	**0.1130**	**0.0000**	**0.0000**	**0.1131**

3.4 Building Construction - 2020

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0843	0.6137	0.5473	9.1000e-004		0.0330	0.0330		0.0319	0.0319	0.0000	75.3400	75.3400	0.0140	0.0000	75.6896
Total	**0.0843**	**0.6137**	**0.5473**	**9.1000e-004**		**0.0330**	**0.0330**		**0.0319**	**0.0319**	**0.0000**	**75.3400**	**75.3400**	**0.0140**	**0.0000**	**75.6896**

3.4 Building Construction - 2020

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	2.0200e-003	0.0589	0.0125	1.4000e-004	3.2900e-003	3.2000e-004	3.6100e-003	9.5000e-004	3.1000e-004	1.2600e-003	0.0000	13.3763	13.3763	8.3000e-004	0.0000	13.3970
Worker	5.1300e-003	3.6900e-003	0.0364	1.0000e-004	0.0103	7.0000e-005	0.0103	2.7200e-003	6.0000e-005	2.7900e-003	0.0000	9.0877	9.0877	2.5000e-004	0.0000	9.0940
Total	**7.1500e-003**	**0.0626**	**0.0489**	**2.4000e-004**	**0.0135**	**3.9000e-004**	**0.0139**	**3.6700e-003**	**3.7000e-004**	**4.0500e-003**	**0.0000**	**22.4640**	**22.4640**	**1.0800e-003**	**0.0000**	**22.4910**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0843	0.6137	0.5473	9.1000e-004		0.0330	0.0330		0.0319	0.0319	0.0000	75.3399	75.3399	0.0140	0.0000	75.6895
Total	**0.0843**	**0.6137**	**0.5473**	**9.1000e-004**		**0.0330**	**0.0330**		**0.0319**	**0.0319**	**0.0000**	**75.3399**	**75.3399**	**0.0140**	**0.0000**	**75.6895**

3.4 Building Construction - 2020

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	2.0200e-003	0.0589	0.0125	1.4000e-004	3.2900e-003	3.2000e-004	3.6100e-003	9.5000e-004	3.1000e-004	1.2600e-003	0.0000	13.3763	13.3763	8.3000e-004	0.0000	13.3970
Worker	5.1300e-003	3.6900e-003	0.0364	1.0000e-004	0.0103	7.0000e-005	0.0103	2.7200e-003	6.0000e-005	2.7900e-003	0.0000	9.0877	9.0877	2.5000e-004	0.0000	9.0940
Total	**7.1500e-003**	**0.0626**	**0.0489**	**2.4000e-004**	**0.0135**	**3.9000e-004**	**0.0139**	**3.6700e-003**	**3.7000e-004**	**4.0500e-003**	**0.0000**	**22.4640**	**22.4640**	**1.0800e-003**	**0.0000**	**22.4910**

3.4 Building Construction - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.1060	0.7977	0.7546	1.2900e-003		0.0400	0.0400		0.0387	0.0387	0.0000	106.2054	106.2054	0.0190	0.0000	106.6794
Total	**0.1060**	**0.7977**	**0.7546**	**1.2900e-003**		**0.0400**	**0.0400**		**0.0387**	**0.0387**	**0.0000**	**106.2054**	**106.2054**	**0.0190**	**0.0000**	**106.6794**

3.4 Building Construction - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	2.3300e-003	0.0752	0.0155	2.0000e-004	4.6400e-003	2.1000e-004	4.8500e-003	1.3400e-003	2.0000e-004	1.5400e-003	0.0000	18.6804	18.6804	1.1000e-003	0.0000	18.7080
Worker	6.6800e-003	4.6300e-003	0.0467	1.4000e-004	0.0145	9.0000e-005	0.0145	3.8400e-003	9.0000e-005	3.9300e-003	0.0000	12.3273	12.3273	3.1000e-004	0.0000	12.3352
Total	**9.0100e-003**	**0.0798**	**0.0622**	**3.4000e-004**	**0.0191**	**3.0000e-004**	**0.0194**	**5.1800e-003**	**2.9000e-004**	**5.4700e-003**	**0.0000**	**31.0077**	**31.0077**	**1.4100e-003**	**0.0000**	**31.0432**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.1060	0.7977	0.7546	1.2900e-003		0.0400	0.0400		0.0387	0.0387	0.0000	106.2052	106.2052	0.0190	0.0000	106.6792
Total	**0.1060**	**0.7977**	**0.7546**	**1.2900e-003**		**0.0400**	**0.0400**		**0.0387**	**0.0387**	**0.0000**	**106.2052**	**106.2052**	**0.0190**	**0.0000**	**106.6792**

3.4 Building Construction - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	2.3300e-003	0.0752	0.0155	2.0000e-004	4.6400e-003	2.1000e-004	4.8500e-003	1.3400e-003	2.0000e-004	1.5400e-003	0.0000	18.6804	18.6804	1.1000e-003	0.0000	18.7080
Worker	6.6800e-003	4.6300e-003	0.0467	1.4000e-004	0.0145	9.0000e-005	0.0145	3.8400e-003	9.0000e-005	3.9300e-003	0.0000	12.3273	12.3273	3.1000e-004	0.0000	12.3352
Total	**9.0100e-003**	**0.0798**	**0.0622**	**3.4000e-004**	**0.0191**	**3.0000e-004**	**0.0194**	**5.1800e-003**	**2.9000e-004**	**5.4700e-003**	**0.0000**	**31.0077**	**31.0077**	**1.4100e-003**	**0.0000**	**31.0432**

3.5 Paving - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	3.8700e-003	0.0387	0.0443	7.0000e-005		2.0800e-003	2.0800e-003		1.9100e-003	1.9100e-003	0.0000	5.8825	5.8825	1.8600e-003	0.0000	5.9291
Paving	2.0300e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**5.9000e-003**	**0.0387**	**0.0443**	**7.0000e-005**		**2.0800e-003**	**2.0800e-003**		**1.9100e-003**	**1.9100e-003**	**0.0000**	**5.8825**	**5.8825**	**1.8600e-003**	**0.0000**	**5.9291**

3.5 Paving - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.4000e-004	1.7000e-004	1.6700e-003	0.0000	5.2000e-004	0.0000	5.2000e-004	1.4000e-004	0.0000	1.4000e-004	0.0000	0.4418	0.4418	1.0000e-005	0.0000	0.4421
Total	**2.4000e-004**	**1.7000e-004**	**1.6700e-003**	**0.0000**	**5.2000e-004**	**0.0000**	**5.2000e-004**	**1.4000e-004**	**0.0000**	**1.4000e-004**	**0.0000**	**0.4418**	**0.4418**	**1.0000e-005**	**0.0000**	**0.4421**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	3.8700e-003	0.0387	0.0443	7.0000e-005		2.0800e-003	2.0800e-003		1.9100e-003	1.9100e-003	0.0000	5.8825	5.8825	1.8600e-003	0.0000	5.9291
Paving	2.0300e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**5.9000e-003**	**0.0387**	**0.0443**	**7.0000e-005**		**2.0800e-003**	**2.0800e-003**		**1.9100e-003**	**1.9100e-003**	**0.0000**	**5.8825**	**5.8825**	**1.8600e-003**	**0.0000**	**5.9291**

3.5 Paving - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.4000e-004	1.7000e-004	1.6700e-003	0.0000	5.2000e-004	0.0000	5.2000e-004	1.4000e-004	0.0000	1.4000e-004	0.0000	0.4418	0.4418	1.0000e-005	0.0000	0.4421
Total	**2.4000e-004**	**1.7000e-004**	**1.6700e-003**	**0.0000**	**5.2000e-004**	**0.0000**	**5.2000e-004**	**1.4000e-004**	**0.0000**	**1.4000e-004**	**0.0000**	**0.4418**	**0.4418**	**1.0000e-005**	**0.0000**	**0.4421**

3.6 Architectural Coating - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	0.0611					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	1.0900e-003	7.6300e-003	9.0900e-003	1.0000e-005		4.7000e-004	4.7000e-004		4.7000e-004	4.7000e-004	0.0000	1.2766	1.2766	9.0000e-005	0.0000	1.2788
Total	**0.0622**	**7.6300e-003**	**9.0900e-003**	**1.0000e-005**		**4.7000e-004**	**4.7000e-004**		**4.7000e-004**	**4.7000e-004**	**0.0000**	**1.2766**	**1.2766**	**9.0000e-005**	**0.0000**	**1.2788**

3.6 Architectural Coating - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.1000e-004	8.0000e-005	7.7000e-004	0.0000	2.4000e-004	0.0000	2.4000e-004	6.0000e-005	0.0000	6.0000e-005	0.0000	0.2039	0.2039	1.0000e-005	0.0000	0.2041
Total	**1.1000e-004**	**8.0000e-005**	**7.7000e-004**	**0.0000**	**2.4000e-004**	**0.0000**	**2.4000e-004**	**6.0000e-005**	**0.0000**	**6.0000e-005**	**0.0000**	**0.2039**	**0.2039**	**1.0000e-005**	**0.0000**	**0.2041**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	0.0611					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	1.0900e-003	7.6300e-003	9.0900e-003	1.0000e-005		4.7000e-004	4.7000e-004		4.7000e-004	4.7000e-004	0.0000	1.2766	1.2766	9.0000e-005	0.0000	1.2788
Total	**0.0622**	**7.6300e-003**	**9.0900e-003**	**1.0000e-005**		**4.7000e-004**	**4.7000e-004**		**4.7000e-004**	**4.7000e-004**	**0.0000**	**1.2766**	**1.2766**	**9.0000e-005**	**0.0000**	**1.2788**

3.6 Architectural Coating - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.1000e-004	8.0000e-005	7.7000e-004	0.0000	2.4000e-004	0.0000	2.4000e-004	6.0000e-005	0.0000	6.0000e-005	0.0000	0.2039	0.2039	1.0000e-005	0.0000	0.2041
Total	**1.1000e-004**	**8.0000e-005**	**7.7000e-004**	**0.0000**	**2.4000e-004**	**0.0000**	**2.4000e-004**	**6.0000e-005**	**0.0000**	**6.0000e-005**	**0.0000**	**0.2039**	**0.2039**	**1.0000e-005**	**0.0000**	**0.2041**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.5722	3.3805	3.5846	9.7100e-003	0.4966	9.0000e-003	0.5056	0.1331	8.4500e-003	0.1416	0.0000	898.6019	898.6019	0.0926	0.0000	900.9171
Unmitigated	0.5722	3.3805	3.5846	9.7100e-003	0.4966	9.0000e-003	0.5056	0.1331	8.4500e-003	0.1416	0.0000	898.6019	898.6019	0.0926	0.0000	900.9171

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Convenience Market (24 Hour)	0.00	0.00	0.00		
Gasoline/Service Station	2,464.32	2,464.32	2464.32	1,321,048	1,321,048
Parking Lot	0.00	0.00	0.00		
Other Asphalt Surfaces	0.00	0.00	0.00		
Total	2,464.32	2,464.32	2,464.32	1,321,048	1,321,048

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Convenience Market (24 Hour)	9.50	7.30	7.30	0.90	80.10	19.00	24	15	61
Gasoline/Service Station	9.50	7.30	7.30	2.00	79.00	19.00	12	29	59
Parking Lot	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0
Other Asphalt Surfaces	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Convenience Market (24 Hour)	0.552050	0.036079	0.182449	0.124563	0.019215	0.004844	0.016098	0.055414	0.001187	0.001496	0.005121	0.000613	0.000871
Gasoline/Service Station	0.552050	0.036079	0.182449	0.124563	0.019215	0.004844	0.016098	0.055414	0.001187	0.001496	0.005121	0.000613	0.000871
Parking Lot	0.552050	0.036079	0.182449	0.124563	0.019215	0.004844	0.016098	0.055414	0.001187	0.001496	0.005121	0.000613	0.000871
Other Asphalt Surfaces	0.552050	0.036079	0.182449	0.124563	0.019215	0.004844	0.016098	0.055414	0.001187	0.001496	0.005121	0.000613	0.000871

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	20.8588	20.8588	9.4000e-004	2.0000e-004	20.9406
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	20.8588	20.8588	9.4000e-004	2.0000e-004	20.9406
NaturalGas Mitigated	5.3000e-004	4.8600e-003	4.0800e-003	3.0000e-005		3.7000e-004	3.7000e-004		3.7000e-004	3.7000e-004	0.0000	5.2897	5.2897	1.0000e-004	1.0000e-004	5.3212
NaturalGas Unmitigated	5.3000e-004	4.8600e-003	4.0800e-003	3.0000e-005		3.7000e-004	3.7000e-004		3.7000e-004	3.7000e-004	0.0000	5.2897	5.2897	1.0000e-004	1.0000e-004	5.3212

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Convenience Market (24 Hour)	45442.8	2.5000e-004	2.2300e-003	1.8700e-003	1.0000e-005		1.7000e-004	1.7000e-004		1.7000e-004	1.7000e-004	0.0000	2.4250	2.4250	5.0000e-005	4.0000e-005	2.4394
Gasoline/Service Station	53683.2	2.9000e-004	2.6300e-003	2.2100e-003	2.0000e-005		2.0000e-004	2.0000e-004		2.0000e-004	2.0000e-004	0.0000	2.8647	2.8647	5.0000e-005	5.0000e-005	2.8818
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**5.4000e-004**	**4.8600e-003**	**4.0800e-003**	**3.0000e-005**		**3.7000e-004**	**3.7000e-004**		**3.7000e-004**	**3.7000e-004**	**0.0000**	**5.2897**	**5.2897**	**1.0000e-004**	**9.0000e-005**	**5.3212**

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Convenience Market (24 Hour)	45442.8	2.5000e-004	2.2300e-003	1.8700e-003	1.0000e-005		1.7000e-004	1.7000e-004		1.7000e-004	1.7000e-004	0.0000	2.4250	2.4250	5.0000e-005	4.0000e-005	2.4394
Gasoline/Service Station	53683.2	2.9000e-004	2.6300e-003	2.2100e-003	2.0000e-005		2.0000e-004	2.0000e-004		2.0000e-004	2.0000e-004	0.0000	2.8647	2.8647	5.0000e-005	5.0000e-005	2.8818
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**5.4000e-004**	**4.8600e-003**	**4.0800e-003**	**3.0000e-005**		**3.7000e-004**	**3.7000e-004**		**3.7000e-004**	**3.7000e-004**	**0.0000**	**5.2897**	**5.2897**	**1.0000e-004**	**9.0000e-005**	**5.3212**

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Convenience Market (24 Hour)	45792.4	13.3215	6.0000e-004	1.2000e-004	13.3737
Gasoline/Service Station	24336	7.0796	3.2000e-004	7.0000e-005	7.1074
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Parking Lot	1573.25	0.4577	2.0000e-005	0.0000	0.4595
Total		**20.8588**	**9.4000e-004**	**1.9000e-004**	**20.9406**

5.3 Energy by Land Use - Electricity

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Convenience Market (24 Hour)	45792.4	13.3215	6.0000e-004	1.2000e-004	13.3737
Gasoline/Service Station	24336	7.0796	3.2000e-004	7.0000e-005	7.1074
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Parking Lot	1573.25	0.4577	2.0000e-005	0.0000	0.4595
Total		**20.8588**	**9.4000e-004**	**1.9000e-004**	**20.9406**

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0370	1.0000e-005	7.7000e-004	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.4900e-003	1.4900e-003	0.0000	0.0000	1.5900e-003
Unmitigated	0.0370	1.0000e-005	7.7000e-004	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.4900e-003	1.4900e-003	0.0000	0.0000	1.5900e-003

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	6.1100e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.0308					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	7.0000e-005	1.0000e-005	7.7000e-004	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.4900e-003	1.4900e-003	0.0000	0.0000	1.5900e-003
Total	**0.0370**	**1.0000e-005**	**7.7000e-004**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**1.4900e-003**	**1.4900e-003**	**0.0000**	**0.0000**	**1.5900e-003**

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	6.1100e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.0308					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	7.0000e-005	1.0000e-005	7.7000e-004	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.4900e-003	1.4900e-003	0.0000	0.0000	1.5900e-003
Total	**0.0370**	**1.0000e-005**	**7.7000e-004**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**1.4900e-003**	**1.4900e-003**	**0.0000**	**0.0000**	**1.5900e-003**

7.0 Water Detail

7.1 Mitigation Measures Water

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	1.1239	0.0146	3.5000e-004	1.5941
Unmitigated	1.1239	0.0146	3.5000e-004	1.5941

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Convenience Market (24 Hour)	0.287401 / 0.176149	0.7229	9.3900e-003	2.3000e-004	1.0254
Gasoline/Service Station	0.159383 / 0.0976861	0.4009	5.2100e-003	1.3000e-004	0.5687
Other Asphalt Surfaces	0 / 0	0.0000	0.0000	0.0000	0.0000
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**1.1239**	**0.0146**	**3.6000e-004**	**1.5941**

7.2 Water by Land Use

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Convenience Market (24 Hour)	0.287401 / 0.176149	0.7229	9.3900e-003	2.3000e-004	1.0254
Gasoline/Service Station	0.159383 / 0.0976861	0.4009	5.2100e-003	1.3000e-004	0.5687
Other Asphalt Surfaces	0 / 0	0.0000	0.0000	0.0000	0.0000
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**1.1239**	**0.0146**	**3.6000e-004**	**1.5941**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	3.6802	0.2175	0.0000	9.1176
Unmitigated	3.6802	0.2175	0.0000	9.1176

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Convenience Market (24 Hour)	11.66	2.3669	0.1399	0.0000	5.8638
Gasoline/Service Station	6.47	1.3134	0.0776	0.0000	3.2538
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Total		**3.6802**	**0.2175**	**0.0000**	**9.1176**

8.2 Waste by Land Use

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Convenience Market (24 Hour)	11.66	2.3669	0.1399	0.0000	5.8638
Gasoline/Service Station	6.47	1.3134	0.0776	0.0000	3.2538
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Total		**3.6802**	**0.2175**	**0.0000**	**9.1176**

9.0 Operational Offroad

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

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

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

Boilers

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

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

	Total CO2	CH4	N2O	CO2e
Category	MT			
Unmitigated	-7.5310	0.0000	0.0000	-7.5310

11.1 Vegetation Land Change

Vegetation Type

	Initial/Final	Total CO2	CH4	N2O	CO2e
	Acres	MT			
Grassland	2.49 / 0.74268	-7.5310	0.0000	0.0000	-7.5310
Total		**-7.5310**	**0.0000**	**0.0000**	**-7.5310**

Operational On-road Mobile Energy Usage

Unmitigated:

Step 1:

Therefore:

Average Daily VMT:

3,619	Source: Fehr & Peers TIA

Note: If average daily VMT has not been previously calculated, calculate daily VMT from information provided by the CalEEMod Output

Step 2: Given:

Fleet Mix (CalEEMod Output)

LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH	Check
55.2050%	3.6079%	18.2449%	12.4563%	1.9215%	0.4844%	1.6098%	5.5414%	0.1187%	0.1496%	0.5121%	0.0613%	0.0871%	100.0%

And:

Gasoline MPG Factors for each Vehicle Class -Year 2040 (EMFAC2017 Output)

LDA	LDT1	LDT2	MDV	MCY	MH
29.80735	25.51902	23.2693	18.74751	37.05947	4.658488

Diesel MPG Factors for each Vehicle Class -Year 2040 (EMFAC2017 Output)

LHD1	LHD2	MHD	HHD	OBUS	UBUS	SBUS
17.49953	15.64479	8.473153	7.022539	6.150261062	7.024284	7.876596

Therefore:

Weighted Average MPG Factors

Gasoline: **26.8** Diesel: **9.5**

Step 3: **Therefore:**

122	**daily gallons of gasoline**	**38**	**daily gallons of diesel**

or

44,419	**annual gallons of gasoline**	**13,701**	**annual gallons of diesel**

Construction Off-Site (i.e. Construction Off-road Mobile) Energy Usage

Note: For the sake of simplicity, and as a conservative estimation, it was assumed that all off-road vehicles use diesel fuel as an energy source. Demolition, Site preparation and grading off-road mobile vehicle on-site gallons of fuel are calculated below.

Given Factor:	**0.2**	**metric tons**	**CO2**	**(note: this is a sum of the values in the green cells below)**
Conversion Factor:	2204.6262	pounds	per metric ton	
Intermediate Result:	**374**	**pounds**	**CO2**	
Conversion Factor:	22.38	pounds	CO2 per 1 gallon of diesel fuel	Source: U.S. EIA, 2016
Final Result:	**16.70**	**gallons**	**diesel fuel**	http://www.eia.gov/tools/faqs/faq.cfm?id=307&t=11

Mitigated Onsite Scenario	Total CO2 (MT/yr) (provided in CalEEMod Output File)
Demolition	0
Site Preparation	0.0565
Grading	0.113

On-road Mobile (Construction) Energy Usage - Site Preparation

Worker Trips

Step 1: **Total Daily Worker Trips (CalEEMod Output)**

8

Worker Trip Length (miles) (CalEEMod Output)

10.8

Therefore:

Average Worker Daily VMT:

86

Step 2: Given:

Assumed Fleet Mix for Workers

LDA	LDT1	LDT2
0.5	0.25	0.25

Note: Percentage mix is provided on Appendix A: Calculation Details for CalEEMOD p. 15

And:

Gasoline MPG Factors for each Vehicle Class (from EMFAC2017) - Year 2040

LDA	LDT1	LDT2
29.807347	25.519015	23.2693

Therefore:

Weighted Average Worker MPG Factor

27.1

Step 3: **Therefore:**

3.2 Worker daily gallons of gasoline

Step 4: 10 **# of Days (CalEEMod Output)**

Therefore:

Result: **32** **Total gallons of gasoline**

On-road Mobile (Construction) Energy Usage - Grading

Worker Trips

Step 1: **Total Daily Worker Trips (CalEEMod Output)**

8

Worker Trip Length (miles) (CalEEMod Output)

10.8

Therefore:

Average Worker Daily VMT:

86

Step 2: Given:

Assumed Fleet Mix for Workers

LDA	LDT1	LDT2
0.5	0.25	0.25

Note: Percentage mix is provided on Appendix A: Calculation Details for CalEEMOD p. 15

And:

Gasoline MPG Factors for each Vehicle Class (from EMFAC2017) - Year 2040

LDA	LDT1	LDT2
29.807347	25.519015	23.2693

Therefore:

Weighted Average Worker MPG Factor

27.1

Step 3: **Therefore:**

3.2 Worker daily gallons of gasoline

Step 4: 4 **# of Days (CalEEMod Output)**

Therefore:

Result: **13** **Total gallons of gasoline**

On-road Mobile (Construction) Energy Usage - Building Construction

Worker Trips

Step 1: **Total Daily Worker Trips (CalEEMod Output)**

31

Worker Trip Length (miles) (CalEEMod Output)

10.8

Therefore:

Average Worker Daily VMT:

335

Step 2: Given:

Assumed Fleet Mix for Workers

LDA	LDT1	LDT2
0.5	0.25	0.25

Note: Percentage mix is provided on Appendix A: Calculation Details for CalEEMOD p. 15

And:

Gasoline MPG Factors for each Vehicle Class (from EMFAC2017) - Year 2040

LDA	LDT1	LDT2
29.807347	25.519015	23.2693

Therefore:

Weighted Average Worker MPG Factor

27.1

Step 3: **Therefore:**

12.4 Worker daily gallons of gasoline

Step 4: 200 **# of Days (CalEEMod Output)**

Therefore:

Result: **2,471** **Total gallons of gasoline**

Vendor Trips

Step 1: **Total Vendor Trips (CalEEMod Output)**

12

Vendor Trip Length (miles) (CalEEMod Output)

7.3

Average Vendor Daily VMT:

88

Step 2:

Fleet Mix for Vendors (CalEEMod Output)

MHD	HHD
0%	100%

Diesel MPG Factors for each Vehicle Class - Year 2040 (EMFAC2017 output)

MHD	HHD
8.473153	7.022539

Therefore:

Weighted Average Vendor (Diesel) MPG Factor

7.022539

Step 3: **Therefore:**

12.5 Vendor daily gallons of gasoline (all workers)

Step 4: 200 **# of Days (CalEEMod ouput)**

Therefore:

Result: **2494.824** **Vendor daily gallons of diesel**

On-road Mobile (Construction) Energy Usage - Paving

Worker Trips

Step 1: **Total Daily Worker Trips (CalEEMod Output)**

13

Worker Trip Length (miles) (CalEEMod Output)

10.8

Therefore:

Average Worker Daily VMT:

140

Step 2: Given:

Assumed Fleet Mix for Workers

LDA	LDT1	LDT2
0.5	0.25	0.25

Note: Percentage mix is provided on Appendix A: Calculation Details for CalEEMOD p. 15

And:

Gasoline MPG Factors for each Vehicle Class (from EMFAC2017) - Year 2040

LDA	LDT1	LDT2
29.807347	25.519015	23.2693

Therefore:

Weighted Average Worker MPG Factor

27.1

Step 3: **Therefore:**

5.2 Worker daily gallons of gasoline

Step 4: 10 **# of Days (CalEEMod Output)**

Therefore:

Result: **52** **Total gallons of gasoline**

On-road Mobile (Construction) Energy Usage - Architectural Coatings

Worker Trips

Step 1: **Total Daily Worker Trips (CalEEMod Output)**

6

Worker Trip Length (miles) (CalEEMod Output)

10.8

Therefore:

Average Worker Daily VMT:

65

Step 2: Given:

Assumed Fleet Mix for Workers

LDA	LDT1	LDT2
0.5	0.25	0.25

Note: Percentage mix is provided on Appendix A: Calculation Details for CalEEMOD p. 15

And:

Gasoline MPG Factors for each Vehicle Class (from EMFAC2017) - Year 2040

LDA	LDT1	LDT2
29.807347	25.519015	23.2693

Therefore:

Weighted Average Worker MPG Factor

27.1

Step 3: **Therefore:**

2.4 Worker daily gallons of gasoline

Step 4: 10 **# of Days (CalEEMod Output)**

Therefore:

Result: **24** **Total gallons of gasoline**

EMFAC2017 (v1.0.2) Emissions Inventory
Region Type: County
Region: SAN JOAQUIN
Calendar Year: 2020
Season: Annual
Vehicle Classification: EMFAC2011 Categories
Units: miles/day for VMT, trips/day for Trips, tons/day for Emissions, and
1000 gallons/day for Fuel Consumption

Vehicle Category	Model Year	Speed	Fuel	Population	VMT	Fuel Consu	MPG	
All Other Buses	Aggregated	Aggregated	DSL	68.27309	3636.851	0.425804	8.541133	
LDA	Aggregated	Aggregated	GAS	277067.7	11061532	371.1008	29.80735	
LDA	Aggregated	Aggregated	DSL	2004.564	85052.65	1.785902	47.62447	
LDA	Aggregated	Aggregated	ELEC	2936.101	113174.9	0	#DIV/0!	
LDT1	Aggregated	Aggregated	GAS	28521.1	1002742	39.2939	25.51902	
LDT1	Aggregated	Aggregated	DSL	27.12201	487.9541	0.02113	23.09347	
LDT1	Aggregated	Aggregated	ELEC	53.81137	2101.723	0	#DIV/0!	
LDT2	Aggregated	Aggregated	GAS	91178.19	3395833	145.9362	23.2693	
LDT2	Aggregated	Aggregated	DSL	372.8711	17314.18	0.49259	35.14926	
LDT2	Aggregated	Aggregated	ELEC	401.3829	13203.63	0	#DIV/0!	
LHD1	Aggregated	Aggregated	GAS	8163.726	263018.5	32.02678	8.212453	
LHD1	Aggregated	Aggregated	DSL	8791.841	298190.4	17.03992	17.49953	
LHD2	Aggregated	Aggregated	GAS	1071.981	35504.23	4.936676	7.191931	
LHD2	Aggregated	Aggregated	DSL	2672.325	94827.8	6.061302	15.64479	
MCY	Aggregated	Aggregated	GAS	13516.66	102279.1	2.759864	37.05947	
MDV	Aggregated	Aggregated	GAS	91994.93	3034688	161.8716	18.74751	
MDV	Aggregated	Aggregated	DSL	1490.811	62985.23	2.447374	25.73584	
MDV	Aggregated	Aggregated	ELEC	124.8275	4250.512	0	#DIV/0!	
MH	Aggregated	Aggregated	GAS	1742.518	14160.09	3.039632	4.658488	
MH	Aggregated	Aggregated	DSL	640.3479	5509.625	0.575463	9.574253	
Motor Coach	Aggregated	Aggregated	DSL	20.24702	2585.522	0.420392	6.150261	
OBUS	Aggregated	Aggregated	GAS	198.4627	9602.849	2.078387	4.620337	
PTO	Aggregated	Aggregated	DSL	0	11517.97	2.415621	4.768119	
SBUS	Aggregated	Aggregated	GAS	36.87251	1911.928	0.206875	9.241968	
SBUS	Aggregated	Aggregated	DSL	614.1395	19482.48	2.473464	7.876596	**MHD**
T6 Ag	Aggregated	Aggregated	DSL	91.6981	1211.286	0.134609	8.998573	8.473153
T6 CAIRP heavy	Aggregated	Aggregated	DSL	100.0952	19867.45	1.841406	10.78928	
T6 CAIRP small	Aggregated	Aggregated	DSL	52.95828	2799.069	0.274825	10.18492	
T6 instate constru	Aggregated	Aggregated	DSL	278.7596	18952.35	2.3922	7.922562	
T6 instate constru	Aggregated	Aggregated	DSL	1479.416	75523.92	9.482281	7.964741	
T6 instate heavy	Aggregated	Aggregated	DSL	1413.691	168417.3	18.20296	9.25219	
T6 instate small	Aggregated	Aggregated	DSL	2790.983	131152.6	14.49043	9.050979	
T6 OOS heavy	Aggregated	Aggregated	DSL	57.22116	11403.09	1.056294	10.79537	
T6 OOS small	Aggregated	Aggregated	DSL	30.56648	1601.505	0.15744	10.17214	
T6 Public	Aggregated	Aggregated	DSL	462.4672	7325.387	1.000911	7.318722	
T6 utility	Aggregated	Aggregated	DSL	75.954	1267.707	0.146648	8.644551	**HHD**
T6TS	Aggregated	Aggregated	GAS	558.8793	28341.59	6.037127	4.694549	7.022539
T7 Ag	Aggregated	Aggregated	DSL	61.21004	947.3686	0.164531	5.758008	

T7 CAIRP	Aggregated	Aggregated	DSL	1428.292	258565.4	39.3317	6.573969
T7 CAIRP construct	Aggregated	Aggregated	DSL	74.01637	13613.64	2.407314	5.655116
T7 NNOOS	Aggregated	Aggregated	DSL	1561.686	315212.5	46.57571	6.767743
T7 NOOS	Aggregated	Aggregated	DSL	561.4219	101586.2	15.81124	6.424936
T7 other port	Aggregated	Aggregated	DSL	28.87698	4629.534	0.860699	5.378805
T7 POAK	Aggregated	Aggregated	DSL	154.3306	17241.45	3.341096	5.160417
T7 POLA	Aggregated	Aggregated	DSL	137.2077	16743.34	3.259465	5.136836
T7 Public	Aggregated	Aggregated	DSL	466.6019	9440.688	1.812773	5.207871
T7 Single	Aggregated	Aggregated	DSL	827.2317	58006.78	9.692168	5.984913
T7 single construct	Aggregated	Aggregated	DSL	478.8561	33772.93	6.459487	5.228423
T7 SWCV	Aggregated	Aggregated	DSL	225.1146	9183.102	3.755251	2.445403
T7 SWCV	Aggregated	Aggregated	NG	34.14352	1392.481	0.609549	2.284443
T7 tractor	Aggregated	Aggregated	DSL	2690.443	372506.3	52.8112	7.053547
T7 tractor construc	Aggregated	Aggregated	DSL	396.4359	27859.69	5.352613	5.204877
T7 utility	Aggregated	Aggregated	DSL	19.70685	399.9391	0.071283	5.610595
T7IS	Aggregated	Aggregated	GAS	2.144651	192.9281	0.048031	4.016742
UBUS	Aggregated	Aggregated	GAS	15.62049	1422.148	0.318164	4.469863
UBUS	Aggregated	Aggregated	DSL	97.94376	7666.863	1.09148	7.024284
UBUS	Aggregated	Aggregated	ELEC	2.042727	124.3182	0	#DIV/0!
UBUS	Aggregated	Aggregated	NG	69.82714	3997.974	0.852161	4.691573

Name

Prioritization Calculator

Applicability	Use to provide a Prioritization score based on the emission potency method. Entries required in yellow areas, output in gray areas.		
Author or updater	Matthew Cegielski	*Last Update*	March 17, 2020
Facility:			
ID#:			
Project #:			
Unit and Process#	1-0 p1		
Operating Hours hr/yr	8,760.00		

Receptor Proximity and Proximity Factors		Cancer Score	Chronic Score	Acute Score	Max Score
0< R<100	**1.000**	2.16E+00	5.51E-02	2.45E-01	2.16E+00
100≤R<250	**0.250**	5.39E-01	1.38E-02	6.12E-02	5.39E-01
250≤R<500	**0.040**	8.62E-02	2.20E-03	9.79E-03	8.62E-02
500≤R<1000	**0.011**	2.37E-02	6.06E-04	2.69E-03	2.37E-02
1000≤R<1500	**0.003**	6.47E-03	1.65E-04	7.35E-04	6.47E-03
1500≤R<2000	**0.002**	4.31E-03	1.10E-04	4.90E-04	4.31E-03
2000<R	**0.001**	2.16E-03	5.51E-05	2.45E-04	2.16E-03

Receptor proximity is in meters. Priortization scores are calculated by multiplying the total scores summed below by the proximity factors. Record the Max score for your receptor distance. If the substance list for the unit is longer than the number of rows here or if there are multiple processes use additional worksheets and sum the totals of the Max Scores.

1-0 p1

Enter the unit's CAS# of the substances emitted and their amounts.

Prioritzation score for each substance generated below. Totals on last row.

Substance	CAS#	Annual Emissions (lbs/yr)	Maximum Hourly (lbs/hr)	Average Hourly (lbs/hr)	Cancer	Chronic	Acute
Benzene	**71432**	9.65	4.41E-03	1.10E-03	2.16E+00	5.51E-02	2.45E-01
				0.00E+00	0.00E+00	0.00E+00	0.00E+00
				0.00E+00	0.00E+00	0.00E+00	0.00E+00
				0.00E+00	0.00E+00	0.00E+00	0.00E+00
				0.00E+00	0.00E+00	0.00E+00	0.00E+00
				0.00E+00	0.00E+00	0.00E+00	0.00E+00
				0.00E+00	0.00E+00	0.00E+00	0.00E+00
				0.00E+00	0.00E+00	0.00E+00	0.00E+00
				0.00E+00	0.00E+00	0.00E+00	0.00E+00
				0.00E+00	0.00E+00	0.00E+00	0.00E+00
				0.00E+00	0.00E+00	0.00E+00	0.00E+00
			Totals		**2.16E+00**	**5.51E-02**	**2.45E-01**

Toxic Air Contaminant (TAC) Emission Rates

Passenger Vehicle - Gasoline Dispensor

Refueling Vehicle fueling loss (95%) (Passenger Vehicle)

	1,580,000	typical gallons of gasoline pumped per year at a gasoline station (Source: Retail Fuel Report and Data for California (CEC) for 2012)
emission factor:	0.00126	Benzene Emission Factor (lb/1,000 gal) (source: Senior Air Quality Specialist David Garner, SJVAPCD).
	1,991	thousand lbs of benzene vapor/year
Annual result:	1.991	lbs of Benzene/year (total)

Spillage (Passenger Vehicle)

emission factor:	0.0042	Benzene Emission Factor (lb/1,000 gal) (source: Senior Air Quality Specialist David Garner, SJVAPCD).
	6,636	thousand lbs of benzene vapor/year
Annual result:	6.636	lbs of Benzene/year (total)

Toxic Air Contaminant (TAC) Emission Rates

Gasoline Station Tank

Breathing loss (U/G tank)

	1,580,000	typical gallons of gasoline pumped per year at a gasoline station (Source: Retail Fuel Report and Data for California (CEC) for 2012)
emission factor:	0.000075	lbs benzene/thousand gallons of gasoline (source: Senior Air Quality Specialist David Garner, SJVAPCD).
	119	thousand lbs of gasoline vapor/year
Annual result:	0.119	lbs of benzene vapor/year (total)

U/G Tank filling (Loading) loss (98%)

	3,600,000	gallons of gasoline pumped per year (average)
emission factor:	0.000252	lbs benzene/thousand gallons of gasoline (source: Senior Air Quality Specialist David Garner, SJVAPCD).
	907	thousand lbs of benzene vapor/year
Annual result:	0.907	lbs of benzene vapor/year (total)

Sum

	Annual Total (lbs)	Max Hour Total (lbs) (note: assumes 4x average hourly rate)
Refueling	1.9908	0.000909041
Spillage	6.636	0.003030137
Tank Filling	0.9072	0.000414247
Tank Breathing	0.1185	5.41096E-05
Total	**9.6525**	**0.004407534**

APPENDIX B

Storm Water Consulting Inc.
4601 E. Mountain View Rd., Phoenix, AZ 85028
Phone: (916) 801-3962 and (602) 639-0743

TECHNICAL MEMORANDUM

Date: January 28, 2020

To: Al Gali, City of Tracy

From: Jim Nelson

Subject: **Edgewood Commercial Site**
Preliminary Storm Drainage Evaluations and Recommendations

SWC File: 2014-96

Storm Water Consulting, Inc. (SWC) has prepared this Technical Memorandum to summarize our preliminary storm drainage evaluations, findings and recommendations relating to the proposed development of a 10.29 acre commercial site (hereinafter "Project") located at the southeast corner of Corral Hollow Road and Middlefield Drive within the existing Edgewood development. The primary items that are addressed herein include the following:

1. Downstream capacity for the storm drain system residing within the Edgewood development that is proposed to be utilized for discharge of site runoff from the Project.

2. Comments regarding the preliminary Site Plan and Grading & Utility Plan submitted for the Project by the applicant.

3. Preliminary storm water quality recommendations for the Project.

As a part of preparing this Technical Memorandum, we have reviewed and considered the following information:

- City of Tracy Citywide Storm Drainage Master Plan (SDMP) and Appendices, Stantec Consulting Services Inc. (Stantec), 2013.

- Plan "C" Storm Drainage Analysis Update, Final Report, Stantec, 2000.
- City of Tracy Water, Sewer, and Storm Drain Systems Maps, Pacific Data Services, 2002.
- Site Plan and Grading & Utility Plan for Edgewood Commercial Development, Schack & Company, August 2019.
- Improvement Plans, Edgewood-Unit No. 6, Record Drawings, Thompson-Hysell Engineers, 2001.
- GIS Storm Drain Data, City of Tracy, December 2019.
- Field Survey Data, Schack & Company, December 2019.
- Multi-Agency Post-Construction Stormwater Standards Manual (Stormwater Standards Manual), 2015.
- City of Tracy Design Standards.
- Aerial Photography and Google Earth Data.

Downstream Capacity Analysis

The Project site is a part of the existing Edgewood development area (totaling about 300 acres). The Edgewood development area includes Sub-basins W14, W15, and W21 per the Citywide SDMP and drains directly to the upstream origin (headwater) of the City's existing Westside Channel.

The capacity analysis performed herein has evaluated an existing storm drain route extending between the Project and the headwater of the City's Westside Channel within the Edgewood development. This existing storm drain route extends east from the Project in Middlefield Drive to Whispering Wind Drive (24" SD), east in Whispering Wind Drive from Middlefield Drive to English Oaks Avenue (24" SD), north in English Oaks Avenue to Cherry Blossom Lane (24" SD), east in Cherry Blossom Lane for 54 feet (36" SD), and north in an easement 74 feet (36" SD) to its outlet discharging to the headwater of the City's Westside Channel. An 18" SD stub has previously been provided to the northeast corner of the Project site from the 24" SD in Middlefield Drive in anticipation of future development of the Project site. The downstream storm drain route is depicted on Exhibit A and has been analyzed for the 10-year return period storm event in conformance with City of Tracy Design Standards.

Local Sub-Basins contributing to the downstream storm drain system analyzed herein are depicted on Exhibit A and consist of existing residential land uses within the Edgewood development, street frontage along Corral Hollow Road and Tracy Blvd., the Brookview West residential development, and the Project site. Hydrologic analysis was performed to determine 10-year return period discharges along the storm drain system route using the Rational Method and the results are shown on Exhibit B. An HGL analysis was performed for the system using the crown of the existing 36" SD outlet discharging to the headwater of the Westside Channel as the assumed starting elevation. The HGL analysis is provided on Exhibit C. The conditions represented on Exhibits B and C are based on the assumption that all local Sub-Basins, including the Project (Sub-Basin EC), would contribute to the storm drain system. The HGL analysis (Exhibit C) has identified that under the above assumptions **there will be a capacity deficiency along the existing 24" SD segment in English Oaks Avenue between Whispering Wind Drive and Cherry Blossom Drive.** This capacity deficiency will produce surcharging from the storm drains into the streets in English Oaks Avenue and upstream during the design storm.

A second analysis was performed under the assumption that the Project (Sub-Basin EC) will not contribute any runoff to the downstream system analyzed. There is still a significant amount of head loss occurring in the 24" SD in English Oaks Avenue under this assumption, but the surcharge condition has essentially been eliminated during the design storm. Results of the second analysis are depicted on Attachments A1 (hydrologic analysis) and A2 (HGL analysis).

A third analysis was also performed under the assumptions that all local Sub-Basins will contribute to the storm drain system (including Sub-Basin EC) and that the existing 24" SD in English Oaks Avenue would be removed and replaced with a 30" SD between Whispering Winds Drive and Cherry Blossom Drive. Results of the third analysis are depicted on Attachment 2 (HGL analysis) and indicate that this condition would reduce the head loss along English Oaks Avenue and eliminate the surcharge condition during the design storm.

Based on the results of the capacity analyses performed under the above scenarios, SWC offers the following alternative recommendations regarding storm drainage produced by development of the Project:

Alternative #1: Replace the existing 24" SD in English Oaks Avenue (Whispering Winds Drive to Cherry Blossom Lane) with a 30" SD, and discharge runoff from the Project site directly to the 18" SD stub provided at the northeast corner of the Project site.

Alternative #2: Provide detention/retention storage within the Project site at storage volumes that conform to the requirements for Temporary Retention Basins, Single Parcel, Section 5.06, in the City of Tracy Design Standards (runoff volume from a single 10-year 48-hour storm). The detention/retention storage facility(s) could be drained to the 18" SD stub after storm events when the downstream system is empty, and regulated by a hand operated or automated sluice gate installed at an appropriate onsite location. Requirements for discharge authorizations would need to be established by the City. Geotechnical testing shall also be performed to determine the infiltration capacity of the underlying soils. If Alternative #2 is selected, the Project site detention/retention facility may be decommissioned in the future if the capacity constraint in the downstream system (English Oaks Avenue) is eliminated.

Site Plan and Grading & Utility Plan

The plans appear to be preliminary at present. As additional detail is included in subsequent submittals, the following additional information should be provided with respect to storm drainage facilities:

- Existing topography for the overall site.
- Proposed grades for site improvements and invert elevations and slopes for proposed onsite storm drains.
- Invert elevation for the existing 24" SD in Middlefield Drive at the existing 18" SD stub connection from the site, and invert elevation for the existing 18" SD stub at the point of connection serving onsite storm drains.

- Show detention/retention facility, required storage volume, provided storage volume, maximum water surface elevation, and provisions for drainage outflow, if applicable.

Preliminary Storm Water Quality Recommendations

Storm water quality treatment control measures and hydromodification conforming to the City's Stormwater Standards Manual will be required with the development of this project. Using an assumed impervious ratio of 0.80 for a typical commercial land use, we have estimated that the storm water quality design volume (SDV) required for storm water quality treatment is roughly 14,500 cubic feet (see Exhibit D). This value will need to be refined during the design process based on more detailed site information. Onsite bioretention measures (or measures as effective at storm water quality treatment as bioretention) will need to be provided to achieve the SDV, and the sub-drains and overflow devices serving the bioretention areas should be connected to the outfall SD(s) that will serve the site development. The incorporation of bioretention facilities into the project development in conformance with the Stormwater Standards Manual will mitigate the impact of the site development on downstream stormwater quality. Site design measures described in the Stormwater Standards Manual may be utilized to reduce the SDV requirement for the bioretention facilities in conformance with the Stormwater Standards Manual.

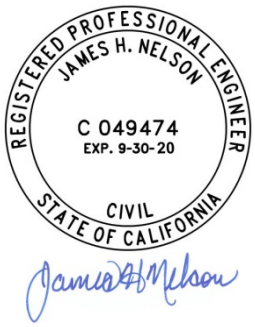
<u>Exhibits</u>

Exhibit A – Existing Storm Drain System Extending from Edgewood Commercial Site to Westside Channel; including Local Drainage Sheds and Storm Drain Nodes Incorporated into HGL Analysis
Exhibit B – Derivation of Discharges along Storm Drain Segments
Exhibit C – Hydraulic Grade Line Calculations for Downstream Storm Drain System, with Project Site Drainage Included
Exhibit D – Preliminary Storm Water Quality Design Volume (SDV)

Attachments 1A and 1B – Discharges and Hydraulic Grade Line Calculations for Downstream Storm Drain System, with Project Site Not Included

Attachment 2 – Hydraulic Grade Line Calculations for Downstream Storm Drain System, with Project Site Drainage Included Plus Replacement of Existing 24" SD (English Oaks Avenue) with a 36" SD

Cc: Colleen Volken, City of Tracy
Kat Balogh, City of Tracy
Nanda Gottiparthy, SNG Associates



N

0' 175' 350'
SCALE 1" = 350'
IF BAR DOES NOT MEASURE 1"
THEN DRAWING IS NOT TO SCALE

WINDHAM CT
DARBY DR
WESTSIDE CHANNEL
30" SD
36" SD
CHERRY BLOSSOM LN
24" SD
36" SD
ENGLISH OAKS AVE
E6
E7
DETAIL 1

N
0' 100' 200'
SCALE 1" = 200'
IF BAR DOES NOT MEASURE 1"
THEN DRAWING IS NOT TO SCALE

SYCAMORE PKWY
WESTSIDE CHANNEL
30" SD
36" SD
36" SD
SEE DETAIL 1
CHERRY BLOSSOM LN
E7
24" SD
WINDSONG DR
E6
12" SD
SUNNYSIDE LN
E5
12" SD
24" SD
WHISPERING WIND DR
S TRACY BLVD
24" SD
ENGLISH OAKS AVE
E1
24" SD
24" SD
E3
24" SD
MIDDLEFIELD DR
18" SD STUB
12" SD
CALAMITY LN
E2
E4
CORRAL HOLLOW RD
EDGEWOOD COMMERCIAL SITE
EC
W LINNE RD

Exhibit A – Existing Storm Drain System Extending from Edgewood Commercial Site to Westside Channel; including Local Drainage Sheds and Storm Drain Nodes Incorporated into HGL Analysis

Edgewood Commercial Site - Storm Drain Capacity Analysis

Legend:

- E4 — Local Drainage Shed
- Existing Storm Drain Being Evaluated
- 6 — Storm Drain Node Included in Evaluation
- Tributary Storm Drain Connection (not analyzed with this study)
- Existing Westside Channel

DATE: January 2020
SWC PROJECT NO. 2014-96PO18

Storm Water Consulting Inc.

TRACY
Think Inside the Triangle

V:\1840\active\184010206\edgewood\graphics\tracy_edgewood_exhibit_A.ai mlm 1-21-2020

EXHIBIT B - DERIVATION OF DISCHARGES ALONG STORM DRAIN SEGMENTS

EDGEWOOD COMMERCIAL SITE - DOWNSTREAM SD CAPACITY ANALYSIS (Drainage from Edgewood Commercial Site INCLUDED)

Location	Local Sub-Basins	Drainage Area (dA, acres)	Runoff Coeff. (C)	Sum dAC	Travel Length (ft)	Assumed Travel Velocity (fps)	Time of Concentration (Tc,min)	10-Year Intensity (i, in./hr.)	Discharge (Q, CiA, cfs)
36" SD (Cherry Blossom Ln. to Westside Channel)	All	300.3	0.37	110.77	74	6	41.87	0.38	42.1
36" SD (English Oaks Ave. to 54' East)	EC, E1, E2, E3, E4, E5, E6	275.3	0.37	102.02	5200	4	41.67	0.38	38.8
24" SD (Sunnyside Ln. to Cherry Blossom Ln.)	EC, E1, E2, E3, E4, E5	146.3	0.39	56.87	615	10	36.88	0.57	32.4
24" SD (Whispering Wind Dr. to Sunnyside Ln.)	EC, E1, E2, E3, E4	138.3	0.39	54.07	170	10	35.85	0.58	31.4
24" SD (Middlefield Dr. to English Oaks Ave.)	EC, E1, E2, E3	42.3	0.48	20.47	2490	4	35.57	0.58	11.9
24" SD (Calamity Ln. to Whispering Wind Dr.)	EC, E1, E2	28.3	0.55	15.57	473	4	25.19	0.72	11.2
24" SD (Edgewood Comm. Site to Calamity Ln.)	EC, E1	20.3	0.63	12.77	580	3	23.22	0.75	9.6
18" SD Stub Serving Edgewood Commercial Site	EC	10.3	0.90	9.27	N/A	N/A	10.00	1.20	11.1

Local Sub-Basin Areas

EC = 10.3 acres; E1 = 10 acres; E2 = 8 acres; E3 = 14 acres; E4 = 96 acres; E5 = 8 acres; E6 = 129 acres; E7 = 25 acres

Runoff Coefficients

C = 0.9 (Commercial); Sub-basin EC

C = 0.35 (Low Density Single Family Residential); All Other Sub-basins

Version Date: January 28, 2020

Storm Water Consulting Inc.

City of Tracy - Analysis of Existing Storm Drain System Proposed to Serve Edgewood Commercial Site in Edgewood Estates
Hydraulic Grade Line Calculations - 10-Year Storm Analysis Using Crown of 36" SD That Discharges to the Headwater of the Westside Channel as the Starting WSE
NOTE: Runoff from Edgewood Commercial Site INCLUDED

Note: Input Elevations are based on existing plans, City GIS data, and field survey and have been adjusted by +2.421 feet to convert to NAVD 88 Datum

Tailwater= 115.1 ft
Crown of 36" SD @ Westside Channel

Node	Invert	Dia	n	Length	Pipe Slope	Flow	Area	Wetted P	Hyd. Rad.	$R^{2/3}$	Velocity	S_f	H_f	K_{minor}	H_{minor}	H_{total}	HGL	Elev. Above	Freeboard
	(ft)	(in)		(ft)	ft/ft	(cfs)	(ft2)	(ft)	(ft)		(ft/s)		(ft)		(ft)	(ft)	(ft)	(ft)	(ft)
		(1)		(2)		(3)	(4) $Pi*(1)^2/4$	(5) $Pi*(1)$	(6) (4)/(5)	(7) $(6)^{0.67}$	(8) (3)/(4)	(9))*n/1.49*(4)*(7	(10) (2)*(9)	(11)	(12) $(11)*(8)^2/2g$	(14) (10)+(12)+(13)	(15) TW+Σ(14)	(16)	(17) (16)-(15)
36" SD Outfall to Westside Channel - East of English Oaks Avenue																			
1	112.14																115.14	118.0	2.9
		36	0.013	74	0.1472	**42.1**	7.07	9.42	0.75	0.83	5.96	0.0040	0.29					Top of Bank	
Cherry Blossom Lane - 54 Feet East of English Oaks Avenue																			
2	123.03													0.80	0.441	0.735	126.03	129.55	3.5
		36	0.013	54	0.0031	**38.8**	7.07	9.42	0.75	0.83	5.49	0.0034	0.18					Rim	
Cherry Blossom Lane at English Oaks Avenue																			
3	123.20						`							1.10	0.515	0.697	126.73	129.82	3.1
		24	0.013	615	0.0080	**32.4**	3.14	6.28	0.50	0.63	10.31	0.0205	12.62					Rim	
English Oaks Avenue at Sunnyside Lane																			
4	128.15													0.05	0.083	12.698	139.42	137.12	-2.3
		24	0.013	170	0.0061	**31.4**	3.14	6.28	0.50	0.63	9.99	0.0193	3.28					Rim	
Whispering Wind Drive																			
5	129.18													0.85	1.319	4.594	144.02	138.62	-5.4
		24	0.013	698	0.0017	**11.9**	3.14	6.28	0.50	0.63	3.79	0.0028	1.93					Rim	
6	130.39													0.10	0.022	1.954	145.97	139.42	-6.6
		24	0.013	744	0.0031	**11.9**	3.14	6.28	0.50	0.63	3.79	0.0028	2.06					Rim	
7	132.69													0.15	0.033	2.092	148.06	142.42	-5.6
		24	0.013	1079	0.0031	**11.9**	3.14	6.28	0.50	0.63	3.79	0.0028	2.99					TC	
Middlefield Drive at Whispering Wind Drive																			
8	136.02													0.80	0.178	3.164	151.23	143.40	-7.8
		24	0.013	522	0.0069	**11.2**	3.14	6.28	0.50	0.63	3.57	0.0025	1.28					TC	
Middlefield Drive at Calamity Lane																			
9	139.61													0.10	0.020	1.299	152.53	149.92	-2.6
		24	0.013	547	0.0026	**11.1**	3.14	6.28	0.50	0.63	3.53	0.0024	1.32					TC	
Edgewood Commercial - At 18" Stub to 24" SD Middlefield Drive																			
10	141.02													0.00	0.000	1.317	153.84	154.56	0.7
																		TC	

Note: Negative (-) Values In Freeboard Column Indicate Surcharging will Occur. Surcharge Depths Listed Are Overstated as Flow Will Spill Into Streets.

Exhibit C

Edgewood Commercial Site
Preliminary Storm Water Quality Design Volume (SDV) Calculation

Assumed DMA Imperviousness Ratio (*i*) = 80% = 0.80 (for Commercial development)

$$C = 0.858i^3 - 0.78i^2 + 0.774i + 0.04 = 0.5993$$

$$P_0 = (a \times C) \times P_6 = (1.963 \times 0.5993)(0.33) = 0.3882$$

Site Area (A) = 10.29 acres = 448,232 SF

SDV = $A \times P_0/12 = 448{,}232 \times (0.3882/12)$ = **14,500 cubic feet**

Date: January 28, 2020

EXHIBIT D

ATTACHMENT 1A - DERIVATION OF DISCHARGES ALONG STORM DRAIN SEGMENTS

EDGEWOOD COMMERCIAL SITE - DOWNSTREAM SD CAPACITY ANALYSIS (Drainage from Edgewood Commercial Site NOT INCLUDED)

Location	Local Sub-Basins	Drainage Area (dA, acres)	Runoff Coeff. (C)	Sum dAC	Travel Length (ft)	Assumed Travel Velocity (fps)	Time of Concentration (Tc,min)	10-Year Intensity (i, in./hr.)	Discharge (Q, CiA, cfs)
36" SD (Cherry Blossom Ln. to Westside Channel)	All Except EC	290	0.35	101.50	74	6	41.87	0.38	38.6
36" SD (English Oaks Ave. to 54' East)	E1, E2, E3, E4, E5, E6	265	0.35	92.75	5200	4	41.67	0.38	35.2
24" SD (Sunnyside Ln. to Cherry Blossom Ln.)	E1, E2, E3, E4, E5	136	0.35	47.60	615	10	36.88	0.57	27.1
24" SD (Whispering Wind Dr. to Sunnyside Ln.)	E1, E2, E3, E4	128	0.35	44.80	170	10	35.85	0.58	26.0
24" SD (Middlefield Dr. to English Oaks Ave.)	E1, E2, E3	32	0.35	11.20	2490	4	35.57	0.58	6.5
24" SD (Calamity Ln. to Whispering Wind Dr.)	E1, E2	18	0.35	6.30	473	4	25.19	0.72	4.5
24" SD (Edgewood Comm. Site to Calamity Ln.)	E1	10	0.35	3.50	580	3	23.22	0.75	2.6
18" SD Stub Serving Edgewood Commercial Site	EC	Not Included	0.90	N/A	N/A	N/A	N/A	N/A	0.0

Local Sub-Basin Areas

EC = 10.3 acres; E1 = 10 acres; E2 = 8 acres; E3 = 14 acres; E4 = 96 acres; E5 = 8 acres; E6 = 129 acres; E7 = 25 acres

Runoff Coefficients

C = 0.9 (Commercial); Sub-basin EC

C = 0.35 (Low Density Single Family Residential); All Other Sub-basins

Version Date: January 28, 2020

Storm Water Consulting Inc.

City of Tracy - Analysis of Existing Storm Drain System Proposed to Serve Edgewood Commercial Site in Edgewood Estates
Hydraulic Grade Line Calculations - 10-Year Storm Analysis Using Crown of 36" SD That Discharges to the Headwater of the Westside Channel as the Starting WSE
Note: Runoff from Edgewood Commercial Site NOT INCLUDED

Note: Input Elevations are based on existing plans, City GIS data, and field survey and have been adjusted by +2.421 feet to convert to NAVD 88 Datum

Tailwater= 115.1 ft
Crown of 36" SD @ Westside Channel

Node	Invert	Dia	n	Length	Pipe Slope	Flow	Area	Wetted P	Hyd. Rad.	$R^{2/3}$	Velocity	S_f	H_f	K_{minor}	H_{minor}	H_{total}	HGL	Elev. Above	Freeboard
	(ft)	(in)		(ft)	ft/ft	(cfs)	(ft2)	(ft)	(ft)		(ft/s)		(ft)		(ft)	(ft)	(ft)	(ft)	(ft)
		(1)		(2)		(3)	(4) $Pl*(1)^2/4$	(5) $Pl*(1)$	(6) (4)/(5)	(7) $(6)^{0.67}$	(8) (3)/(4)	(9))*n/1.49*(4)*(7	(10) (2)*(9)	(11)	(12) $(11)*(8)^2/2g$	(14) (10)+(12)+(13)	(15) TW+Σ(14)	(16)	(17) (16)-(15)
36" SD Outfall to Westside Channel - East of English Oaks Avenue																			
1	112.14																115.14	118.0	2.9
		36	0.013	74	0.1472	**38.6**	7.07	9.42	0.75	0.83	5.46	0.0033	0.25					Top of Bank	
Cherry Blossom Lane - 54 Feet East of English Oaks Avenue																			
2	123.03													0.80	0.370	0.618	126.03	129.55	3.5
		36	0.013	54	0.0031	**35.2**	7.07	9.42	0.75	0.83	4.98	0.0028	0.15					Rim	
Cherry Blossom Lane at English Oaks Avenue																			
3	123.20						`							1.10	0.424	0.574	126.60	129.82	3.2
		24	0.013	615	0.0080	**27.1**	3.14	6.28	0.50	0.63	8.63	0.0144	8.83					Rim	
English Oaks Avenue at Sunnyside Lane																			
4	128.15													0.05	0.058	8.883	135.49	137.12	1.6
		24	0.013	170	0.0061	**26.0**	3.14	6.28	0.50	0.63	8.28	0.0132	2.25					Rim	
Whispering Wind Drive																			
5	129.18													0.85	0.904	3.150	138.64	138.62	0.0
		24	0.013	698	0.0017	**6.5**	3.14	6.28	0.50	0.63	2.07	0.0008	0.58					Rim	
6	130.39													0.10	0.007	0.583	139.22	139.42	0.2
		24	0.013	744	0.0031	**6.5**	3.14	6.28	0.50	0.63	2.07	0.0008	0.61					Rim	
7	132.69													0.15	0.010	0.624	139.84	142.42	2.6
		24	0.013	1079	0.0031	**6.5**	3.14	6.28	0.50	0.63	2.07	0.0008	0.89					TC	
Middlefield Drive at Whispering Wind Drive																			
8	136.02													0.80	0.053	0.944	140.79	143.40	2.6
		24	0.013	522	0.0069	**4.5**	3.14	6.28	0.50	0.63	1.43	0.0004	0.21					TC	
Middlefield Drive at Calamity Lane																			
9	139.61													0.10	0.003	0.210	141.00	149.92	8.9
		24	0.013	547	0.0026	**2.6**	3.14	6.28	0.50	0.63	0.83	0.0001	0.07					TC	
Edgewood Commercial - At 18" Stub to 24" SD Middlefield Drive																			
10	141.02													0.00	0.000	0.072	141.67	154.56 TC	12.9

Attachment 1B

City of Tracy - Analysis of Existing Storm Drain System Proposed to Serve Edgewood Commercial Site in Edgewood Estates
Hydraulic Grade Line Calculations - 10-Year Storm Analysis Using Crown of 36" SD That Discharges to the Headwater of the Westside Channel as the Starting WSE
NOTE: Runoff from Edgewood Commercial Site INCLUDED, Plus Replacement of Existing 24" SD (English Oaks Avenue) with a 30" SD

Note: Input Elevations are based on existing plans, City GIS data, and field survey and have been adjusted by +2.421 feet to convert to NAVD 88 Datum

Tailwater= 115.1 ft
Crown of 36" SD @ Westside Channel

Node	Invert	Dia	n	Length	Pipe Slope	Flow	Area	Wetted P	Hyd. Rad.	$R^{2/3}$	Velocity	S_f	H_f	K_{minor}	H_{minor}	H_{total}	HGL	Elev. Above	Freeboard
	(ft)	(in)		(ft)	ft/ft	(cfs)	(ft2)	(ft)	(ft)		(ft/s)		(ft)		(ft)	(ft)	(ft)	(ft)	(ft)
		(1)		(2)		(3)	(4) $Pi*(1)^2/4$	(5) $Pi*(1)$	(6) (4)/(5)	(7) $(6)^{0.67}$	(8) (3)/(4)	(9))*n/1.49*(4)*(7	(10) (2)*(9)	(11)	(12) $(11)*(8)^2/2g$	(14) (10)+(12)+(13)	(15) TW+Σ(14)	(16)	(17) (16)-(15)
36" SD Outfall to Westside Channel - East of English Oaks Avenue																			
1	112.14																115.14	118.0	2.9
		36	0.013	74	0.1472	**42.1**	7.07	9.42	0.75	0.83	5.96	0.0040	0.29					Top of Bank	
Cherry Blossom Lane - 54 Feet East of English Oaks Avenue																			
2	123.03													0.80	0.441	0.735	126.03	129.55	3.5
		36	0.013	54	0.0031	**38.8**	7.07	9.42	0.75	0.83	5.49	0.0034	0.18					Rim	
Cherry Blossom Lane at English Oaks Avenue																			
3	123.20						`							1.10	0.515	0.697	126.73	129.82	3.1
		30	0.013	615	0.0080	**32.4**	4.91	7.85	0.63	0.73	6.60	0.0062	3.84					Rim	
English Oaks Avenue at Sunnyside Lane																			
4	128.15													0.05	0.034	3.871	130.60	137.12	6.5
		30	0.013	170	0.0061	**31.4**	4.91	7.85	0.63	0.73	6.40	0.0059	1.00					Rim	
Whispering Wind Drive																			
5	129.18													0.85	0.540	1.536	132.13	138.62	6.5
		24	0.013	698	0.0017	**11.9**	3.14	6.28	0.50	0.63	3.79	0.0028	1.93					Rim	
6	130.39													0.10	0.022	1.954	134.09	139.42	5.3
		24	0.013	744	0.0031	**11.9**	3.14	6.28	0.50	0.63	3.79	0.0028	2.06					Rim	
7	132.69													0.15	0.033	2.092	136.18	142.42	6.2
		24	0.013	1079	0.0031	**11.9**	3.14	6.28	0.50	0.63	3.79	0.0028	2.99					TC	
Middlefield Drive at Whispering Wind Drive																			
8	136.02													0.80	0.178	3.164	139.34	143.40	4.1
		24	0.013	522	0.0069	**11.2**	3.14	6.28	0.50	0.63	3.57	0.0025	1.28					TC	
Middlefield Drive at Calamity Lane																			
9	139.61													0.10	0.020	1.299	140.64	149.92	9.3
		24	0.013	547	0.0026	**11.1**	3.14	6.28	0.50	0.63	3.53	0.0024	1.32					TC	
Edgewood Commercial - At 18" Stub to 24" SD Middlefield Drive																			
10	141.02													0.00	0.000	1.317	142.60	154.56	12.0
																		TC	

Attachment 2

APPENDIX C

Kimley»Horn

MEMORANDUM

From: Frederik Venter, PE and Colin Ogilvie, Kimley-Horn and Associates

To: Robert Armijo, PE**,** City of Tracy

Date: April 9, 2020

Re: **Edgewood Commercial Traffic Review - Final**

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1. Executive Summary

The proposed Edgewood Commercial development (Project) consists of a 12-fuel pump gas station and plans for a future coffee kiosk. The Project is located on the south east corner of Corral Hollow Road and Middlefield Drive. Driveways will be off Middlefield Drive and Corral Hollow Road.

With the addition of the Project, analysis shows that the existing side street stop control for Project Driveway 1 on Middlefield Drive will be adequate, and a signal is not warranted to be installed by the Project. The driveway is located directly opposite the Waterstone Apartment Complex side street stop control will be present on both north-south approaches.

Congestion currently occurs at the Corral Hollow Road/Middlefield Drive intersection in the southbound direction and the westbound direction in the mornings. The LOS results do not reflect this due to oversaturated traffic conditions and the counted cars is based on capacity, not true demand. Queueing occurs in the southbound direction due to the lane drop immediately north of the intersection. Westbound left turn queues also exceed capacity, partially due to cut through traffic from the east.

Based on this queueing, several striping, median, and signal modification improvements are recommended on the roadways in the immediate vicinity of the proposed project.

1.1 Westbound Approach on Middlefield Drive

Queues from the Corral Hollow Road and Middlefield Drive/Summit Drive intersection queued and blocked the Edgewood Driveway. Project traffic cannot exit the driveway and will have to wait for courtesy gaps in the morning. To alleviate the queue spillback, the following is recommended:

1. Stripe the existing westbound through/right lane to a left/through/right lane. The addition of a second left turn lane will improve operations at the intersection.
2. Modify the Middlefield Road median between Corral Hollow Road and Driveway 1 to a constant 4’ width to maximize queue capacity.
3. Provide split phasing at the intersection of Corral Hollow Road and Middlefield Drive/Summit Drive for the westbound and eastbound approaches.
4. Two receiving lanes shall be striped on southbound Corral Hollow Drive to receive the dual turning lane traffic. The merge in the southbound direction is substandard, however, vehicles will find gaps. Some spillback could be expected into the intersection, and signal timing should be managed to minimize this occurrence. The overall benefit from adding the second westbound left turn lane will however improve the current deficient operations.

1.2 Southbound and Northbound Approaches on Corral Hollow Road

Queues in the southbound direction of Corral Hollow Road spill back to Peony Drive from the Corral Hollow Road due to the lane merge. The project will add traffic in this travel direction in the morning and to alleviate the queue spillback, the following is recommended:

1. Stripe two southbound travel lanes from Peony Drive to the merge just before the rail tracks. The southbound right turn trap lane will be restriped at Summit Drive as a through lane and the right turn lane retained.
2. Stripe two northbound travel lanes from the project frontage to Peony Drive. The curb lane will then be a right turn trap lane at Peony Drive until Corral Hollow Road is widened further north. The merge distance in the southbound direction just before the rail tracks is substandard, however, vehicles will slow down and find gaps. The speed limit should be lowered to accommodate these movements to at least 10 mph less that what is currently posted. Enforcement should occur. Signing and striping should be implemented to exceed the CA MUTCD minimum recommendations for lane merges. Some spillback because of the merge could be expected, and signal timing should be managed to minimize this occurrence. The overall benefit from adding the additional capacity will however improve the current deficient operations.

The Edgewood frontage must conform with Section E of the Corral Hollow Plan Line (November 7, 2016). The following geometry should be provided at the intersection of Corral Hollow Road and Middlefield Drive/Summit Drive:

1. A 12-foot northbound right turn pocket
2. A 6-foot northbound bike slot
3. Two 11-foot northbound through lanes

1.3 Coffee Kiosk

The planned future coffee kiosk does not provide adequate queuing capacity for the anticipated demand and should be redesigned to include the following:

1. Order windows for both (2) approaches
2. Queue space for 3 car lengths (25 feet each) between the order window and the pick-up window
3. Queue space for 3 car lengths (25 feet each) at and before the order window

1.4 Project Driveway #1 (Middlefield Drive)

Project Driveway #1 is anticipated to have adequate queue capacity to store the required vehicles. The anticipated queuing under Background Plus Project Conditions is 3 vehicles (75 feet).

It should also be noted that the current configuration of the driveway is an interim condition. When the full site is completed, the queues are anticipated to extend beyond the gas station driveway.

1.5 Driveway Access Review

It is recommended that the following changes be implemented for Project Driveway #1:

1. Add stop sign, limit line, and stop pavement markings.

2. Restripe to one incoming lane for the interim condition
3. The driveway will still be wider than the 34-foot commercial driveway maximum (City of Tracy Design Standard 3.09 (B)). This will require a design exception, if acceptable.
4. Convert driveway curb returns to driveway flares. The existing driveway may need to be reconstructed if it is not ADA-compliant.

It is recommended that the following changes be implemented for Project Driveway #2 (Corral Hollow Road):

1. Add a stop sign, right turn only sign (CAMUTCD Sign R3-5(R)), limit line, stop pavement markings, and right turn arrow pavement marking.
2. Add "tuff curb", or similar product, in the Corral Hollow Road painted median to deter left turn movements in and out of the driveway.
3. The driveway is wider than the 34-foot commercial driveway maximum (City of Tracy Design Standard 3.09 (B)). This will require a design exception, if acceptable.
4. Convert driveway curb returns to driveway flares. The existing driveway may need to be reconstructed if it is not ADA-compliant.

1.6 Internal Circulation Review

The following recommendations should be implemented to improve internal circulation:

1. Redesign the eastern kiosk driveway to accommodate passenger car turning templates.
2. Add centerline striping in main drive aisle.

1.7 Turning Templates

Vehicle turning templates were competed for the following design vehicles:

- Passenger Car – American Association of State Highway Transportation Officials (AASHTO)
- Fuel Truck – Transoft Solutions AutoTurn 10
- Fire Truck – National Cooperation Highway Research Program (NCHRP 659)

It was determined that the design vehicles will be able to perform movements to/from the Project site.

2. Introduction

This memorandum presents a traffic analysis of the proposed Edgewood Commercial Development (Project) located at the southeast corner of Middlefield Drive and Corral Hollow Road intersection (APN: 248-080-13. The Project proposes to include 6 fueling islands (12 gas pumps), 3,884 square foot convenience store, 7 electric vehicle charging stations, 1 future kiosk development. The Project will build 20 parking spaces. There will be two driveways to access the Project site: one along Corral Hollow Road and one along Middlefield Drive. Parcel 248-080-13 is anticipated to include a future commercial development and carwash that is not proposed yet with the current Project.

The Project site plan is shown in **Figure 1**.

This memorandum provides a limited traffic study of the Project driveways and provides an engineering review of the Project site frontage and driveways.

3. Study Methodology

3.1 Development Conditions

This traffic study is based upon the following development conditions:

- Existing (2019) Conditions represents current traffic count data collected in December 2019 and existing roadway geometry and traffic control.
- Background Plus Project Conditions represents trips associated with approved but unconstructed projects (Tracy Hills) and the Project as well as the planned roadway geometry and traffic control associated with the Project.

3.2 Study Intersections

The intersections studied in this analysis include:

1. Middlefield Drive and Waterstone Apartments/Project Driveway #1
2. Corral Hollow Road and Middlefield Drive/Summit Drive
3. Corral Hollow Road and Project Driveway #2

The Project location and study intersections are shown in **Figure 2.**

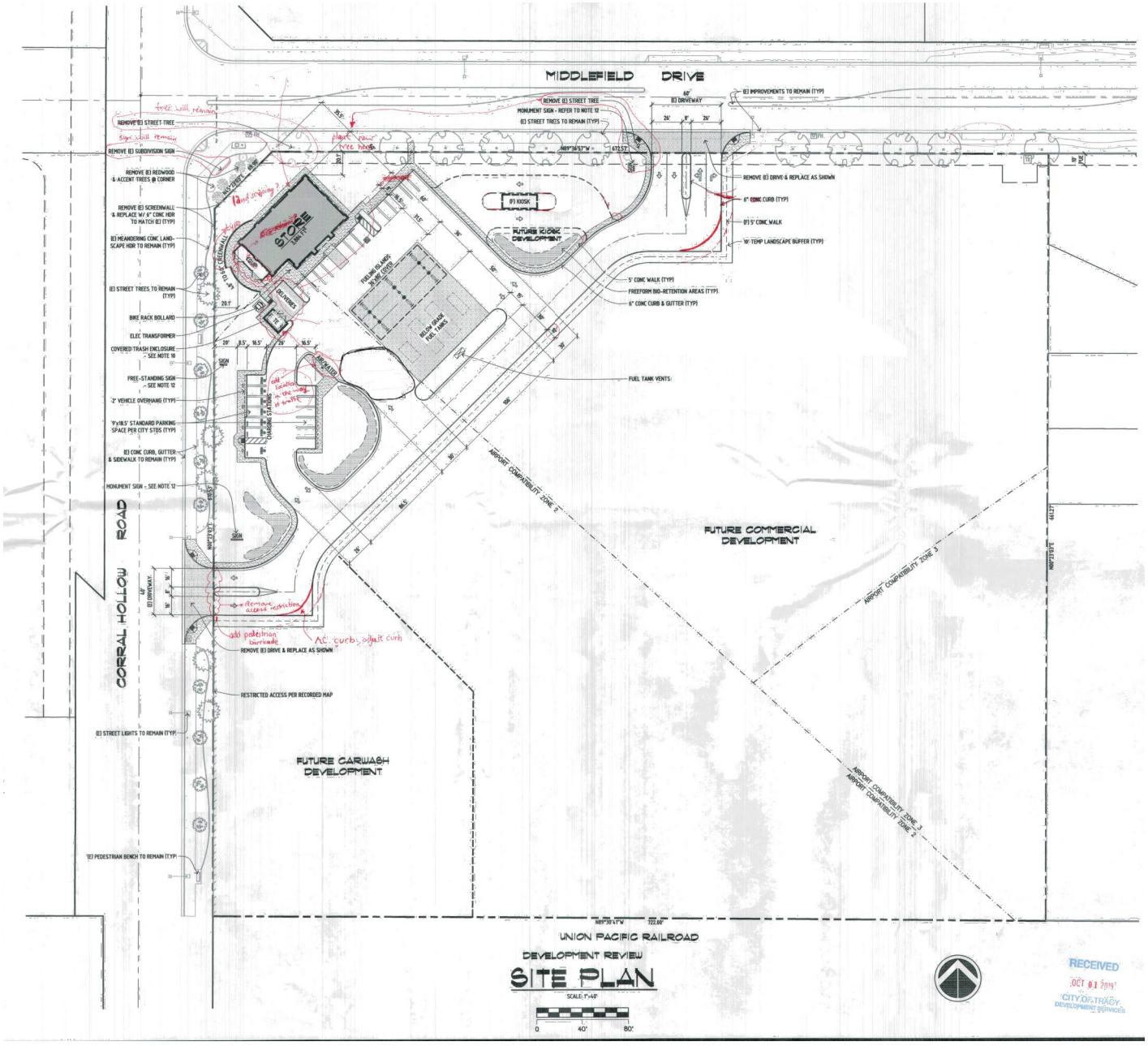


FIGURE 1

EDGEWOOD COMMERCIAL

PROJECT SITE PLAN

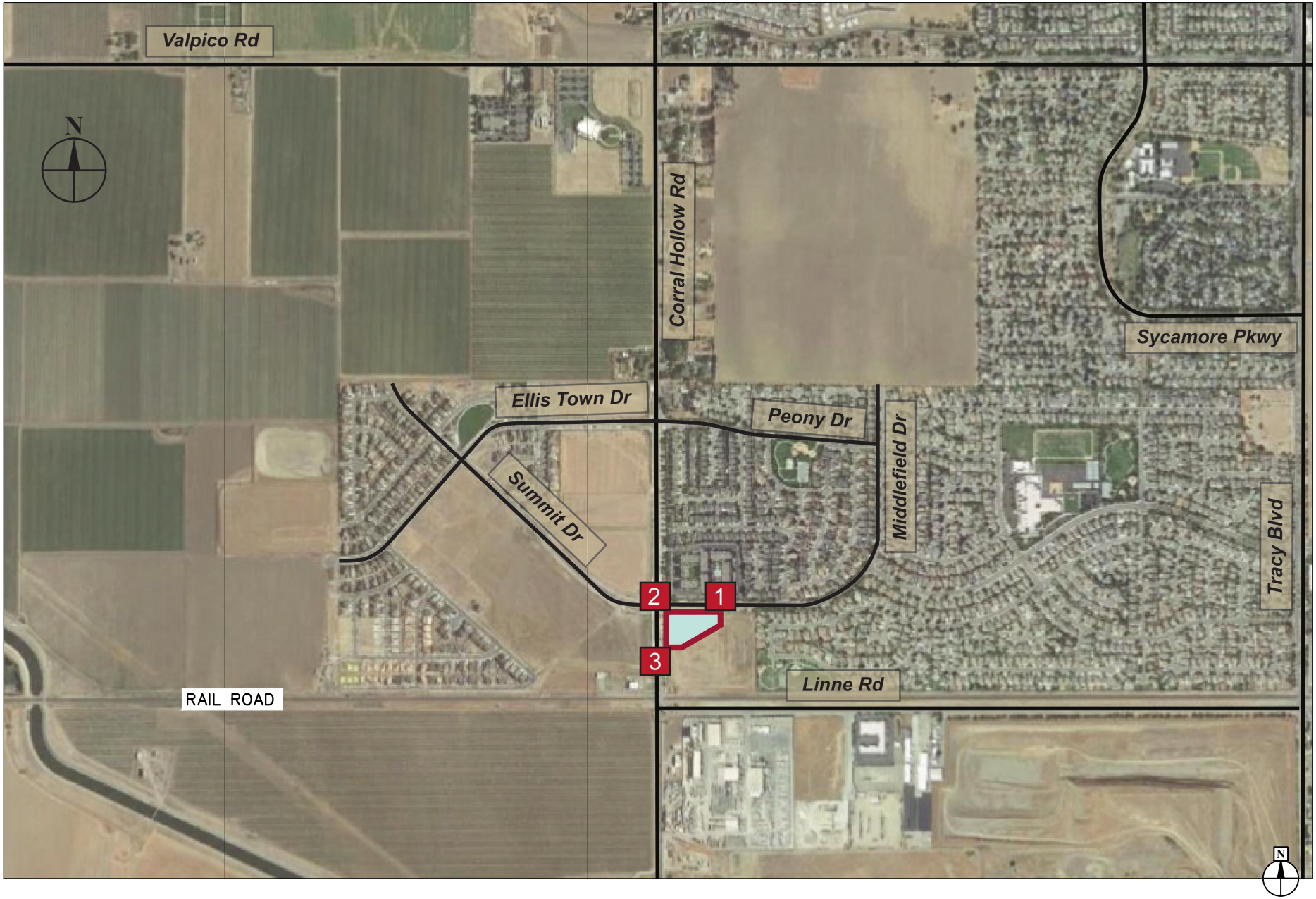


FIGURE 2

PROPOSED PROJECT

SITE LOCATION AND PROJECT VICINITY MAP

Edgewood Commercial

4. Existing Conditions

To analyze Existing Conditions, turning movement counts were collected on Tuesday December 17, 2019 at the following intersections:

1. Middlefield Drive and Waterstone Apartments/Project Driveway #1
2. Corral Hollow Road and Middlefield Drive/Summit Drive

Intersection #3 is a future intersection with the Project and was not analyzed in this scenario.

Existing traffic control and geometry are shown in **Figure 3** while existing volumes are shown in **Figure 4**.

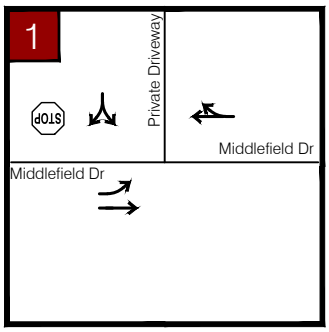
Level of Service (LOS) Results

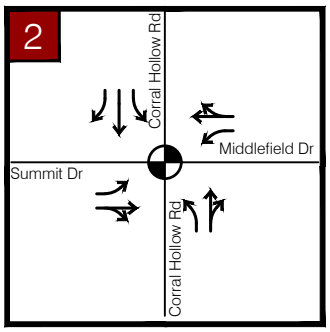
Table 1 illustrates the Level of Service (LOS) and delay under Existing Conditions. Even though the LOS analysis at the intersection of Corral Hollow Road and Middlefield Drive is accepted, field observations indicate that the southbound queue and the westbound left turn queue overflows in the AM peak and the demand exceeds the capacity. The LOS results indicate the overall LOS an also the vehicles counted, not the true demand.

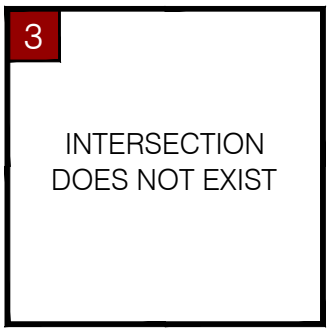
Table 1 – Existing Conditions LOS Results

#	Intersection	LOS Standard[3]	Control Type[4]	Existing (2019) LOS Results					
				AM Peak Hour			PM Peak Hour		
				Movement	Delay[5]	LOS	Movement	Delay[5]	LOS
1	Middlefield Dr & Waterstone Apartments/ Project Driveway #1	D	SSSC	-	-	-	-	-	-
	Worst Approach			*SB*	*11.3*	*B*	*SB*	*10.2*	*B*
2	Corral Hollow Rd & Middlefield Dr/Summit Dr	D	Signal	-	**32.8**	**C**	**-**	**16.2**	**B**
3	Corral Hollow Rd & Project Driveway #2	Driveway Does Not Exist							

Notes:
1. LOS results do NOT indicate queueing overflow on the southbound and westbound approaches.
2. Analysis performed using HCM 6 methodologies.
3. Overall level of service (LOS) standard for the City is 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**.







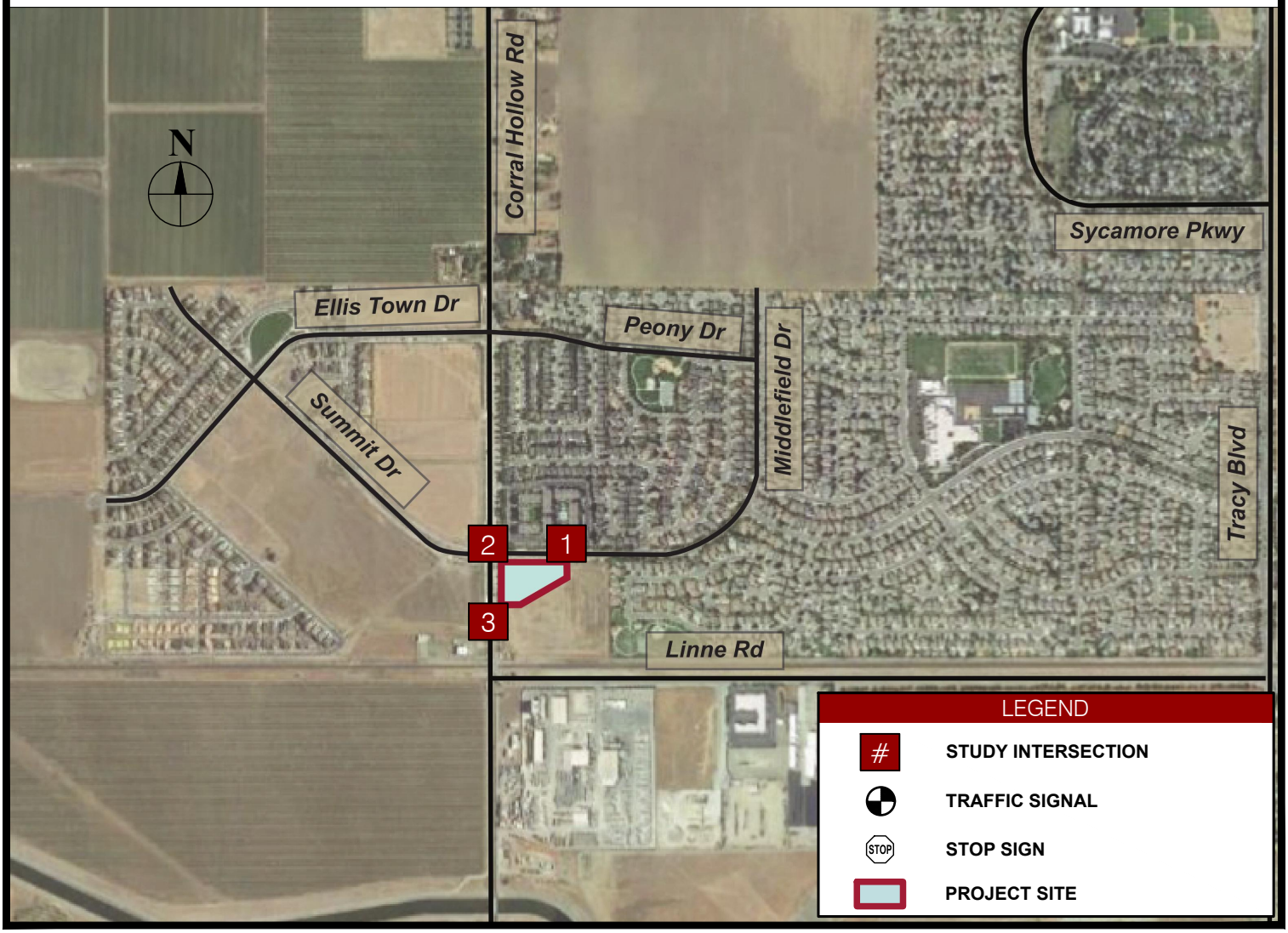
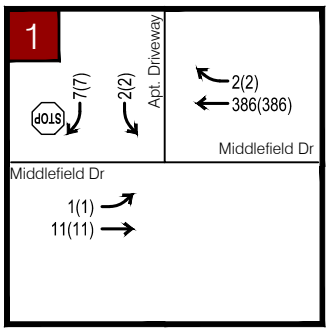


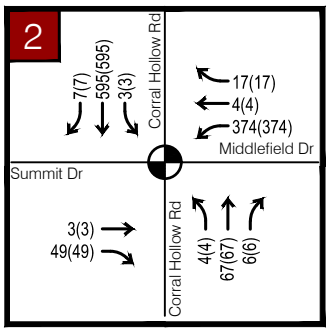
FIGURE 3

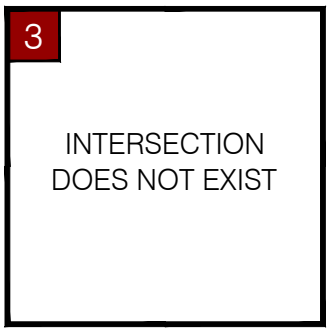
EXISTING (2019) LANE GEOMETRY AND TRAFFIC CONTROL

EDGEWOOD COMMERCIAL

Kimley»Horn







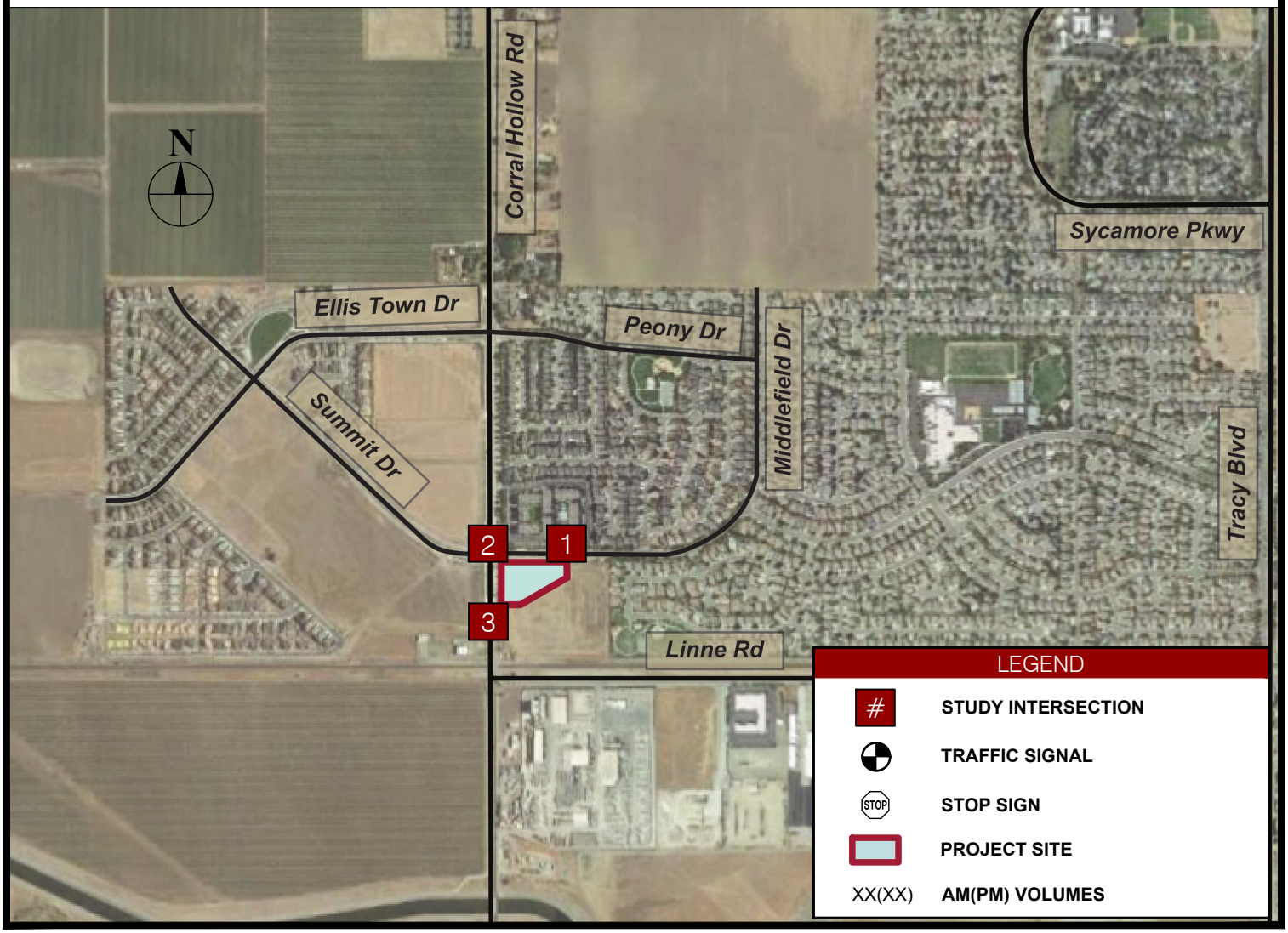


FIGURE 4

EXISTING (2019) VOLUME

EDGEWOOD COMMERCIAL

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5. Trip Generation, Distribution, and Assignment

5.1 Trip Generation

Trip generation for the proposed Project was calculated using trip generation rates contained in the Institute of Transportation Engineer's (ITE) *Trip Generation Manual*, 10th Edition. The following ITE average rates were used for the Project:

- Gasoline/Service Station with Convenience Market (LUC 945) – 12 Vehicle Fueling Positions
- Coffee/Donut Shop with Drive-Through Window and No Indoor Seating – 400 Square foot coffee shop kiosk

The proposed Project is anticipated to generate 3,264 daily, 39 AM peak hour (22 IN / 17 OUT), and 17 PM peak hour (11 IN / 6 OUT) net trips.

Table 2 shows the estimated trip generation for the Project.

5.2 Trip Distribution and Assignment

Based on the existing count data, a distribution was created for the Edgewood Commercial Project and is shown in **Figure 5**.

Figure 6 illustrates the primary Project trips, and **Figure 7** shows the diverted and pass-by trip assignment.

Kimley»Horn

Table 2– Trip Generation

Land Uses[1]	ITE Land Use	Project Size[4]	DAILY	AM PEAK HOUR				PM PEAK HOUR			
			Total[1]	Total Peak Hour[1]	IN	/	OUT	Total Peak Hour[1]	IN	/	OUT
Trip Generation Rates											
Gasoline/Service Station With Convenience Market[2]	945	- VFP	205.36	12.47	51%	/	49%	13.99	51%	/	49%
Coffee/Donut Shop with Drive-Through Window and No Indoor Seating[3]	938	- KSF	2000	337.04	50%	/	50%	83.33	50%	/	50%
Gross External Trips											
Gasoline/Service Station With Convenience Market	12	VFP	2464	150	77	/	73	168	86	/	82
Coffee/Donut Shop with Drive-Through Window and No Indoor Seating	0.4	KSF	800	135	68	/	67	33	17	/	16
GROSS EXTERNAL TRIPS			***3,264***	***285***	***145***	***/***	***140***	***201***	***103***	***/***	***98***
Pass-By Trips											
Gasoline/Service Station With Convenience Market (AM=62%, PM=56%)				(94)	(47)	/	(47)	(94)	(47)	/	(47)
Coffee/Donut Shop with Drive-Through Window and No Indoor Seating (AM & PM=89%)				(120)	(60)	/	(60)	(30)	(15)	/	(15)
TOTAL PASS-BY TRIPS				***(214)***	***(107)***	***/***	***(107)***	***(124)***	***(62)***	***/***	***(62)***
Diverted Trip Trips											
Gasoline/Service Station With Convenience Market (AM=21%, PM=35%)				(32)	(16)	/	(16)	(60)	(30)	/	(30)
TOTAL DIVERTED TRIPS				***(32)***	***(16)***	***/***	***(16)***	***(60)***	***(30)***	***/***	***(30)***
Primary Trips											
Gasoline/Service Station With Convenience Market				24	14	/	10	14	9	/	5
Coffee/Donut Shop with Drive-Through Window and No Indoor Seating				15	8	/	7	3	2	/	1
NET NEW PROJECT TRIPS				***39***	***22***	***/***	***17***	***17***	***11***	***/***	***6***

Notes:

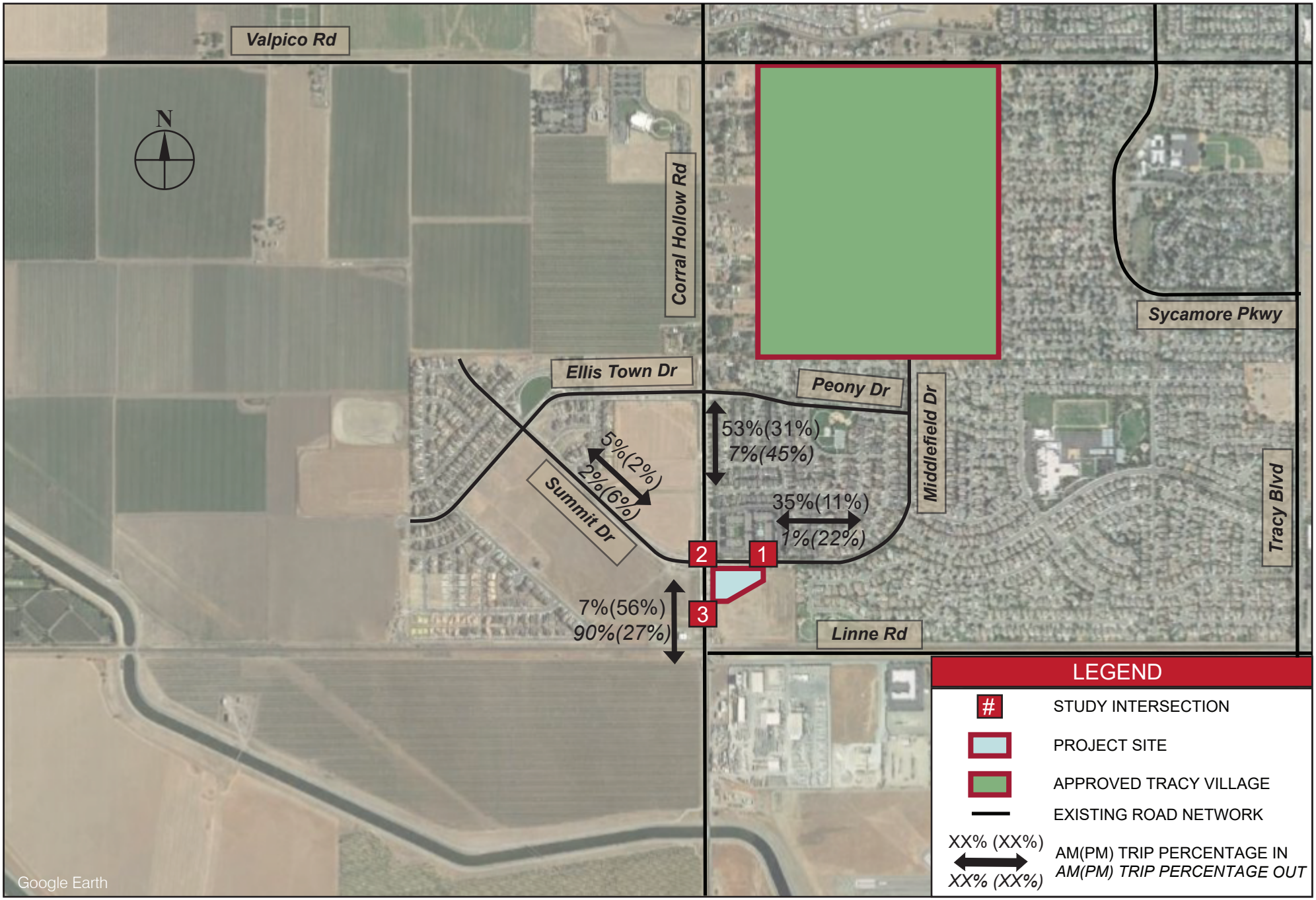
1. Trip generation rates published by Institute of Transportation Engineers (ITE), "Trip Generation," 10th Edition, 2017.

2. ITE Code 945 (Gas Station with Convenience Market); Base on ITE average rates.

3. ITE Code 938 (Coffee/Donut Shop with Drive-Through Window and No Indoor Seating); Based on ITE average rates.

4. VFP = Vehicle Fueling Position, KSF = 1,000 Square Feet

Source: Kimley-Horn and Associates, Inc., 2020

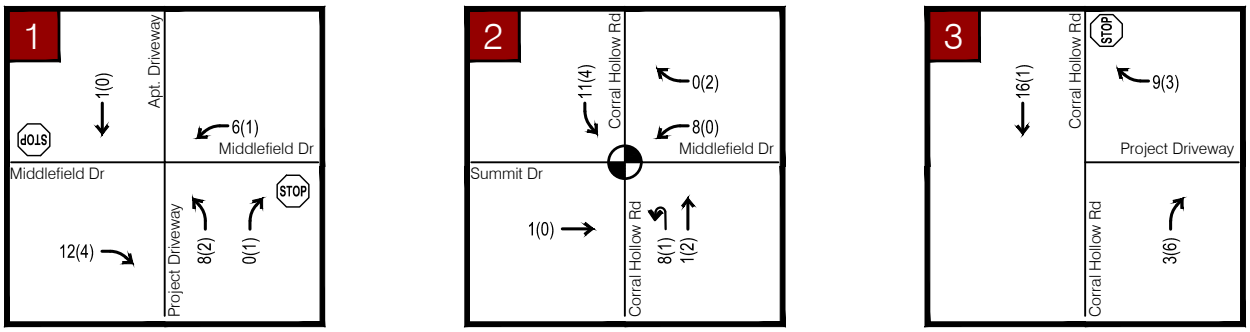


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FIGURE 5

PROJECT TRIP DISTRIBUTION

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GENERAL NOTES

* U-TURNS WERE ANALYZED AS LEFT TURN MOVEMENTS

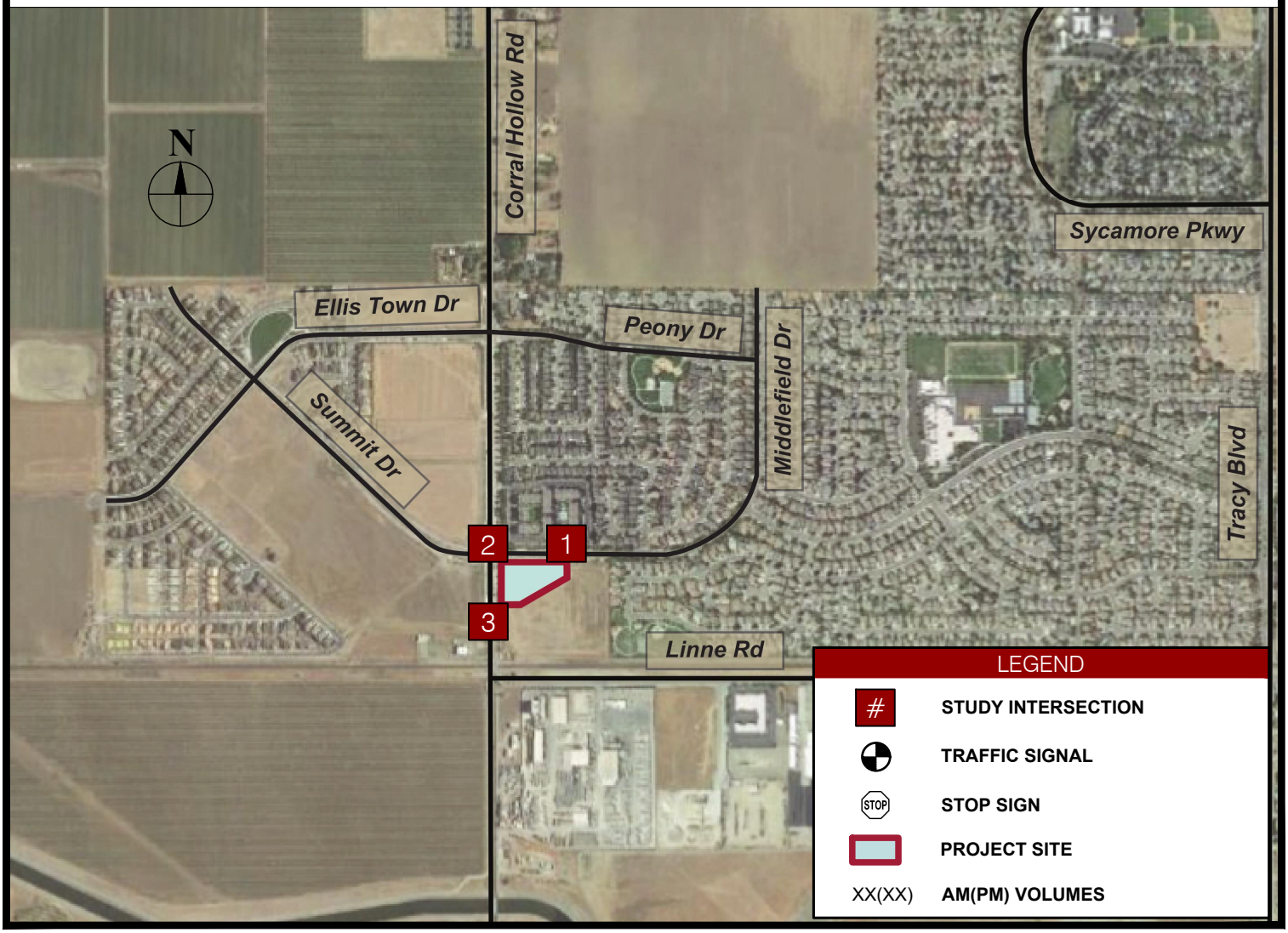
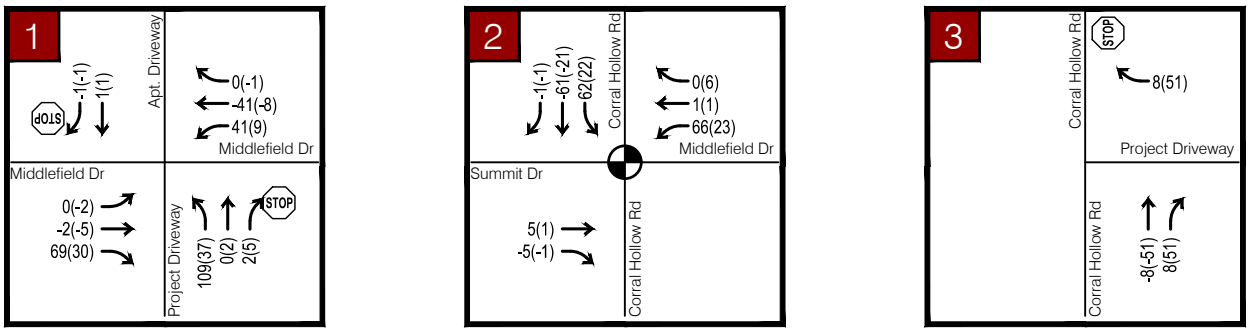


FIGURE 6

PROJECT PRIMARY TRIPS

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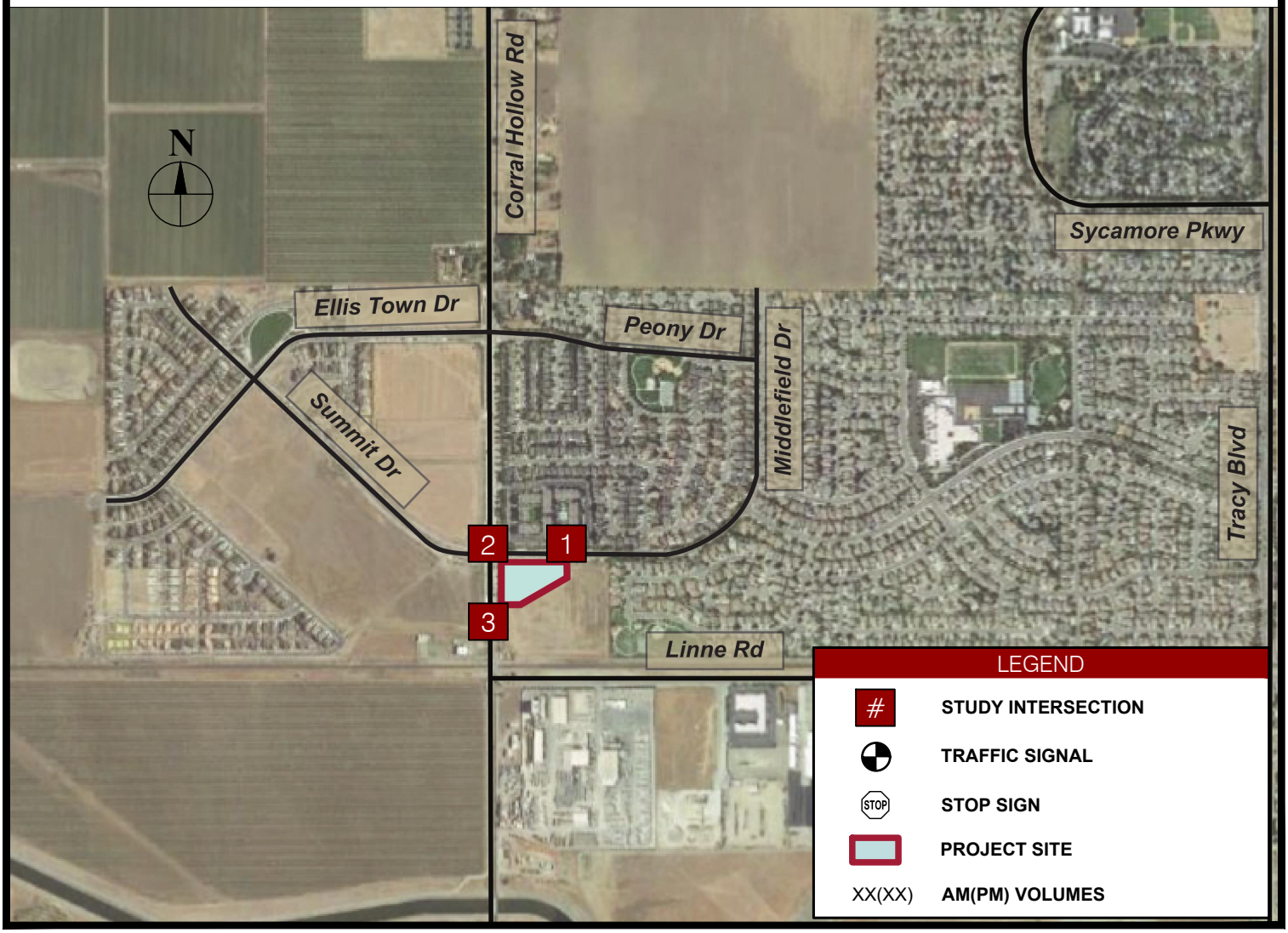


FIGURE 7

PROJECT PASS-BY AND DIVERTED TRIPS

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6. Background Plus Project Conditions

Traffic operations were evaluated at the Intersection 1 under Background Plus Project Conditions with traffic generated by background projects and the proposed Project. Volumes from the Tracy Village TIA were used to determine background projects traffic volumes.

The following improvements along Corral Hollow Road are anticipated to be implemented with the Project:

- Additional Northbound through lane
- Northbound right turn lane

The anticipated roadway geometry for the proposed Project is illustrated in **Figure 8** and volumes for this scenario are shown in **Figure 9**.

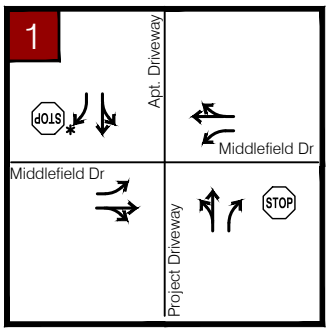
Level of Service (LOS) Results

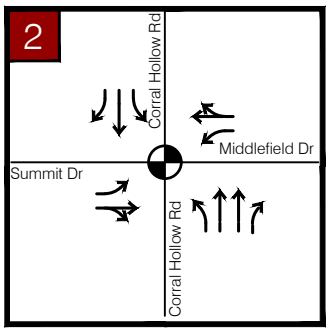
Table 3 illustrates the Level of Service (LOS) and delay under Background Plus Project Conditions.

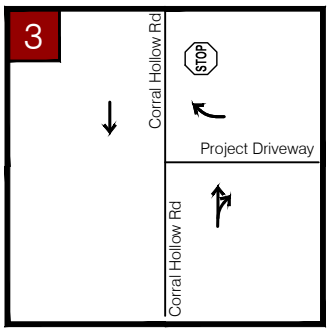
Table 3 – Background Plus Project Conditions LOS Results

#	Intersection	LOS Standard[3]	Control Type[4]	Background Plus Project Conditions LOS Results					
				AM Peak Hour			PM Peak Hour		
				Movement	Delay[5]	LOS	Movement	Delay[5]	LOS
1	Middlefield Dr & Waterstone Apartments/ Project Driveway #1	D	SSSC	-	-	-	-	-	-
	Worst Approach			*NB*	*15.9*	*C*	*NB*	*10.9*	*B*
2	Corral Hollow Rd & Middlefield Dr/Summit Dr	D	Signal	-	**40.5**	**D**	**-**	**17.3**	**B**
3	Corral Hollow Rd & Project Driveway #2	RIRO Driveway Not Analyzed for LOS							

Notes:
1. LOS results do NOT indicate queueing overflow on the southbound and westbound approaches.
2. Analysis performed using HCM 6 methodologies.
3. Overall level of service (LOS) standard for the City is 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.**







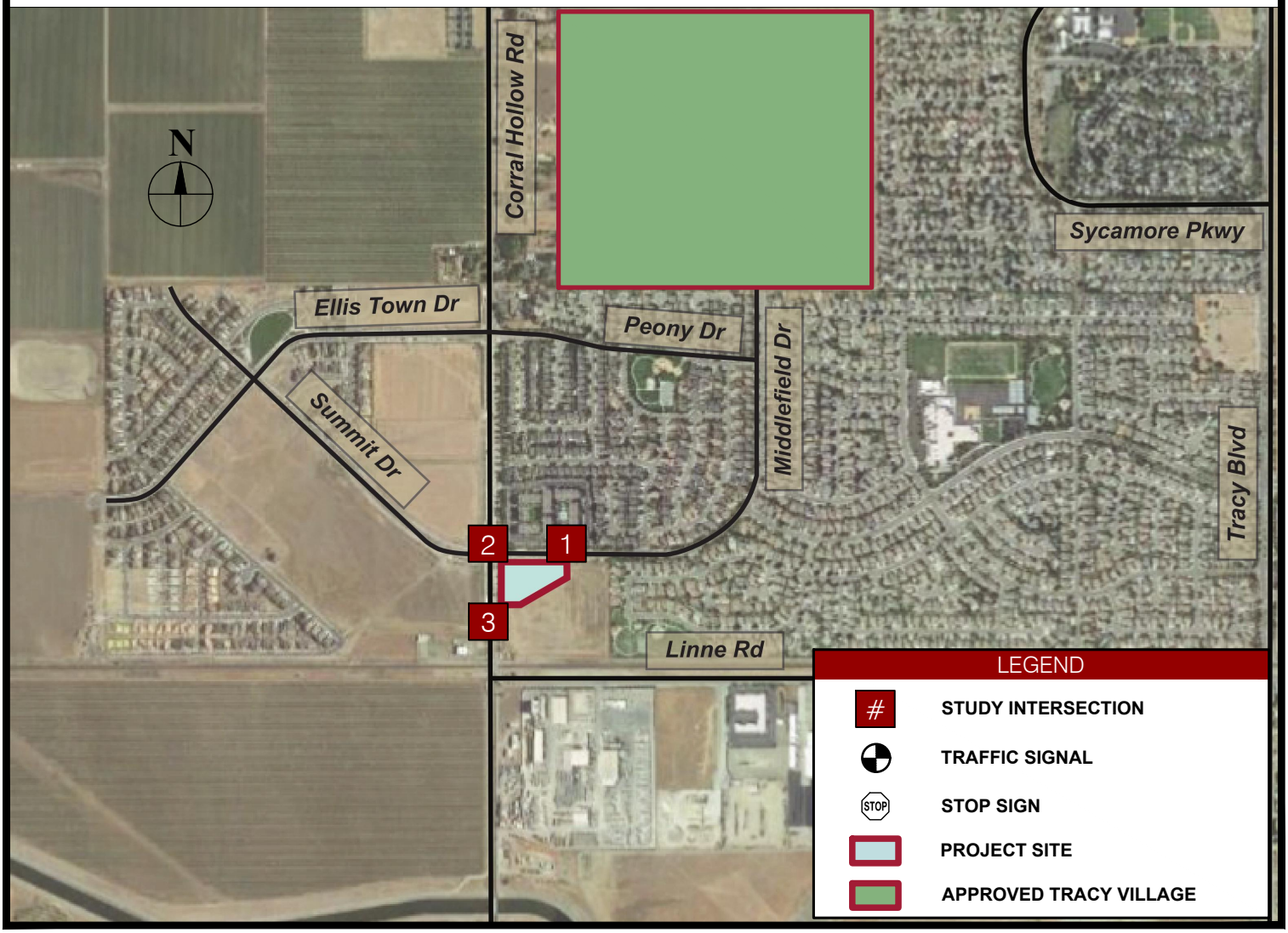
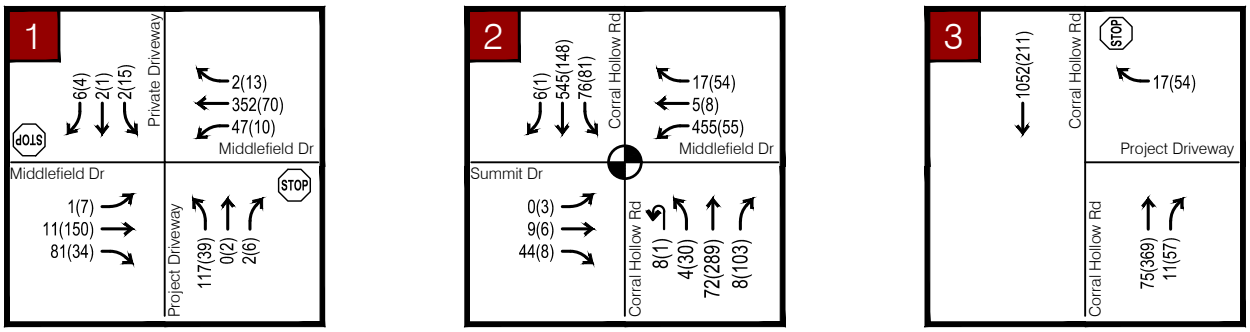


FIGURE 8

BACKGROUND PLUS PROJECT LANE GEOMETRY AND TRAFFIC CONTROL

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GENERAL NOTES

* U-TURNS WERE ANALYZED AS LEFT TURN MOVEMENTS

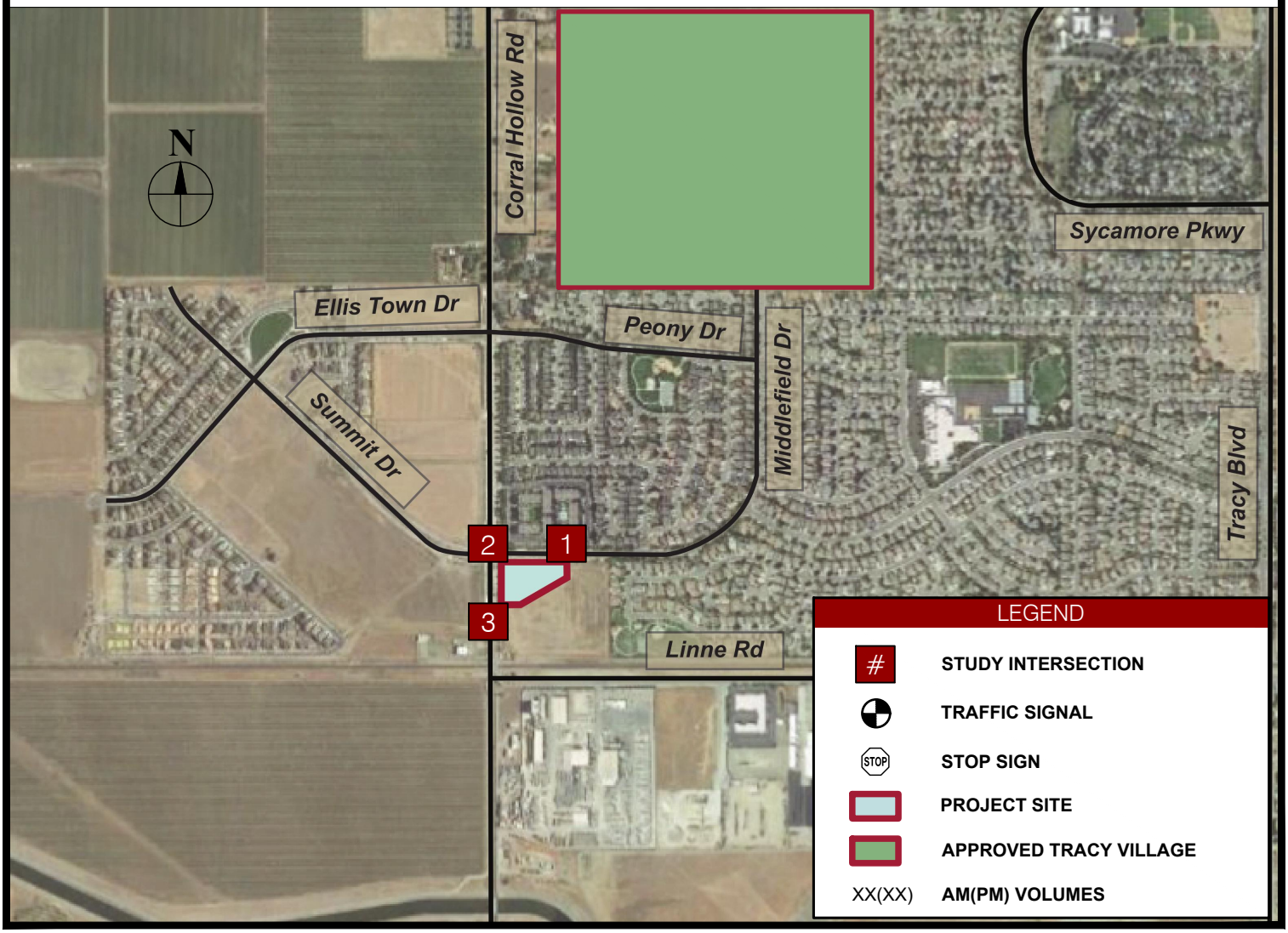


FIGURE 9

BACKGROUND PLUS PROJECT VOLUME

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7. Queuing Analysis

This section discusses the queuing results for the following locations:

1. Future Coffee Kiosk
2. Project Driveway #2 (Middlefield Drive) and Corral Hollow Road and Middlefield Drive

7.1 Coffee Kiosk

To determine queuing at the future coffee kiosk, service times and queuing information was recorded at a site similar to the Project. The site observed was an existing Caffino Drive-Thru Espresso located near the intersection of Homestead Road and Kiely Boulevard in Santa Clara, CA. The kiosk has two drive-through windows (one for each direction) where customers order and pick up drinks at the same window. The average service time, the total time a vehicle waited at the window, recorded for this site was approximately 140 seconds; however, trips to/from the observed site were fewer than the ITE trip generation estimates.

The AM peak hour was used for the queuing analysis because it has the higher trip generation. For a more conservative analysis, the AM trips used for the queuing analysis were derived from the ITE trip rates (provided in **Table 2**) rather the field observations. Since there are two windows for the kiosk, it was assumed that half of the trips would use each drive-through window (50-50 distribution); therefore, the AM trips were halved. It was then determined (using ITE's queuing analysis) that a service rate of 140 seconds is not adequate for the anticipated trips to the coffee kiosk and that queues will spill back onto other parts of the project site.

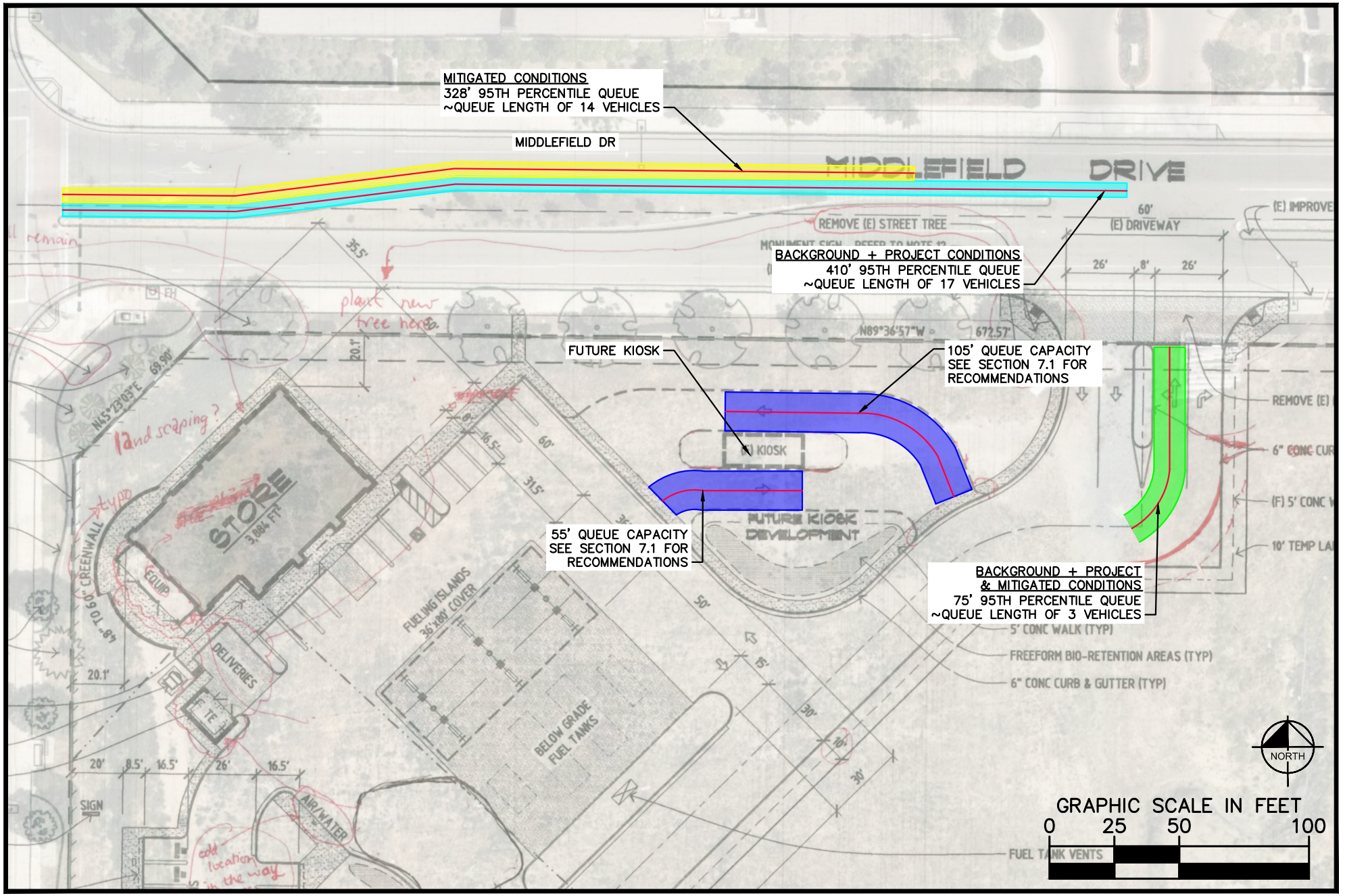
With a total service time of 140 seconds in the driveway, it is recommended to install order windows, or call-in menu boards, to separate the order time and the time to make the drinks. It is anticipated that the average order time will be 40 seconds, and applying the ITE queuing formulas, the analysis indicates that a minimum of 3 car lengths (25 feet each) should be provided at and behind the order window.

With a 40-second order time, a maximum of 100 seconds is required to complete a full service for one vehicle. This requires a minimum of 3 car lengths (25 feet each) between the order window and pick-up window.

The planned future coffee kiosk does not provide adequate queuing capacity for the anticipated demand and should be redesigned to include the following:

1. Order windows for both (2) approaches
2. Queue space for 3 car lengths (25 feet each) between the order window and the pick-up window
3. Queue space for 3 car lengths (25 feet each) at and before the order window

Figure 10 provides the queue capacity for the future coffee kiosk, Project Driveway 1, and the westbound left turn lane at the intersection of Middlefield and Corral Hollow.



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Figure 10
Queuing Analysis

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7.2 Project Driveway 1 (Middlefield Drive)

To determine queuing at the Middlefield Driveway (Driveway 1), the 95th-percentile queue from the Background Plus Project Conditions was analyzed using SimTraffic simulations and has been provided in **Table 4**. The AM peak hour was chosen for queuing analysis because the intersection has higher traffic volumes during this peak hour.

From the analysis provided in **Table 4**, the driveway will have adequate queuing capacity; however, drivers will not have adequate gaps to perform the northbound left turn movement. Vehicles performing westbound movements at the Corral Hollow Road and Middlefield Drive/Summit Drive intersection queue and block the Edgewood driveway preventing vehicles from exiting. Also, queueing occurs in the southbound direction in the AM. This occurs primarily because of the southbound right turn trap lane and subsequent merge movements before the intersection on Summit Drive/Middlefield Drive.

Table 4 – 95th-Percentile Queue Results

#	Intersection	Movement /Approach	95th Percentile Queue (ft)
			AM Peak Hour
1	Middlefield Dr & Waterstone Apartments/Project Driveway 1	NBL	3 vehicles (75 feet)
2	Corral Hollow Rd & Middlefield Dr/Summit Dr	WB	17 vehicles (410 feet)

Based on this queueing, several striping and signal modification improvements are recommended on the roadways in the immediate vicinity of the proposed project.

Westbound Approach on Middlefield Drive: Queues from the Corral Hollow Road and Middlefield Drive/Summit Drive intersection queued and blocked the Edgewood Driveway. Project traffic cannot exit the driveway and will have to wait for courtesy gaps in the morning. To alleviate the queue spillback, the following is recommended:

1. Stripe the existing westbound through/right lane to a left/through/right lane. The addition of a second left turn lane will improve operations at the intersection. Two receiving lanes are striped on southbound Corral Hollow Drive to receive the dual turning lane traffic. The merge in the southbound direction is substandard, however, vehicles will find gaps. Some spillback could be expected into the intersection, and signal timing should be managed to minimize this occurrence. The overall benefit from adding the second westbound left turn lane will however improve the current deficient operations.
2. Modify the Middlefield Road median between Corral Hollow Road and Driveway 1 to a constant 4' width to maximize queue capacity.
3. Provide split phasing at the intersection of Corral Hollow and Middlefield Drive/Summit Drive for the westbound and eastbound approach

Two receiving lanes shall be striped on southbound Corral Hollow Drive to receive the dual turning lane traffic. The merge in the southbound direction is substandard, however, vehicles will find gaps. Some spillback could be expected into the intersection, and signal timing should be managed to minimize this

occurrence. The overall benefit from adding the second westbound left turn lane will however improve the current deficient operations.

Southbound and Northbound Approaches on Corral Hollow Road: Queues in the southbound direction of Corral Hollow Road spill back to Peony Drive from the Corral Hollow Road due to the lane merge. The project will add traffic in this travel direction in the morning and to alleviate the queue spillback, the following is recommended:

1. Stripe two southbound travel lanes from Peony Drive to the merge just before the rail tracks. The southbound right turn trap lane will be restriped at Summit Drive.
2. Stripe two northbound travel lanes from the project frontage to Peony Drive. The curb lane will then be a right turn trap lane at Peony Drive until Corral Hollow Road is widened further north. The merge distance in the southbound direction just before the rail tracks is substandard, however, vehicles will slow down and find gaps. The speed limit should be lowered to accommodate these movements to at least 10 mph less that what is currently posted. Enforcement should occur. Signing and striping should be implemented to exceed the CA MUTCD minimum recommendations for lane merges. Some spillback because of the merge could be expected, and signal timing should be managed to minimize this occurrence. The overall benefit from adding the additional capacity will however improve the current deficient operations.

Table 5 provides the 95th-percentile queue results for the mitigations listed above. With these improvements, the LOS for the signal remains acceptable, and the Synchro worksheets have been provided in the **Appendix**.

Table 5 – 95th-Percentile Queue Results (Mitigated)

#	Intersection	Movement /Approach	95th Percentile Queue (ft)
			AM Peak Hour
1	Middlefield Dr & Waterstone Apartments/Project Driveway 1	NBL	3 vehicles (68 feet)
2	Corral Hollow Rd & Middlefield Dr/Summit Dr	WB	14 vehicles (328 feet)

8. Driveway Access Review

The Project is accessed by two driveways. Driveway #1 is located along Middlefield Drive across from the Waterstone Apartment Driveway. Driveway #2 is located along Corral Hollow Road. The driveways widths and spacing were reviewed for conformance with City of Tracy Design Standards (December 2008).

The following lists the designs standards applicable to the Project site:

- Section 3.09(B) – The driveway width shall not be greater than 34 feet for commercial parcel and the maximum width of the driveway approach at the face of curb for commercial is 40 feet. The minimum width of a single driveway shall be 9 feet and the total width of commercial and industrial driveways shall not exceed 60% of the frontage
- Section 3.09(E) – Commercial driveways shall be at the beginning of the fully depressed sections between 33 and 50 feet apart.

- Section 3.09(F) – A minimum of 1.5 feet of full height curb shall be maintained between the property line and driveway transition

8.1 Driveway 1 Review

Driveway 1 is an existing 60-foot driveway that provides access to the Edgewood site. Vehicles are not allowed to use the existing driveway because the driveway leads to an empty lot. The Project proposes the following geometry at the driveway:

- Two inbound lanes
- One outbound shared through and left turn lane
- One outbound right turn lane

The left turn lane is shared with the through lane because the existing median vehicles prevents access to the Waterstone Apartments from the right turn lane.

It is recommended that the following changes be implemented for Driveway 1:

1. Add stop sign, limit line, and stop pavement markings.
2. Restripe to one incoming lane for the interim condition
3. The driveway will still be wider than the 34-foot commercial driveway maximum (City of Tracy Design Standard 3.09 (B)). This will require a design exception, if acceptable.
4. Convert driveway curb returns to driveway flares. The existing driveway may need to be reconstructed if it is not ADA-compliant.

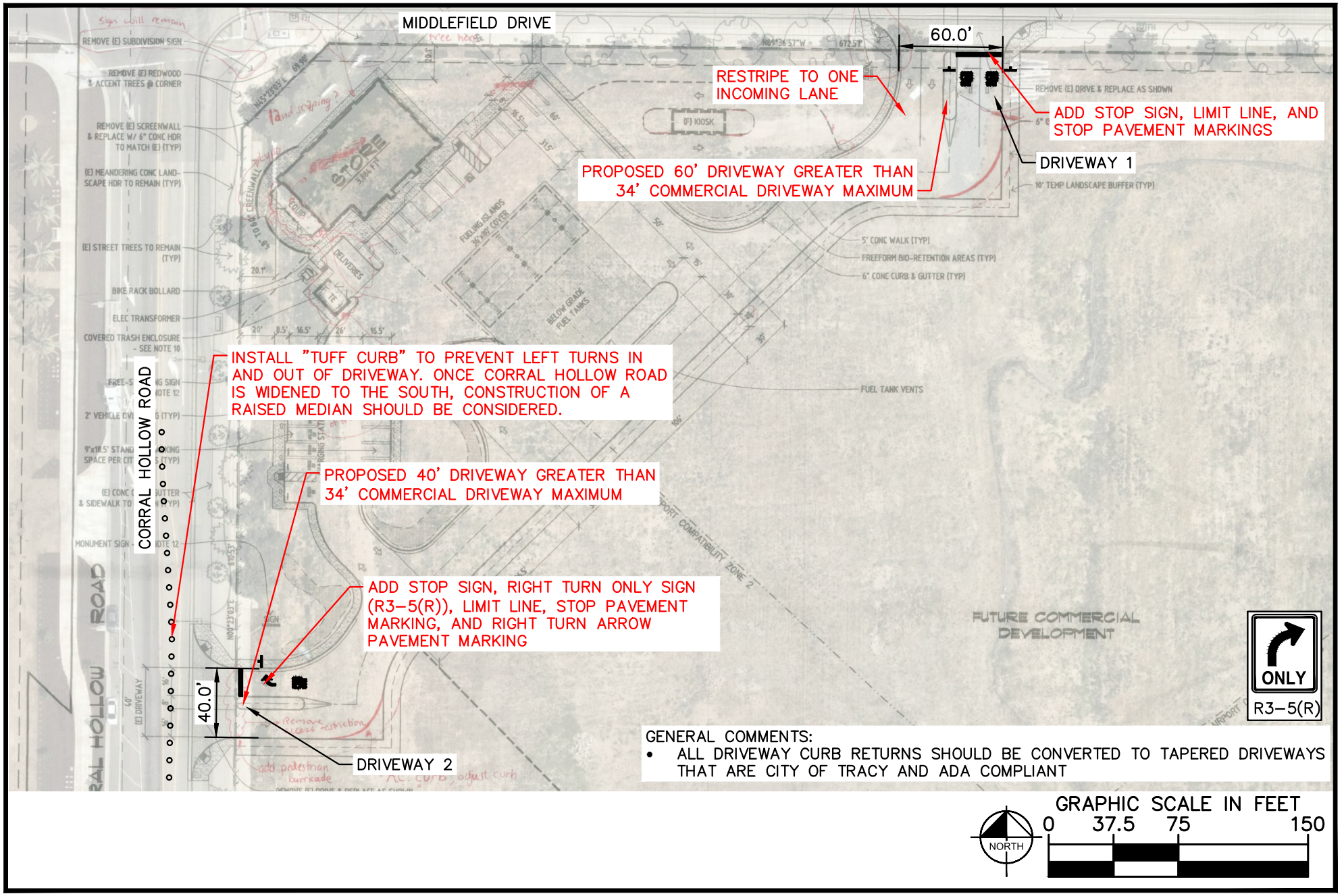
8.2 Driveway 2 Review

Driveway 2 is an existing 40-foot driveway that provides access to the Edgewood site. Vehicles are not allowed to use the existing driveway because the driveway leads to an empty lot. Driveway 2 is anticipated to be a Right In / Right Out (RIRO) driveway.

It is recommended that the following changes be implemented for Driveway 2:

1. Add a stop sign, right turn only sign (CAMUTCD Sign R3-5(R)), limit line, stop pavement markings, and right turn arrow pavement marking.
2. Add “tuff curb”, or similar product, in the Corral Hollow Road painted median to deter left turn movements in and out of the driveway.
3. The driveway is wider than the 34-foot commercial driveway maximum (City of Tracy Design Standard 3.09 (B)). This will require a design exception, if acceptable.
4. Convert driveway curb returns to driveway flares. The existing driveway may need to be reconstructed if it is not ADA-compliant.

Figure 11 illustrates the driveway analysis presented in this section of the report.



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Figure 11
Driveway Access Review

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9. Internal Circulation Review

Site internal circulation was reviewed to determine if vehicles would be able to circulate adequately through the proposed site.

From this analysis, the following deficiencies were noted:

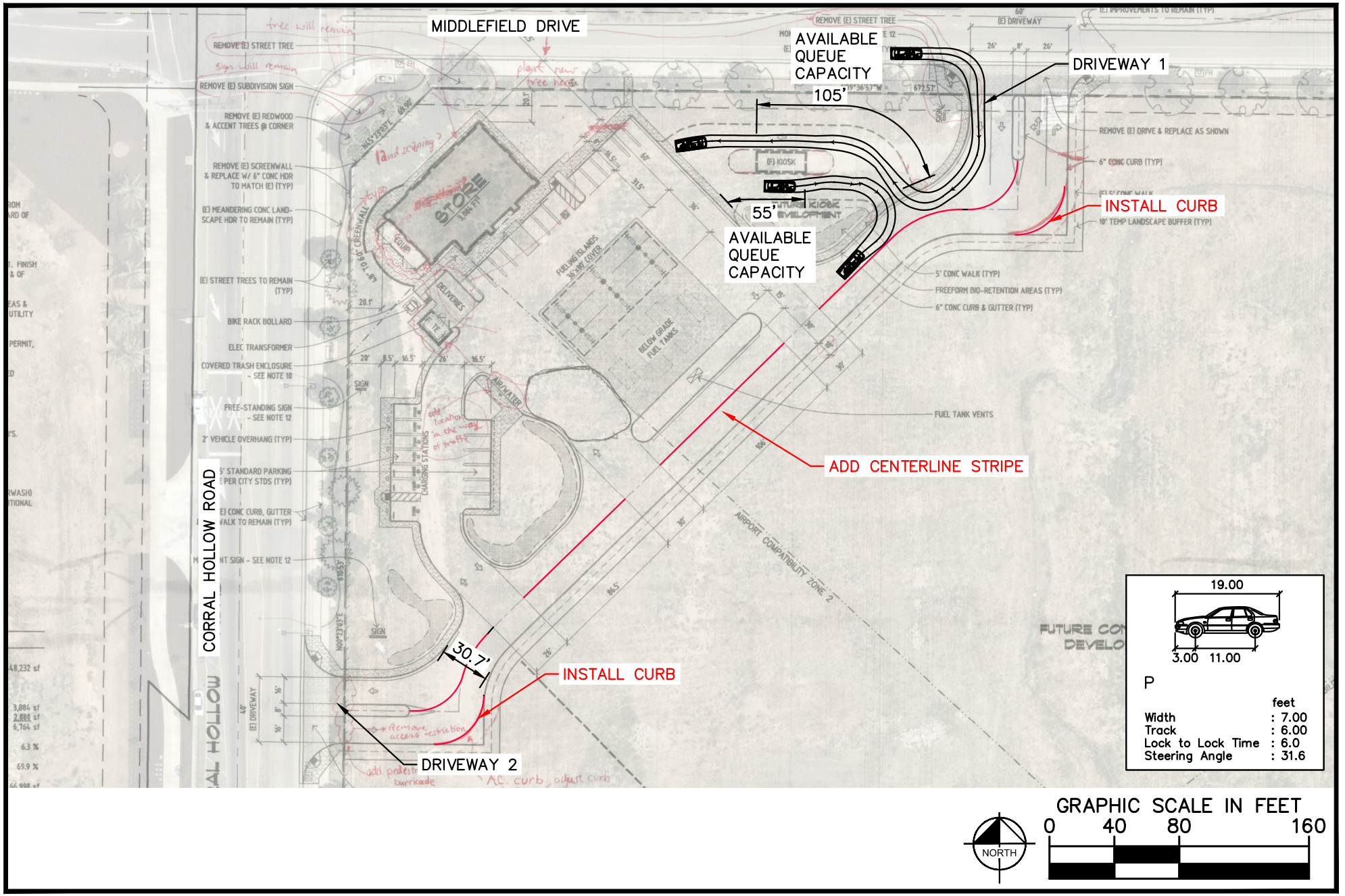
- There is no centerline striping to guide cars in the main drive aisle.
- The right-angle curbs located at Driveways 1 and 2 are inadequate and need to be redesigned.

9.2 Recommendations

The following summarizes the recommendations that should be implemented to improve internal circulation:

1. Install curbs at the Driveways 1 and 2 to remove the current right-angle curb in the site plan.
2. Add centerline striping in main drive aisle.

Figure 12 illustrates the topics discussed in this section of the report.



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Figure 12
Internal Circulation Review

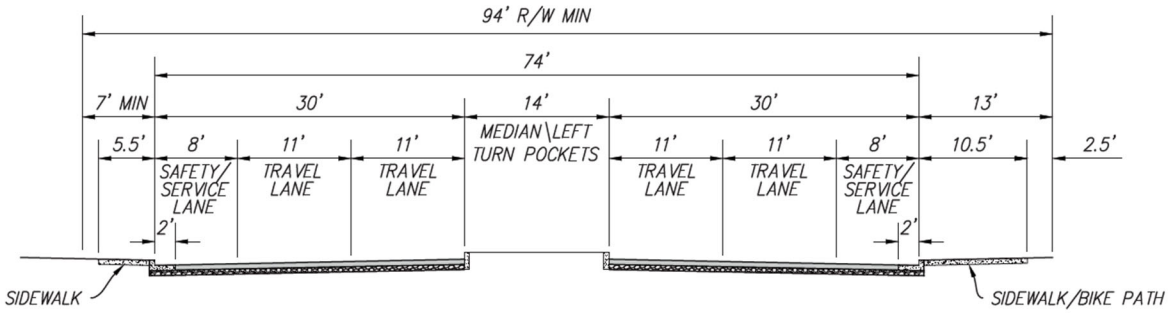
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10. External Network Review

10.1 Corral Hollow Road

The external network was reviewed to determine if the Edgewood project conforms with the Corral Hollow Plan Line. (November 7, 2016). **Figure 13** provides the future cross section while **Figure 14** provides the plan view along the Edgewood frontage

Figure 13 – Proposed Corral Hollow Cross Section



SECTION E

NOT TO SCALE

NOTE:
1. MEDIAN/LEFT TURN POCKETS MAY BE RAISED OR STRIPED.

The project frontage must conform with Section E and the following improvements are required at the intersection of Corral Hollow Road and Middlefield Drive/ Summit Drive:

1. A 12-foot northbound right turn pocket
2. A 6-foot northbound bike slot
3. Two 11-foot northbound through lanes

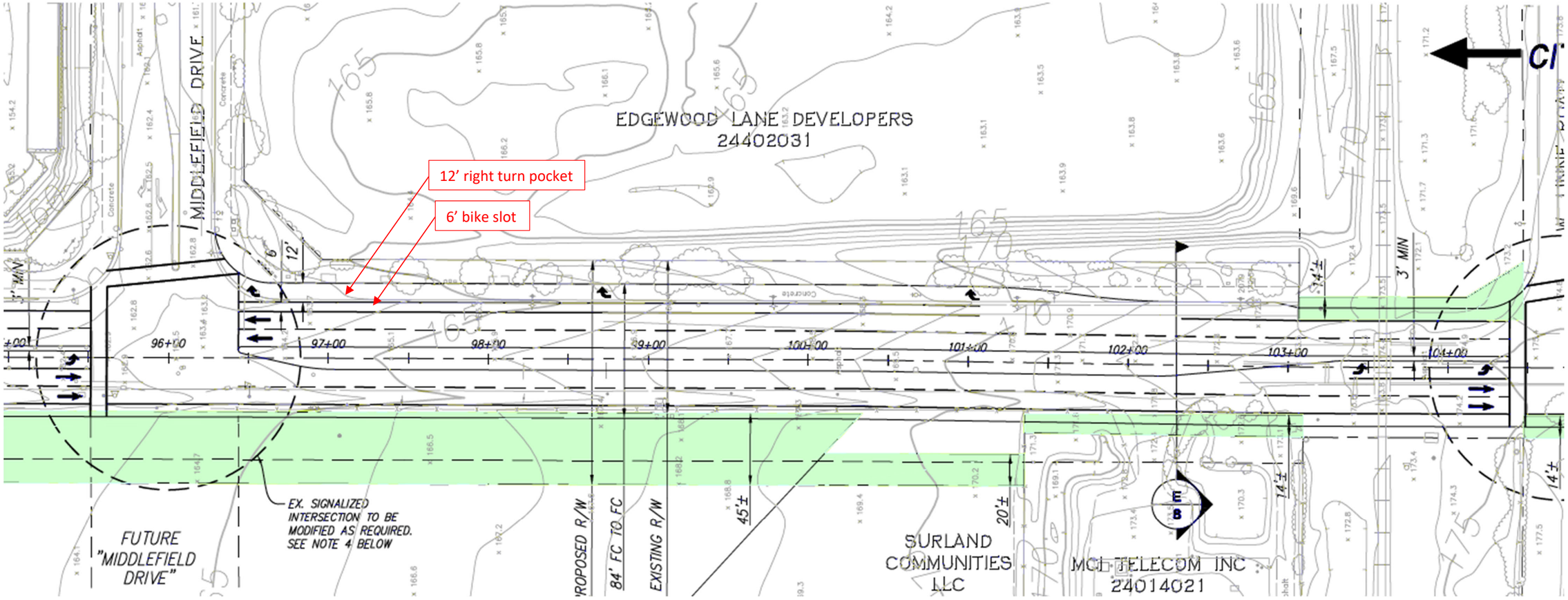
10.2 Middlefield Road

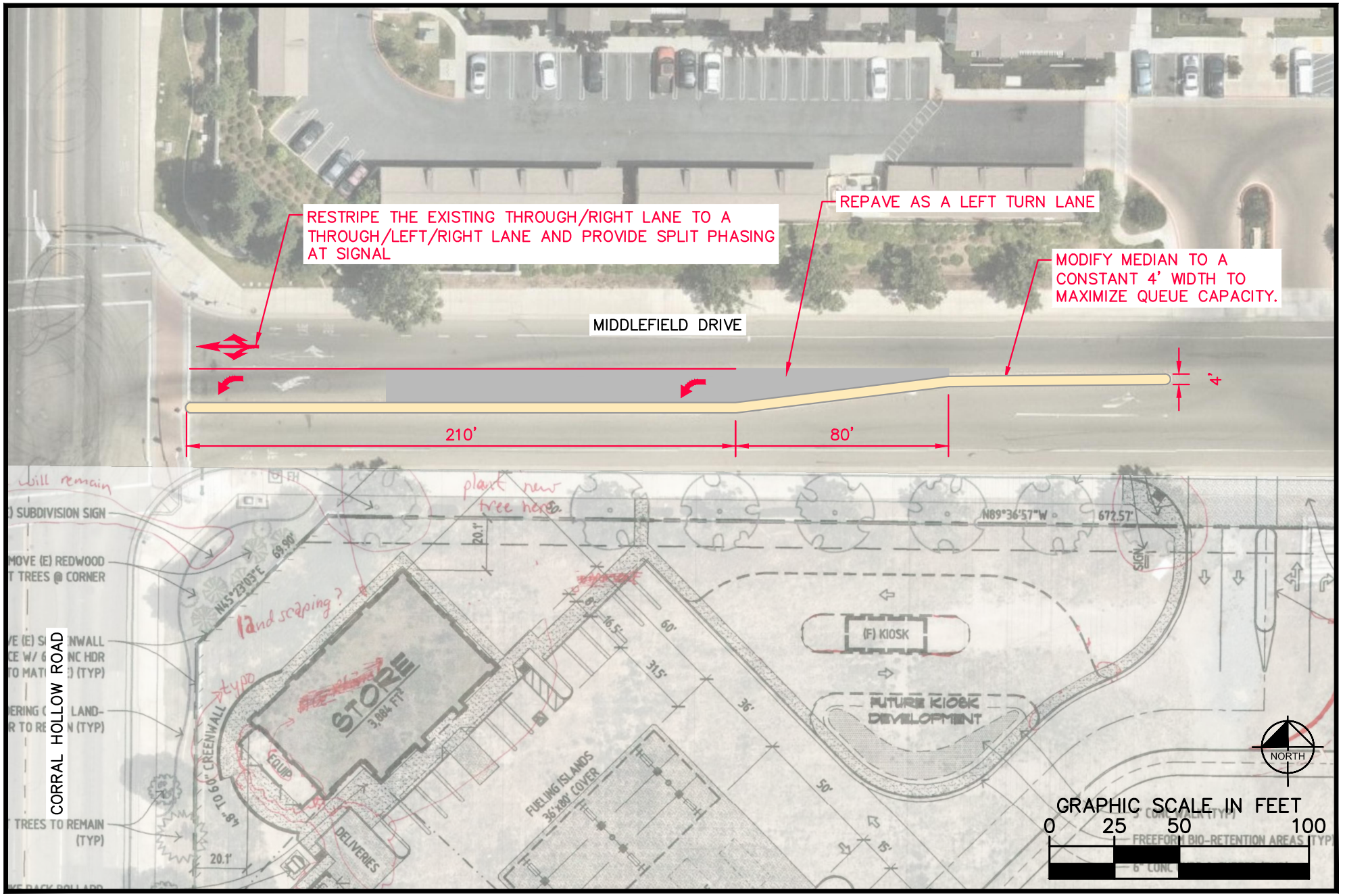
To mitigate queues at the Middlefield the following improvement is recommended:

1. Stripe the existing westbound through/right lane to a left/through/right lane. The addition of a second left turn lane will improve operations at the intersection.
2. Modify the Middlefield Road median between Corral Hollow Road and Driveway 1 to a constant 4' width to maximize queue capacity.

Figure 15 illustrates these improvements at the intersection. Refer to **Section 7** for more discussion on the queues that are anticipated at this this intersection.

Figure 14 – Corral Hollow Plan Line





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Figure 15
Middlefield Median Improvements

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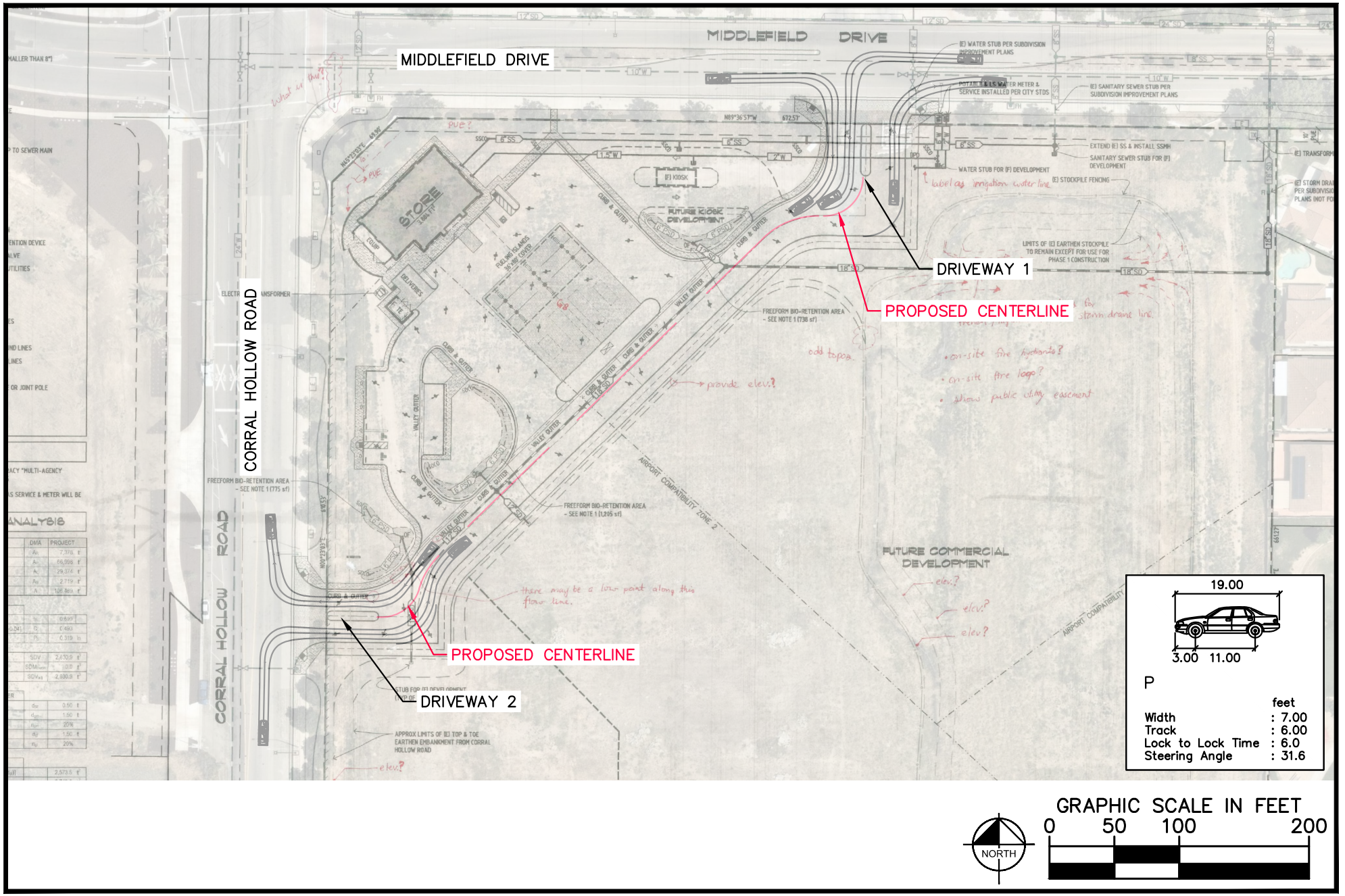
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11. Turning Templates

Vehicle turning templates were competed for the following design vehicles:

- Passenger Car – American Association of State Highway Transportation Officials (AASHTO)
- Fuel Truck – Transoft Solutions AutoTurn 10
- Fire Truck – National Cooperation Highway Research Program (NCHRP 659)

It was determined that the design vehicles will be able to perform movements to/from the Project site. Passenger car, fuel truck, and fire truck turning templates are illustrated in **Figure 16**, **Figure 17**, **Figure 18**, respectively.

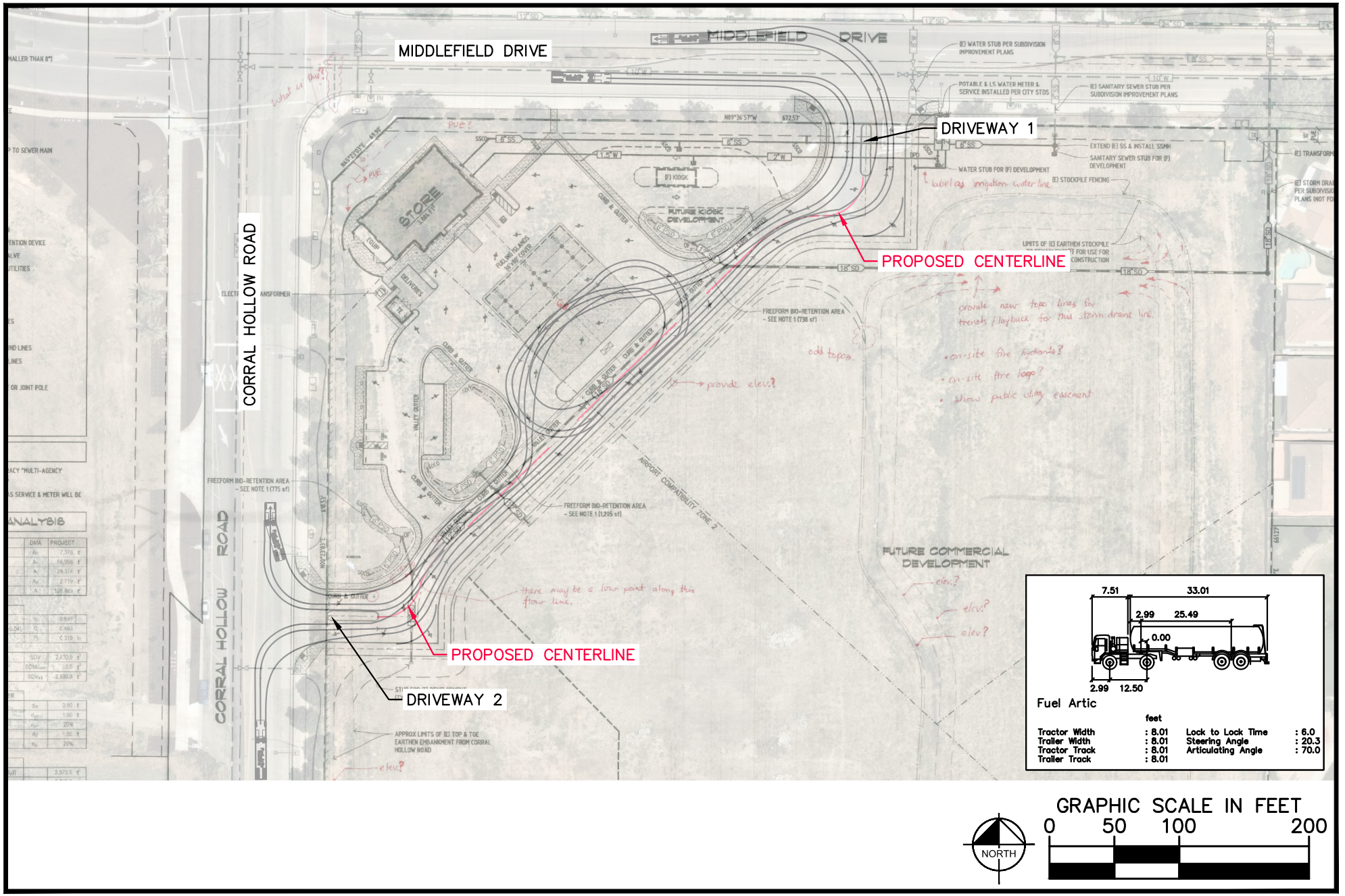


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Figure 16
Passenger Car Turning Template

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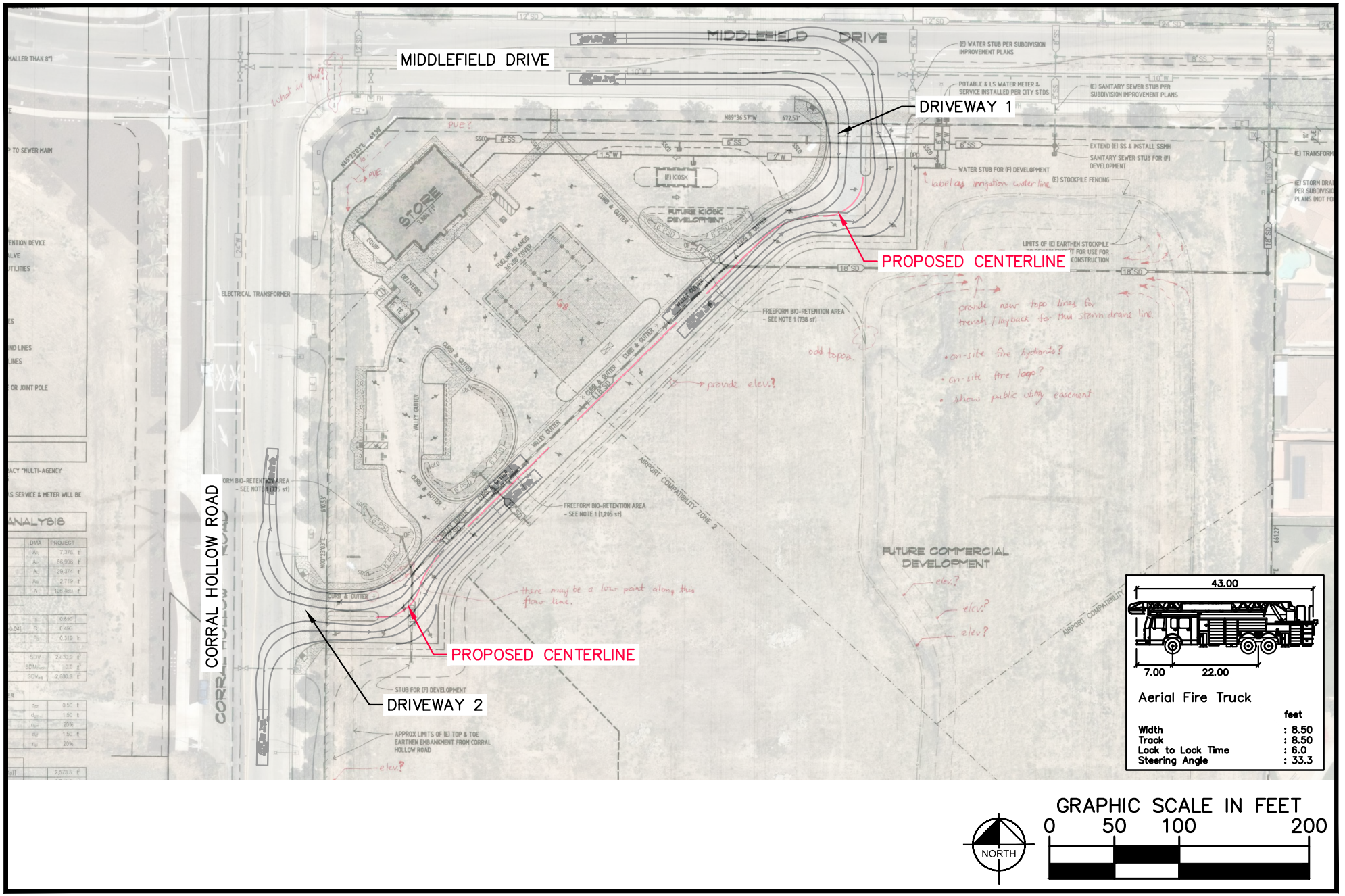


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Figure 17
Fuel Truck Turning Template

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Figure 18
Fire Truck Turning Template

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12. Conclusion

Table 6 summarizes and provides recommendations based on the analysis conducted in this report.

Table 6 – Summary Table

Location	Queuing Analysis (Section 7)	Driveway Access Review (Section 8)	Internal Circulation (Section 9)	External Network Review (Section 10)	Turning Templates (Section 11)	Recommendations

Coffee Kiosk	Inadequate	-	Inadequate	-	-	• Redesign current coffee kiosk to provide the following:
						  ○ Order windows for both (2) approaches
						  ○ Queue space for 3 car lengths (25 feet each) between the order window and the pick-up window
						  ○ Queue space for 3 car lengths (25 feet each) at and before the order window

Driveway 1	Adequate	Changes Recommended	Changes Recommended	-	Adequate	• Add stop sign, limit line, and stop pavement markings. • Restripe to one incoming lane for the interim condition. • The driveway will still be wider than the 34-foot commercial driveway maximum (City of Tracy Design Standard 3.09 (B)). This will require a design exception, if acceptable. Convert driveway curb returns to driveway flares. • The existing driveway may need to be reconstructed if it is not ADA-compliant.

Driveway 2	-	Changes Recommended	Changes Recommended	Inadequate	Adequate	• Add a stop sign, right turn only sign (CAMUTCD Sign R3-5(R)), limit line, stop pavement markings, and right turn arrow pavement marking.
						• Add “tuff curb”, or similar product, in the Corral Hollow Road painted median to deter left turn movements in and out of the driveway.
						• The driveway is wider than the 34-foot commercial driveway maximum (City of Tracy Design Standard 3.09 (B)). This will require a design exception, if acceptable.
						• Convert driveway curb returns to driveway flares. The existing driveway may need to be reconstructed if it is not ADA-compliant.
						• Conform to the Corral Hollow Plan Line – Section E (November 7, 2016) along Project frontage.
						• Provide the following lane geometry at the intersection of Corral Hollow and Middlefield Drive/Summit Drive (in conformance with the Corral Hollow Plan Line)
						  ○ 12-foot northbound right turn pocket
						  ○ 6-foot northbound bike slot
						  ○ Two 11-foot northbound through lanes

Table 6 – Summary Table (Cont.)

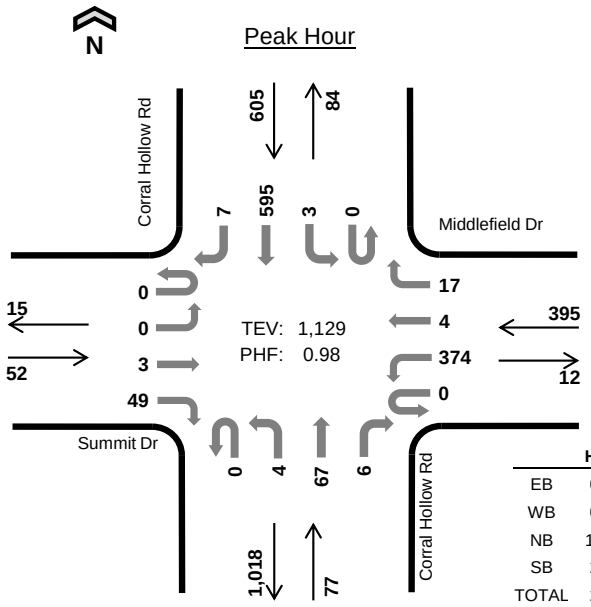
Location	Queuing Analysis (Section 7)	Driveway Access Review (Section 8)	Internal Circulation (Section 9)	External Network Review (Section 10)	Turning Templates (Section 11)	• Recommendations
Corral Hollow & Middlefield Intersection	Changes Recommended	-	-	Changes Recommended	-	• Stripe the existing westbound through/right lane to a left/through/right lane. The addition of a second left turn lane will improve operations at the intersection. • Modify the Middlefield Road median between Corral Hollow Road and Driveway 1 to a constant 4' width to maximize queue capacity. • Provide split phasing at the intersection of Corral Hollow Road and Middlefield Drive/Summit Drive for the westbound and eastbound approaches.
General Recommendations						• Add centerline striping in the main drive aisle

13. Appendix

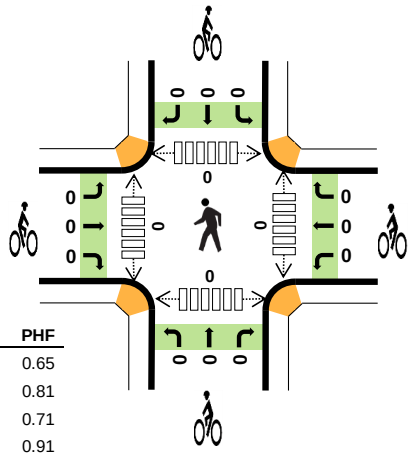
A. Turning Movement Counts

Corral Hollow Rd
Summit Dr

Date: 12-17-2019
Count Period: 5:30 AM to 8:30 AM
Peak Hour: 6:00 AM to 7:00 AM



	HV %:	PHF
EB	0.0%	0.65
WB	0.0%	0.81
NB	18.2%	0.71
SB	2.0%	0.91
TOTAL	2.3%	0.98



Three-Hour Count Summaries

Interval Start		Summit Dr Eastbound				Middlefield Dr Westbound				Corral Hollow Rd Northbound				Corral Hollow Rd Southbound				15-min Total	Rolling One Hour
		UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
6:00 AM		0	0	0	8	0	118	1	3	0	0	16	1	0	0	140	1	288	0
6:15 AM		0	0	0	20	0	99	0	4	0	0	13	0	0	1	140	6	283	0
6:30 AM		0	0	1	10	0	83	0	3	0	3	21	3	0	1	149	0	274	0
6:45 AM		0	0	2	11	0	74	3	7	0	1	17	2	0	1	166	0	284	1,129
Peak Hour	All	0	0	3	49	0	374	4	17	0	4	67	6	0	3	595	7	1,129	0
	HV	0	0	0	0	0	0	0	0	0	0	14	0	0	0	12	0	26	0
	HV%	-	-	0%	0%	-	0%	0%	0%	-	0%	21%	0%	-	0%	2%	0%	2%	0

Note: For all three-hour count summary, see next page.

Interval Start	Heavy Vehicle Totals					Bicycles					Pedestrians (Crossing Leg)				
	EB	WB	NB	SB	Total	EB	WB	NB	SB	Total	East	West	North	South	Total
6:00 AM	0	0	2	0	*2*	0	0	0	0	*0*	0	0	0	0	*0*
6:15 AM	0	0	3	4	*7*	0	0	0	0	*0*	0	0	0	0	*0*
6:30 AM	0	0	4	5	*9*	0	0	0	0	*0*	0	0	0	0	*0*
6:45 AM	0	0	5	3	*8*	0	0	0	0	*0*	0	0	0	0	*0*
Peak Hour	0	0	14	12	*26*	0	0	0	0	*0*	0	0	0	0	*0*

Three-Hour Count Summaries

Interval Start	Summit Dr Eastbound				Middlefield Dr Westbound				Corral Hollow Rd Northbound				Corral Hollow Rd Southbound				15-min Total	Rolling One Hour
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
5:30 AM	0	0	1	11	0	82	0	0	0	1	12	1	0	0	170	0	278	0
5:45 AM	0	0	4	5	0	77	0	2	0	1	7	0	0	1	162	0	259	0
6:00 AM	**0**	**0**	**0**	**8**	**0**	**118**	**1**	**3**	**0**	**0**	**16**	**1**	**0**	**0**	**140**	**1**	**288**	0
6:15 AM	**0**	**0**	**0**	**20**	**0**	**99**	**0**	**4**	**0**	**0**	**13**	**0**	**0**	**1**	**140**	**6**	**283**	1,108
6:30 AM	**0**	**0**	**1**	**10**	**0**	**83**	**0**	**3**	**0**	**3**	**21**	**3**	**0**	**1**	**149**	**0**	**274**	1,104
6:45 AM	**0**	**0**	**2**	**11**	**0**	**74**	**3**	**7**	**0**	**1**	**17**	**2**	**0**	**1**	**166**	**0**	**284**	**1,129**
7:00 AM	0	0	1	12	0	74	2	3	0	4	27	4	0	2	143	1	273	1,114
7:15 AM	0	0	3	11	0	73	2	10	0	3	18	3	0	2	116	2	243	1,074
7:30 AM	0	0	2	18	0	60	4	14	0	3	16	5	0	4	103	3	232	1,032
7:45 AM	0	0	5	29	0	63	0	17	0	4	29	6	0	17	113	0	283	1,031
8:00 AM	0	0	5	12	1	48	3	7	0	6	32	4	0	8	98	2	226	984
8:15 AM	0	0	2	6	0	33	4	15	0	5	26	2	0	19	127	1	240	981
Count Total	0	0	26	153	1	884	19	85	0	31	234	31	0	56	1,627	16	3,163	0
Peak Hour All	**0**	**0**	**3**	**49**	**0**	**374**	**4**	**17**	**0**	**4**	**67**	**6**	**0**	**3**	**595**	**7**	**1,129**	**0**
Peak Hour HV	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**14**	**0**	**0**	**0**	**12**	**0**	**26**	**0**
Peak Hour HV%	**-**	**-**	**0%**	**0%**	**-**	**0%**	**0%**	**0%**	**-**	**0%**	**21%**	**0%**	**-**	**0%**	**2%**	**0%**	**2%**	**0**

Note: Three-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals					Bicycles					Pedestrians (Crossing Leg)				
	EB	WB	NB	SB	Total	EB	WB	NB	SB	Total	East	West	North	South	Total
5:30 AM	0	0	2	3	*5*	0	0	0	0	*0*	0	0	0	0	*0*
5:45 AM	1	0	1	2	*4*	0	0	0	0	*0*	0	0	0	0	*0*
6:00 AM	**0**	**0**	**2**	**0**	***2***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
6:15 AM	**0**	**0**	**3**	**4**	***7***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
6:30 AM	**0**	**0**	**4**	**5**	***9***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
6:45 AM	**0**	**0**	**5**	**3**	***8***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***
7:00 AM	0	0	14	3	*17*	0	0	0	0	*0*	0	0	0	0	*0*
7:15 AM	0	0	10	14	*24*	1	0	0	0	*1*	0	0	0	0	*0*
7:30 AM	1	3	2	4	*10*	0	0	0	0	*0*	0	0	2	0	*2*
7:45 AM	0	0	9	4	*13*	0	0	0	0	*0*	0	0	0	0	*0*
8:00 AM	0	0	7	10	*17*	0	0	0	0	*0*	0	0	0	0	*0*
8:15 AM	0	0	1	15	*16*	0	0	0	0	*0*	0	1	0	0	*1*
Count Total	2	3	60	67	*132*	1	0	0	0	*1*	0	1	2	0	*3*
Peak Hour	**0**	**0**	**14**	**12**	***26***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***

Three-Hour Count Summaries - Heavy Vehicles

Interval Start	Summit Dr				Middlefield Dr				Corral Hollow Rd				Corral Hollow Rd				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
5:30 AM	0	0	0	0	0	0	0	0	0	0	2	0	0	0	3	0	5	0
5:45 AM	0	0	1	0	0	0	0	0	0	1	0	0	0	0	2	0	4	0
6:00 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**2**	**0**	**0**	**0**	**0**	**0**	**2**	0
6:15 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**3**	**0**	**0**	**0**	**4**	**0**	**7**	18
6:30 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**4**	**0**	**0**	**0**	**5**	**0**	**9**	22
6:45 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**5**	**0**	**0**	**0**	**3**	**0**	**8**	**26**
7:00 AM	0	0	0	0	0	0	0	0	0	3	11	0	0	0	3	0	17	41
7:15 AM	0	0	0	0	0	0	0	0	0	0	10	0	0	0	14	0	24	58
7:30 AM	0	0	0	1	0	0	0	3	0	0	1	1	0	0	4	0	10	59
7:45 AM	0	0	0	0	0	0	0	0	0	0	9	0	0	0	4	0	13	64
8:00 AM	0	0	0	0	0	0	0	0	0	0	7	0	0	0	10	0	17	64
8:15 AM	0	0	0	0	0	0	0	0	0	0	1	0	0	0	15	0	16	56
Count Total	0	0	1	1	0	0	0	3	0	4	55	1	0	0	67	0	132	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**14**	**0**	**0**	**0**	**12**	**0**	**26**	**0**

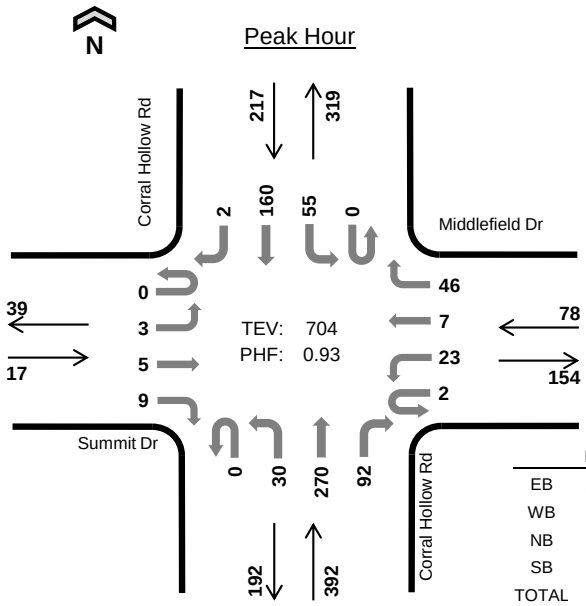
Three-Hour Count Summaries - Bikes

Interval Start	Summit Dr			Middlefield Dr			Corral Hollow Rd			Corral Hollow Rd			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
5:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:00 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
6:15 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
6:30 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
6:45 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
7:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15 AM	0	1	0	0	0	0	0	0	0	0	0	0	1	1
7:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	1
7:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	1
8:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	1
8:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	1	0	0	0	0	0	0	0	0	0	0	1	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

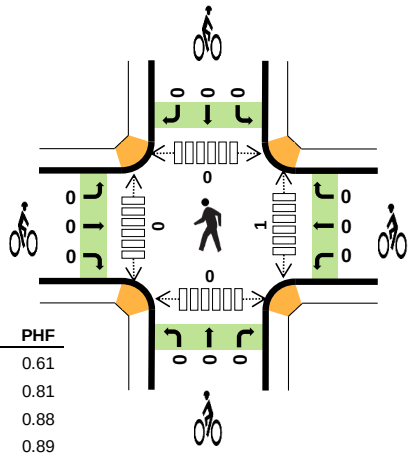
Note: U-Turn volumes for bikes are included in Left-Turn, if any.

Corral Hollow Rd
Summit Dr

Date: 12-17-2019
Count Period: 4:00 PM to 6:00 PM
Peak Hour: 4:45 PM to 5:45 PM



	HV %:	PHF
EB	11.8%	0.61
WB	1.3%	0.81
NB	1.8%	0.88
SB	3.2%	0.89
TOTAL	2.4%	0.93



Two-Hour Count Summaries

Interval Start		Summit Dr Eastbound				Middlefield Dr Westbound				Corral Hollow Rd Northbound				Corral Hollow Rd Southbound				15-min Total	Rolling One Hour
		UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
4:00 PM		0	0	0	6	0	7	0	10	0	8	58	17	0	12	43	0	161	0
4:15 PM		0	2	0	0	0	10	2	10	0	6	71	20	0	8	39	1	169	0
4:30 PM		0	0	0	1	0	4	1	5	0	9	60	29	0	8	48	0	165	0
4:45 PM		**0**	**0**	**1**	**6**	**0**	**7**	**0**	**8**	**0**	**8**	**57**	**21**	**0**	**15**	**45**	**1**	**169**	664
5:00 PM		**0**	**2**	**1**	**0**	**1**	**3**	**0**	**11**	**0**	**7**	**68**	**14**	**0**	**13**	**39**	**0**	**159**	662
5:15 PM		**0**	**0**	**2**	**0**	**1**	**6**	**6**	**11**	**0**	**8**	**82**	**21**	**0**	**10**	**39**	**0**	**186**	679
5:30 PM		**0**	**1**	**1**	**3**	**0**	**7**	**1**	**16**	**0**	**7**	**63**	**36**	**0**	**17**	**37**	**1**	**190**	**704**
5:45 PM		0	0	0	1	0	2	0	8	0	10	59	18	0	24	36	0	158	693
Count Total		0	5	5	17	2	46	10	79	0	63	518	176	0	107	326	3	1,357	0
Peak Hour	**All**	**0**	**3**	**5**	**9**	**2**	**23**	**7**	**46**	**0**	**30**	**270**	**92**	**0**	**55**	**160**	**2**	**704**	**0**
	HV	**0**	**0**	**0**	**2**	**0**	**0**	**0**	**1**	**0**	**0**	**7**	**0**	**0**	**0**	**7**	**0**	**17**	**0**
	HV%	**-**	**0%**	**0%**	**22%**	**0%**	**0%**	**0%**	**2%**	**-**	**0%**	**3%**	**0%**	**-**	**0%**	**4%**	**0%**	**2%**	**0**

Note: Two-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals					Bicycles					Pedestrians (Crossing Leg)				
	EB	WB	NB	SB	Total	EB	WB	NB	SB	Total	East	West	North	South	Total
4:00 PM	0	0	1	1	*2*	0	1	0	0	*1*	0	0	0	0	*0*
4:15 PM	0	0	2	6	*8*	1	0	1	1	*3*	0	0	0	0	*0*
4:30 PM	0	0	3	5	*8*	0	0	0	0	*0*	0	0	0	0	*0*
4:45 PM	**1**	**0**	**3**	**2**	***6***	**0**	**0**	**0**	**0**	***0***	**1**	**0**	**0**	**0**	*1*
5:00 PM	**0**	**0**	**1**	**1**	***2***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
5:15 PM	**0**	**1**	**1**	**4**	***6***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
5:30 PM	**1**	**0**	**2**	**0**	***3***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***
5:45 PM	0	0	0	1	*1*	0	0	0	0	*0*	0	0	1	0	*1*
Count Total	2	1	13	20	*36*	1	1	1	1	*4*	1	0	1	0	*2*
Peak Hour	**2**	**1**	**7**	**7**	***17***	**0**	**0**	**0**	**0**	***0***	**1**	**0**	**0**	**0**	***1***

Two-Hour Count Summaries - Heavy Vehicles

Interval Start	Summit Dr				Middlefield Dr				Corral Hollow Rd				Corral Hollow Rd				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
4:00 PM	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	2	0
4:15 PM	0	0	0	0	0	0	0	0	0	1	1	0	0	0	6	0	8	0
4:30 PM	0	0	0	0	0	0	0	0	0	0	3	0	0	1	4	0	8	0
4:45 PM	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**3**	**0**	**0**	**0**	**2**	**0**	**6**	24
5:00 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**1**	**0**	**2**	24
5:15 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**1**	**0**	**0**	**0**	**4**	**0**	**6**	22
5:30 PM	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**2**	**0**	**0**	**0**	**0**	**0**	**3**	**17**
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	12
Count Total	0	0	0	2	0	0	0	1	0	1	12	0	0	1	19	0	36	0
Peak Hour	**0**	**0**	**0**	**2**	**0**	**0**	**0**	**1**	**0**	**0**	**7**	**0**	**0**	**0**	**7**	**0**	**17**	**0**

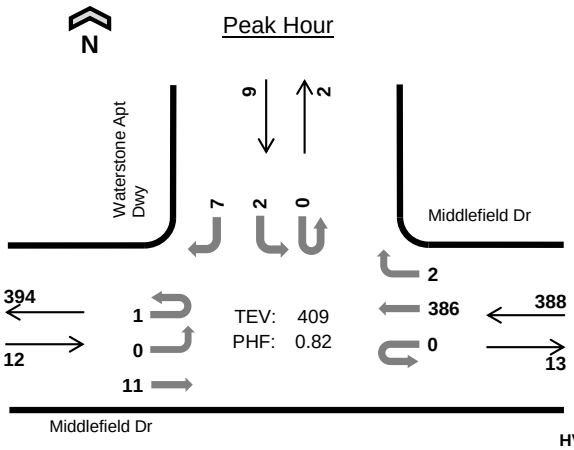
Two-Hour Count Summaries - Bikes

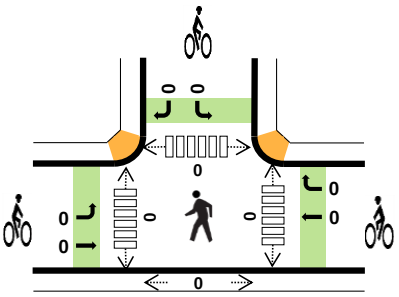
Interval Start	Summit Dr			Middlefield Dr			Corral Hollow Rd			Corral Hollow Rd			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
4:00 PM	0	0	0	0	0	1	0	0	0	0	0	0	1	0
4:15 PM	0	0	1	0	0	0	0	1	0	0	0	1	3	0
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:45 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	4
5:00 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	3
5:15 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
5:30 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	0	1	0	0	1	0	1	0	0	0	1	4	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Note: U-Turn volumes for bikes are included in Left-Turn, if any.

Waterstone Apt Dwy
Middlefield Dr

Date: 12-17-2019
Count Period: 5:30 AM to 8:30 AM
Peak Hour: 6:00 AM to 7:00 AM





	HV %:	PHF
EB	0.0%	0.60
WB	0.0%	0.80
NB	-	-
SB	0.0%	0.56
TOTAL	0.0%	0.82

Three-Hour Count Summaries

Interval Start		Middlefield Dr Eastbound				Middlefield Dr Westbound				n/a Northbound				Waterstone Apt Dwy Southbound				15-min Total	Rolling One Hour
		UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
6:00 AM		0	0	1	0	0	0	122	0	0	0	0	0	0	0	0	2	125	0
6:15 AM		0	0	1	0	0	0	98	1	0	0	0	0	0	1	0	3	104	0
6:30 AM		0	0	5	0	0	0	86	0	0	0	0	0	0	0	0	1	92	0
6:45 AM		1	0	4	0	0	0	80	1	0	0	0	0	0	1	0	1	88	409
Peak Hour	All	1	0	11	0	0	0	386	2	0	0	0	0	0	2	0	7	409	0
	HV	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	HV%	0%	-	0%	-	-	-	0%	0%	-	-	-	-	-	0%	-	0%	0%	0

Note: For all three-hour count summary, see next page.

Interval Start	Heavy Vehicle Totals					Bicycles					Pedestrians (Crossing Leg)				
	EB	WB	NB	SB	Total	EB	WB	NB	SB	Total	East	West	North	South	Total
6:00 AM	0	0	0	0	*0*	0	0	0	0	*0*	0	0	0	0	*0*
6:15 AM	0	0	0	0	*0*	0	0	0	0	*0*	0	0	0	0	*0*
6:30 AM	0	0	0	0	*0*	0	0	0	0	*0*	0	0	0	0	*0*
6:45 AM	0	0	0	0	*0*	0	0	0	0	*0*	0	0	0	0	*0*
Peak Hour	0	0	0	0	*0*	0	0	0	0	*0*	0	0	0	0	*0*

Three-Hour Count Summaries

Interval Start	Middlefield Dr Eastbound				Middlefield Dr Westbound				n/a Northbound				Waterstone Apt Dwy Southbound				15-min Total	Rolling One Hour
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
5:30 AM	0	0	2	0	0	0	78	0	0	0	0	0	0	1	0	2	83	0
5:45 AM	0	0	5	0	0	0	79	0	0	0	0	0	0	1	0	2	87	0
6:00 AM	**0**	**0**	**1**	**0**	**0**	**0**	**122**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**2**	**125**	0
6:15 AM	**0**	**0**	**1**	**0**	**0**	**0**	**98**	**1**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**3**	**104**	399
6:30 AM	**0**	**0**	**5**	**0**	**0**	**0**	**86**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**92**	408
6:45 AM	**1**	**0**	**4**	**0**	**0**	**0**	**80**	**1**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**1**	**88**	**409**
7:00 AM	0	1	6	0	0	0	80	1	0	0	0	0	0	0	0	1	89	373
7:15 AM	0	0	8	0	0	0	81	1	0	0	0	0	0	3	0	2	95	364
7:30 AM	0	0	11	0	0	0	75	0	0	0	0	0	0	6	0	6	98	370
7:45 AM	0	0	27	0	0	0	75	5	0	0	0	0	0	7	0	3	117	399
8:00 AM	1	0	17	0	0	0	56	1	0	0	0	0	0	8	0	3	86	396
8:15 AM	0	0	24	0	1	0	50	4	0	0	0	0	0	0	0	2	81	382
Count Total	2	1	111	0	1	0	960	14	0	0	0	0	0	28	0	28	1,145	0
Peak Hour All	**1**	**0**	**11**	**0**	**0**	**0**	**386**	**2**	**0**	**0**	**0**	**0**	**0**	**2**	**0**	**7**	**409**	**0**
Peak Hour HV	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Peak Hour HV%	**0%**	**-**	**0%**	**-**	**-**	**-**	**0%**	**0%**	**-**	**-**	**-**	**-**	**-**	**0%**	**-**	**0%**	**0%**	**0**

Note: Three-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals					Bicycles					Pedestrians (Crossing Leg)				
	EB	WB	NB	SB	Total	EB	WB	NB	SB	Total	East	West	North	South	Total
5:30 AM	0	0	0	0	*0*	0	0	0	0	*0*	0	0	0	0	*0*
5:45 AM	1	0	0	0	*1*	0	0	0	0	*0*	0	0	0	0	*0*
6:00 AM	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
6:15 AM	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
6:30 AM	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
6:45 AM	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***
7:00 AM	0	0	0	0	*0*	0	0	0	0	*0*	0	0	0	0	*0*
7:15 AM	0	0	0	1	*1*	1	0	0	0	*1*	0	0	0	0	*0*
7:30 AM	1	3	0	0	*4*	0	0	0	0	*0*	0	0	0	0	*0*
7:45 AM	0	0	0	0	*0*	0	0	0	0	*0*	0	0	0	0	*0*
8:00 AM	0	0	0	0	*0*	0	0	0	0	*0*	0	0	0	1	*1*
8:15 AM	0	0	0	0	*0*	0	0	0	0	*0*	0	0	0	0	*0*
Count Total	2	3	0	1	*6*	1	0	0	0	*1*	0	0	0	1	*1*
Peak Hr	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***

Three-Hour Count Summaries - Heavy Vehicles

Interval Start	Middlefield Dr				Middlefield Dr				n/a				Waterstone Apt Dwy				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
5:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 AM	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
6:00 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
6:15 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	1
6:30 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	1
6:45 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
7:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	1
7:30 AM	0	0	1	0	0	0	3	0	0	0	0	0	0	0	0	0	4	5
7:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5
8:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5
8:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
Count Total	0	0	2	0	0	0	3	0	0	0	0	0	0	1	0	0	6	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

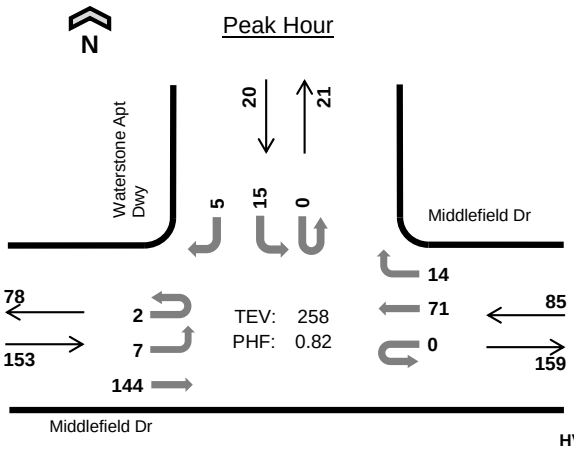
Three-Hour Count Summaries - Bikes

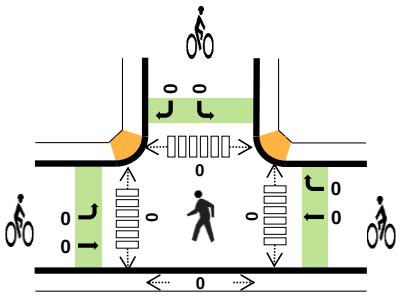
Interval Start	Middlefield Dr			Middlefield Dr			n/a			Waterstone Apt Dwy			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
5:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:00 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
6:15 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
6:30 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
6:45 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
7:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15 AM	0	1	0	0	0	0	0	0	0	0	0	0	1	1
7:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	1
7:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	1
8:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	1
8:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	1	0	0	0	0	0	0	0	0	0	0	1	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Note: U-Turn volumes for bikes are included in Left-Turn, if any.

Waterstone Apt Dwy
Middlefield Dr

Date: 12-17-2019
Count Period: 4:00 PM to 6:00 PM
Peak Hour: 4:45 PM to 5:45 PM





	HV %:	PHF
EB	0.0%	0.72
WB	2.4%	0.92
NB	-	-
SB	15.0%	0.50
TOTAL	1.9%	0.82

Two-Hour Count Summaries

Interval Start		Middlefield Dr Eastbound				Middlefield Dr Westbound				n/a Northbound				Waterstone Apt Dwy Southbound				15-min Total	Rolling One Hour
		UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
4:00 PM		0	3	24	0	0	0	15	1	0	0	0	0	0	2	0	2	47	0
4:15 PM		1	1	27	0	0	0	21	4	0	0	0	0	0	1	0	1	56	0
4:30 PM		0	4	34	0	0	0	7	6	0	0	0	0	0	2	0	2	55	0
4:45 PM		**0**	**2**	**33**	**0**	**0**	**0**	**13**	**4**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**2**	**54**	212
5:00 PM		**0**	**1**	**26**	**0**	**0**	**0**	**16**	**7**	**0**	**0**	**0**	**0**	**0**	**4**	**0**	**0**	**54**	219
5:15 PM		**1**	**1**	**36**	**0**	**0**	**0**	**21**	**2**	**0**	**0**	**0**	**0**	**0**	**9**	**0**	**1**	**71**	234
5:30 PM		**1**	**3**	**49**	**0**	**0**	**0**	**21**	**1**	**0**	**0**	**0**	**0**	**0**	**2**	**0**	**2**	**79**	**258**
5:45 PM		0	2	39	0	0	0	8	1	0	0	0	0	0	0	0	2	52	256
Count Total		3	17	268	0	0	0	122	26	0	0	0	0	0	20	0	12	468	0
Peak Hour	**All**	**2**	**7**	**144**	**0**	**0**	**0**	**71**	**14**	**0**	**0**	**0**	**0**	**0**	**15**	**0**	**5**	**258**	**0**
	HV	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**2**	**0**	**0**	**0**	**0**	**0**	**2**	**0**	**1**	**5**	**0**
	HV%	**0%**	**0%**	**0%**	**-**	**-**	**-**	**0%**	**14%**	**-**	**-**	**-**	**-**	**-**	**13%**	**-**	**20%**	**2%**	**0**

Note: Two-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals					Bicycles					Pedestrians (Crossing Leg)				
	EB	WB	NB	SB	Total	EB	WB	NB	SB	Total	East	West	North	South	Total
4:00 PM	0	0	0	0	*0*	0	1	0	0	*1*	0	0	1	0	*1*
4:15 PM	0	0	0	0	*0*	0	0	0	0	*0*	0	0	0	0	*0*
4:30 PM	1	0	0	0	*1*	0	0	0	0	*0*	0	0	0	0	*0*
4:45 PM	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
5:00 PM	**0**	**2**	**0**	**1**	***3***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
5:15 PM	**0**	**0**	**0**	**2**	***2***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
5:30 PM	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***
5:45 PM	0	0	0	0	*0*	0	0	0	0	*0*	0	0	2	0	*2*
Count Total	1	2	0	3	*6*	0	1	0	0	*1*	0	0	3	0	*3*
Peak Hr	**0**	**2**	**0**	**3**	***5***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***

Two-Hour Count Summaries - Heavy Vehicles

Interval Start	Middlefield Dr				Middlefield Dr				n/a				Waterstone Apt Dwy				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30 PM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
4:45 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	1
5:00 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**2**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**3**	4
5:15 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**1**	**2**	6
5:30 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**5**
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5
Count Total	0	1	0	0	0	0	0	2	0	0	0	0	0	2	0	1	6	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**2**	**0**	**0**	**0**	**0**	**0**	**2**	**0**	**1**	**5**	**0**

Two-Hour Count Summaries - Bikes

Interval Start	Middlefield Dr			Middlefield Dr			n/a			Waterstone Apt Dwy			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
4:00 PM	0	0	0	0	1	0	0	0	0	0	0	0	1	0
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:45 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	1
5:00 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
5:15 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
5:30 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	0	0	0	1	0	0	0	0	0	0	0	1	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Note: U-Turn volumes for bikes are included in Left-Turn, if any.

B. Existing Synchro Outputs

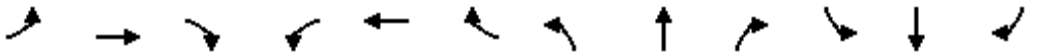
Intersection	
Int Delay, s/veh	0.3

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	1	11	386	2	2	7
Future Vol, veh/h	1	11	386	2	2	7
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	60	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	82	82	82	82	82	82
Heavy Vehicles, %	0	0	0	0	0	0
Mvmt Flow	1	13	471	2	2	9

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	473	0	-	0	487	472
Stage 1	-	-	-	-	472	-
Stage 2	-	-	-	-	15	-
Critical Hdwy	4.1	-	-	-	6.4	6.2
Critical Hdwy Stg 1	-	-	-	-	5.4	-
Critical Hdwy Stg 2	-	-	-	-	5.4	-
Follow-up Hdwy	2.2	-	-	-	3.5	3.3
Pot Cap-1 Maneuver	1099	-	-	-	543	596
Stage 1	-	-	-	-	632	-
Stage 2	-	-	-	-	1013	-
Platoon blocked, %			-	-	-	
Mov Cap-1 Maneuver	1099	-	-	-	542	596
Mov Cap-2 Maneuver	-	-	-	-	542	-
Stage 1	-	-	-	-	631	-
Stage 2	-	-	-	-	1013	-

Approach	EB	WB	SB
HCM Control Delay, s	0.7	0	11.3
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1099	-	-	-	583
HCM Lane V/C Ratio	0.001	-	-	-	0.019
HCM Control Delay (s)	8.3	-	-	-	11.3
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0.1



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	0	3	49	374	4	17	4	67	6	3	595	7
Future Volume (veh/h)	0	3	49	374	4	17	4	67	6	3	595	7
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		0.98	1.00		0.99	1.00		0.99	1.00		0.99
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	1900	1900	1900	1900	1900	1900	1900	1589	1589	1900	1870	1900
Adj Flow Rate, veh/h	0	3	54	416	4	19	4	74	7	3	661	8
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	0	0	0	0	0	0	0	21	21	0	2	0
Cap, veh/h	2	9	155	461	115	547	11	586	55	9	796	681
Arrive On Green	0.00	0.10	0.10	0.25	0.40	0.40	0.01	0.41	0.41	0.00	0.43	0.43
Sat Flow, veh/h	1810	83	1502	1810	286	1359	1810	1428	135	1810	1870	1601
Grp Volume(v), veh/h	0	0	57	416	0	23	4	0	81	3	661	8
Grp Sat Flow(s),veh/h/ln	1810	0	1586	1810	0	1645	1810	0	1563	1810	1870	1601
Q Serve(g_s), s	0.0	0.0	3.0	20.0	0.0	0.8	0.2	0.0	2.9	0.1	28.2	0.3
Cycle Q Clear(g_c), s	0.0	0.0	3.0	20.0	0.0	0.8	0.2	0.0	2.9	0.1	28.2	0.3
Prop In Lane	1.00		0.95	1.00		0.83	1.00		0.09	1.00		1.00
Lane Grp Cap(c), veh/h	2	0	164	461	0	662	11	0	642	9	796	681
V/C Ratio(X)	0.00	0.00	0.35	0.90	0.00	0.03	0.35	0.00	0.13	0.34	0.83	0.01
Avail Cap(c_a), veh/h	604	0	1022	604	0	1097	604	0	1256	604	1461	1251
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)	0.00	0.00	1.00	1.00	0.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	0.0	0.0	37.5	32.4	0.0	16.3	44.5	0.0	16.5	44.6	22.9	14.9
Incr Delay (d2), s/veh	0.0	0.0	1.3	14.1	0.0	0.0	17.1	0.0	0.1	21.8	3.3	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	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.0	0.0	1.2	10.3	0.0	0.3	0.1	0.0	1.0	0.1	12.4	0.1
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	0.0	0.0	38.7	46.5	0.0	16.3	61.6	0.0	16.6	66.4	26.2	14.9
LnGrp LOS	A	A	D	D	A	B	E	A	B	E	C	B
Approach Vol, veh/h		57			439			85			672	
Approach Delay, s/veh		38.7			44.9			18.7			26.2	
Approach LOS		D			D			B			C	

Timer - Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	5.9	42.7	26.9	14.4	4.6	44.0	0.0	41.2
Change Period (Y+Rc), s	5.5	5.8	4.0	5.1	4.0	5.8	4.0	5.1
Max Green Setting (Gmax), s	30.0	72.2	30.0	57.9	30.0	70.2	30.0	59.9
Max Q Clear Time (g_c+I1), s	2.1	4.9	22.0	5.0	2.2	30.2	0.0	2.8
Green Ext Time (p_c), s	0.0	0.7	0.9	0.4	0.0	8.0	0.0	0.1

Intersection Summary	
HCM 6th Ctrl Delay	32.8
HCM 6th LOS	C

Intersection	
Int Delay, s/veh	1

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	9	144	71	14	15	5
Future Vol, veh/h	9	144	71	14	15	5
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	60	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	82	82	82	82	82	82
Heavy Vehicles, %	0	0	0	14	13	20
Mvmt Flow	11	176	87	17	18	6

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	104	0	-	0	294	96
Stage 1	-	-	-	-	96	-
Stage 2	-	-	-	-	198	-
Critical Hdwy	4.1	-	-	-	6.53	6.4
Critical Hdwy Stg 1	-	-	-	-	5.53	-
Critical Hdwy Stg 2	-	-	-	-	5.53	-
Follow-up Hdwy	2.2	-	-	-	3.617	3.48
Pot Cap-1 Maneuver	1500	-	-	-	674	913
Stage 1	-	-	-	-	901	-
Stage 2	-	-	-	-	810	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1500	-	-	-	669	913
Mov Cap-2 Maneuver	-	-	-	-	669	-
Stage 1	-	-	-	-	895	-
Stage 2	-	-	-	-	810	-

Approach	EB	WB	SB
HCM Control Delay, s	0.4	0	10.2
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1500	-	-	-	717
HCM Lane V/C Ratio	0.007	-	-	-	0.034
HCM Control Delay (s)	7.4	-	-	-	10.2
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0.1

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	3	5	9	25	7	46	30	270	92	55	160	2
Future Volume (veh/h)	3	5	9	25	7	46	30	270	92	55	160	2
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		0.98	1.00		0.98	1.00		0.99	1.00		0.99
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	1900	1900	1900	1900	1900	1900	1900	1856	1856	1900	1841	1900
Adj Flow Rate, veh/h	3	6	10	28	8	51	33	300	102	61	178	2
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	0	0	0	0	0	0	0	3	3	0	4	0
Cap, veh/h	9	84	140	70	37	234	80	450	153	125	730	634
Arrive On Green	0.00	0.13	0.13	0.04	0.17	0.17	0.04	0.34	0.34	0.07	0.40	0.40
Sat Flow, veh/h	1810	633	1055	1810	220	1402	1810	1321	449	1810	1841	1600
Grp Volume(v), veh/h	3	0	16	28	0	59	33	0	402	61	178	2
Grp Sat Flow(s),veh/h/ln	1810	0	1688	1810	0	1622	1810	0	1771	1810	1841	1600
Q Serve(g_s), s	0.1	0.0	0.4	0.7	0.0	1.5	0.9	0.0	9.4	1.6	3.1	0.0
Cycle Q Clear(g_c), s	0.1	0.0	0.4	0.7	0.0	1.5	0.9	0.0	9.4	1.6	3.1	0.0
Prop In Lane	1.00		0.63	1.00		0.86	1.00		0.25	1.00		1.00
Lane Grp Cap(c), veh/h	9	0	224	70	0	270	80	0	603	125	730	634
V/C Ratio(X)	0.34	0.00	0.07	0.40	0.00	0.22	0.41	0.00	0.67	0.49	0.24	0.00
Avail Cap(c_a), veh/h	1114	0	2005	1114	0	1994	1114	0	2623	1114	2651	2305
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	0.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	24.2	0.0	18.5	22.9	0.0	17.6	22.7	0.0	13.7	21.8	9.8	8.9
Incr Delay (d2), s/veh	21.0	0.0	0.1	3.6	0.0	0.4	3.3	0.0	1.8	2.9	0.2	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	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.1	0.0	0.2	0.4	0.0	0.5	0.4	0.0	3.5	0.7	1.1	0.0
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	45.1	0.0	18.6	26.5	0.0	18.0	26.0	0.0	15.5	24.8	10.1	8.9
LnGrp LOS	D	A	B	C	A	B	C	A	B	C	B	A
Approach Vol, veh/h		19			87			435			241	
Approach Delay, s/veh		22.8			20.7			16.3			13.8	
Approach LOS		C			C			B			B	

Timer - Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	8.9	22.4	5.9	11.6	6.2	25.1	4.2	13.2
Change Period (Y+Rc), s	5.5	5.8	4.0	5.1	4.0	5.8	4.0	5.1
Max Green Setting (Gmax), s	30.0	72.2	30.0	57.9	30.0	70.2	30.0	59.9
Max Q Clear Time (g_c+I1), s	3.6	11.4	2.7	2.4	2.9	5.1	2.1	3.5
Green Ext Time (p_c), s	0.1	4.4	0.0	0.1	0.1	1.7	0.0	0.4

Intersection Summary	
HCM 6th Ctrl Delay	16.2
HCM 6th LOS	B

C. Background Plus Project Synchro Outputs

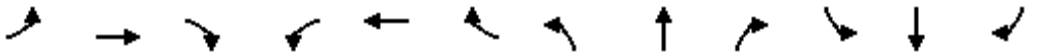
Intersection	
Int Delay, s/veh	4

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	1	11	81	47	352	2	117	0	2	2	2	6
Future Vol, veh/h	1	11	81	47	352	2	117	0	2	2	2	6
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	-	-	None	-	-	None	-	-	None
Storage Length	50	-	-	120	-	-	-	-	0	-	-	50
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	100	100	100	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	0	0	0	2	2	2	2	2	2
Mvmt Flow	1	12	90	47	352	2	130	0	2	2	2	7

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	354	0	0	102	0	0	511	507	57	507	551	353
Stage 1	-	-	-	-	-	-	59	59	-	447	447	-
Stage 2	-	-	-	-	-	-	452	448	-	60	104	-
Critical Hdwy	4.12	-	-	4.1	-	-	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	-	-	2.2	-	-	3.518	4.018	3.318	3.518	4.018	3.318
Pot Cap-1 Maneuver	1205	-	-	1503	-	-	473	468	1009	476	442	691
Stage 1	-	-	-	-	-	-	953	846	-	591	573	-
Stage 2	-	-	-	-	-	-	587	573	-	951	809	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1205	-	-	1503	-	-	455	453	1009	463	428	691
Mov Cap-2 Maneuver	-	-	-	-	-	-	455	453	-	463	428	-
Stage 1	-	-	-	-	-	-	952	845	-	590	555	-
Stage 2	-	-	-	-	-	-	561	555	-	948	808	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.1	0.9	15.9	11.5
HCM LOS			C	B

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1	SBLn2
Capacity (veh/h)	455	1009	1205	-	-	1503	-	-	445	691
HCM Lane V/C Ratio	0.286	0.002	0.001	-	-	0.031	-	-	0.01	0.01
HCM Control Delay (s)	16	8.6	8	-	-	7.5	-	-	13.2	10.3
HCM Lane LOS	C	A	A	-	-	A	-	-	B	B
HCM 95th %tile Q(veh)	1.2	0	0	-	-	0.1	-	-	0	0



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	0	9	44	455	5	17	12	72	8	76	545	6
Future Volume (veh/h)	0	9	44	455	5	17	12	72	8	76	545	6
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		0.99	1.00		1.00	1.00		0.99	1.00		0.99
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	1900	1900	1824	1900	1900	1824	1900	1589	1900	1900	1870	1900
Adj Flow Rate, veh/h	0	10	49	506	6	19	13	80	9	84	606	7
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	0	0	0	0	0	0	0	21	0	0	2	0
Cap, veh/h	2	28	137	539	177	559	33	957	506	124	716	612
Arrive On Green	0.00	0.10	0.10	0.30	0.44	0.44	0.02	0.32	0.32	0.07	0.38	0.38
Sat Flow, veh/h	1810	277	1355	1810	400	1267	1810	3019	1597	1810	1870	1600
Grp Volume(v), veh/h	0	0	59	506	0	25	13	80	9	84	606	7
Grp Sat Flow(s),veh/h/ln	1810	0	1632	1810	0	1667	1810	1509	1597	1810	1870	1600
Q Serve(g_s), s	0.0	0.0	3.2	25.8	0.0	0.8	0.7	1.8	0.4	4.3	28.0	0.3
Cycle Q Clear(g_c), s	0.0	0.0	3.2	25.8	0.0	0.8	0.7	1.8	0.4	4.3	28.0	0.3
Prop In Lane	1.00		0.83	1.00		0.76	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	2	0	165	539	0	736	33	957	506	124	716	612
V/C Ratio(X)	0.00	0.00	0.36	0.94	0.00	0.03	0.39	0.08	0.02	0.68	0.85	0.01
Avail Cap(c_a), veh/h	573	0	997	573	0	1054	573	2300	1217	573	1386	1185
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)	0.00	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	0.0	0.0	39.7	32.4	0.0	15.0	46.0	22.7	22.2	43.1	26.7	18.1
Incr Delay (d2), s/veh	0.0	0.0	1.3	22.7	0.0	0.0	7.3	0.1	0.0	6.4	4.0	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	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.0	0.0	1.3	14.2	0.0	0.3	0.4	0.6	0.1	2.1	12.2	0.1
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	0.0	0.0	41.0	55.1	0.0	15.0	53.3	22.8	22.2	49.5	30.7	18.1
LnGrp LOS	A	A	D	E	A	B	D	C	C	D	C	B
Approach Vol, veh/h		59			531			102			697	
Approach Delay, s/veh		41.0			53.3			26.6			32.9	
Approach LOS		D			D			C			C	

Timer - Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	12.0	35.8	32.2	14.7	5.7	42.1	0.0	46.9
Change Period (Y+Rc), s	5.5	5.8	4.0	5.1	4.0	5.8	4.0	5.1
Max Green Setting (Gmax), s	30.0	72.2	30.0	57.9	30.0	70.2	30.0	59.9
Max Q Clear Time (g_c+I1), s	6.3	3.8	27.8	5.2	2.7	30.0	0.0	2.8
Green Ext Time (p_c), s	0.2	0.8	0.4	0.4	0.0	6.2	0.0	0.1

Intersection Summary	
HCM 6th Ctrl Delay	40.5
HCM 6th LOS	D

Intersection	
Int Delay, s/veh	0.1

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	0	17	75	11	0	1052
Future Vol, veh/h	0	17	75	11	0	1052
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	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	19	83	12	0	1169

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	-	48	0	0	-	-
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-
Critical Hdwy	-	7.14	-	-	-	-
Critical Hdwy Stg 1	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	-	-
Follow-up Hdwy	-	3.92	-	-	-	-
Pot Cap-1 Maneuver	0	857	-	-	0	-
Stage 1	0	-	-	-	0	-
Stage 2	0	-	-	-	0	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	-	857	-	-	-	-
Mov Cap-2 Maneuver	-	-	-	-	-	-
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	9.3	0	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBT
Capacity (veh/h)	-	-	857	-
HCM Lane V/C Ratio	-	-	0.022	-
HCM Control Delay (s)	-	-	9.3	-
HCM Lane LOS	-	-	A	-
HCM 95th %tile Q(veh)	-	-	0.1	-

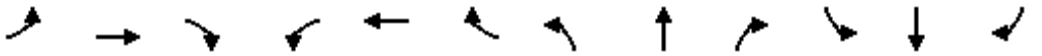
Intersection	
Int Delay, s/veh	2.5

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	7	150	34	10	70	13	39	2	6	15	1	4
Future Vol, veh/h	7	150	34	10	70	13	39	2	6	15	1	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	-	-	None	-	-	None	-	-	None
Storage Length	60	-	-	60	-	-	-	-	0	0	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	100	100	100	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	0	0	0	2	2	2	2	2	2
Mvmt Flow	8	167	38	10	70	13	43	2	7	17	1	4

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	83	0	0	205	0	0	301	305	186	304	318	77
Stage 1	-	-	-	-	-	-	202	202	-	97	97	-
Stage 2	-	-	-	-	-	-	99	103	-	207	221	-
Critical Hdwy	4.12	-	-	4.1	-	-	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	-	-	2.2	-	-	3.518	4.018	3.318	3.518	4.018	3.318
Pot Cap-1 Maneuver	1514	-	-	1378	-	-	651	608	856	648	598	984
Stage 1	-	-	-	-	-	-	800	734	-	910	815	-
Stage 2	-	-	-	-	-	-	907	810	-	795	720	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1514	-	-	1378	-	-	641	601	856	635	591	984
Mov Cap-2 Maneuver	-	-	-	-	-	-	641	601	-	635	591	-
Stage 1	-	-	-	-	-	-	796	730	-	905	809	-
Stage 2	-	-	-	-	-	-	895	804	-	782	716	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.3	0.8	10.9	10.4
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1	SBLn2
Capacity (veh/h)	639	856	1514	-	-	1378	-	-	635	868
HCM Lane V/C Ratio	0.071	0.008	0.005	-	-	0.007	-	-	0.026	0.006
HCM Control Delay (s)	11.1	9.2	7.4	-	-	7.6	-	-	10.8	9.2
HCM Lane LOS	B	A	A	-	-	A	-	-	B	A
HCM 95th %tile Q(veh)	0.2	0	0	-	-	0	-	-	0.1	0



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	3	6	8	55	8	54	31	289	103	81	148	1
Future Volume (veh/h)	3	6	8	55	8	54	31	289	103	81	148	1
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		0.99	1.00		0.99	1.00		0.99	1.00		0.99
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	1900	1900	1824	1900	1900	1824	1900	1856	1900	1900	1841	1900
Adj Flow Rate, veh/h	3	7	9	61	9	60	34	321	114	90	164	1
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	0	0	0	0	0	0	0	3	0	0	4	0
Cap, veh/h	146	106	136	184	34	229	82	799	361	215	608	528
Arrive On Green	0.08	0.14	0.14	0.10	0.16	0.16	0.05	0.23	0.23	0.12	0.33	0.33
Sat Flow, veh/h	1810	750	964	1810	213	1417	1810	3526	1592	1810	1841	1598
Grp Volume(v), veh/h	3	0	16	61	0	69	34	321	114	90	164	1
Grp Sat Flow(s),veh/h/ln	1810	0	1714	1810	0	1629	1810	1763	1592	1810	1841	1598
Q Serve(g_s), s	0.1	0.0	0.4	1.6	0.0	1.8	0.9	3.8	3.0	2.3	3.2	0.0
Cycle Q Clear(g_c), s	0.1	0.0	0.4	1.6	0.0	1.8	0.9	3.8	3.0	2.3	3.2	0.0
Prop In Lane	1.00		0.56	1.00		0.87	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	146	0	242	184	0	264	82	799	361	215	608	528
V/C Ratio(X)	0.02	0.00	0.07	0.33	0.00	0.26	0.42	0.40	0.32	0.42	0.27	0.00
Avail Cap(c_a), veh/h	1096	0	2004	1096	0	1970	1096	5139	2321	1096	2609	2265
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	21.0	0.0	18.4	20.7	0.0	18.2	23.0	16.3	16.0	20.2	12.2	11.1
Incr Delay (d2), s/veh	0.1	0.0	0.1	1.0	0.0	0.5	3.3	0.3	0.5	1.3	0.2	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	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.0	0.0	0.2	0.6	0.0	0.6	0.4	1.3	1.0	0.9	1.1	0.0
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	21.0	0.0	18.6	21.7	0.0	18.7	26.3	16.6	16.5	21.5	12.4	11.1
LnGrp LOS	C	A	B	C	A	B	C	B	B	C	B	B
Approach Vol, veh/h		19			130			469			255	
Approach Delay, s/veh		18.9			20.1			17.3			15.6	
Approach LOS		B			C			B			B	

Timer - Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	11.4	17.0	9.0	12.1	6.2	22.2	8.0	13.1
Change Period (Y+Rc), s	5.5	5.8	4.0	5.1	4.0	5.8	4.0	5.1
Max Green Setting (Gmax), s	30.0	72.2	30.0	57.9	30.0	70.2	30.0	59.9
Max Q Clear Time (g_c+I1), s	4.3	5.8	3.6	2.4	2.9	5.2	2.1	3.8
Green Ext Time (p_c), s	0.2	2.4	0.1	0.1	0.1	0.9	0.0	0.4

Intersection Summary	
HCM 6th Ctrl Delay	17.3
HCM 6th LOS	B

Intersection	
Int Delay, s/veh	0.9

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	0	54	369	57	0	211
Future Vol, veh/h	0	54	369	57	0	211
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	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	60	410	63	0	234

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	-	237	0	0	-	-
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-
Critical Hdwy	-	7.14	-	-	-	-
Critical Hdwy Stg 1	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	-	-
Follow-up Hdwy	-	3.92	-	-	-	-
Pot Cap-1 Maneuver	0	651	-	-	0	-
Stage 1	0	-	-	-	0	-
Stage 2	0	-	-	-	0	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	-	651	-	-	-	-
Mov Cap-2 Maneuver	-	-	-	-	-	-
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	11.1	0	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBT
Capacity (veh/h)	-	-	651	-
HCM Lane V/C Ratio	-	-	0.092	-
HCM Control Delay (s)	-	-	11.1	-
HCM Lane LOS	-	-	B	-
HCM 95th %tile Q(veh)	-	-	0.3	-

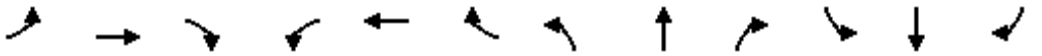
Intersection	
Int Delay, s/veh	4

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	1	11	81	47	352	2	117	0	2	2	2	6
Future Vol, veh/h	1	11	81	47	352	2	117	0	2	2	2	6
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	-	-	None	-	-	None	-	-	None
Storage Length	50	-	-	120	-	-	-	-	0	-	-	50
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	100	100	100	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	0	0	0	2	2	2	2	2	2
Mvmt Flow	1	12	90	47	352	2	130	0	2	2	2	7

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	354	0	0	102	0	0	511	507	57	507	551	353
Stage 1	-	-	-	-	-	-	59	59	-	447	447	-
Stage 2	-	-	-	-	-	-	452	448	-	60	104	-
Critical Hdwy	4.12	-	-	4.1	-	-	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	-	-	2.2	-	-	3.518	4.018	3.318	3.518	4.018	3.318
Pot Cap-1 Maneuver	1205	-	-	1503	-	-	473	468	1009	476	442	691
Stage 1	-	-	-	-	-	-	953	846	-	591	573	-
Stage 2	-	-	-	-	-	-	587	573	-	951	809	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1205	-	-	1503	-	-	455	453	1009	463	428	691
Mov Cap-2 Maneuver	-	-	-	-	-	-	455	453	-	463	428	-
Stage 1	-	-	-	-	-	-	952	845	-	590	555	-
Stage 2	-	-	-	-	-	-	561	555	-	948	808	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.1	0.9	15.9	11.5
HCM LOS			C	B

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1	SBLn2
Capacity (veh/h)	455	1009	1205	-	-	1503	-	-	445	691
HCM Lane V/C Ratio	0.286	0.002	0.001	-	-	0.031	-	-	0.01	0.01
HCM Control Delay (s)	16	8.6	8	-	-	7.5	-	-	13.2	10.3
HCM Lane LOS	C	A	A	-	-	A	-	-	B	B
HCM 95th %tile Q(veh)	1.2	0	0	-	-	0.1	-	-	0	0



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	0	9	44	455	5	17	12	72	8	76	545	6
Future Volume (veh/h)	0	9	44	455	5	17	12	72	8	76	545	6
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		0.99	1.00		1.00	1.00		0.99	1.00		0.99
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	1900	1900	1824	1900	1900	1824	1900	1589	1900	1900	1870	1900
Adj Flow Rate, veh/h	0	10	49	528	0	0	13	80	9	84	606	7
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	0	0	0	0	0	0	0	21	0	0	2	0
Cap, veh/h	164	25	123	749	393	0	35	923	488	157	738	631
Arrive On Green	0.00	0.09	0.09	0.21	0.00	0.00	0.02	0.31	0.31	0.09	0.39	0.39
Sat Flow, veh/h	1810	277	1355	3619	1900	0	1810	3019	1597	1810	1870	1600
Grp Volume(v), veh/h	0	0	59	528	0	0	13	80	9	84	606	7
Grp Sat Flow(s),veh/h/ln	1810	0	1632	1810	1900	0	1810	1509	1597	1810	1870	1600
Q Serve(g_s), s	0.0	0.0	2.4	9.4	0.0	0.0	0.5	1.3	0.3	3.1	20.1	0.2
Cycle Q Clear(g_c), s	0.0	0.0	2.4	9.4	0.0	0.0	0.5	1.3	0.3	3.1	20.1	0.2
Prop In Lane	1.00		0.83	1.00		0.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	164	0	148	749	393	0	35	923	488	157	738	631
V/C Ratio(X)	0.00	0.00	0.40	0.70	0.00	0.00	0.37	0.09	0.02	0.54	0.82	0.01
Avail Cap(c_a), veh/h	965	0	871	1931	1014	0	203	1580	836	344	1165	997
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)	0.00	0.00	1.00	1.00	0.00	0.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	0.0	0.0	29.7	25.5	0.0	0.0	33.6	17.2	16.8	30.3	18.8	12.8
Incr Delay (d2), s/veh	0.0	0.0	1.7	1.2	0.0	0.0	6.6	0.1	0.0	2.8	3.6	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	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.0	0.0	1.0	3.9	0.0	0.0	0.3	0.4	0.1	1.4	8.0	0.1
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	0.0	0.0	31.5	26.8	0.0	0.0	40.2	17.2	16.8	33.2	22.4	12.8
LnGrp LOS	A	A	C	C	A	A	D	B	B	C	C	B
Approach Vol, veh/h		59			528			102			697	
Approach Delay, s/veh		31.5			26.8			20.1			23.6	
Approach LOS		C			C			C			C	

Timer - Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	11.5	27.0		11.4	5.3	33.2		19.5				
Change Period (Y+Rc), s	5.5	5.8		5.1	4.0	5.8		5.1				
Max Green Setting (Gmax), s	13.2	36.3		37.0	7.8	43.2		37.0				
Max Q Clear Time (g_c+I1), s	5.1	3.3		4.4	2.5	22.1		11.4				
Green Ext Time (p_c), s	0.1	0.6		0.3	0.0	5.3		1.9				

Intersection Summary			
HCM 6th Ctrl Delay		24.9	
HCM 6th LOS		C	

Notes

User approved volume balancing among the lanes for turning movement.

Intersection	
Int Delay, s/veh	0.1

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	0	17	75	11	0	1052
Future Vol, veh/h	0	17	75	11	0	1052
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	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	19	83	12	0	1169

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	-	48	0	0	-	-
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-
Critical Hdwy	-	7.14	-	-	-	-
Critical Hdwy Stg 1	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	-	-
Follow-up Hdwy	-	3.92	-	-	-	-
Pot Cap-1 Maneuver	0	857	-	-	0	-
Stage 1	0	-	-	-	0	-
Stage 2	0	-	-	-	0	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	-	857	-	-	-	-
Mov Cap-2 Maneuver	-	-	-	-	-	-
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	9.3	0	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBT
Capacity (veh/h)	-	-	857	-
HCM Lane V/C Ratio	-	-	0.022	-
HCM Control Delay (s)	-	-	9.3	-
HCM Lane LOS	-	-	A	-
HCM 95th %tile Q(veh)	-	-	0.1	-

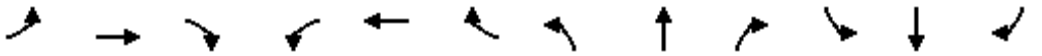
Intersection	
Int Delay, s/veh	2.5

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	7	150	34	10	70	13	39	2	6	15	1	4
Future Vol, veh/h	7	150	34	10	70	13	39	2	6	15	1	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	-	-	None	-	-	None	-	-	None
Storage Length	60	-	-	60	-	-	-	-	0	0	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	100	100	100	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	0	0	0	2	2	2	2	2	2
Mvmt Flow	8	167	38	10	70	13	43	2	7	17	1	4

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	83	0	0	205	0	0	301	305	186	304	318	77
Stage 1	-	-	-	-	-	-	202	202	-	97	97	-
Stage 2	-	-	-	-	-	-	99	103	-	207	221	-
Critical Hdwy	4.12	-	-	4.1	-	-	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	-	-	2.2	-	-	3.518	4.018	3.318	3.518	4.018	3.318
Pot Cap-1 Maneuver	1514	-	-	1378	-	-	651	608	856	648	598	984
Stage 1	-	-	-	-	-	-	800	734	-	910	815	-
Stage 2	-	-	-	-	-	-	907	810	-	795	720	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1514	-	-	1378	-	-	641	601	856	635	591	984
Mov Cap-2 Maneuver	-	-	-	-	-	-	641	601	-	635	591	-
Stage 1	-	-	-	-	-	-	796	730	-	905	809	-
Stage 2	-	-	-	-	-	-	895	804	-	782	716	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.3	0.8	10.9	10.4
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1	SBLn2
Capacity (veh/h)	639	856	1514	-	-	1378	-	-	635	868
HCM Lane V/C Ratio	0.071	0.008	0.005	-	-	0.007	-	-	0.026	0.006
HCM Control Delay (s)	11.1	9.2	7.4	-	-	7.6	-	-	10.8	9.2
HCM Lane LOS	B	A	A	-	-	A	-	-	B	A
HCM 95th %tile Q(veh)	0.2	0	0	-	-	0	-	-	0.1	0



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	3	6	8	55	8	54	31	289	103	81	148	1
Future Volume (veh/h)	3	6	8	55	8	54	31	289	103	81	148	1
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		0.99	1.00		0.99	1.00		0.99	1.00		0.99
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	1900	1900	1824	1900	1900	1824	1900	1856	1900	1900	1841	1900
Adj Flow Rate, veh/h	3	7	9	61	9	60	34	321	114	90	164	1
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	0	0	0	0	0	0	0	3	0	0	4	0
Cap, veh/h	88	37	47	207	24	161	70	754	340	207	598	519
Arrive On Green	0.05	0.05	0.05	0.11	0.11	0.11	0.04	0.21	0.21	0.11	0.32	0.32
Sat Flow, veh/h	1810	749	963	1810	212	1412	1810	3526	1591	1810	1841	1598
Grp Volume(v), veh/h	3	0	16	61	0	69	34	321	114	90	164	1
Grp Sat Flow(s),veh/h/ln	1810	0	1712	1810	0	1624	1810	1763	1591	1810	1841	1598
Q Serve(g_s), s	0.1	0.0	0.4	1.3	0.0	1.7	0.8	3.3	2.6	2.0	2.8	0.0
Cycle Q Clear(g_c), s	0.1	0.0	0.4	1.3	0.0	1.7	0.8	3.3	2.6	2.0	2.8	0.0
Prop In Lane	1.00		0.56	1.00		0.87	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	88	0	84	207	0	186	70	754	340	207	598	519
V/C Ratio(X)	0.03	0.00	0.19	0.29	0.00	0.37	0.48	0.43	0.34	0.43	0.27	0.00
Avail Cap(c_a), veh/h	1584	0	1499	1584	0	1422	257	2837	1280	664	1960	1701
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	19.2	0.0	19.3	17.2	0.0	17.3	19.9	14.4	14.1	17.4	10.6	9.6
Incr Delay (d2), s/veh	0.2	0.0	1.1	0.8	0.0	1.2	5.0	0.4	0.6	1.4	0.2	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	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.0	0.0	0.2	0.5	0.0	0.6	0.4	1.0	0.7	0.7	0.8	0.0
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	19.3	0.0	20.4	17.9	0.0	18.5	24.9	14.7	14.6	18.9	10.8	9.6
LnGrp LOS	B	A	C	B	A	B	C	B	B	B	B	A
Approach Vol, veh/h		19			130			469			255	
Approach Delay, s/veh		20.2			18.3			15.5			13.7	
Approach LOS		C			B			B			B	

Timer - Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	10.3	14.8		7.2	5.6	19.5		9.9				
Change Period (Y+Rc), s	5.5	5.8		5.1	4.0	5.8		5.1				
Max Green Setting (Gmax), s	15.5	34.0		37.0	6.0	45.0		37.0				
Max Q Clear Time (g_c+I1), s	4.0	5.3		2.4	2.8	4.8		3.7				
Green Ext Time (p_c), s	0.1	2.3		0.1	0.0	0.9		0.5				

Intersection Summary			
HCM 6th Ctrl Delay		15.5	
HCM 6th LOS		B	

Notes

User approved volume balancing among the lanes for turning movement.

Intersection	
Int Delay, s/veh	0.9

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	0	54	369	57	0	211
Future Vol, veh/h	0	54	369	57	0	211
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	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	60	410	63	0	234

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	-	237	0	0	-	-
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-
Critical Hdwy	-	7.14	-	-	-	-
Critical Hdwy Stg 1	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	-	-
Follow-up Hdwy	-	3.92	-	-	-	-
Pot Cap-1 Maneuver	0	651	-	-	0	-
Stage 1	0	-	-	-	0	-
Stage 2	0	-	-	-	0	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	-	651	-	-	-	-
Mov Cap-2 Maneuver	-	-	-	-	-	-
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	11.1	0	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBT
Capacity (veh/h)	-	-	651	-
HCM Lane V/C Ratio	-	-	0.092	-
HCM Control Delay (s)	-	-	11.1	-
HCM Lane LOS	-	-	B	-
HCM 95th %tile Q(veh)	-	-	0.3	-

Intersection: 1: Project Driveway/Private Driveway & Middlefield Dr

Movement	EB	EB	WB	WB	NB	NB	SB	SB
Directions Served	L	TR	L	TR	LT	R	LT	R
Maximum Queue (ft)	8	4	29	29	91	26	31	34
Average Queue (ft)	0	0	5	1	44	3	4	6
95th Queue (ft)	5	2	22	13	75	17	19	27
Link Distance (ft)		384		736	267	267	268	
Upstream Blk Time (%)								
Queuing Penalty (veh)								
Storage Bay Dist (ft)	50		120					50
Storage Blk Time (%)							0	0
Queuing Penalty (veh)							0	0

Intersection: 2: Corral Hollow & Summit Dr/Middlefield Dr

Movement	EB	WB	WB	NB	NB	NB	NB	SB	SB	SB
Directions Served	TR	L	TR	L	T	T	R	L	T	R
Maximum Queue (ft)	70	104	449	52	115	77	28	185	478	105
Average Queue (ft)	30	100	184	12	39	9	3	63	180	6
95th Queue (ft)	58	114	397	37	91	41	17	141	348	74
Link Distance (ft)	744		384		389	389	389		532	532
Upstream Blk Time (%)			2						0	0
Queuing Penalty (veh)			10						0	0
Storage Bay Dist (ft)		80		200				200		
Storage Blk Time (%)		35							6	
Queuing Penalty (veh)		8							5	

Intersection: 3: Corral Hollow & Project Driveway

Movement	WB
Directions Served	R
Maximum Queue (ft)	34
Average Queue (ft)	12
95th Queue (ft)	36
Link Distance (ft)	75
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Network Summary

Network wide Queuing Penalty: 23

Intersection: 1: Project Driveway/Private Driveway & Middlefield Dr

Movement	EB	WB	WB	NB	NB	SB	SB
Directions Served	L	L	TR	LT	R	LT	R
Maximum Queue (ft)	4	36	4	80	26	31	31
Average Queue (ft)	0	4	0	42	2	4	5
95th Queue (ft)	3	21	3	68	16	20	23
Link Distance (ft)			736	267	267	268	
Upstream Blk Time (%)							
Queuing Penalty (veh)							
Storage Bay Dist (ft)	50	120					50
Storage Blk Time (%)						0	0
Queuing Penalty (veh)						0	0

Intersection: 2: Corral Hollow & Summit Dr/Middlefield Dr

Movement	EB	WB	WB	NB	NB	NB	NB	SB	SB	SB
Directions Served	TR	L	LTR	L	T	T	R	L	T	R
Maximum Queue (ft)	77	105	363	45	125	80	27	224	504	26
Average Queue (ft)	28	93	160	12	39	12	4	74	225	2
95th Queue (ft)	58	121	325	38	92	48	19	176	413	13
Link Distance (ft)	744		384		389	389	389		532	532
Upstream Blk Time (%)			1						1	
Queuing Penalty (veh)			3						0	
Storage Bay Dist (ft)		80		200				200		
Storage Blk Time (%)	0	25	5						12	
Queuing Penalty (veh)	0	64	12						10	

Intersection: 3: Corral Hollow & Project Driveway

Movement	WB	SB	SB
Directions Served	R	T	T
Maximum Queue (ft)	42	70	60
Average Queue (ft)	13	2	0
95th Queue (ft)	38	43	0
Link Distance (ft)	75	389	389
Upstream Blk Time (%)		0	
Queuing Penalty (veh)		0	
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

D. Coffee Queuing Worksheet

Intersection: 1: Project Driveway/Private Driveway & Middlefield Dr

Movement	EB	WB	WB	NB	NB	SB	SB
Directions Served	TR	L	TR	LT	R	LT	R
Maximum Queue (ft)	14	69	327	222	73	26	35
Average Queue (ft)	0	8	36	71	6	3	6
95th Queue (ft)	3	43	199	174	58	18	28
Link Distance (ft)	396		736	267	267	268	
Upstream Blk Time (%)				4	0		
Queuing Penalty (veh)				0	0		
Storage Bay Dist (ft)		60					50
Storage Blk Time (%)	0	0	7			0	1
Queuing Penalty (veh)	0	0	3			0	0

Intersection: 2: Corral Hollow & Summit Dr/Middlefield Dr

Movement	EB	WB	WB	NB	NB	NB	SB	SB	SB
Directions Served	TR	L	TR	L	T	R	L	T	R
Maximum Queue (ft)	70	110	466	51	99	28	224	375	104
Average Queue (ft)	24	108	318	12	35	4	70	165	5
95th Queue (ft)	54	116	519	40	78	19	157	307	54
Link Distance (ft)	744		396		389			532	
Upstream Blk Time (%)			17						
Queuing Penalty (veh)			81						
Storage Bay Dist (ft)		60		200		200	200		250
Storage Blk Time (%)	0	61	1					6	0
Queuing Penalty (veh)	0	14	3					5	0

Intersection: 3: Corral Hollow & Project Driveway

Movement	WB
Directions Served	R
Maximum Queue (ft)	30
Average Queue (ft)	12
95th Queue (ft)	36
Link Distance (ft)	99
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Network Summary

Network wide Queuing Penalty: 105

DRIVE-THROUGH QUEUING ANALYSIS

Project: Drive Thru Coffee Stand
Location: Edgewood Commercial, Tracy, CA

INPUT VALUES

Variable	Description	Value	
A =	average number of vehicle arrivals per hour [1]	34	
S =	service rate, number of vehicles per hour	88	
I =	traffic intensity, utilization factor = A/S	0.38	<1
Q =	queue capacity (vehicles)	1	

FORMULAS

Average Length of Queue

$Avg\ Q = A^2 / S(S-A) = I^2 / 1-I$ 0.24

Probability of Q Number of Vehicles in Queue

$P(Q) = (I)^Q (1-I)$ 23.66%

Probability of Queue Exceeding Q Vehicles

$\sum_{Q=0}^{Q=a} P(Q) \geq 0.95$ 14.78%

Source: Institute of Transportation Engineers (ITE)
Transportation Planning Handbook, 3rd Edition

% of exact queue happening	Queue length (to max queue storage)	Total percent
61.56%	0	61.56%
23.66%	1	85.22%
9.10%	2	94.32%
3.50%	3	97.82%
1.34%	4	99.16%
0.52%	5	
0.20%	6	
0.08%	7	
0.03%	8	
0.01%	9	
0.00%	10	
0.00%	11	
0.00%	12	
0.00%	13	
0.00%	14	
0.00%	15	
0.00%	16	
0.00%	17	

Service Rates

sec/hr	3600			
1st veh	102			
rem sec	3498	Quick	Long	Average
svc time		52	428	40
veh srvd		68	9	88

ORDINANCE _____

AN ORDINANCE OF THE CITY OF TRACY REZONING ASSESSOR'S PARCEL NUMBER 244-020-31 FROM PLANNED UNIT DEVELOPMENT ZONE (PUD) TO NEIGHBORHOOD SHOPPING ZONE (NS)

WHEREAS, The subject property has a General Plan designation of Commercial, is zoned Planned Unit Development (PUD) known as Edgewood, and is designated neighborhood shopping center in the Edgewood PUD, and

WHEREAS, Land use and development standards have not been established for the neighborhood shopping center designation, and

WHEREAS, On October 1, 2019, Schack and Company, on behalf of the property owners, submitted an application to remove the property from the Edgewood PUD and rezone it to Neighborhood Shopping Zone (NS), and

WHEREAS, Rezoning the property would allow for commercial land uses and development in conformance with the NS zone, and

WHEREAS, Section 15183 of the California Environmental Quality Act (CEQA) Guidelines provides that projects which are consistent with the development density established by existing Community Plan, General Plan, or Zoning policies for which an Environmental Impact Report was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which a peculiar to the project or its site;

WHEREAS, The proposal does not increase the development density established by the General Plan for which an Environmental Impact Report was certified, and there are no project-specific significant effects which are peculiar to the project or its site and therefore, in accordance with California Environmental Quality Act Guidelines Section 15183, no further environmental assessment is required, and

WHEREAS, The Planning Commission held a public meeting to review and consider the rezone application on June 10, 2020 and recommended approval of the rezone, and

WHEREAS, The City Council held a public meeting to review and consider the rezone application on July 7, 2020;

NOW, THEREFORE, The City Council does ordain as follows:

SECTION 1: The zoning map of the City of Tracy is hereby amended to change the zoning on the following parcel from Planned Unit Development (PUD) to Neighborhood Shopping (NS):

Approximately 10.92 acre site located at the southeast corner of Corral Hollow Road and Middlefield Drive, Assessor's Parcel Number 244-020-31.

SECTION 2: This Ordinance shall take effect thirty (30) days after its final passage and adoption.

SECTION 3: This Ordinance shall be published once in the Tracy Press, a newspaper of general circulation, within fifteen (15) days from and after its final passage and adoption.

* * * * * * * *

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the 7th day of July, 2020, and finally adopted on the 21st day of July, 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 DEVELOPMENT REVIEW PERMIT FOR A RETAIL CONVENIENCE STORE, AN AUTOMOBILE SERVICE STATION WITH ELECTRIC VEHICLE CHARGING STATION, AND ASSOCIATED PARKING AND LANDSCAPING IMPROVEMENTS AT ASSESSOR'S PARCEL NUMBER 244-020-31, LOCATED AT THE SOUTHEAST CORNER OF CORRAL HOLLOW ROAD AND MIDDLEFIELD DRIVE - THE APPLICANT IS SCHACK AND COMPANY AND THE PROPERTY OWNERS ARE HARPREET SINGH & VARINDER PAL SINGH. APPLICATION NUMBER D19-0031

WHEREAS, On October 1, 2019, the City received a Development Review Permit application for a 3,884 sf convenience store building, an automotive service station with twelve pumps and a 2,880 sf canopy, an electric vehicle charging station consisting of seven stations, and associated parking area and landscaping improvements on the approximately 2.44-acre northwestern portion of an approximately 10.92-acre site located at the southeast corner of Corral Hollow Road and Middlefield Drive, which is associated with application for a Rezone of the site (R19-0001) and a Conditional Use Permit (CUP19-0013) received on December 2, 2019 (the "Project"), and

WHEREAS, The Project is consistent with the City of Tracy General Plan, in that the site is designated Commercial by the General Plan, and the proposed Project is allowed under the Commercial land use designation, and

WHEREAS, The City Council is authorized to take final action on a Tier 1 Development Review Permit following a Planning Commission recommendation pursuant to Tracy Municipal Code Section 10.08.3950, and

WHEREAS, Section 15183 of the California Environmental Quality Act (CEQA) Guidelines provides that projects which are consistent with the development density established by existing Community Plan, General Plan, or Zoning policies for which an Environmental Impact Report was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which a peculiar to the Project or its site, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the application on June 10, 2020, and recommended approval of the Project, and

WHEREAS, The City Council conducted a public hearing to review and consider the Project on July 7, 2020;

NOW, THEREFORE BE IT RESOLVED, That the City Council of the City of Tracy does hereby approve development review permit for the retail convenience store, automotive service station, electric vehicle charging station, and associated parking and landscaping improvements described in application number D19-0031, subject to (1) the conditions contained in Exhibit 1, and (2) that it will not take effect until the project site is rezoned to the Neighborhood Shopping Zone, based on the following findings:

1. The proposal increases the quality of the Project site and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy, because the proposed Project will improve the undeveloped site with

structures embodying high-quality design and substantial landscaping throughout the development area. The retail building employs varying roof heights and materials, building popouts and wall movement, substantial stonework, decorative trims and accent lighting, and application of warm colors. The mansard tile roof and exposed rafter tails complement the residential character of the adjacent subdivision. The fueling area canopy and the trash enclosure will architecturally match the building. All onsite structures are designed with a complementary level of architectural detailing, and utility equipment will largely be screened behind decorative screen walls and/or landscaping. Furthermore, the project is conditioned such that should any outdoor display of retail propane tanks or similar product occur, it shall be screened from general view, such as behind a screen wall. The site is designed with good through circulation, and landscaping in excess of minimum requirements is provided.

2. The proposal, as conditioned, conforms to the Tracy Municipal Code, the City of Tracy General Plan, the Citywide Design Goals and Standards, applicable City Standards, California Building Codes, and California Fire Codes, including land use, building design, off-street parking and circulation, and landscaping design.

* * * * * * * * * *

The foregoing Resolution 2020-_____ was adopted by the City Council on the 7th day of July, 2020, by the following vote:

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

_____
MAYOR

ATTEST:

_____
CITY CLERK

City of Tracy
Conditions of Approval
Edgewood Service Station
Application Number D19-0031
July 7, 2020

A. General Provisions and Definitions.

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

The Project: Edgewood Service Station, Application No. D19-0031

The Property: An approximately 10.92-acre site located at the southeast corner of Corral Hollow Road and Middlefield Drive, Assessor's Parcel Number 244-020-31

A.2. Definitions.

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

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

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

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

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

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

A.3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the plans received by the Development Services Department on May 20, 2020. This includes the site plan, civil plans, landscape plans, and building elevations, colors, and materials.

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

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

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

A.6. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations.

A.7. Protest of fees, dedications, reservations, or other exactions. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

B. Development Services Department Planning Division Conditions

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

B.1. Enhanced Vapor Recovery. Before approval of a building permit, detailed plans shall be submitted to the Development Services Department that demonstrates construction details for the enhanced vapor recovery equipment in accordance with either Option A or Option B as shown in the plans dated January 24, 2020 to the satisfaction of the Development Services Department Director. Such plans shall demonstrate that the equipment will be fully screened from public view as shown in Options A and B for the different types of equipment options. Any vent pipes that are visible shall be painted to match the adjacent building.

B.2. Parking Area.

B.2.1. Before the approval of a building permit, the applicant shall provide detailed plans that show sidewalk and landscape planters perpendicular to parking stalls overhanging 24 inches into the parking stall in place of required wheel stops in Accordance with TMC Section 10.08.3530(e), where feasible. This landscape overhang may not be double-counted toward other parking area minimum landscape requirements.

B.2.2. Before the approval of a building permit, the applicant shall provide site plans and construction details that demonstrate the number, design, and location of

bicycle parking spaces will be provided in accordance with TMC Section 10.08.3510.

B.2.3. Before the approval of a building permit, the applicant shall provide site plans and construction details that demonstrate minimum 12-inch wide concrete curbs along the perimeter of landscape planters where such planters are parallel and adjacent to vehicular parking spaces to provide access to vehicles without stepping into the landscape planters.

B.2.4. Before the approval of a building permit, the applicant shall provide detailed plans that demonstrate a minimum of one foot candle throughout the parking area.

B.2.5. Before final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light off of glass and metal surfaces, into the public rights-of-way, and onto any adjacent private property to the satisfaction of the Development Services Department Director.

B.3. Landscaping & irrigation. Before the approval of a building permit, the applicant shall provide detailed landscape and irrigation plans consistent with the Tracy Municipal Code Section 10.08.3560 for parking area landscaping and the following, to the satisfaction of the Development Services Department Director.

B.3.1. Two additional accent trees shall be provided in the landscape area northwest of the building.

B.3.2. Trees shall be a minimum of 24” box size, shrubs shall be a minimum size of 5 gallon, and groundcover shall be a minimum size of 1 gallon.

B.3.3. Where trees are planted ten feet or less from a sidewalk or curb, root barriers dimensioned 8 feet long by 24 inches deep shall be provided adjacent to such sidewalk and curb, centered on the tree.

B.3.4. Each planter shall contain a combination of trees, shrubs, and groundcover. No planter area shall be comprised of solely of mulch or rock.

B.3.5. All existing street trees, except for any that are needed to be removed for the construction of required frontage improvements as determined by the City, shall remain and be protected during construction.

B.3.6. Landscape & Irrigation Maintenance. Prior to the issuance of a building permit, the Developer shall execute a two-year landscape and irrigation maintenance agreement and submit financial security, such as a performance bond, to ensure the success of all on-site landscaping for the term of the agreement. The security amount shall be equal to $2.50 per square foot of the landscaped area or equal to the actual labor and material installation cost of all on-site landscaping and irrigation.

B.4. Screening utilities and equipment.

B.4.1. Before final inspection or certificate of occupancy, no roof mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes, whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from any public right-of-way to the satisfaction of the Development Services Department Director. Detailed plans documenting compliance with this condition shall be submitted to the City prior to the issuance of a building permit.

B.4.2. Before final inspection or certificate of occupancy, all PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Department Director.

B.4.3. Before final inspection or certificate of occupancy, all vents, gutters, downspouts, flashing, electrical conduits, bollards, and other wall-mounted or building-attached utilities shall be internal to the structures where feasible or otherwise painted to match the color of the adjacent surfaces or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Department Director.

B.4.4. A trash enclosure shall be designed and appropriately sized for this project, including allowance for recycling collection. The trash and recycling collection enclosure shall include a solid roof structure, solid metal doors, and solid walls sufficiently sized to fully screen the dumpsters (no less than six feet in height). The enclosure, including the roof, shall be architecturally compatible with the buildings, which includes but is not limited to, design, materials, and colors. A six-inch concrete curb and/or bollards may be installed on the interior of the enclosure for the protection and durability of the enclosure walls. A building permit is required prior to construction of such enclosures for the evaluation of design and location to the satisfaction of the Development Services Director.

B.4.5. Any for-sale propane tanks or other products required by local, state, or federal law to be stored outdoors shall be located such that they are generally screened from view, such as by locating it behind the screen wall, to the satisfaction of the Development Services Director.

B.5. Fencing. Any fence over seven feet in height shall obtain a building permit from the Development Services Department Building Safety Division.

B.5.1 No chain-link fencing shall be located so that it is readily visible from any public right-of-way.

B.5.2 Electronically charged, razor wire, barbed wire, integrated corrugated metal, or plain exposed plastic concrete/PCC fences, vinyl slats, and woven fabric fences are not permitted anywhere on site.

B.6. Habitat conservation. Prior to issuance of any permits for ground disturbance, the applicant shall comply with the San Joaquin County Habitat Conservation Division and a signed copy of the Incidental Take Minimization Measures shall be submitted to the City as verification of compliance.

B.7. Signage. No business identification signs are approved with this permit. All business identification signs shall obtain a sign permit in accordance with the Tracy Municipal Code.

C. Development Services Department Engineering Division Conditions

Contact: Al Gali (209) 831-6425 al.gali@cityoftracy.org

C.1. General Conditions

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

1) "Edgewood Commercial Site Preliminary Storm Drainage Evaluation and Recommendations" prepared by Storm Water Consulting, Inc., dated January 28, 2020. ("***Storm Drainage Analysis***")

2) "Edgewood Commercial Traffic Review – Final" prepared by Kimley Horn and Associates dated April 9, 2020. ("***Traffic Analysis***")

3) "Plan Line Study Corral Hollow Road" prepared by Ruggeri-Jensen-Azar dated June 25, 2015. ("***Corral Hollow Plan Line***")

C.2. NOT USED

C.3. NOT USED

C.4. Grading Permit

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

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

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

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

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

C.4.5 The Improvement Plans for all improvements to serve the Project (on-site and off-site) including the Grading and Drainage Plans shall be prepared in

accordance with the City's Subdivision Ordinance (Tracy Municipal Code (TMC) Chapter 12.36), City Design Documents as defined in Title 12 of the TMC, and these Conditions of Approval.

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

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

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

For Projects on property smaller than one (1) acre: Prior to the issuance of the Grading Permit, the Developer shall submit to the Utilities Department (stephanie.hiestand@cityoftracy.org) one (1) electronic copy and 1 hard copy of the City of Tracy Erosion and Sediment Control Plan (ESCP) for approval. Cost of preparing the ESCP including any annual storm drainage fees shall be paid by the Developer. Developer shall comply with all the requirements of the ESCP, applicable BMPs and the Post-Construction Stormwater Standards adopted by the City in 2015 and any subsequent amendment(s).

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

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

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

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

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

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

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

C.4.13 Developer shall abandon or remove all existing irrigation structures, channels and pipes, if any, as directed by the City after coordination with the irrigation

district, if the facilities are no longer required for irrigation purposes. If irrigation facilities including tile drains, if any, are required to remain to serve existing adjacent agricultural uses, the Developer will design, coordinate and construct required modifications to the facilities to the satisfaction of the affected agency and the City. Written permission from irrigation district or affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Developer.

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

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

C.4.16 Developer shall adhere to the recommendations of the referenced **Storm Drain Analysis**.

C.5. Improvement Agreement(s)

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

C.5.1. Off-site and/or Public Infrastructure Improvement Plans prepared on a 24-inch x 36-inch size 4-millimeter thick mylar that incorporate all requirements described in the documents described in these Conditions of Approval, the City's Design Documents as defined in Title 12 of the Tracy Municipal Code. Developer shall use the latest title block and, if necessary, contain a signature block for the Fire Marshal. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil,

Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by Fire Marshal to submitting the mylars to Engineering Division for City Engineer's signature. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:

C.5.1.a. All existing and proposed utilities such as domestic water line, irrigation service, fire service line, storm drain, and sanitary sewer, including the size and location of the pipes.

C.5.1.b. All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports. All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers such as benchmarks.

C.5.1.c. A PDF copy of the Project's Geotechnical/Soils Report, prepared or signed and stamped by a Registered Geotechnical Engineer. The technical report must include relevant information related to street pavement thickness, materials, compaction and other pertinent information.

C.5.1.d. Storm Water - The Project's on-site storm water drainage connection to the City's storm water system shall be approved by the City Engineer. Drainage calculations for the sizing of the on-site storm drainage system. Improvement Plans to be submitted with the hydrology and storm water.

As required by Item No. 15, Section V on page 94 of the 2008 Design Standards, storm drain run-off will not cross lot lines. Generally, the storm drain release point is a location at the boundary of the Project adjacent to the public right-of-way where storm water leaves the Property during a storm event and the Property's on-site storm drainage system fails to function or is clogged. Developer has requested that their site grading be designed such that the Project's storm water during a 100-year storm event with a non-functioning storm drain system be contained entirely within their private on-site basin (and thus not have an overland release point). The storm drain system shall be designed and improved to the satisfaction of the City Engineer.

The Project's permanent storm drainage connection(s) shall be designed and constructed in accordance with City Regulations. The design of the permanent storm drainage connection shall be shown on the Grading and Drainage Plans with calculations for the sizing of the storm drain pipe(s), and shall comply with the applicable

requirements of the City's storm water regulations adopted by the City Council in 2012 and any subsequent amendments.

No on-site runoff will discharge directly into the City's storm drain system without first flowing into a storm water quality treatment system.

C.5.1.e. Sanitary Sewer - It is the Developer's responsibility to design and construct the Project's permanent on-site sanitary sewer (sewer) improvements including the Project's sewer connection in accordance with the City's Design Standards, City Regulations and Standard Specifications. Sewer improvements shall include but not limited to, replacing asphalt concrete pavement, reconstructing curb, gutter and sidewalk, restoring pavement marking and striping, and other improvements that are disturbed as a result of installing the Project's permanent sewer connection. Developer shall submit improvement plans that include the design of the sewer line from the Property to the point of connection.

Project's sewer connection will be towards Middlefield Drive.

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

C.5.1.g. Water Distribution - Developer shall design and construct domestic and irrigation water service that comply with the City Regulations. Water line sizing, layout and looping requirements for this Project shall comply with City Regulations. During the construction of the Project, the Developer is responsible for providing water infrastructure (temporary or permanent) capable of delivering adequate fire flows and pressure appropriate to the various stages of construction and as approved by the Fire Marshal.

Interruption to the water supply to the existing businesses and other users will not be allowed to facilitate construction of improvements related to the Project. Developer shall be responsible for notifying business owner(s) and users, regarding construction work. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least seventy two (72) hours before start of work. Prior to starting the work described in this section, the Developer shall submit a Work Plan acceptable to the City that demonstrates no interruptions to the water supply, and Traffic Control Plan to be

used during the installation of the off-site water mains and connections.

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

After improvement acceptance, repair and maintenance of the water service from the water meter to the point of connection with the water distribution main in the street shall be the responsibility of the City. Water service repairs after the water meter is the responsibility of the Developer or individual lot owner(s).

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

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

Fire Service Line(s) and Hydrant – Location and construction details of fire service line including fire hydrant(s) that are to serve the Project shall be approved by the Fire Marshal. Prior to the approval of the Improvement Plans by the City Engineer, the Developer shall obtain written approval from the Fire Marshal, for the design, location and construction details of the fire service connection to the Project, and for the location and spacing of fire hydrants that are to be installed or planned to serve the Project.

C.5.1.h. Streets – All streets and utilities improvements within City right-of-way shall be designed and constructed in accordance with City Regulations, and City's Design Standards including the City's Facilities Master Plan for storm drainage, roadways, wastewater, and water as adopted, amended, and updated by the City, or as otherwise specifically approved by the City.

Developer shall use existing utility stubs from Corral Hollow Road or Middlefield Dive as feasible. If the stubs are not present or

additional utility connections are required, the pavement restoration shall conform to C.8.1 of these Conditions.

Corral Hollow Road - Developer shall construct or fund frontage improvements on Corral Hollow Road that conform to the **Traffic Analyses** prepared by Kimley Horn and Associates dated April 9, 2020 and the **Corral Hollow Plan Line** to the satisfaction of the City Engineer.

The Project's existing Corral Hollow Road frontage shall be removed and replaced to accommodate a twelve (12) feet wide right-turn pocket and six (6) feet wide bike lane as outlined in the **Corral Hollow Plan Line.** The sidewalk shall be five (5) feet six (6) inches wide and be located immediately behind the raised curb. The remaining right-of-way shall be the landscaped and irrigated parkway. The curb alignment shall be in substantial conformance to the exhibit labeled "Ultimate Concept Plan" in the **Corral Hollow Plan Line.** Developer shall construct curb, gutter, sidewalk, landscaping, street trees, irrigation systems, street lights, storm drain inlets, traffic striping signage, etc.

Developer shall modify the four way traffic signal located on Corral Hollow Road and Middlefield Drive. Traffic signal improvements shall include the signal, poles, mast arms, turn lanes, right-of way acquisition, and appurtenances such as control cabinet, detector loops, striping, etc. to allow the traffic signal to function. If any equipment is needed to be placed on Developer's property, then Developer shall provide the City with an easement dedications of rights of way. Said traffic signal will be a four (4) leg intersection. Developer shall provide traffic signal timing sheets to re-time the traffic signal.

Developer shall construct an asphalt-concrete dike to create a raised median. Developer shall also install reflective delineators on the asphalt concrete dike.

Middlefield Drive – Developer shall replace the raised landscaped and irrigated median with a four (4) feet wide raised median. Developer shall construct a left-turn pocket with a depth of two hundred and ten (210) feet and a shared left, through, and right-turn lane. Developer shall maintain the existing bike lane and existing left-turn lane into the existing apartment complex. As a result of these improvements, Developer shall reprogram/re-time the traffic signal.

Developer shall dedicate a Public Utility Easement on all public streets. The P.U.E. will be ten (10) feet wide.

Public Right-of-Way Landscaping - On the east side of Corral Hollow Road and the south side of Middlefield Drive, Developer shall landscape and irrigate the existing area as per current adopted City landscape standards. Landscape and irrigation plans shall be prepared on a 24-inch x 36-inch size 4-millimeter thick mylar that incorporate all requirements described in the documents described in these Conditions of Approval, the City's Design Documents as defined in Title 12 of the Tracy Municipal Code. Developer shall use the latest title block. Said landscape and irrigation plan shall be prepared by a California licensed landscape architect. Developer can either protect-in-place the existing sidewalk and repair any cracked, settled, and/or damaged sidewalk or remove and replace the sidewalk so long as the replacement sidewalk is similar to the current sidewalk, i.e. similar width, meanders, etc. Developer shall also install street trees in the landscaped area between the existing meandering sidewalk and the curb and gutter. In the landscaping strip adjacent to the sidewalk, Developer shall install additional street trees, shrubs, ground cover, and other landscaping as required. The landscaping and irrigation shall conform to MWELO standards. If recommended, Developer shall use structural soil if the street trees' well is narrower than five (5) feet wide. Developer shall also remove existing sign monument and its appurtenances, and any other existing items such as bollards, mailboxes, etc. The easterly curb return of the neighbor's westerly driveway shall have a minimum curb radius of 60-feet.

C.5.2. Joint Trench Plans and Composite Utility Plans, prepared on a 24-inch x 36-inch size 4-millimeter thick mylar for the installation of dry utilities such as electric, gas, TV cable, telephone, and others that will be located within the ten (10) feet wide P.U.E. to be installed to serve the Project. All private utility services to serve Project must be installed underground or relocated to be underground, and to be installed at the location approved by the respective owner(s) of the utilities from the street or an existing or proposed utility easement to the building(s). If necessary, the Developer shall dedicate 10-feet wide P.U.E. for access to these new utilities for re-installation, replacement, repair, and maintenance work to be performed by the respective utility owner(s) in the future.

C.5.3. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans. The cost estimate shall show the cost of designing the public improvements.

Payment of applicable fees required by these Conditions of Approval and City Regulations, including but not limited to, plan checking, grading and encroachment permits and agreement processing, construction inspection, and testing fees. The engineering review fees will be calculated based on the

fee rate adopted and updated by the City Council. Developer shall submit payment in the form of a check for the aforementioned fees.

C.5.5. Traffic Control Plan - Prior to starting the work for any work within City's right-of-way, the Developer shall submit a Traffic Control Plan (TCP). TCP can be split among the different construction phases. TCP will show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. TCP shall conform to the Manual on Uniform Traffic Control Devices as amended by the State of California, latest edition (MUTCD-CA). TCP shall be prepared under the supervision of, signed and stamped by a Registered Civil Engineer or Registered Traffic Engineer.

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

C.5.6. No street trench shall be left open, uncovered, and/or unprotected during night hours and when the Developer's contractor is not performing construction activities. Appropriate signs and barricades shall be installed on the street and on all trenches during such times. If the Developer or its contractor elects to use steel plates to cover street trenches, said steel plates will be skid-resistance, and shall be ramped on all sides. Ramps will be a minimum two-foot wide and will run the entire length of each side.

C.5.7. If at any point during utility installation or construction in general that the Developer, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other paleontological findings, the Developer shall address the findings as required per the General Plan Cultural Resource Policy and General Plan EIR; and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.

C.5.8 Off-site Public Improvements, If Applicable - Prior to the Developer commencing construction of off-site public improvements, Developer shall possess a fully executed Off-site Improvement Agreement (OIA). Developer shall also complete all of the following requirements to the satisfaction of the City Engineer:

Developer has paid all required processing fees including plan check and inspection fees.

Improvement Security - Developer shall provide improvement security for all public facilities, as required by the Improvement Agreement. The form of the

improvement security may be a bond, or other form in accordance with the Government Code, and the TMC. The amount of the improvement security shall be in accordance with Title 12 of the TMC.

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

C.6. Building Permit

No building permit within the Project boundaries will be approved by the City until the Developer demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

C.6.1 Developer has completed all requirements set forth in Condition C.1, through C.5, above.

C.6.2 Developer pays the applicable development impact fees as required in the TMC, these Conditions of Approval, the fees outlined for the Northeast Industrial area as approved and updated by City Council, and City Regulations applicable at the time a building permit from the City is requested.

C.7 Acceptance of Public Improvements

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

C.7.1 Developer has satisfied all the requirements set forth in these Conditions of Approval.

C.7.2 Developer submitted the Storm water Treatment Facilities Maintenance Agreement (STFMA) to the Utilities Department.

C.7.3 Developer has satisfactory completed construction of all required/conditioned improvements. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

C.7.4 Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Developer, the City, at its sole discretion, temporarily release the original mylars of the Improvement Plans to the Developer so that the Developer will be able to document revisions to show the "As-Built" configuration of all improvements.

C.7.6 Developer shall be responsible for any repairs or reconstruction of street pavement, curb, gutter and sidewalk and other public improvements along the frontage of the Project, if determined by the City Engineer to be in poor condition or damaged by construction activities related to the Project.

C.7.7 Developer has completed the 90-day public landscaping maintenance period.

C.7.8 Release of Improvement Security – Release of improvement security shall be in accordance with the requirements of Title 12 of the TMC. Monumentation Bond will be released to the Developer after City Council's acceptance of the public improvements and if the Developer meets the terms set in Section 66497(c) of the Subdivision Map Act. All survey monuments shown on the Final Map, if applicable, must be installed. Any altered, damaged, or destroyed survey monuments and/or benchmarks shall be re-established. Developer shall submit centerline tie sheets or a record of survey for the following: new public streets; re-established survey monuments, and/or benchmarks. If the Developer destroyed, altered, and/or reconstructed any existing curb returns, Developer shall also submit corner records. Any survey document will be submitted the City and to the San Joaquin County Surveyor to comply with California Business and Professions Code Section 8771(c). Said work shall be executed by a California licensed Land Surveyor at the Developer's sole expense.

C.7.9 Prior to the release of any occupancy (temporary or final) the frontage improvements shall be constructed.

C.8 Special Conditions

C.8.1 When street cuts are made for the installation of utilities, the Developer shall conform to Section 3.14 of the 2008 Design Standards and is required install a 2-inch thick asphalt concrete (AC) overlay with reinforcing fabric at least 25-feet from all sides of each utility trench. A 2-inch deep grind on the existing AC pavement will be required where the AC overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. This pavement repair requirement is when cuts/trenches are perpendicular and parallel to the street's direction.

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

C.8.3 If water is required for the project, the Developer shall obtain an account for the water service and register the water meter with the Finance Department. Developer shall pay all fees associated with obtaining the account number for the water service.

C.8.4 Developer shall obtain an account for the water service to the Project and register the water meter with the Finance Department. Developer shall prepare and submit a map depicting the location of the water meter on a 8.5-inch X 11-inch sheet to Finance Department.

C.8.5 Developer shall install on-site stop bars, stop legends, and keep clear legends as recommended by the **Traffic Analysis**.

C.8.6 Prior to the release of the grading permit, Developer shall grant a public access easement to the property directly adjacent to the east.

D. Utilities Department Conditions

Contact: Stephanie Hiestand (209) 831-6333 stephanie.hiestand@cityoftracy.org

D.1. Compliance with Codes. Before the approval of a building permit, the applicant shall demonstrate compliance with Tracy Municipal Code Chapter 11.34 Stormwater Management and Discharge Control and Chapter 11.28 Water Management and with the California Green Building Standards Code Chapter 5 for Non-Residential occupancies. A Stormwater Pollution Prevention Plan (SWPPP) and WDID number will be required prior to a grading permit issuance.

D.2. Stormwater Quality. Before the approval of a building permit, the applicant shall demonstrate compliance with the 2015 Post-Construction Stormwater Standards (PCSWS) Manual and obtain approval through the following:

D.2.a. Develop a Project Stormwater Plan (PSP) that identifies the methods to be employed to reduce or eliminate stormwater pollutant discharges through the construction, operation and maintenance of source control measures, low impact development design, site design measures, stormwater treatment control measures and hydromodification control measures.

Design and sizing requirements shall comply with PCSWS Manual.
Demand Management Areas must be clearly designated along with identification of pollutants of concern.
Calculations of the Stormwater Design Volume and/or Design Flow with results from the Post-Construction Stormwater Runoff Calculator must be submitted in the PSP for approval.
Per the PCSWS Manual, include a hydromodification management plan ensuring the post-project runoff flow rate shall not exceed estimated pre-project flow rate for the 2-year, 24 hour storm.

Submit one (1) hard copy of the PSP and an electronic copy to the Utilities Department (WaterResources@cityoftracy.org), include the project name, address and Project # and/or Permit # in the title or subject line.

D.2.b. A separate plan sheet(s) designated SW shall be submitted in the plan set that includes the identified methods for pollution prevention outlined in the submitted PSP. You must include all standards, cross sections and design specifications such as landscape requirement in treatment areas including type of irrigation installation and/or height of drain inlet above the flow line, etc. in these SW plan sheets along with legend.

D.2.c. Develop and electronically submit to the Utilities Department for approval (WaterResources@cityoftracy.org) a preliminary Operations and Maintenance (O & M) Plan that identifies the operation, maintenance, and inspection requirements for all stormwater treatment and baseline hydromodification control measures identified in the approved PSP.

D.2.d. No later than two (2) months after approval notification of the submitted PSP, applicant shall electronically submit the following information to the Utilities Department (WaterResources@cityoftracy.org) for development of a draft stormwater maintenance access agreement, in accordance with the MAPCSWS;

i. Property Owner(s) name and title report; or Corporate name(s) and binding documents (resolutions, etc) designating ability to sign agreement
ii. Property Address
iii. Exhibit A – legal property description
iv. Exhibit B – approved O & M Plan

D.3. Prior to issuance of a grading permit, applicant shall provide proof of permit coverage under the Construction General Permit shall be required and submittal of an electronic Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to WaterResources@cityoftracy.org

D.4. Prior to approval for Certificate of Occupancy, applicant shall:

4.a. Return to the City Clerk, a legally signed and notarized copy of the final maintenance access agreement including all exhibits and approved O & M plan received from the Utilities Department.

4.b. Obtain final approval by the Utilities Department of the constructed and installed Stormwater pollution prevention methods outlined in the PSP.

i. Frequent inspections of the Post-Construction treatment measures should occur during the construction phase by calling 209-831-6333.

4.c. If applicable, the project shall be in full compliance with Construction General Permit including 70% stabilization of the project with Notice of Termination approval.

D.5. Prior to issuance of a construction or building permit, applicant shall demonstrate compliance with the 2015 Model Water Efficient Landscape Ordinance and obtain approval by the Utilities Department through the following:

5.a. Develop and submit electronically and by hard copy, a Landscape Document Package (LDP) that identifies the methods to be employed to reduce water usage through proper landscape design, installation and maintenance. This LDP shall consist of:

i. A project information sheet that includes the checklist of all documents in the LDP;

ii. The Water Efficient Landscape Worksheets that include a hydrozone information table and the water budget calculations – Maximum Applied Water Allowance and Estimate Total Water Use;

iii. A soil management report, after compaction and from various locations throughout the project;

iv. A landscape design plan that includes the statement, "I agree to comply with the requirements of the 2015 water efficient landscape ordinance and shall submit for approval a complete Landscape Document Package:

v. An irrigation design plan with schedule; and

vi. A grading design plan.

5.b. A Certificate of Completion must be completed, signed, and submitted to the Utilities Department prior to Final approval for Occupancy.

E. Building Safety Division Conditions

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

E.1. Prior to the construction of the project, applicant shall submit construction documents, plans, specifications and/or calculations to the Building Safety Division, which meet all requirements of Title 24 California Code of Regulations and City of Tracy Municipal Codes, as applicable.

F. South San Joaquin County Fire Authority Conditions

Contact: Courtney Wood (209) 831-6707 courtney.wood@cityoftracy.org

F.1. Prior to construction, the applicant shall submit building construction plans to South San Joaquin County Fire Authority for review and approval. All submittals shall be in electronic format, accompanied by an application for a building permit.

F.2. Prior to submittal of construction permit applications, applicant shall incorporate the following into the construction drawings:

F.2.a. All fire apparatus access roads shall have an unobstructed height of not less than 13'-06".

F.2.b. Ensure all deferred submittal items are listed on the coversheet, including, but not limited to, underground storage tanks, hazardous materials, fire sprinklers systems, fire alarm systems, if any.

F.2.c. Specify if building has fire suppression systems installed.

F.3. Prior to prior to construction and after grading, the applicant shall ensure the fire apparatus access roads are installed, and all hydrants have been flushed and are operational.

F.4. Prior to occupancy, applicant is responsible to have the emergency responder radio coverage tested. If coverage is limited and extended radio coverage is required, applicant must submit construction documents prior to installation.

July 7, 2020

AGENDA ITEM 3.C

REQUEST

PUBLIC HEARING TO CONSIDER A PLANNED UNIT DEVELOPMENT ZONING AMENDMENT AND A DEVELOPMENT REVIEW PERMIT FOR A FOUR-STORY, 87-ROOM, LA QUINTA INN AND SUITES ON A 1.9-ACRE PARCEL LOCATED ON THE NORTH SIDE OF CLOVER ROAD, APPROXIMATELY 500 FEET EAST OF TRACY BOULEVARD

EXECUTIVE SUMMARY

The request is a Development Review Permit (Application Number D18-0033) to develop a La Quinta Inn and Suites hotel on the north side of Clover Road, approximately 500 feet east of Tracy Boulevard, APN: 214-210-05. The request includes a Planned Unit Development zoning amendment (Application Number PUD18-0004) for the 1.9-acre hotel site. Staff and the Planning Commission recommend approval of the Project.

DISCUSSION

Project Description

The proposal is to develop a four-story, 87-room hotel with an outdoor patio area, off-street parking, landscaping, and related site improvements. Each floor of the hotel is approximately 12,000 square feet; the four-story building contains a total of approximately 48,850 square feet.

The proposal includes one driveway accessing the public right-of-way on Clover Road in the middle of the south property line and the widening of an existing, shared driveway at the southwest corner of the site (Attachment A, site plan). The Project will also have two drive aisles connecting to the neighboring development to the west. The Project proposes 96 parking spaces.

The approximately 1.9-acre subject property is located on Clover Road, approximately 500 feet east of Tracy Boulevard (Attachment B). To the north of the site is the I-205 freeway. The Fountain Plaza retail center is located to the west. Across Clover Road is the Valley Shopping Center and a single-family neighborhood. To the east of this site is a single-family home neighborhood. The nearest homes are approximately 80 feet to the east of the proposed hotel building. The fourth floor windows on the east side of the building are approximately 45 feet above the ground level. The Project has a recommended condition of approval (Number B.24) that requires large, evergreen trees be planted along the full length of the east property line to aid in screening the new structure from the existing homes. The hotel has also been oriented to have the main entry on the west side of the site in order to minimize noise impacts on the adjacent residences created by guests arriving and departing from the hotel.

The guest rooms range in size from approximately 350 square feet to approximately 500 square foot rooms. In addition to an outdoor patio on the east side of the hotel building, the first floor will contain a fitness center, and an approximately 918 square-foot meeting

room. The proposed floor plans and exterior building elevations are contained in Attachment C.

The proposed building exterior includes various colors, cement fiber board, and various textures of stucco. A tower structure is incorporated into the building design, topped with a decorative cornice element. Overall, the architecture includes reasonable design elements to achieve consistency with the City's Design Goals and Standards. Color elevations are provided in Attachment D.

Planned Unit Development Amendment

On September 12, 1989, the City Council approved a General Plan amendment, a rezone, and a commercial Planned Unit Development (PUD) Concept Development Plan for the area that includes the In-N-Out restaurant, the Fountain Plaza multi-tenant retail building, and the subject parcel. Since then, there have been several amendments made to the PUD zone standards as different projects were proposed on the site, including the approval of a two-story, 27,501 square-foot multi-tenant commercial building in 2005; an amendment to permit a one-story, 17,718 square-foot multi-tenant building in 2008; and most recently, an amendment to permit two, two-story office buildings totaling 33,474 square feet in 2009. None of these projects were constructed.

The proposed PUD Zone amendment would change the allowable land uses from office uses to also include hotels as a permitted use. The site's indirect access to Tracy Boulevard, proximity to Interstate 205, and proximity to surrounding land uses, such as restaurants and other commercial uses, all contribute to the Project site is well suited for a hotel use. Additionally, the City has received an increase in both employment and recreation, with continued development of the North East Industrial Specific Plan area, Cordes Ranch Specific Plan area, and Legacy Fields. Attachment E contains the proposed PUD standards, which will supersede all previous PUD standards that have been approved for this site. The PUD standards are for this individual site and will not affect the PUD standards for the two adjacent parcels to the west, also zoned PUD.

The General Plan designation of the site is Commercial. The PUD Zone is consistent with the Commercial General Plan designation, in that it permits hotels, a commercial use consistent with the Commercial General Plan designation.

Neighborhood Input

The applicant held a community meeting on February 16, 2019 to provide information regarding the proposed development and receive comments and concerns from the surrounding neighborhood. City staff did not attend the meeting. The applicant reported that they received feedback regarding the site design and made adjustments to the proposed Project including: relocating the dumpster to the west side of the site rather than the east, raising all portions of the sound wall to be at least six feet tall, and planting large, evergreen trees along the east property line to provide screening. Another request from the neighborhood was to incorporate a large banquet room; however due to site limitations, the applicant determined that a banquet hall is not feasible.

CEQA Documentation

The Project's complete development application and each of the technical studies documents the Project effects will not exceed City standards or the development density established by the General Plan. Therefore, in accordance with CEQA Guidelines Section 15183, no additional CEQA documentation is required for this Project.

Planning Commission Consideration of the Project

On March 11, 2020, the Planning Commission conducted a public hearing to review the Project. Applicant representatives spoke in favor of the Project and answered questions to clarify design details. Three neighbors addressed the Commission with questions and comments, which were received by the Planning Commission, many of which were clarified by City Staff and by the applicant. Attachment F is the March 11, 2020 Planning Commission Minutes.

By a vote of 5-0, the Planning Commission recommended that the City Council approve this hotel Project and the proposed Planned Unit Development amendment.

STRATEGIC PLAN

The proposal is a routine item without direct connection to the City's strategic plans.

FISCAL IMPACT

The City has collected the appropriate fees related to this development application. Based on the revenue from other hotels in the vicinity of Tracy Boulevard and I-205, this hotel may generate between $100,000-$150,000 dollars in Transient Occupancy Tax annually.

RECOMMENDATION

Staff recommends that the City Council:

1. Introduce and waive the full reading of an ordinance amending the Planned Unit Development zoning for APN 214-210-05.
2. Approve by resolution the Development Review Permit for a four-story, 87-room, La Quinta Inn and Suites on a 1.9-acre parcel located on the north side of Clover Road, approximately 500 feet east of Tracy Boulevard.

Prepared by: Genevieve Federighi, Associate Planner

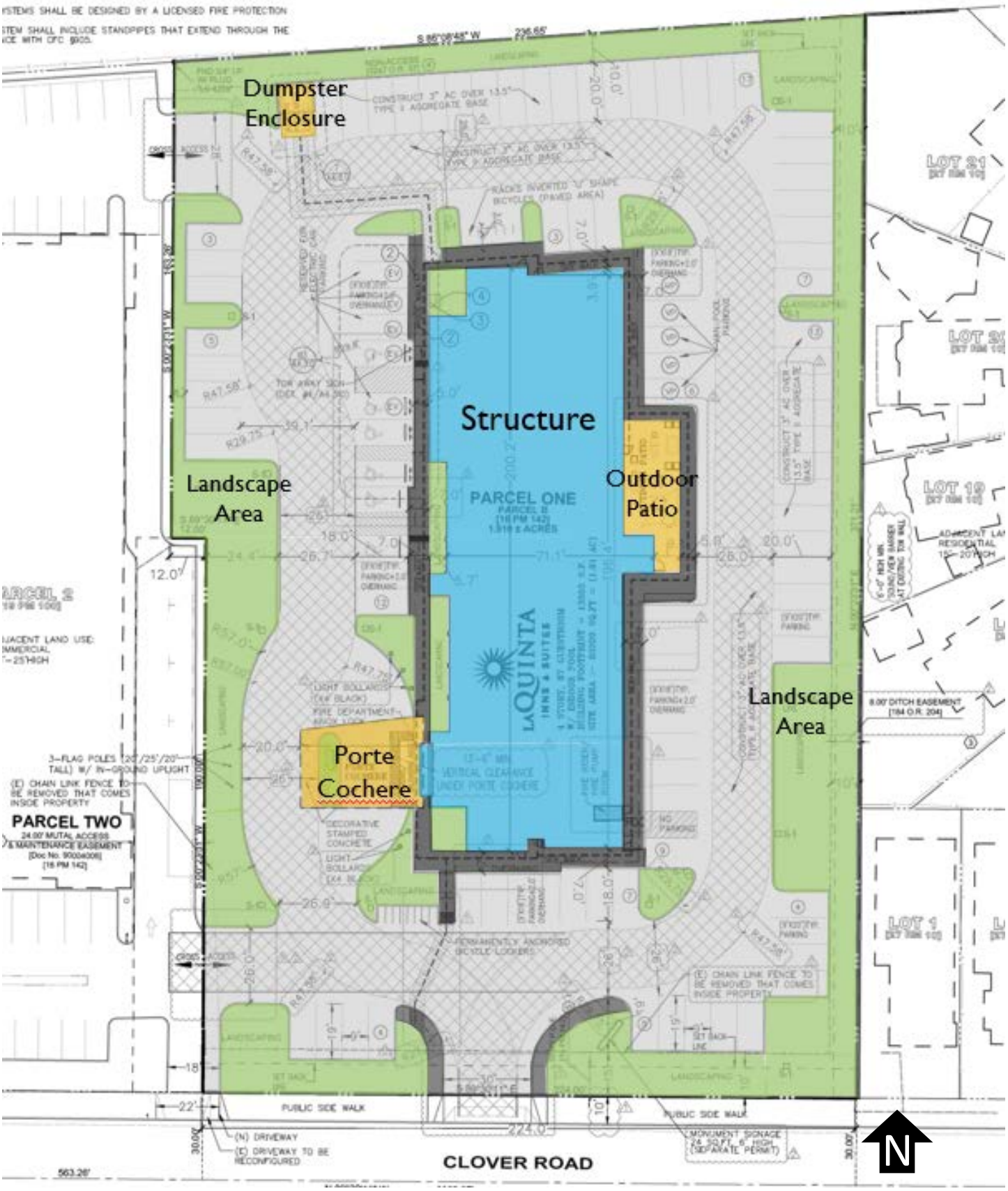
Reviewed by: Bill Dean, Assistant Development Services Director
Karin Schnaider, Finance Director
Andrew Malik, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

Attachment A – Site Plan
Attachment B – Project Location Exhibit
Attachment C – Plan Set (Floor Plans, Elevations)
Attachment D – Color Elevations
Attachment E – Planned Unit Development Standards
Attachment F – Planning Commission Meeting Minutes of March 11, 2020
Attachment G – City Council Ordinance

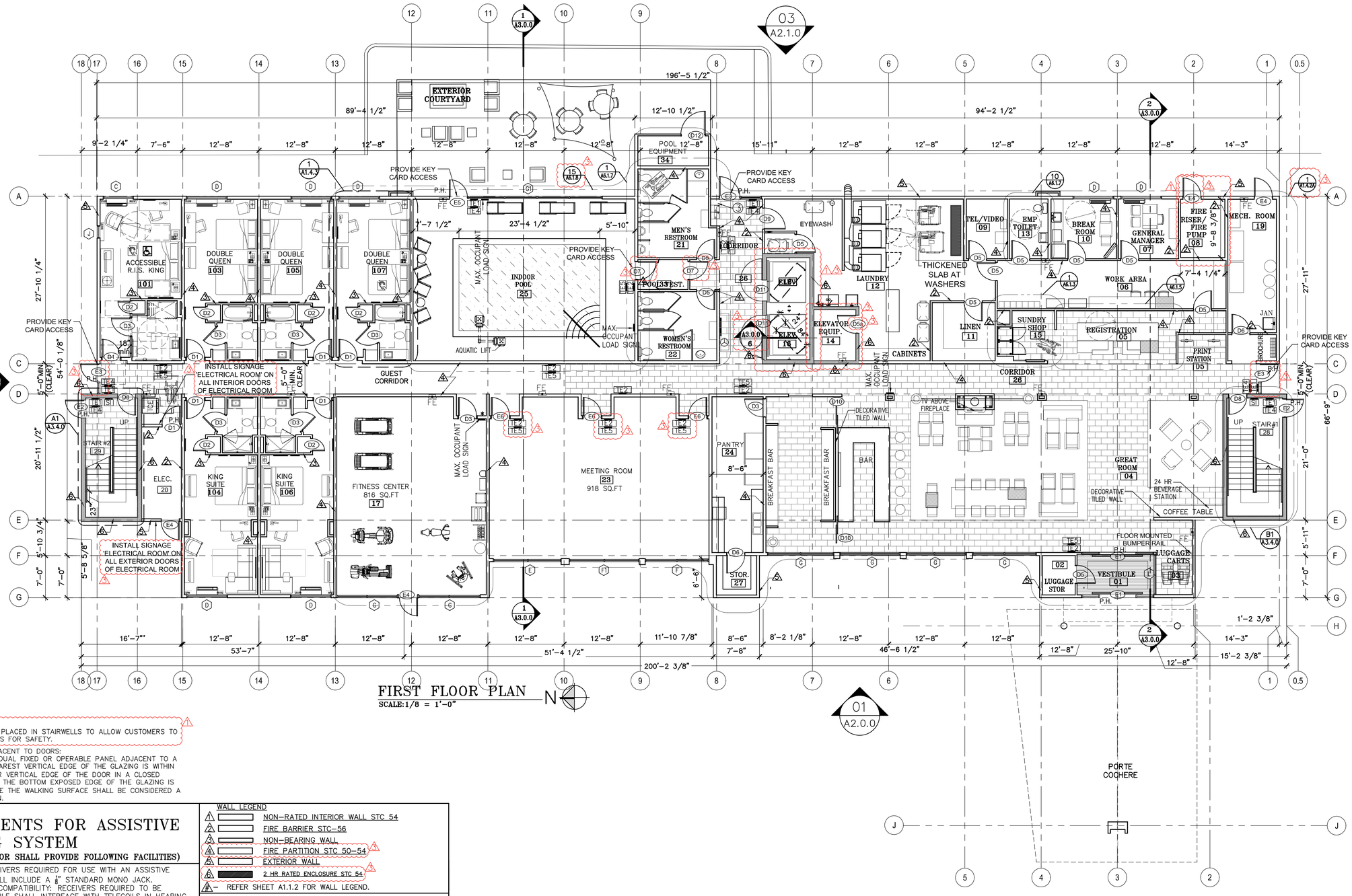
Site Plan


Dumpster Enclosure
Structure
Outdoor Patio
Landscape Area
Porte Cochere
Landscape Area
PARCEL ONE
PARCEL TWO
LOT 21
LOT 19
LOT 1
LA QUINTA INNS & SUITES
PUBLIC SIDE WALK
PUBLIC SIDE WALK
(N) DRIVEWAY
(E) DRIVEWAY TO BE RECONFIGURED
CLOVER ROAD
N

Attachment B

Project Location Exhibit





NOTE:
MIRRORS SHOULD BE PLACED IN STAIRWELLS TO ALLOW CUSTOMERS TO SEE AROUND CORNERS FOR SAFETY.

* SAFETY GLAZING ADJACENT TO DOORS:
GLAZING IN AN INDIVIDUAL FIXED OR OPERABLE PANEL ADJACENT TO A DOOR WHERE THE NEAREST VERTICAL EDGE OF THE GLAZING IS WITHIN A 24" ARC OF EITHER VERTICAL EDGE OF THE DOOR IN A CLOSED POSITION AND WHERE THE BOTTOM EXPOSED EDGE OF THE GLAZING IS LESS THAN 18" ABOVE THE WALKING SURFACE SHALL BE CONSIDERED A HAZARDOUS LOCATION.

REQUIREMENTS FOR ASSISTIVE LISTENING SYSTEM

(GENERAL CONTRACTOR SHALL PROVIDE FOLLOWING FACILITIES)

RECEIVER JACKS: RECEIVERS REQUIRED FOR USE WITH AN ASSISTIVE LISTENING SYSTEM SHALL INCLUDE A 3/32" STANDARD MONO JACK.
receiver HEARING-AID COMPATIBILITY: RECEIVERS REQUIRED TO BE HEARING-AID COMPATIBLE SHALL INTERFACE WITH TELECOILS IN HEARING AIDS THROUGH THE PROVISION OF NECKLOOPS.
SOUND PRESSURE LEVEL: ASSISTIVE LISTENING SYSTEMS SHALL BE CAPABLE OF PROVIDING A SOUND PRESSURE LEVEL OF 110 dB MINIMUM AND 118 dB MAXIMUM WITH A DYNAMIC RANGE ON THE VOLUME CONTROL OF 50 dB.
SIGNAL-TO-NOISE RATIO: THE SIGNAL-TO-NOISE RATIO FOR INTERNALLY GENERATED NOISE IN ASSISTIVE LISTENING SYSTEMS SHALL BE 18 dB MINIMUM.
PEAK CLIPPING LEVEL: PEAK CLIPPING SHALL NOT EXCEED 18 dB OF CLIPPING RELATIVE TO THE PEAKS OF SPEECH.

NOTE:
ASSISTIVE LISTENING SYSTEM IS TO BE OPERABLE AT THE TIME OF FINAL INSPECTION.

GUEST ROOMS WITH COMMUNICATIONS FEATURES

GUEST ROOMS WITH MOBILITY FEATURES AND COMMUNICATION FEATURES

WALL LEGEND

- NON-RATED INTERIOR WALL STC 54
- FIRE BARRIER STC-56
- NON-BEARING WALL
- FIRE PARTITION STC 50-54
- EXTERIOR WALL
- 2 HR RATED ENCLOSURE STC 54

REFER SHEET A1.1.2 FOR WALL LEGEND.

SI - STAIRWAY IDENTIFICATION TACTILE SIGN. REFER A4.2.0 SHEET.
SE - STAIR EXIT SIGN. REFER A4.2.0 SHEET.

P.H.-INDICATES PANIC HARDWARE REQUIRED MOUNT BETWEEN 34 INCHES & 44 INCHES ABOVE THE FINISH FLOOR.

TE1- INDICATES TACTILE 'EXIT' SIGN
TE2- INDICATES TACTILE 'EXIT ROUTE' SIGN
TE3- INDICATES TACTILE 'EXIT STAIR DOWN' SIGN
TE4- INDICATES LOW LEVEL TACTILE 'EXIT' SIGN
TE5- INDICATES LOW LEVEL TACTILE 'EXIT ROUTE' SIGN
REFER TO SIGNAGE DETAILS ON SHEET A4.2.0
REFER TO LOW LEVEL SIGNAGE DETAIL #4 ON SHEET A5.1.1.

KEY NOTES:

(01) SAFETY GLAZING WITH IN A 24" ARC OF EITHER VERTICAL EDGE OF A DOOR OR WITHIN 18" TO A WALKING
(3) HI-LOW DRINKING FOUNTAIN. REFER DETAIL #8 ON A4.3.0

ELECTRICAL EQUIPMENT, WIRING AND HAZARDS

ABATEMENT OF ELECTRICAL HAZARDS: IDENTIFIED ELECTRICAL HAZARDS SHALL BE ABATED. ELECTRICAL WIRING, DEVICES, APPLIANCES AND OTHER EQUIPMENT THAT IS MODIFIED OR DAMAGED AND CONSTITUTES AN ELECTRICAL SHOCK OR FIRE HAZARD SHALL NOT BE USED.
ILLUMINATION: ILLUMINATION SHALL BE PROVIDED FOR SERVICE EQUIPMENT AREAS, MOTOR CONTROL CENTERS AND ELECTRICAL PANEL BOARDS.
WORKING SPACE AND CLEARANCE: A WORKING SPACE OF NOT LESS THAN 30 INCHES IN WIDTH, 36 INCHES IN DEPTH AND 78 INCHES IN HEIGHT SHALL BE PROVIDED IN FRONT OF ELECTRICAL SERVICE EQUIPMENT. THE WORKING SPACE SHALL NOT BE LESS THAN THE WIDTH OF THE EQUIPMENT. NO STORAGE OF ANY MATERIALS SHALL BE LOCATED WITHIN THE DESIGNATED WORKING SPACE.
LABELING: DOORS INTO ELECTRICAL CONTROL PANEL ROOMS SHALL BE MARKED WITH A PLAINLY VISIBLE AND LEGIBLE SIGN STATING ELECTRICAL ROOM OR SIMILAR APPROVED WORDING. THE DISCONNECTING MEANS FOR EACH SERVICE, FEEDER OR BRANCH CIRCUIT ORIGINATING ON A SWITCHBOARD OR PANELBOARD SHALL BE LEGIBLY AND DURABLY MARKED TO INDICATE ITS PURPOSE UNLESS SUCH PURPOSE IS CLEARLY EVIDENT.
MULTIPLUG ADAPTERS: MULTIPLUG ADAPTERS, SUCH AS CUBE ADAPTERS, UNFUSED PLUG STRIPS OR ANY OTHER DEVICE NOT COMPLYING WITH NFPA 70 SHALL BE PROHIBITED.

FIRE ALARMS & DETECTION SYSTEMS (IFC SECTION 907):

INITIATION:- INITIATION OF THE FIRE ALARM SYSTEM SHALL BE BY AUTOMATIC MEANS. APPROVED AUTOMATIC FIRE DETECTORS SHALL BE PROVIDED IN BOILER AND FURNACE ROOMS, SHOPS, LAUNDRY ROOMS, MECHANICAL AND ELECTRICAL ROOMS, TRASH-COLLECTION ROOMS, STORAGE ROOMS, GIFT SHOPS, LOCKER ROOMS AND SIMILAR AREAS. AUTOMATIC SMOKE DETECTORS SHALL BE PROVIDED IN ALL COMMON AREAS AND INTERIOR CORRIDORS SERVING SLEEPING UNITS AS REQUIRED MEANS OF EGRESS.
NOTIFICATION:- ACTIVATION OF THE FIRE ALARM SYSTEM OR AUTOMATIC SPRINKLER SYSTEM SHALL INITIATE A GENERAL EVACUATION SIGNAL.

FIRE EXTINGUISHERS-HANGERS AND BRACKETS:-

1. HAND-HELD PORTABLE FIRE EXTINGUISHERS, NOT HOUSED IN CABINETS, SHALL BE INSTALLED ON THE HANGERS OR BRACKETS SUPPLIED. HANGERS OR BRACKETS SHALL BE SECURELY ANCHORED TO THE MOUNTING SURFACE IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
2. THE EXTINGUISHER SHALL BE RATED 4-A COMPLYING PER IFC SECTION 906.3.

REVISIONS:

	REVISION ISSUE	DATED
1	REVISED PER PLANNING COMMENTS	11/12/19
2	REVISED PER PLANNING COMMENTS	05/01/19
3	REVISED PER 1ST CITY COMMENTS	11/05/19

ACE Design LLC
1024 Iron Point Road, Suite 1046
Folsom, CA 95630
Phone: (702) 396-5113, Fax: (702)446-8155
Land Planning • Civil Engineering • Architectural Design • Structural Engineering

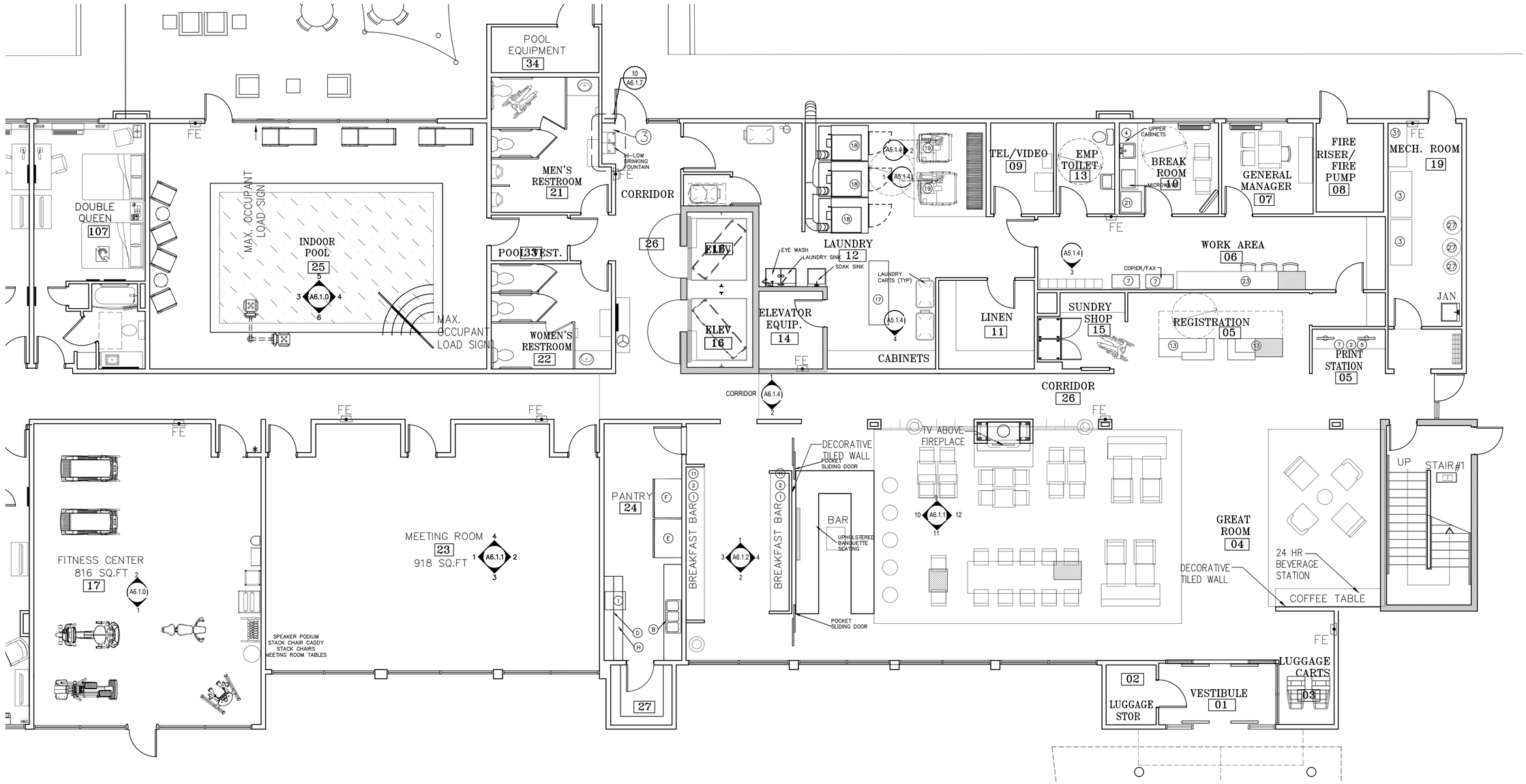
TITLE: FIRST FLOOR PLAN

PROJECT: LA QUINTA INN & SUITES
565 W CLOVER RD.
TRACY, CA 95304

PROFESSIONAL ENGINEER-STATE OF CALIFORNIA
JASPAL S. SIDHU
EXP. DATE 06/30/2021
CIVIL
No.56924

DATE: 01/
JOB : 18-01
DWG. BY: HS
CHK. BY: MG

SHEET 11 OF 60



DINING SURFACES BREAKDOWN		
SR.NO.	TYPE OF DINING SURFACE	TOTAL NOS. OF SEATS
1	2 SEATER (11)	22
2	4 SEATER (3)	12
2	10 SEATER (1)	10
	GROSS TOTALL SEATS	44 (INCLUDING 3 ACCESSIBLE SEATS >5% SEATS REQUIRED PER 11B-902 & 11B-226.1)

PROPOSED MENU
- -FARM FRESH EGGS; MICROWAVED (SCRAMBLED OR POACHED)
- -MICROWAVED BACON, HAM, OR SAUSAGE
- -MICROWAVED SIDES OF MUSHROOMS, GREEN PEPPERS
- -FRESH SIDES OF TOMATOES, CHEESE
- -MICROWAVED BREAKFAST POTATOES, PANCAKES AND FRENCH TOAST
- -WAFFLES
- -FRESH FRUIT, OATMEAL, YOGURT, PASTRIES, BAKED GOODS
- -COFFEE, TEA, MILK, JUICES

EQUIPMENT SCHEDULE

ITEM	QTY	DESCRIPTION	MODEL	SIZE	ELECTRICAL	PLUMBING	MANUFACTURER
(A)							
(B)	1	TRIPLE PREP SINK	T9-23-60 -18RL	103"Lx27"D	NONE	½"HW; ½"CW; 1½"DRAIN	ADVANCE TABCO
(C)		NOT USED	--	--	--	--	--
(D)	2	SHELF ABOVE	WS-12 -72-16	72"Lx12"D	NONE	NONE	ADVANCE TABCO
(F)	1	REFRIGERATOR	ER48	52"Wx84-1/2"Hx33-1/2"D	115-60-1-PH, 9.4A	NONE	CARRIER
(E)	1	FREEZER	EF48	52"Wx84-1/2"Hx33-1/2"D	208/60/1-PH; 16.2A	NONE	CARRIER
(G)		NOT USED	--	--	--	--	--
(H)	2	BENCH W/ STANDARD UNDERSHELF	600ES3072S	72"Lx30"W	NONE	NONE	REGENCY
(I)	1	DISHWASHER	CRS66A	67.2"Wx30.25"Dx70.25"H	208/60/1-PH; 22.1A	3/4" GAS	HOBART CORP.

NOTE:
THE HAND WASH SINK MUST BE SEPARATED FROM THE WARE WASHING SINK BY A METAL SPLASH GUARD WITH A HEIGHT OF AT LEAST 6 INCHES. THE SPLASH GUARD MUST EXTEND FROM THE BACK EDGE OF THE DRAIN BOARD TO THE FRONT EDGE OF THE DRAIN BOARD, THE CORNERS OF THE BARRIER TO BE ROUNDED.

KEYNOTES BY SYMBOL (X)

1. BASE CABINET
2. STONE COUNTERTOP
3. HVAC UNIT
4. PLASTIC LAMINATE COUNTERTOP AND BACKSPLASH
5. COMPUTER KEYBOARD DRAWER/TRAY
6. NOT USED
7. COPIER/FAX
8. STAINLESS STEEL COUNTERTOP AND WALL SHELVES
9. EWC
10. HC-EWC
11. BREAKFAST COUNTERTOP
12. RECESSED WALK-OFF MAT
13. REGISTRATION DESK
14. COMMERCIAL GRADE REFRIGERATOR AND FREEZER.
15. PLASTIC LAMINATE WORK TOP
16. LINEN STORAGE SHELVES
17. LAUNDRY TABLE
18. DRYERS (3)
19. WASHERS (2)
20. BROCHURE RACK
21. REFRIGERATOR
23. BASE, WALL CABINET AND COUNTERTOP
25. COIN-OP WASHER(2) (4TH FLOOR)
26. COIN-OP DRYER(2) (4TH FLOOR)
27. WATER HEATER
28. GLASS FREEZER DOOR
29. ICE MACHINE
30. GLASS REFRIGERATOR DOOR
31. WORK TOP AND WALL SHELVES
32. STORAGE SHELVING

LOBBY ENLARGE PLAN (FURNITURE)

SCALE:- 3/16" = 1'-0"

REVISIONS:

REVISION ISSUE	DATED
1 REVISED PER PLANNING COMMENTS	11/12/19
2 REVISED PER PLANNING COMMENTS	05/01/19
3 REVISED PER 1ST CITY COMMENTS	11/05/19

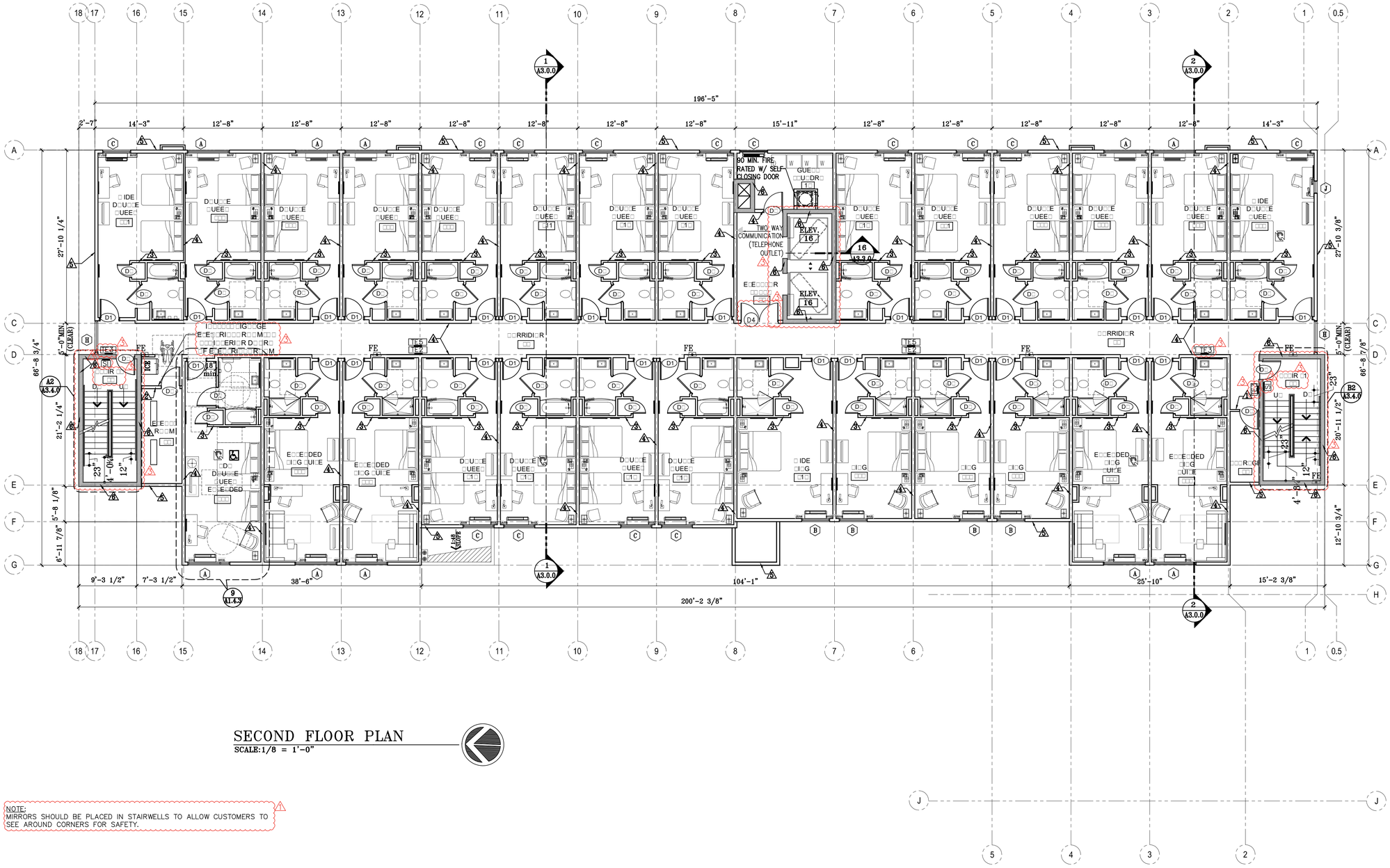
ACE Design LLC
1024 Iron Point Road. Suite 1046
Folsom, CA 95630
Phone: (702) 396-5113. Fax: (702)446-8155
Land Planning • Civil Engineering • Architectural Design • Structural Engineering

TITLE: LOBBY ENLARGE PLAN (FURNITURE)
PROJECT: LA QUINTA INN & SUITES
565 W CLOVER RD.
TRACY, CA 95304

PROFESSIONAL ENGINEER-STATE OF CALIFORNIA
USAPAL S. SIDHU
EXP. DATE 06/30/2021
CIVIL
No.56924

DATE:
JOB : 18-01
DWG. BY: RK
CHK. BY: MG

SHEET 1 OF 60



SECOND FLOOR PLAN
SCALE: 1/8 = 1'-0"

NOTE:
MIRRORS SHOULD BE PLACED IN STAIRWELLS TO ALLOW CUSTOMERS TO SEE AROUND CORNERS FOR SAFETY.

SI – STAIRWAY IDENTIFICATION TACTILE SIGN
FS–INDICATES FLOOR SINK. LOCATION PER PLUMBING PLANS.
P.H.–INDICATES PANIC HARDWARE REQUIRED MOUNT BETWEEN 34 INCHES & 44 INCHES ABOVE THE FINISH FLOOR.
TE1– INDICATES TACTILE "EXIT" SIGN
TE2– INDICATES TACTILE "EXIT ROUTE" SIGN
TE3– INDICATES TACTILE "EXIT STAIR DOWN" SIGN
TE4– INDICATES LOW LEVEL TACTILE "EXIT" SIGN
TE5– INDICATES LOW LEVEL TACTILE "EXIT ROUTE" SIGN
REFER TO SIGNAGE DETAILS ON SHEET A4.2.0
REFER TO LOW LEVEL SIGNAGE DETAIL #4 ON SHEET A5.1.1.

GUEST ROOMS WITH COMMUNICATIONS FEATURES
GUEST ROOMS WITH MOBILITY FEATURES AND COMMUNICATION FEATURES

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F□R E□□IRE □UI□DI□G□
□□ E□□ERI□R □ □□□□ □□ □□I□ □□□□ □RE □□□□ □ □ I□□
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□MERI□□□□ □ I□□ DI□□□I□□IE□ □□□□
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□□ □□□□E□□ □□□R□□F DR□I□□ □□ □□□RM

WALL LEGEND
(REFER WALL LEGEND FOR DESCRIPTION ON A1.1.2 SHEET)
1. NON-RATED INTERIOR WALL STC 54
2. FIRE BARRIER STC-56
3. NON-BEARING WALL
4. FIRE PARTITION STC 50-54
5. EXTERIOR WALL
6. 2 HR RATED ENCLOSURE STC 54

REVISIONS:

	REVISION ISSUE	DATED
1	REVISED PER PLANNING COMMENTS	11/12/19
2	REVISED PER PLANNING COMMENTS	05/01/19
3	REVISED PER 1ST CITY COMMENTS	11/05/19
4	REVISED PER 1ST FIRE COMMENTS	11/25/19

ACE Design LLC
1024 Iron Point Road, Suite 1046
Folsom, CA 95630
Phone: (702) 396-5113, Fax: (702)446-8155
Land Planning • Civil Engineering • Architectural Design • Structural Engineering

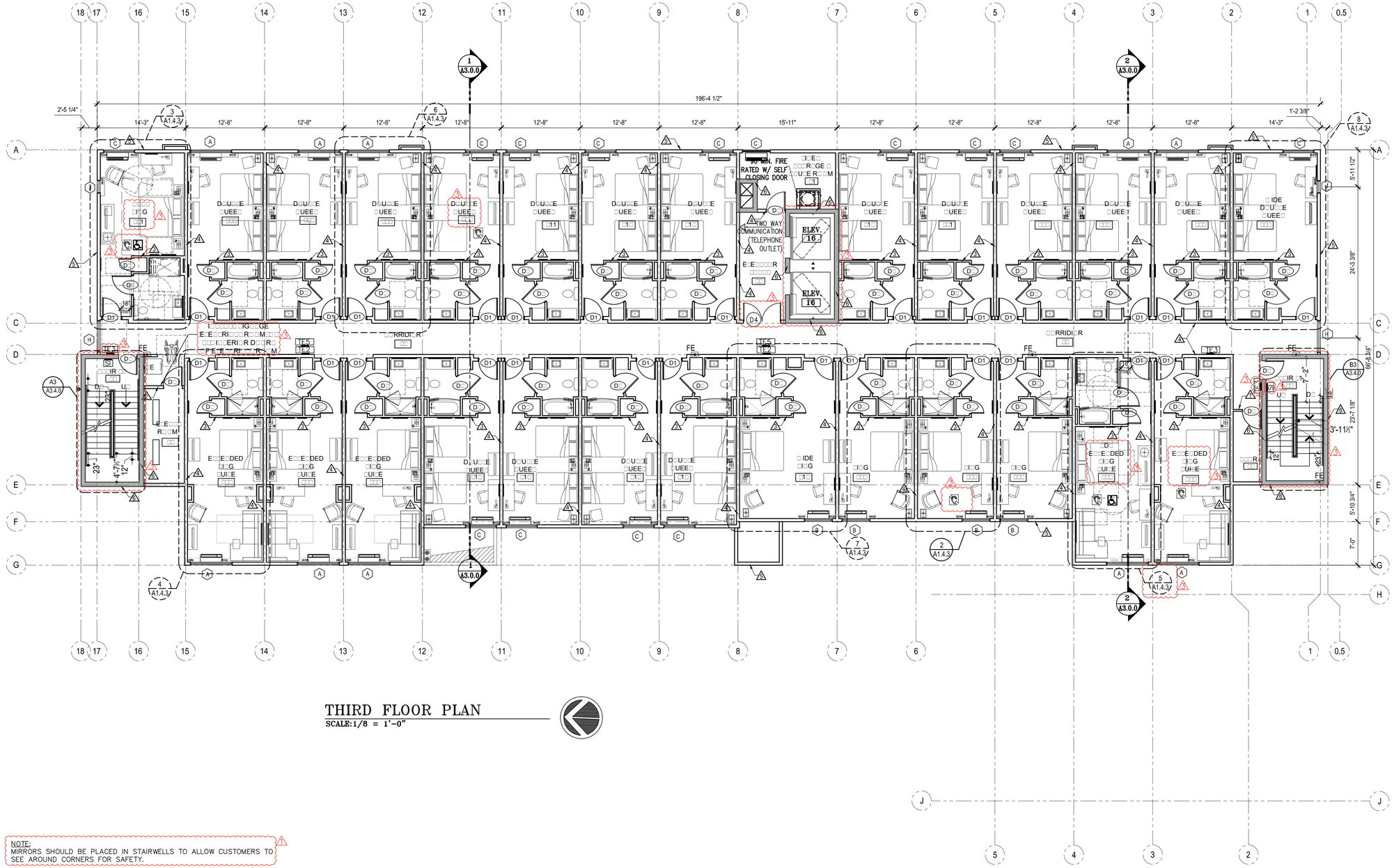
TITLE
SECOND FLOOR PLAN

PROJECT
LA QUINTA INN & SUITES
565 W CLOVER RD.
TRACY, CA 95304

PROFESSIONAL ENGINEER–STATE OF CALIFORNIA
JASPAL SINGH SIDHU
EXP. DATE 06/30/2021
CIVIL
No.56924

DATE: 01/27/2020
JOB : 18-01
DWG. BY: HS
CHK. BY: MG

SHEET
5 OF 22



THIRD FLOOR PLAN
SCALE: 1/8 = 1'-0"

NOTE:
MIRRORS SHOULD BE PLACED IN STAIRWELLS TO ALLOW CUSTOMERS TO SEE AROUND CORNERS FOR SAFETY.

REFER TO SIGNAGE DETAILS ON SHEET A4.2.0	INDICATES PANIC HARDWARE REQUIRED MOUNT BETWEEN 34 INCHES & 44 INCHES ABOVE THE FINISH FLOOR.
FIRE BARRIER WALL	TE1- INDICATES TACTILE "EXIT" SIGN TE2- INDICATES TACTILE "EXIT ROUTE" SIGN TE3- INDICATES TACTILE "EXIT STAIR DOWN" SIGN TE4- INDICATES LOW LEVEL TACTILE "EXIT" SIGN TE5- INDICATES LOW LEVEL TACTILE "EXIT ROUTE" SIGN
SI - STAIRWAY IDENTIFICATION TACTILE SIGN	REFER TO LOW LEVEL SIGNAGE DETAIL #4 ON SHEET A5.1.1.

GUEST ROOMS WITH COMMUNICATIONS FEATURES
GUEST ROOMS WITH MOBILITY FEATURES AND COMMUNICATION FEATURES

REVISIONS: REVISION ISSUE	DATED
1 REVISED PER PLANNING COMMENTS	11/12/19
2 REVISED PER PLANNING COMMENTS	05/01/19
3 REVISED PER 1ST CITY COMMENTS	11/05/19
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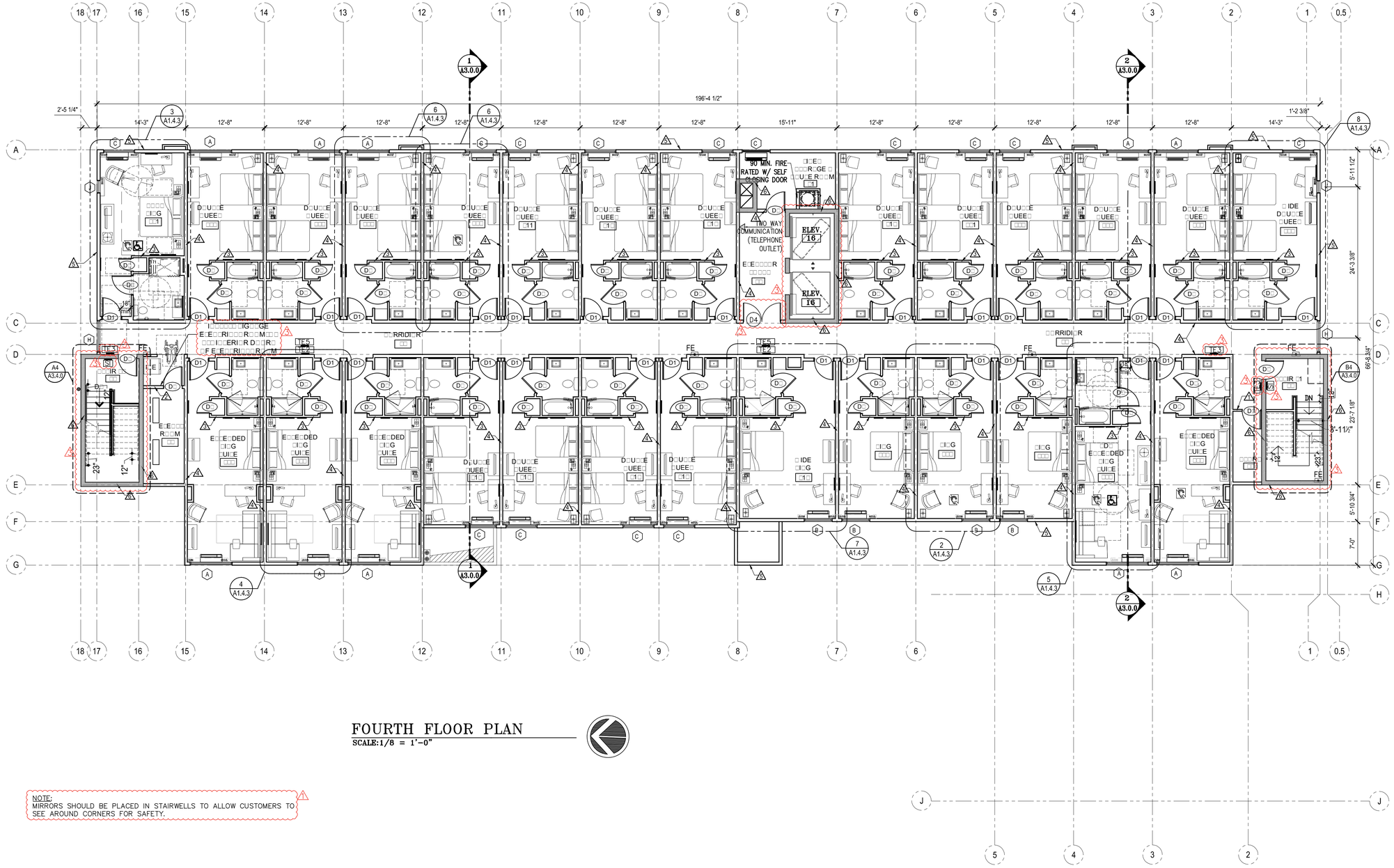
TITLE: THIRD FLOOR PLAN

PROJECT: LA QUINTA INN & SUITES
565 W CLOVER RD.
TRACY, CA 95304

PROFESSIONAL ENGINEER-STATE OF CALIFORNIA
JASPAL SINGH SIDHU
EXP. DATE 06/30/2021
CIVIL
No.56924

DATE: 01/27/2020
JOB : 18-01
DWG. BY: HS
CHK. BY: MG

SHEET 7 OF 22



FOURTH FLOOR PLAN

SCALE: 1/8 = 1'-0"

NOTE:
MIRRORS SHOULD BE PLACED IN STAIRWELLS TO ALLOW CUSTOMERS TO SEE AROUND CORNERS FOR SAFETY.

REFER TO EGEND

FIRE RRIER

FIRE RATED EXTERIOR

SI - STAIRWAY IDENTIFICATION TACTILE SIGN

INDICATES PANIC HARDWARE REQUIRED MOUNT BETWEEN 34 INCHES & 44 INCHES ABOVE THE FINISH FLOOR.

TE1- INDICATES TACTILE "EXIT" SIGN
TE2- INDICATES TACTILE "EXIT ROUTE" SIGN
TE3- INDICATES TACTILE "EXIT STAIR DOWN" SIGN
TE4- INDICATES LOW LEVEL TACTILE "EXIT" SIGN
TE5- INDICATES LOW LEVEL TACTILE "EXIT ROUTE" SIGN
REFER TO SIGNAGE DETAILS ON SHEET A4.2.0
REFER TO LOW LEVEL SIGNAGE DETAIL #4 ON SHEET A5.1.1.

GUEST ROOMS WITH COMMUNICATIONS FEATURES
GUEST ROOMS WITH MOBILITY FEATURES AND COMMUNICATION FEATURES

REVISIONS:

	REVISION ISSUE	DATED
1	REVISED PER PLANNING COMMENTS	11/12/19
2	REVISED PER PLANNING COMMENTS	05/01/19
3	REVISED PER 1ST CITY COMMENTS	11/05/19
4	REVISED PER 1ST FIRE COMMENTS	11/25/19

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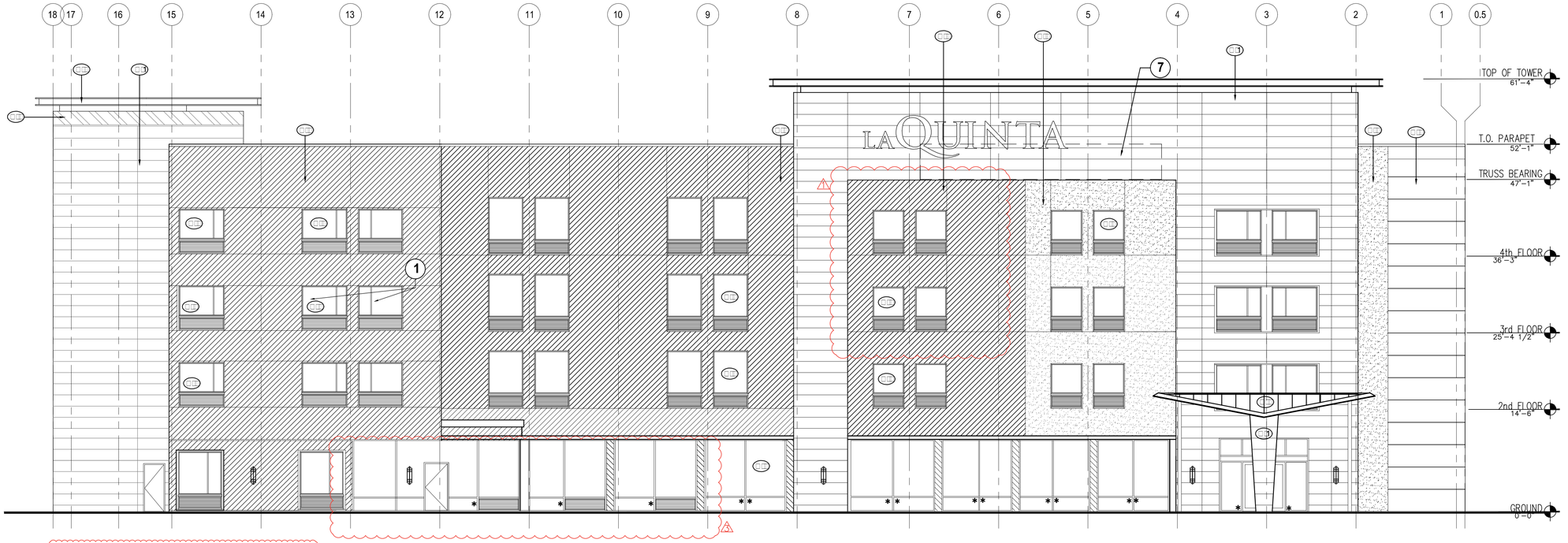
TITLE: FOURTH FLOOR PLAN

PROJECT: LA QUINTA INN & SUITES
565 W CLOVER RD.
TRACY, CA 95304

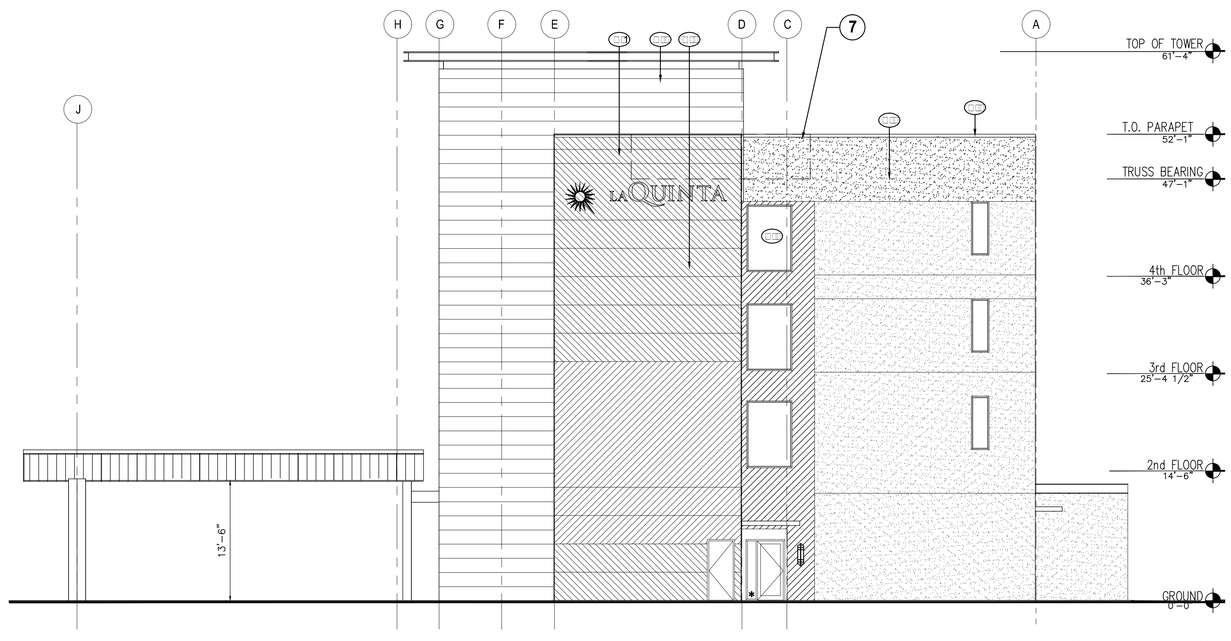
PROFESSIONAL ENGINEER – STATE OF CALIFORNIA
JASPAL S. SIDHU
EXP. DATE 06/30/2021
CIVIL
No. 56924

DATE: 01/27/2020
JOB : 18-01
DWG. BY: HS
CHK. BY: MG

A1.4.0
SHEET 9 OF 22



1 FRONT ELEVATION (WEST)
1□" □ 1□"



2 RIGHT SIDE ELEVATION (SOUTH)
1□" □ 1□"

La Quinta Inn & Suites (with gold cabinets)

1. The extrusion for all plastic-faced signs is to be painted gold. Anodized aluminum skin is to be wrapped over the cabinets.
2. The U-molding retainer for all plastic-faced signs is to be mirror-polished and gold-anodized.
3. All exterior fasteners are to be gold-anodized. Painting is not permitted.
4. All exterior hinges (for face hinges and service doors) are to be gold-anodized. Painting is not permitted.
5. Flex-faced cabinet vents are to be gold-anodized. Painting is not permitted.
6. All signs are to be illuminated with HO Daylight fluorescent bulbs.
7. R□□□□ □□□□d □□□□□ □□□□

✱ SAFETY GLAZING ADJACENT TO DOORS:
GLAZING IN AN INDIVIDUAL FIXED OR OPERABLE PANEL ADJACENT TO A DOOR WHERE THE NEAREST VERTICAL EDGE OF THE GLAZING IS WITHIN A 24" ARC OF EITHER VERTICAL EDGE OF THE DOOR IN A CLOSED POSITION AND WHERE THE BOTTOM EXPOSED EDGE OF THE GLAZING IS LESS THAN 18" ABOVE THE WALKING SURFACE SHALL BE CONSIDERED A HAZARDOUS LOCATION.

□□ □□R □□□EDU□E

- 1 — CERAMIC PANELS
  MANUF: NEOLITH
  COLOR: IRON CORTEN
  CONTACT: PETER HOLLAND
  HOLLAND MARBLE
  972.247.1621
- — STUCCO(COARSE SAND TEXTURE) PAINTED
  SW-7645 - THUNDER GRAY
- — STUCCO (FINE SAND TEXTURE) PAINTED
  SW-7031 - MEGA GREIGE
- — STUCCO (FINE SAND TEXTURE)
  SW-7010 - DUCK WHITE
- — STUCCO (FINE SAND TEXTURE)
  SW-6374 - TORCHLIGHT
- — DOOR & FRAME PAINT (AS NOTED)
  SW-7645 - THUNDER GRAY
- — ALUMINUM (TOWER PARAPET EXTENSIONS)
  PAC-CLAD - SILVER
- — ALUMINUM (WINDOWS, STOREFRONT, & PTAC GRILLS) CLEAR ANODIZED
- — ALUMINUM FLUSH PANELS (PORTE-COCHERE)
  PAC-CLAD - STONE WHITE FINISH

REVISIONS:

REVISION ISSUE	DATED
1 REVISED PER PLANNING COMMENTS	11/12/19
2 REVISED PER PLANNING COMMENTS	05/01/19
3 REVISED PER 1ST CITY COMMENTS	11/05/19
4 REVISED PER 1ST FIRE COMMENTS	11/25/19

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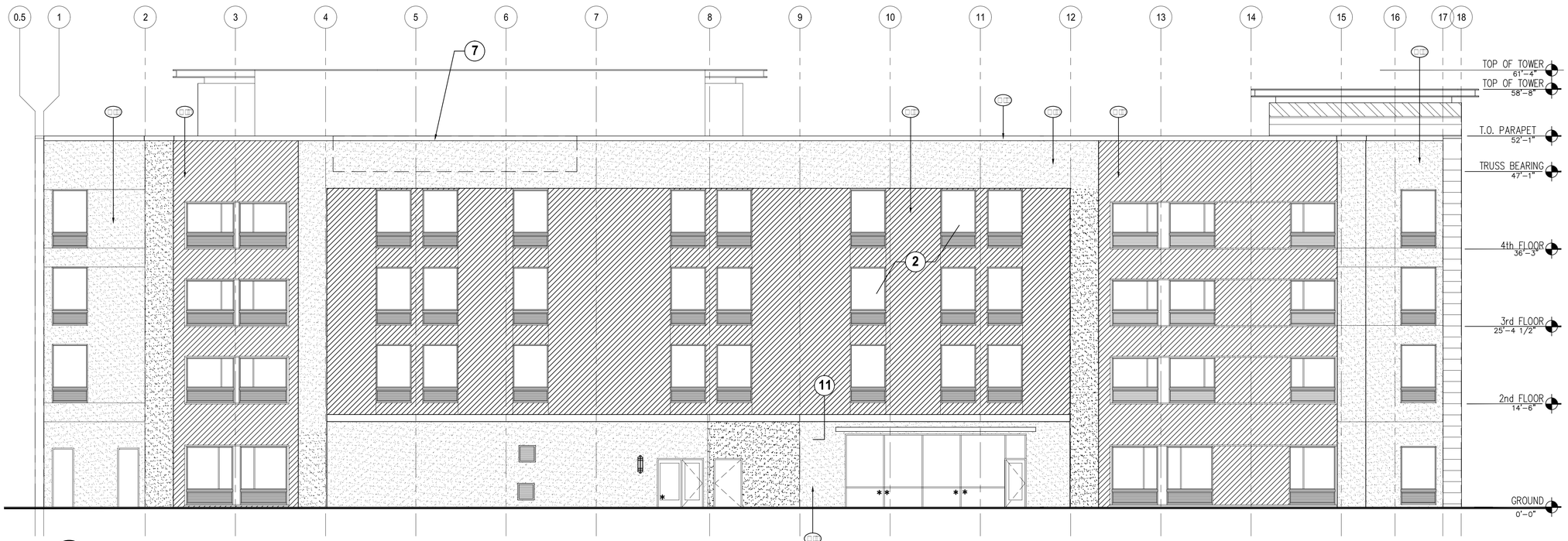
TITLE
EXTERIOR ELEVATIONS

PROJECT
LA QUINTA INN & SUITES
565 W CLOVER RD.
TRACY, CA 95304

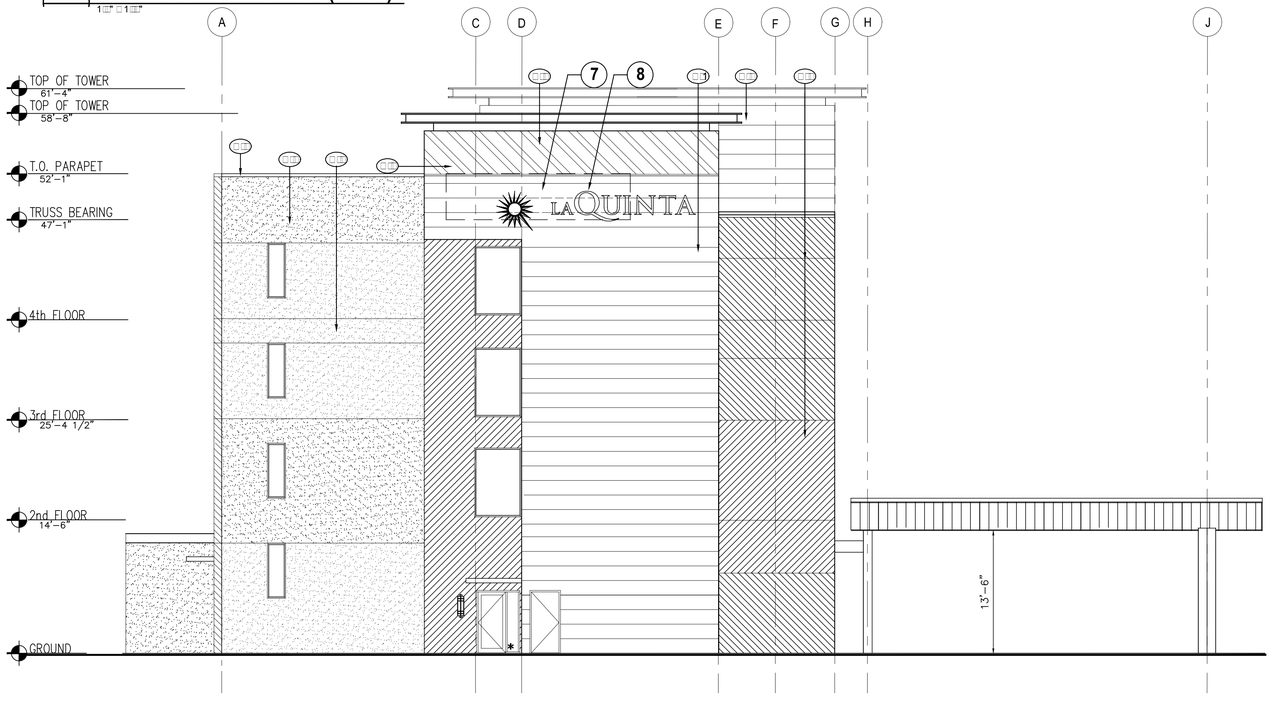
PROFESSIONAL ENGINEER-STATE OF CALIFORNIA
JASPAL S. SIDHU
EXP. DATE
06/30/2021
CIVIL
No.56924

DATE: □1□ □□□□□
JOB : 18-01
DWG. BY: HS
CHK. BY: MG

SHEET
15 OF 22



3 **REAR SIDE ELEVATION (EAST)**



4 **LEFT SIDE ELEVATION (NORTH)**

La Quinta Inn & Suites (with gold cabinets)

1. The extrusion for all plastic-faced signs is to be painted gold. Anodized aluminum skin is to be wrapped over the cabinets.
2. The U-molding retainer for all plastic-faced signs is to be mirror-polished and gold-anodized.
3. All exterior fasteners are to be gold-anodized. Painting is not permitted.
4. All exterior hinges (for face hinges and service doors) are to be gold-anodized. Painting is not permitted.
5. Flex-faced cabinet vents are to be gold-anodized. Painting is not permitted.
6. All signs are to be illuminated with HO Daylight fluorescent bulbs.
7. Roof mounted equipment.

□□□□R □□□EDU□E

- 1 — CERAMIC PANELS
  MANUF: NEOLITH
  COLOR: IRON CORTEN
  CONTACT: PETER HOLLAND
  HOLLAND MARBLE
  972.247.1621
- — STUCCO(COARSE SAND TEXTURE) PAINTED
  SW-7645 - THUNDER GRAY
- — STUCCO (FINE SAND TEXTURE) PAINTED
  SW-7031 - MEGA GREIGE
- — STUCCO (FINE SAND TEXTURE)
  SW-7010 - DUCK WHITE
- — STUCCO (FINE SAND TEXTURE)
  SW-6374 - TORCHLIGHT
- — DOOR & FRAME PAINT (AS NOTED)
  SW-7645 - THUNDER GRAY
- — ALUMINUM (TOWER PARAPET EXTENSIONS)
  PAC-CLAD - SILVER
- — ALUMINUM (WINDOWS, STOREFRONT, & PTAC GRILLS) CLEAR ANODIZED
- — ALUMINUM FLUSH PANELS (PORTE-COCHERE)
  PAC-CLAD - STONE WHITE FINISH

* SAFETY GLAZING ADJACENT TO DOORS:
GLAZING IN AN INDIVIDUAL FIXED OR OPERABLE PANEL ADJACENT TO A DOOR WHERE THE NEAREST VERTICAL EDGE OF THE GLAZING IS WITHIN A 24" ARC OF EITHER VERTICAL EDGE OF THE DOOR IN A CLOSED POSITION AND WHERE THE BOTTOM EXPOSED EDGE OF THE GLAZING IS LESS THAN 18" ABOVE THE WALKING SURFACE SHALL BE CONSIDERED A HAZARDOUS LOCATION.

REVISIONS:

	REVISION ISSUE	DATED
4	REVISED PER PLANNING COMMENTS	11/12/19
3	REVISED PER PLANNING COMMENTS	05/01/19
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1	REVISED PER 1ST FIRE COMMENTS	11/25/19

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Folsom, CA 95630
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Land Planning • Civil Engineering • Architectural Design • Structural Engineering

TITLE: EXTERIOR ELEVATIONS

PROJECT: LA QUINTA INN & SUITES
565 W CLOVER RD.
TRACY, CA 95304

PROFESSIONAL ENGINEER-STATE OF CALIFORNIA
JASPAL SINGH SIDHU
EXP. DATE 06/30/2021
CIVIL
No.56924

DATE: □□□□□□□□
JOB : 18-01
DWG. BY: HS
CHK. BY: MG

□□1□

SHEET
16 OF 22

Attachment D



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

CLOVER ROAD HOTEL/OFFICE PLANNED UNIT DEVELOPMENT (PUD)
APN 214-210-05
PUD18-0004

I. Purpose

The purpose of the Clover Road Hotel/Office Planned Unit Development (PUD) Zone is to provide an area for development of a hotel and/or office in close proximity to the freeway that enhances the existing commercial development found in this neighborhood, is compatible with adjacent zones, and provides a land use that benefits the community.

II. Development Standards

Except as otherwise specified herein, all development standards shall be those of the Highway Services (HS) Zone District and other applicable requirements of the Tracy Municipal Code.

The following development standards shall apply to the Clover Road Hotel/Office PUD Zone:

1. Permitted Uses

The land use permitted in the Clover Road Hotel/Office PUD Zone shall be limited to Tracy Municipal Code Use Group 41 and hotels.

2. Height

The maximum height of any building in the Clover Road Hotel/Office PUD Zone shall not exceed 65 feet.

III. Signs

All sign standards shall be those of the Tracy Municipal Code Sign Ordinance, Article 35, except for the following:

Freeway signs are prohibited.

MINUTES
TRACY CITY PLANNING COMMISSION
MARCH 11, 2020, 7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Chair Orcutt led the pledge of allegiance.

ROLL CALL

Roll Call found Commissioner Atwal, Commissioner Francis, Commissioner Wood, Vice Chair Hudson, and Chair Orcutt present. Also present were: Bianca Rodriguez, Deputy City Attorney; Bill Dean, Assistant Development Services Director; Al Gali, Associate Civil Engineer; Genevieve Federighi, Associate Planner; and Gina Peace, Recording Secretary.

MINUTES

Chair Orcutt introduced the Minutes from the February 26, 2020 meeting.

ACTION It was moved by Chair Orcutt and seconded by Vice Chair Hudson to approve the Planning Commission meeting minutes of February 26, 2020.
A voice vote found all in favor, passed and so ordered; 5-0-0-0.

DIRECTOR'S REPORT REGARDING THIS AGENDA

None.

ITEMS FROM THE AUDIENCE

None.

1. NEW BUSINESS

1. **PUBLIC HEARING TO CONSIDER A PLANNED UNIT DEVELOPMENT AMENDMENT (APPLICATION NUMBER PUD18-0004) AND DEVELOPMENT REVIEW (APPLICATION NUMBER D18-0033) FOR A FOUR-STORY, 87-ROOM, LA QUINTA HOTEL ON A 1.91-ACRE PARCEL LOCATED ON CLOVER ROAD, APPROXIMATELY 500 FEET EAST OF TRACY BOULEVARD (APN: 214-210-05)**

Genevieve Federighi, Associate Planner, delivered the staff report.

Chair Orcutt opened the Public Hearing at 7:11 p.m.

Draft

Jaspal Sidhu, architect on the Project, answered questions from the Commission.

Ray Patel, 861 W. Clover Road (Microtel Hotel), addressed the Commission, in opposition of the Project, for various reasons, including traffic, homelessness in the area, and poor road conditions.

Robert Tanner, 1371 Rusher Street, addressed the Commission, with traffic questions.

Sara Bai, 8609 W. Ranch Road, Tracy High School graduate, addressed the Commission, with questions. Mr. Sidhu addressed Ms. Bai's concerns.

Chair Orcutt closed the Public Hearing at 7:49 p.m.

ACTION It was moved by Commissioner Wood and seconded by Vice Chair Hudson to approve a Planned Unit Development Amendment (Application Number PUD18-0004) and Development Review (Application Number D18-0033) for a four-story, 87-room, La Quinta hotel on a 1.91-acre parcel located on Clover Road, approximately 500 feet east of Tracy Boulevard (APN: 214-210-05).
A roll call vote found all in favor; passed and so ordered; 5-0-0-0.

2. ITEMS FROM THE AUDIENCE

None.

3. DIRECTOR'S REPORT

Assistant Director Dean commented on how refreshing it is to observe a young person taking an interest in City Planning, in reference to Ms. Bai's attendance.

4. ITEMS FROM THE COMMISSION

None.

5. ADJOURNMENT

ACTION It was moved by Chair Orcutt and seconded by Vice Chair Hudson to adjourn.
A voice vote found all in favor; passed and so ordered.

Time: 7:55 p.m.

_____
CHAIR

_____
STAFF LIAISON

Draft

ORDINANCE _____

AN ORDINANCE OF THE CITY OF TRACY AMENDING THE PUD ZONE DISTRICT OF THE PROPERTY ON THE NORTH SIDE OF CLOVER ROAD, APPROXIMATELY 500 FEET EAST OF TRACY BOULEVARD, TO PERMIT HOTELS AND INCREASE THE HEIGHT MAXIMUM TO 65 FEET

WHEREAS, On September 12, 1989, the City Council approved a General Plan amendment, a rezone, and a Concept Development Plan for the area that includes the In-N-Out Restaurant, Fountain Plaza, and the subject parcel, and

WHEREAS, On August 16, 2005, the City Council approved a Preliminary and Final Development Plan for a two-story, 27,501 square-foot multi-tenant commercial building; on December 18, 2008, the City Council approved amendments to permit a one-story, 17,718 square foot multi-tenant building; and on November 18, 2009, the City Council approved amendments to permit two, two-story office buildings totaling 33,474 square feet, and

WHEREAS, Applications have been filed or initiated to amend the Planned Unit Development Zone Regulations to amend the height maximum from two stories to 65 feet and allow only hotels as a permitted use (PUD18-0004); and to approve the Development Review application number D18-0033, (the "Project"), and

WHEREAS, The approximately 1.9-acre subject property is located on the north side of Clover Road, south of the I-205 freeway, east of the Greenfield II Single-Family Residential Subdivision, and approximately 500 feet west of Tracy Boulevard, (Assessor's Parcel Number 214-210-05), and

WHEREAS, In addition to retail, office, and other commercial land uses, the General Plan's Commercial land use designation for the Project site provides for hotels, and

WHEREAS, The subject property is well suited for a hotel because of its close proximity to retail and consumer services, employment opportunities in the area, availability of public services to the Project site, and convenient access to I-205, and

WHEREAS, In accordance with Tracy Municipal Code Section 10.08.1800, the Planning Commission shall review and make recommendation to the City Council regarding an amendment and approval of a Planned Unit Development Amendment, and

WHEREAS, The Planning Commission conducted a public hearing to receive public input and recommended approval to the City Council March 11, 2020, and

WHEREAS, On June 16, 2020, the City Council conducted a public meeting to consider the Project;

NOW, THEREFORE, The City Council hereby ordains as follows:

SECTION 1: Planned Unit Development Amendment to allow a hotel as a permitted use and to increase the maximum height to 65 feet.

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

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the 7th day of July 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

RESOLUTION 2020-_____

APPROVING A DEVELOPMENT REVIEW PERMIT FOR A FOUR-STORY, 87-ROOM, LA QUINTA HOTEL ON A 1.9-ACRE PARCEL LOCATED ON CLOVER ROAD, EAST OF TRACY BOULEVARD, APN 214-210-05

WHEREAS, On September 12, 1989, the City Council approved a General Plan amendment, a rezone, and a Concept Development Plan for the area that includes the In-N-Out Restaurant, Fountain Plaza, and the subject parcel, and

WHEREAS, On August 16, 2005, the City Council approved a Preliminary and Final Development Plan for a two-story, 27,501 square-foot multi-tenant commercial building; on December 18, 2008, the City Council approved amendments to permit a one-story, 17,718 square foot multi-tenant building; and on November 18, 2009, the City Council approved amendments to permit two, two-story office buildings totaling 33,474 square feet, and

WHEREAS, Applications have been filed or initiated to amend the Planned Unit Development Zone Regulations to amend the height maximum from two stories to 65 feet and allow only hotels as a permitted use (Application Number PUD18-0004), and to approve the Development Review Application Number D18-0033, (the "Project"), and

WHEREAS, The approximately 1.9-acre subject property is located on the north side of Clover Road, south of the I-205 freeway, east of the Greenfield II Single-Family Residential Subdivision, and approximately 500 feet west of Tracy Boulevard, (Assessor's Parcel Number 214-210-05), and

WHEREAS, In addition to retail, office, and other commercial land uses, the General Plan's Commercial land use designation for the Project site provides for hotels, and

WHEREAS, The subject property is well suited for a hotel because of its close proximity to retail and consumer services, employment opportunities in the area, availability of public services to the Project site, and convenient access to I-205, and

WHEREAS, The Project's complete development application and each of the technical studies documents the Project effects will not exceed City standards or the development density established by the General Plan. Therefore, in accordance with CEQA Guidelines Section 15183, no additional CEQA documentation is required for this Project, and

WHEREAS, In accordance with Tracy Municipal Code Section 10.08.1800, the Planning Commission shall review and make recommendation to the City Council regarding an amendment and approval of a Planned Unit Development Amendment, and

WHEREAS, The Planning Commission conducted a public hearing to receive public input and recommended approval of the Project to the City Council March 11, 2020, and

WHEREAS, On July 7, 2020 the City Council conducted a public meeting to consider the Project;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves a development review permit for a four-story, 87-room, La Quinta Hotel on a 1.9-acre

parcel located on Clover Road, east of Tracy Boulevard, APN 214-210-05, subject to conditions contained in Exhibit 1.

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

The foregoing Resolution 2020-_____ was passed and adopted by the Tracy City Council on the 7th day of July, 2020, by the following vote:

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

_____
MAYOR

ATTEST:

_____
CITY CLERK

La Quinta Hotel
Conditions of Approval
Application Number D18-0033
City Council July 7, 2020

These Conditions of Approval shall apply to the real property described as the La Quinta Hotel Project, Development Review (Application Number D18-0033). The approximately 1.9-acre subject property is a vacant parcel located on Clover Coad, approximately 500 feet east of Tracy Boulevard (APN: 214-210-05).

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

1. "Applicant" means any person, or other legal entity, defined as a "Developer", who applies to the City to develop or improve any portion of the real property within the project boundaries. The term "Developer" shall include all successors in interest.

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

3. "City Regulations" means all written laws, rules and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design documents (the Streets and Utilities Standard Plans, Design Standards, Parks and Streetscape Standard Plans, Standard Specifications, and the June 2015 Multi-Agency Post Construction Stormwater Standards Manual, and Relevant Public Facilities Master Plans).

4. "Conditions of Approval" shall mean the conditions of approval applicable to the real property described as the La Quinta Hotel, Development Review (Application Number D18-0033). The approximately 1.9-acre subject property is located on the north side of Clover Road, east of Tracy Boulevard, (Assessor's Parcel Number 214-210-05).

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

6. "Project" means the real property consisting of approximately 1.9 acres proposed for the La Quinta Hotel Project located on the north side of Clover Road, east of Tracy Boulevard, Tracy (Assessor's Parcel Number 214-210-05).

7. "Property" means the real property located at Assessor's Parcel Number 214-210-05.

B. General Conditions of Approval:

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, *et seq*.), the

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

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

3. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the General Plan Environmental Impact Report, dated February 1, 2011.

4. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

5. Except as otherwise modified herein, all construction shall be consistent with the plans received by the Development Services Department on March 3, 2020.

6. Prior to the issuance of a building permit, the applicant shall provide a detailed landscape and irrigation plan consistent with City landscape and irrigation standards, including, but not limited to Tracy Municipal Code Section 10.08.3560, the City's Design Goals and Standards, to the satisfaction of the Development Services Director; and with the applicable Department of Water Resources Model Efficient Landscape Ordinance to the satisfaction of the Utilities Director. Said landscape plans shall include documentation which demonstrates there is no less than 20 percent of the parking area in landscaping, 40 percent canopy tree coverage at tree maturity, and canopy shade trees shall be included and evenly distributed throughout the landscape strip along the public right-of-way where compatible with the bio-retention function and in coordination with the location of street trees, in accordance with City Regulations. Newly planted, on-site trees shall be a minimum size of 24-inch box and shrubs shall be a minimum size of five gallons.

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

8. Prior to the issuance of a building permit, an Agreement for Maintenance of Landscape and Irrigation Improvements shall be executed and financial security submitted to the Development Services Department. The Agreement shall ensure maintenance of the on-site landscape and irrigation improvements for a period of

two years following Project occupancy. Said security shall be equal to the actual material and labor costs for installation of the on-site landscape and irrigation improvements, or $2.50 per square foot of on-site landscape area.

9. No roof mounted equipment, including, but not limited to, HVAC units, fans, antennas, and dishes whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from Tracy Boulevard, Clover Road, Interstate 205F la or any other public right-of-way. All roof-mounted equipment shall be screened from view from the public rights-of- way by the exterior parapet walls, to the satisfaction of the Development Services Director.

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

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

12. Prior to the issuance of a building permit, bicycle parking spaces shall be provided in accordance with Tracy Municipal Code Section 10.08.3510 to the satisfaction of the Development Services Director.

13. All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Director.

14. Trash enclosure(s) shall be at least seven feet tall, of masonry construction, with solid metal doors, and exterior colors and materials to match the building exterior to the satisfaction of the Development Services Director. Prior to the issuance of a building permit, the developer shall demonstrate that the trash enclosure contains sufficient space and access for recycled material in accordance with State law and local standards to the satisfaction of the Public Works Director.

15. No signs are approved as part of this development application. Prior to the installation of any signs, the applicant shall submit a sign permit application and receive approval from the Development Services Director in accordance with City Regulations. All signs shall be designed and constructed in accordance with the size, height, and other standards of the Tracy Municipal Code and the La Quinta PUD Zone standards.

16. Prior to the issuance of a building permit, the developer shall document compliance with the City of Tracy June 2015 Multi-Agency Post Construction Stormwater Standards Manual to the satisfaction of the Utilities Director, which includes submittal

of site design and source and treatment controls along with hydromodification. Compliance with the Manual includes, but is not limited to, addressing outdoor storage areas, loading and unloading areas, trash enclosures, parking areas, any wash areas and maintenance areas and compliance with Tracy Municipal Code Chapter 11.34 and the California Green Building Standards Code, Chapter 5.

17. Prior to issuance of a grading or building permit, the applicant shall submit a Department of Water Resources Model Efficient Landscape Ordinance (MWELO) Project Information Sheet prepared in compliance with City standards to the Utilities Director. The submittal must show compliance with the MWELO by choosing either the Prescriptive or Performance Approach through inclusion in submitted plans and documents. The submittal shall demonstrate compliance with Tracy Municipal Code Chapter 11.28 and California Green Building Standards Chapter 5.

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

19. Prior to construction of any structures, applicant must submit construction documents, plans, specifications and/or calculations to the Building Safety Division which meet all requirements of Title 24 California Code of Regulations, as applicable per Title 24 California Code of Regulations to the satisfaction of the Chief Building Official. Construction documents and plans shall include an accessible path of travel with a cross-slope not to exceed 2% to the public right-of-way and all accessible features on the site, including the trash enclosure. CBC 11B-206.2.2.

20. All parking spaces and drive aisles shall meet the minimum dimensional requirements of the City of Tracy Standard Plan 141. Two-way drive aisles serving 90-degree parking spaces shall be at least 26 feet wide and 90-degree parking spaces shall be at least nine feet wide by 18.5 feet long. Planters or sidewalks at the head of parking spaces may be constructed two feet into the front of parking spaces. Such two-foot overhang of landscape planters into the head of parking spaces is not included in the minimum area of required landscaping.

21. Prior to occupancy or final inspection, bollards constructed on site shall be painted to match the color of the adjacent building, to the satisfaction of the Development Services Director.

22. Consistent with General Plan Noise Element Policy 4 (Goal N-1.2), all construction activity producing any noise beyond the site's property line shall not occur after 7:00 p.m. or before 7:00 a.m.

23. Prior to the issuance of a building permit, the developer shall cause to be recorded an instrument that ensures the site will provide and participate in vehicle and pedestrian

access to the property adjacent to the west and provide no less than two connections to the existing, developed site located at 545 W Clover Road. The recorded instrument shall be consistent with City regulations to the satisfaction of the Development Services Director and in a form satisfactory to the City Attorney.

24. The landscape planter along the entire east property line shall be at least ten feet wide and shall include evergreen, shade trees, spaced no more than 30 feet apart, to provide screening for the adjacent residential development, to the satisfaction of the Development Services Director.

C. Engineering Division Conditions of Approval

C.1. General Conditions

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

1) Traffic Memorandum prepared by Kimley-Horn and Associates dated October 7, 2019.
2) Storm Drain Memorandum by Storm Water Consultants dated October 24, 2019.
3) Water Supply Memorandum by Black Water Consulting Engineers dated October 17, 2019.
4) Sanitary Sewer Memorandum by Black Water Consulting Engineers dated January 10, 2020.

C.2. RESERVED

C.3. RESERVED

C.4. Grading Permit

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

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

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

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

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

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

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

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

C.4.8 For Projects on property larger than one (1) acre: Prior to the issuance of the Grading Permit, Developer shall submit to the Utilities Department (stephanie.hiestand@cityoftracy.org) one (1) electronic copy and one (1) hard copy of the Storm Water Pollution Prevention Plan (SWPPP) as submitted in Stormwater Multiple Applications and Reporting Tracker System (SMARTS) along with either a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge

Identification number (WDID) or a copy of the receipt for the NOI. After the completion of the Project, the Developer is responsible for filing the Notice of Termination (NOT) required by SWQCB, and shall provide the City, a copy of the completed Notice of Termination. Cost of preparing the SWPPP, NOI and NOT including the annual storm drainage fees and the filing fees of the NOI and NOT shall be paid by the Developer. Developer shall comply with all the requirements of the SWPPP, applicable Best Management Practices (BMPs) and the Stormwater Post-Construction Standards adopted by the City in 2015 and any subsequent amendment(s).

For Projects on property smaller than one (1) acre: Prior to the issuance of the Grading Permit, the Developer shall submit to the Utilities Department (stephanie.hiestand@cityoftracy.org) one (1) electronic copy and 1 hard copy of the City of Tracy Erosion and Sediment Control Plan (ESCP) for approval. Cost of preparing the ESCP including any annual storm drainage fees shall be paid by the Developer. Developer shall comply with all the requirements of the ESCP, applicable BMPs and the Post-Construction Stormwater Standards adopted by the City in 2015 and any subsequent amendment(s).

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

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

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

Slopes are an acceptable option as a substitute to engineered retaining walls, where

cuts or fills do not match existing ground or final grade with the adjacent property or public right of way, up to a maximum grade differential of two (2) feet, subject to approval by the City Engineer.

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

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

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

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

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

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

C.4.15 If at any point during grading that the Developer, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant

exposes/encounters/uncovers any archeological, historical, or other paleontological findings, the Developer shall address the findings as required per the General Plan Cultural Resource Policy and General Plan EIR; and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.

C.4.16 Site buildings should be elevated appropriately above the grade of adjacent parking areas, drives and landscape areas, and a minimum of 1 foot above any HGLs determined from capacity evaluations performed for the onsite SD system by the Developer's Engineer as a part of the design of the project.

C.5. Encroachment Permit

All construction activity involving public improvements will require an approved encroachment permit. Any construction activity involving public improvements without an approved encroachment permit is prohibited. All public improvements shall be performed and completed in accordance with the recommendation(s) of the Project's Registered Civil Engineer. The City will not start processing any encroachment permit application until the Developer provides all documents related to said improvements required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

C.5.1. Public Infrastructure Improvement Plans prepared on a twenty-four (24) inch x thirty-six (36) inch size four (4) millimeter thick mylar that incorporate all requirements described in the documents described in these Conditions of Approval, the City's Design Documents as defined in Title 12 of the Tracy Municipal Code. Developer shall use the latest title block and, if necessary, contain a signature block for the Fire Marshal. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by Fire Marshal to submitting the mylars to Engineering Division for City Engineer's signature. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:

C.5.1.a. All existing and proposed utilities such as domestic water line, irrigation service, fire service line, storm drain, and sanitary sewer, including the size and location of the pipes.

C.5.1.b. All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports. All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers such as benchmarks.

C.5.1.c. A PDF copy of the Project's approved Geotechnical/Soils Report that was prepared for the grading permit submittal.

C.5.1.d. Storm Water - The Project's on-site storm water drainage connection to the City's storm water system shall be approved by the City Engineer. Drainage calculations for the sizing of the on-site storm drainage system. Improvement Plans to be submitted with the hydrology and storm water.

Storm drainage release point is a location at the boundary of the Project adjacent public right-of-way where storm water leaves the Property, in a storm event and that the Property's on-site storm drainage system fails to function or it is clogged. Site grading shall be designed such that the Project's storm drainage overland release point will be directly to an adjacent public street with a functional storm drainage system and the existing storm drainage line has adequate capacity to drain storm water from the Property. The storm drainage release point is recommended to be at least 0.70-feet lower than the building finish floor elevation and shall be designed and improved to the satisfaction of the City Engineer.

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

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

Developer shall connect directly to the existing 42-inch storm drain line on Clover Road with a new manhole per City Standards.

Developer shall provide roughly at least 2,700 cubic-feet of storm water quality treatment.

C.5.1.e. Sanitary Sewer - It is the Developer's responsibility to design and construct the Project's permanent on-site sanitary sewer (sewer) improvements including the Project's sewer connection in accordance with the City's Design Standards, City Regulations and Standard Specifications. Sewer improvements shall include but not limited to, replacing asphalt concrete pavement, reconstructing curb, gutter and sidewalk, restoring pavement marking and striping, and other improvements that are disturbed as a result of installing the Project's permanent sewer connection. Developer shall submit improvement plans that include the design of the sewer line from the Property to the point of connection.

Developer is hereby notified that the City will not provide maintenance of the sewer lateral within the public right-of-way unless the sewer cleanout is located and constructed in conformance with Standard Plans. The City's responsibility to maintain on the sewer lateral is from the wye/onsite sewer manhole at the right-of-way

line/property line/wye fitting to the point of connection with the sewer main.

C.5.1.g. Water Distribution - Developer shall design and construct domestic and irrigation water service that comply with the City Regulations. Water line sizing, layout and looping requirements for this Project shall comply with City Regulations. During the construction of the Project, the Developer is responsible for providing water infrastructure (temporary or permanent) capable of delivering adequate fire flows and pressure appropriate to the various stages of construction and as approved by the Fire Marshal.

Interruption to the water supply to the existing businesses and other users will not be allowed to facilitate construction of improvements related to the Project. Developer shall be responsible for notifying business owner(s) and users, regarding construction work. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least seventy-two (72) hours before start of work. Prior to starting the work described in this section, the Developer shall submit a Work Plan acceptable to the City that demonstrates no interruptions to the water supply, and Traffic Control Plan to be used during the installation of the off-site water mains and connections.

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

After improvement acceptance, repair and maintenance of the water service from the water meter to the point of connection with the water distribution main in the street shall be the responsibility of the City. Water service repairs after the water meter is the responsibility of the Developer or individual lot owner(s).

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

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

C.5.1.h. Fire Hydrants – Location and construction details of fire service line including the private fire hydrant(s) that are to serve the Project shall be approved by the Fire Marshal. Prior to the approval of the Improvement Plans by the City Engineer,

the Developer shall obtain written approval from the Fire Marshal, for the design, location and construction details of the fire service connection to the Project, and for the location and spacing of fire hydrants that are to be installed or planned to serve the Project. Hydrants shall be privately owned and maintained and shall be painted red.

C.5.1.i. Streets – All streets and utilities improvements within City right-of-way shall be designed and constructed in accordance with City Regulations, and City's Design Standards including the City's Facilities Master Plan for storm drainage, roadways, wastewater, and water as adopted, amended, and updated by the City, or as otherwise specifically approved by the City.

The Project's utility connections, Developer shall use existing utility stubs. If the stubs are not present or additional utility connections are required, the pavement restoration shall conform to C.8.1 of these Conditions.

Developer shall use all existing driveways as proposed to be used by the project.

Developer shall install R-26(CA) 'no parking' signs along the frontage on Clover Road.

C.5.2. Joint Trench Plans and Composite Utility Plans, prepared on a twenty-four (24) inch x thirty-six (36) inch size four (4) millimeter thick mylar for the installation of dry utilities such as electric, gas, TV cable, telephone, and others that will be located within the twenty-four (24) feet wide to forty-six (46) feet wide [the width varies) PUE to be installed to serve the Project. All private utility services to serve Project must be installed underground or relocated to be underground, and to be installed at the location approved by the respective owner(s) of the utilities from the street or an existing or proposed utility easement to the building(s). If necessary, the Developer shall dedicate ten (10) feet wide PUE for access to these new utilities for re-installation, replacement, repair, and maintenance work to be performed by the respective utility owner(s) in the future.

C.5.3. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans. The cost estimate shall show the cost of designing the public improvements.

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

C.5.5. Traffic Control Plan - Prior to starting the work for any work within City's right-of-way, the Developer shall submit a Traffic Control Plan (TCP). TCP can be split

among the different construction phases. TCP will show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. TCP shall conform to the Manual on Uniform Traffic Control Devices as amended by the State of California, latest edition (MUTCD-CA). TCP shall be prepared under the supervision of, signed and stamped by a Registered Civil Engineer or Registered Traffic Engineer.

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

C.5.6. No street trench shall be left open, uncovered, and/or unprotected during night hours and when the Developer's contractor is not performing construction activities. Appropriate signs and barricades shall be installed on the street and on all trenches during such times. If the Developer or its contractor elects to use steel plates to cover street trenches, said steel plates will be skid-resistance, and shall be ramped on all sides. Ramps will be a minimum two-foot wide and will run the entire length of each side.

C.5.7. If at any point during utility installation or construction in general that the Developer, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other paleontological findings, the Developer shall address the findings as required per the General Plan Cultural Resource Policy and General Plan EIR; and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.

C.5.8 RESERVED

C.5.9 Off-site Public Improvements - Prior to the Developer commencing construction of off-site public improvements, Developer, if required, shall possess a fully executed Encroachment Permit. Developer shall also complete all of the following requirements to the satisfaction of the City Engineer:

Developer has received City signed improvement plans.

Developer has paid all required processing fees including plan check and inspection fees.

Improvement Security - Developer shall provide improvement security for all public facilities, as required by the Improvement Agreement. The form of the improvement

security may be a bond, or other form in accordance with the Government Code, and the TMC. The amount of the improvement security shall be in accordance with Title 12 of the TMC.

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

C.6. Building Permit

No building permit within the Project boundaries will be approved by the City until the Developer demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

C.6.1 Developer has completed all requirements set forth in Condition C.1, through C.5, above.

C.6.2 Developer pays the applicable development impact fees as required in the TMC, these Conditions of Approval, and City Regulations.

C.7 Acceptance of Public Improvements

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

C.7.1 Developer has satisfied all the requirements set forth in these Conditions of Approval.

C.7.2 Developer submitted the Storm water Treatment Facilities Maintenance Agreement (STFMA) to the Utilities Department.

C.7.3 Developer has satisfactory completed construction of all required/conditioned improvements. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

C.7.4 Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Developer, the City, at its sole discretion, temporarily release the original mylars of the Improvement Plans to the Developer so that the Developer will be able to document revisions to show the "As-Built" configuration of all improvements.

C.7.5 Developer shall be responsible for any repairs or reconstruction of street pavement, curb, gutter and sidewalk and other public improvements along the frontage of the Project, if determined by the City Engineer to be in poor condition or damaged by construction activities related to the Project.

C.7.6 Developer has completed the ninety (90) day public landscaping maintenance period.

C.7.7 Per Section 21107.5 of the California Vehicle Code, Developer shall install signs at all entrance(s) of the Project stating that the streets are privately owned and maintained and are not subject to the public traffic regulations or control. Said signs must be conspicuously placed, plainly visible, and legible during daylight hours from a distance of one hundred (100) feet.

C.7.8 Survey Monuments – Any altered, damaged, or destroyed survey monuments and/or benchmarks shall be re-established. Developer shall submit centerline tie sheets or a record of survey for the following: new public streets; re-established survey monuments, and/or benchmarks. If the Developer destroyed, altered, and/or reconstructed any existing curb returns, Developer shall also submit corner records. Any survey document will be submitted the City and to the San Joaquin County Surveyor to comply with California Business and Professions Code Section 8771(c). Said work shall be executed by a California licensed Land Surveyor at the Developer's sole expense.

C.8 Special Conditions

C.8.1 When street cuts are made for the installation of utilities, the Developer shall conform to Section 3.14 of the 2008 Design Standards and is required install a two (2) inch thick asphalt concrete (AC) overlay with reinforcing fabric at least twenty-five (25) feet from all sides of each utility trench. A two (2) inch deep grind on the existing AC pavement will be required where the AC overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. This pavement repair requirement is when cuts/trenches are perpendicular and parallel to the street's direction.

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

C.8.3 If water is required for the Project, the Developer shall obtain an account for the water service and register the water meter with the Finance Department. Developer shall pay all fees associated with obtaining the account number for the water service.

C.8.4 Developer shall obtain an account for the water service to the Project and register the water meter with the Finance Department. Developer shall prepare and submit a map depicting the location of the water meter on an 8.5-inch X 11-inch sheet to Finance Department.

C.8.5 Project Entrance As stipulated by Section 5.17 of the 2008 Design Standards, a PCC valley gutter is prohibited in the City's right-of-way.

C.8.6 If required, Developer shall design or purchase and then construct or install a storm water treatment device and shall be located entirely within private property. Said installation shall be in a manner that does not impose any additional downstream maintenance burdens to the City. Said design and construction methods shall be to the satisfaction of the City Engineer.

C.8.7 Developer shall preserve and protect the existing sidewalk fronting it's parcel on Clover Road.

C.8.8 Developer shall preserve and protect the existing driveway to the parcel.

C.8.9 Developer may use the existing utility stubs and can replace the existing utility boxes with traffic rated utility boxes.

C.8.10 Developer shall use the existing stubbed entries from the westerly commercial property.

C.8.11 Developer shall use the existing driveway stubs provided by the easterly property.

July 7, 2020

AGENDA ITEM 3.D

REQUEST

CONDUCT A PUBLIC HEARING TO ADOPT A RESOLUTION APPROVING THE AMENDMENT TO CITYWIDE MASTER FEE SCHEDULE FOR FISCAL YEAR 2020-2021 TO INCLUDE FEES ASSOCIATED WITH COMMERCIAL CANNABIS APPLICATIONS, PERMITS AND BACKGROUNDS

EXECUTIVE SUMMARY

The City Council adopted an ordinance to allow commercial cannabis activity in Tracy, subject to established standards, regulations and requirements (the "regulatory ordinance"). The Council directed staff to ensure that the full costs of administering the regulations for permitting and operation of commercial cannabis businesses were covered through fees. Staff has identified three fees to capture the costs of providing processing, oversight, and audit of commercial cannabis businesses. These include an application fee, a permit fee, and an annual permit renewal fee. These fees will take effect upon adoption of the resolution to amend the City's Master Fee Schedule.

DISCUSSION

In May 2011, the City Council consolidated citywide fees into a master schedule, centralizing fees in a single document. This action established consistency and clarity regarding the fee update process, which included an automatic cost of living adjustment. On June 16, 2020, the City Council approved Resolution 2020-110, which adopted the fees for FY 2020-21. The fees set forth represent no more than the estimated reasonable costs, or actual costs of the services provided. Going forward, these fees will become part of the annual update of the Master Fee study. During that time, staff is able to reassess all assumptions to ensure full cost recovery is maintained. The adoption of these fees is permitted under the California Constitution, Article XIIIC, including the exceptions under Article XIIIC, Section 1(e). The City has given notice of the proposed Schedule update as required by Government Code Section 66016 to interested parties who filed a written request for such notice with the City. Notice has also been given by publication, pursuant to Government Code Sections 66018 and 6062a.

The City Council has approved the regulatory process for commercial cannabis businesses, including application and compliance regulations. The regulatory process has three phases for which fees have been calculated. First is the application phase under which cannabis businesses may apply for a permit. Second, is the permit issuance phase, where a fee is paid only by permitted cannabis businesses. This fee is paid for each new permit that is granted to a cannabis business. The third phase is the renewal process for cannabis businesses that have obtained permits, where a fee is paid for permit renewal and covers the renewal application, audit services, and compliance review of the cannabis business. In addition, the cannabis regulatory ordinance requires background checks for owners and employees. These fees are recovered at cost.

During the application development process, the issue of applicants potentially applying for permits for multiple cannabis business types, under a single business entity, in a single location arose. Below is a clarification to the various fees.

Multiple New and Renewal Applications - Filing for more than one Cannabis Business Permit Type at a Single Location

The Guidelines have been drafted to enable applicants applying for multiple cannabis business permit types under a single business entity that are anticipated to be located at the same location to consolidate their application submittal package. For example, a single business entity may apply for an indoor Cultivation permit and a Distribution permit, where the business would be located at one location, may submit one application. As a result, a single application fee would be collected. However, if the business entity is applying for multiple permit types, and it is not anticipated that the permits will be located at the same location, then the applicant must submit a separate application package for each location. This would result in a separate application fee per location. This would apply to both a new application and a renewal application fee.

Multiple Permits - Filing for more than one Cannabis Business Permit Type regardless of Location.

Staff developed the permit fee to capture monitoring, compliance, and audit requirements established within the City's ordinance. As each type of cannabis business has varying requirements, staff is recommending a permit fee for each business type granted a permit.

Background Investigations - Filing for more than one Cannabis Business Permit Type by Owner

The City Ordinance requires all owners with a 5% or more ownership claim in a cannabis business entity to complete a background investigation as part of their application. A single background investigation may be used for multiple applications and/or permits within a 12 month period.

STRATEGIC PLAN

This item is in accordance with Council Governance Strategic Plan, Goal 3: "Ensure Short and Long-Term Financial Sustainability."

FISCAL IMPACT

The recommended fees are as follows:

- Cannabis Business Permit Application Fee $10,800; plus $300 per owner (as described in the City ordinance) for background investigation
- Cannabis Business Permit Fee $ 3,900 paid annually once granted
- Cannabis Business Permit Renewal Application Fee $ 13,100; plus $100 per owner for background investigation

- Cannabis Employee Permit Fee $300 per employee; initial permit issuance only
- Cannabis Employee Permit Renewal Fee $100 per employee

RECOMMENDATION

It is recommended that the Mayor open a Public Hearing to receive and consider comments on the amendment to the City's Master Fee Schedule, after which staff recommends that Council adopt the resolution approving the updated Fiscal Year 2020-2021 City-Wide Master Fee Schedule. Upon adoption, fees will be effective on July 8, 2020.

Prepared by: Karin Schnaider, Finance Director

Reviewed by: Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

Attachment A - City-Wide Master Fee Schedule

Attachment A

City of Tracy

Master Fee Schedule

Fiscal Year 2020/2021

Adopted by City Council Resolution No. 2011-101, May 17, 2011

Amended by Resolution No. 2013-047, April 2, 2013
Amended by Resolution No. 2013-086, June 4, 2013
Amended by Resolution No. 2014-059, April 15, 2014
Amended by Resolution No. 2015-075, May 19, 2015
Amended by Resolution No. 2016-094, May 17, 2016
Amended by Resolution No. 2017-098, May 16,2017
Amended by Resolution No. 2020-110, June 16, 2020
Amended by Resolution No. 2020-XXX, July 7, 2020

Effective July 1, 2020; Development Service Fees, August 17, 2020

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Introduction

The City of Tracy Master Fee Schedule is a compilation of most of the fees charged by the City for services.

It is organized by Department and **does not** include the following types of fees:

- development impact fees adopted under the Mitigation Fee Act;
- mitigation fees (ie habitat mitigation, agricultural mitigation fees);
- business license fees (taxes);
- enterprise fund charges (water, sewer, storm water, airport, transit);
- fees adopted under franchise agreements (cable franchise under TMC Chapter 8.10; franchise contractor for collection of solid waste, yard waste and recycling under TMC Chapter 5.20);
- landscape maintenance district assessments;
- fines (imposed as penalties);
- leases of City property; and
- Rates established by separate agreements (ie Tracy Unified School District).

The Master Fee Schedule will generally be updated annually, and most fees will increase by an inflationary adjustment (Consumer Price Index --"CPI"--for San Franciso, Oakland, and Hayward) rounded to the nearest dollar. The fees which are updated by some other method are indicated as such. ***Fees that are not subject to an annual CPI adjustment are indicated by an asterisk.***

Public services may be classified as community-supported public services, such as police and fire services. These are typically provided to the community as a whole and are supported by general tax dollars from the City's general fund.

Personal choice services are optional, such as taking a class, and are Requested by the customer.

Property development services (requiring a building permit or land Use entitlement) is done at the request, and for the benefit, of the owner. Fees are usually charged for these types of services, though some may be subsidized with general tax dollars when they have some social, safety, or welfare benefit.

City Staff whom worked to update this Master Fee Schedule include the following representatives from each Department:

Finance Department	Karin Schnaider, Anne Bell, Jessica Ornellas
City Manager's Office, City Clerk Division	Adrianne Richardson
City Manager's Office, Cultural Arts and Theater Divisions	Kim Scarlata
City Manager's Office, Public Information Division	Carissa Higginbotham, Dan Suma
Development Services, Building Division	Kevin Jorgensen
Development Services, Engineering Division	Robert Armijo
Development Services, Planning Division	William Dean
Parks and Recreation Services Department	Jolene Jauregui-Correll, Paula Jessup, Thien Nguyen
Police Department, Support Operations Division	Beth Lyons-McCarthy
Public Works Department, Administration Division	Robin Kloepfer, Stephanie Garcia

FINANCE DEPARTMENT
Karin Schnaider, Director

Finance Department

Division Contact: Robert Harmon, Senior Accountant; Jessica Ornellas, Accounting Coordinator

SERVICE OR APPLICATION	UNIT BY WHICH CHARGED	Adopted Fee (FY1718)	Proposed Fee (FY2021)	Fee Change +/-
Business Licenses:				
• Transfer, assignment or duplication fee	Per Transaction	$5	$5	$0
• State disability access fee	Per License	$1	$4	$3

CITY MANAGER'S OFFICE
Jenny Haruyama, City Manager

City Manager's Office
City Clerk

Division Contacts: Adrianne Richardson, City Clerk

Items with asterisk (*) are not subject to inflationary increases

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
Annual Subscriptions (City Council, Planning Commission)				
Agendas	Per Month	$41	$45	$4
	Per Disc / Agenda	$2	$2	$0
Minutes	Per Page	$0.15	$0.15	$0
Appeals				
To City Council	Per Appeal	$177	$194	$18
To City Manager	Per Appeal	$177	$194	$18
By Impartial Hearing Officer	Per Appeal (May be Shared Equally by Parties)	Per Appeal (May be Shared Equally by Parties)		
Document Certification	Per Document b	$18	$19	$2
Photocopies				
Paper Copy	Per Page	$0.15	$0.15	$0
Oversized Copy		At Cost	At Cost	
***Maps**		At Cost	At Cost	
Duplicating Recording of Public Meeting:	Per Video or Audio			
Video or Audio		$5	$5	$0
DVD of Council Meeting	Per DVD	$5	$5	$0
Lobbyists				
Registration	Each	$72	$80	$7
Annual Renewal	Each	$36	$40	$4
***Notary Fee**	Each	$10	$10	$0

Public Information

Division Contact: Carissa Higginbotham, Public Information Officer

Video Production Fees				
Single HD Camera with Operator (Up to 8 Hrs)	Per Day	$207	$227	$20
	Per Half Day	$104	$114	$10
	Per Hour if Over 8 Hours	$41	$45	$4
Flypack with 4 Crew (Includes a portable switcher, 3 HD Cameras, graphics & audio feed)	Per Day	$932	$1,024	$92
	Per Hour if Over 8 Hours	$155	$171	$15
City Council Chamber Recording with 2 Crew (Includes 4 SD Cameras and audio, Up to 8 Hrs)	Per Day	$466	$512	$46
	Per Half Day	$233	$256	$23
	Per Hour if Over 8 Hours	$78	$85	$8
Editing Suite with Editor	Per Hour	$29	$32	$3
Motion Graphics Editor	Per Hour	$29	$32	$3
Advance Lighting	Per Hour	$29	$32	$3
TV Studio Rental with 1 Crew (2 Hour Minimum)	Per Hour	$29	$32	$3
Producer	Per Hour	$29	$32	$3
Teleprompter Operator	Per Hour	$29	$32	$3
General Crew (Audio Tech, Extra Studio Crew, Grip, etc...	Per Hour	$29	$32	$3
Miscellaneous				
Green Screen (2 Hrs Minimum)	Per Hour	$16	$17	$2
Camera Crane and Operator	Per Hour	$26	$28	$3
Additional HD Cameras	Per Hour	$26	$28	$3
Graphics	Each	$26-$78	$28-$85	$2-$7
Audio Files	Each	$26-$78	$28-$85	$2-$7

City Manager's Office

Grand Theatre\Cultural Arts Divisions

Division Contact: Kim Scarlata, Division Manager II

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fee (FY1718)	Proposed Fee (FY2021)	Fee Change +/-
Deposits				
ETK Theatre [1]	Per Use	$500	$550	$50
Studio Theatre [2]	Per Use	$250	$275	$25
Dance Studio	Per Use	$100	$110	$10
Visual Arts I & II	Per Use	$100	$110	$10
Art Studio	Per Use	$100	$110	$10
Children's Art Studio	Per Use	$100	$110	$10

Note:

[1] ETK Theatre base rental is 8 Hrs and includes: House sound system, House lighting system, One (1) wired microphone with stand, two (2) floor monitor wedges J.B.L, and two (2) dressing rooms

[2] Equipment included with base rental of Studio Theatre: House sound system, House lighting system, one (1) wired microphone with stand, two (2) floor monitor wedges J.B.L., and two (2) dressing rooms

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	NON-PROFIT			COMMERCIAL		
		Adopted Fee (FY1718)	Proposed Fee (FY2021)	Fee Change +/-	Adopted Fee (FY1718)	Proposed Fee (FY2021)	Fee Change +/-
ETK Theatre							
Prime Time Rental: Performance	First 8 Hours Each Additional Hour	$574 or 10% $100	$631 or 10% $110	57 10	1,722 or 15% $300	$1,892 or 15% $330	$170 $30
Prime Time Rental: Rehearsal	First 8 Hours Each Additional Hour	$574 $100	$631 $110	57 10	$1,722 $300	$1,892 $330	$170 $30
Non-Prime Time Rental: Performance	First 8 Hours Each Additional Hour	$287 $100	$315 $110	28 10	$750 $300	$824 $330	$74 $30
Non-Prime Time Rental: Rehearsal	First 8 Hours Each Additional Hour	$143 $100	$157 $110	14 10	$300 $300	$330 $330	$30 $30
Prime Time Resident Company	Rental Performance or Rehearsal (per 8 Hours)	$460	$506	46	Not Applicable		
Non-Prime Time Resident Company	Rental Performance (per 8 Hours)	$230	$253	23	Not Applicable		
Non-Prime Time Rental: Performance	Rental Rehearsal (per 8 Hours)	$115	$126	11	Not Applicable		
Studio Theatre							
Prime Time Rental: Performance	First 5 Hours Each Additional Hour	$110 or 10% $60	$121 or 10% $66	11 6	$300 or 15% $180	$330 or 15% $198	$30 $18
Prime Time Rental: Rehearsal	First 5 Hours Each Additional Hour	$110 $60	$121 $66	11 6	$330 $180	$363 $198	$33 $18
Non-Prime Time Rental: Performance	First 5 Hours Each Additional Hour	$80 $60	$88 $66	8 6	240 or 15% $180	$264 $198	$24 $18
Non-Prime Time Rental: Rehearsal First 5 Hrs	First 5 Hours Each Additional Hour	$80 $60	$88 $66	8 6	$240 $180	$264 $198	$24 $18
Meeting	First 2 Hours Each Additional Hour	$225 $40	$247 $44	22 4	$115	$126	$11
Prime Time Resident Company Rental: Performance or Rehearsal	Per 5 Hours	$88	$97	9	Not Applicable		
Non-Prime Time Resident Company Rental - *Performance*	Per 5 Hours	$64	$70	6	Not Applicable		
Non-Prime Time Resident Company Rental - *Rehearsal*	Per 5 Hours	$64	$70	6	Not Applicable		

Note: Prime time is Friday through Sunday. Percentage payment is based on gross receipts. Fee is either minimum or 10% of ticket sales, whichever is greater.

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	NON-PROFIT			COMMERCIAL		
		Adopted Fee (FY1718)	Proposed Fee (FY2021)	Fee Change +/-	Adopted Fee (FY1718)	Proposed Fee (FY2021)	Fee Change +/-
Note: Studios are specialized and need accurate tiered fees based on current amenities and applicable types of use.							
Dance Studio	First 2 Hours	$100	$110	$10	$200	$220	$20
Private & Group Instruction Educational Events Rehearsal & Facility Event Use >Includes Basic Furniture Set & Studio Amenities >Non-Dance/Movement Use Requires Floor Covering	Each Additional Hour	$50	$55	$5	$100	$110	$10
Use of In-House Rack Stereo & Mic	Per use	$10	$11	$1	$20	$22	$2
Studio Theater	First 2 Hours	$100	$110	$10	$200	$220	$20
Private and Group Instruction Group Recital, Educational Events Meetinga and Facility Event Use Rehearsal (Non-event Use) >Does Not Include Furniture Set or A/V Amenities (See >Does Not Include Tech Support (See Labor Fees) >Non-Educational/Performance Use (See Theatre	Each Additional Hour	$50	$55	$5	$100	$110	$10
Visual Arts I & II	First 2 Hours	$75	$82	$7	$150	$165	$15
Children's Studio - Private & Group Instruction - Visual Arts Lab - Meeting and Facility Event Use Includes Basic Furniture Set & Studio Amenities	Each Additional Hour	$40	$44	$4	$75	$82	$7
- Private Art Making Event >Includes Staff Assigned Room Use >Includes Basic Furniture Set & Studio Amenities >Requires Staff Supervision (See Labor Fees) >Activity Dependent Materials Fee	Each Additional Hour	$35	$38	$3	$75	$82	$7
Lobby Areas							
Upstairs	Per 4 Hours	$250	$275	$25	$500	$550	$50
Downstairs					$400	$440	$40
(LOGGIA) May only be rented as part of another rental							
Reception	Per Hour	$50	$55	$5	$150	$165	$15
Box Office Services	Per Performance	$100	$110	$10	$300	$330	$30
	Per Ticket Charge to Patron	$3	$3	$0	$0	$0	$0
	General Admission Per Ticket to Patron	$1	$1	$0	$0	$0	$0
Miscellaneous Rentals							
Baby Grand Piano	Per Use	$500	$550	$50	$500	$550	$50
Piano Tuning at Renter's Expense	Each	$150	$165	$15	$150	$165	$15
Installation/Removal of Floor for Orchestra Pit (4 Stage Hands (8 Hours)	Per Use	$500	$550	$50	$500	$550	$50
Wireless Microphone	Per 1 Mic Per Stand	$25	$27	$2	$25	$27	$2
Discount	10 or more	$20	$22	$2	$20	$22	$2
Follow Spot with One In-house Tech	Per 2 Maximum	$350	$385	$35	$350	$385	$35
Video Projector (ETK Theatre)	Per 6 Hour Rental	$130	$143	$13	$130	$143	$13
Marquee Sign Listing (One-Side)	Per Installation	$50	$55	$5	$100	$110	$10
Marley Mat Dance Floor	Per Use (2 Stage Hands at 6 Hours)	$200	$220	$20	$200	$220	$20
6' Mity-Lite Folding Tables (12 max.)	Each	$5	$5	$0	$5	$5	$0
46" Round Folding Tables (8 max.)	Each	$10	$11	$1	$10	$11	$1
36" Round Tables (10 max.)	Each	$10	$11	$1	$10	$11	$1
Cocktail Table High Top (7 max.)	Each	$10	$11	$1	$10	$11	$1
Cocktail Table Purple Stools High Top (22 max.)	Each	$15	$16	$1	$15	$16	$1
Wooden Classroom Chairs (25 max.)	Each	$5	$5	$0	$5	$5	$0
Discount	10 or more	$3	$3	$0	$3	$3	$0
Music Stands	Each	$5	$5	$0	$5	$5	$0
Discount	6 or more	$3	$3	$0	$3	$3	$0
Black Wenger Orchestra Chairs (80 max.)	Each	$10	$11	$1	$10	$11	$1
Discount	25 or more	$5	$5	$0	$5	$5	$0
Black Pipe and Drape - Studio Theatre ONLY	Per Installation	$100	$110	$10	$100	$110	$10
Black Resin Chairs (50 max.)	Each	$5	$5	$0	$5	$5	$0
Spinet Piano	Each	$100	$110	$10	$100	$110	$10
Easels (8 max.)	Each	$5	$5	$0	$5	$5	$0
Pedestals/Stage Boxes (10 max.)	Each	$15	$16	$1	$15	$16	$1
TV Monitor	Per 8 Hour Rental	$50	$55	$5	$50	$55	$5
DVD Player	Per 8 Hour Rental	$25	$27	$2	$25	$27	$2

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	NON-PROFIT			COMMERCIAL		
		Adopted Fee (FY1718)	Proposed Fee (FY2021)	Fee Change +/-	Adopted Fee (FY1718)	Proposed Fee (FY2021)	Fee Change +/-
Labor Fees							
Technical Theatre Supervisor	Per Hour	$56	$62	$6	$56	$62	$6
Theatre Technicians	Per Hour	$40	$44	$4	$40	$44	$4
General Stagehands	Per Hour	$20	$22	$2	$20	$22	$2
Follow Spot Operator	Per Hour	$15	$16	$1	$15	$16	$1
Merchandise Sales Person	Per Hour	$15	$16	$1	$15	$16	$1
Gallery Supervisor	Per Hour	$56	$62	$6	$56	$62	$6
Gallery Docents	Per Hour	$10	$11	$1	$10	$11	$1
Arts Education Instructor	Per Hour	$25	$27	$2	$25	$27	$2
Recreation Leader	Per Hour	$15	$16	$1	$15	$16	$1
Additional Fees							
Janitorial Fees	Per Day	$150	$165	$15	$150	$165	$15
Agreement Processing Fee	Per Contract	$35	$38	$3	$35	$38	$3
Arts Education Program Fees							
Ceramics & Fussed Glass							
- Assembly, Handbuilding & Wheel Throwing	Per Person	$20-$300	$22-$330	$2-$30	$20-$300	$22-$330	$2-$30
- Technical (Firing/Kiln Tech/Equipment)	Per Person	$20-$300	$22-$330	$2-$30	$20-$300	$22-$330	$2-$30
- Glazes & Finishing	Per Person	$20-$300	$22-$330	$2-$30	$20-$300	$22-$330	$2-$30
- Camps, Demos, Presentations, Workshops	Per Person	$10-$300	$11-$330	$1-$30	$10-$300	$11-$330	$1-$30
Drama							
- Acting & Performance	Per Person	$20-$250	$22-$275	$2-$25	$20-$250	$22-$275	$2-$25
- Technical Theatre	Per Person	$20-$250	$22-$275	$2-$25	$20-$250	$22-$275	$2-$25
- Camps, Workshops	Per Person	$10-$300	$11-$330	$1-$30	$10-$300	$11-$330	$1-$30

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fee (FY1718)	Proposed Fee (FY2021)	Fee Change +/-
Visual Arts				
- Camps, Demos, Presentations, Workshops (Retitled from "Adult Workshops")	Per Person	$10-$300	$11-$330	$1-$30
Senior Tuesdays				
- 3 Days in Designated Months - Includes Choice of Two (2) Activities per Day	Per Person	$5-$15	$5-$16	$1

DEVELOPMENT SERVICES DEPARTMENT

Andrew Malik, Assistant City Manager

Note: The DS Department fees in this Schedule do not include:

- *Development Impact Fees adopted under the Mitigation Fee Act*
- *Mitigation Fees (ie, habitat mitigation, agricultural mitigation fees)*
- *Fees adopted by separate agreement with a developer*

Development Services Department

Building Safety

Department Contact: William Dean, Assistant Director of Development Services

Kevin Jorgensen, Chief Building Official

Note: Whenever called for, employee Hourly Rates are based on the particular employee position, salary, benefits & overhead.

Building Safety

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
Building, Electrical, Mechanical and Plumbing Permits	Based upon project value, as determined by building valuation data table, with regional modifiers, as most recently published in the "Building Safety Journal".	Amount established by 1997 Uniform Administrative Code, Tables 3-A through 3-D and §304 including but not limited to: 1. The actual cost (fully burdened rate) to the jurisdiction for inspections for which no fee is specifically indicated. 2. The actual cost to the jurisdiction for the Use of outside consultants for plan checking and inspections or both. 3. The actual cost (fully burdened rate) to the jurisdiction for additional plan reviews required by changes, additions or revisions to plans (minimum charge – one-half hour).		
Investigation Fee (when work was begun without permit)	Per Inspection	Equal to amount of permit fee, in addition to permit		
Title 24 Energy Inspection (including Photovoltaic Systems)	Per Inspection	Employee Hourly Rates		
Strong Motion Instrumentation Tax (SMI) Group R (Residential) Occupancies, one to three stories in height except for hotels and motels: All other buildings (commercial):	Valuation	Valuation X $0.00013 (minimum $0.50) Valuation X $0.00028 (minimum $0.50)		
Elevator Permit Elevator, escalator or moving walk	Valuation	$105 plus $2 For Each $1,000 or Fraction > $40,000	$115 plus $2 For Each $1,000 or Fraction > $40,000	$0
Commercial dumbwaiter	Valuation	$29 plus $2 For Each $1,000 or Fraction > $40,000	$32 plus $2 For Each $1,000 or Fraction > $40,000	$0
Electrical Meter Re-Set (City safety inspection before PG&E turns on utilities.)	Per Inspection	$64	$70	$6
Bldg./Moving or Oversized Load-Initial insp. Fee	Per Inspection	$118	$129	$12
Expedited Plan Check and Inspection Fees	Per Inspection	Employee Hourly Rates	Employee Hourly Rates	
Micro-Imaging Fees: **[1](+ 2% of invoice total for pick-up and delivery):** ▪ 11" x 17" and smaller, black & white or gray scale Document with 2" field index	Each	$.08 + 2%[1]	$.09 + 2%[1]	$0.01
▪ Anything larger than 11" x 17", black & white or gray scale Document with a two field index	Each	$0.88 + 2%[1]	$0.97 + 2%[1]	$0.09
▪ 11" x 17" and smaller, color Document, with a two-field index	Each	$0.15+ 2%[1]	$0.17+ 2%[1]	$0.02
▪ 18" x 24" color document, with a two-field index	Each	$0.53+ 2%[1]	$0.58 + 2%[1]	$0.05
▪ 24" x 36" color document, with a two field index	Each	$2	$2	$0.15
Sign Permit	Based on Valuation for Building and Electrical Permits	Based on Valuation for Building and Electrical Permits		

Development Services Department

Engineering Division

Department Contact: Robert Armijo, City Engineer

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
SERVICE OR APPLICATION	**FEE**			
Agreement Processing Fee Inspection Improvement Agreement Subdivision Improvement Agreement Deferred Improvement Agreement Off-site Improvement Agreement Park Improvement and Reimbursement Agreement	Per Agreement	$7,378	$8,108	$730
Grading	Base Amount - 0-10,000 Cubic Yards (CY)	$2,890	$3,176	$286
	10,001-100,000 CY: Base Amount Plus the Following Per 10,000 CY	$158	$174	$16
Grading plan check	100,001-200,000 CY: Base Amount Plus the Following Per 10,000 CY	$134	$148	$13
Grading plan check	200,000+ CY: Base Amount Plus the Following Per 10,000 CY	$105	$115	$10
Grading permit and inspection				
	5 or fewer lots (residential or commercial)	$1,634	$1,796	$162
Additional plan review required by multiple changes, additions, or revisions after initial review completed.	Subdivisions (5 or more lots)	$4,129	$4,538	$409
	Hourly Personnel costs	$118	$130	$12
	Hourly Personnel costs			
Subdivisions				
Tentative subdivision map	(See Planning)			
Vesting tentative subdivision map	(See Planning)			
Final Parcel Map Review	Per Review	$2,677	$2,942	$265
Final Subdivision Map Review	Per Review	$2,171	$2,385	$215
Map amendment review	Per Review	$1,333	$1,465	$132
Certificate of correction	Per Review	$4,070	$4,473	$403
Certificate of compliance – lot line adjustment	Per Review	$3,185	$3,500	$315
Public Improvements				
Inspection Improvement Agreement	Per Agreemen	$7,378	$8,108	$730
(SIA, DIA, OIA, PIRA, Any Amendment)	Per Amendment			
Plan check	% of Improvement Construction Cost			
Inspection	% of Improvement Construction Cost			
As-builts, review after construction	Per Lot	$35	$39	$4
Micro-Imaging Fees:				
[1](+ 2% of invoice total for pick-up and delivery):		$.08 + 2%[1]	$.09 + 2%[1]	$0
▪ 11" x 17" and smaller, black & white or gray scale Document with 2" field index	Each			
▪ Anything larger than 11" x 17", black & white or gray scale Document with a two field index	Each	$0.88 + 2%[1]	$0.97 + 2%[1]	$0.09
▪ 11" x 17" and smaller, color Document, with a two-field index	Each	$0.15+ 2%[1]	$0.17+ 2%[1]	$0.02
▪ 18" x 24" color document, with a two-field index	Each	$0.53+ 2%[1]	$0.58 + 2%[1]	$0.05
▪ 24" x 36" color document, with a two field index	Each	$2	$2	$0.15
Segregation of Assessment				
(Within any assessment districts)	Per Lot	$47	$52	$4.67
Record of Survey	Per Lot	$349	$384	$34.57
Street Easement Abandonment	Per Lot	$1,699	$1,867	$168.17

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
Encroachment Permit	Encroachment Base Fee:	$413	$454	$41
	Plus $21 / Sq Ft	$19	$21	$2
	or $71/ Hour (Whichever is Less)	$64	$71	$6
Sidewalks	Side Walk Base Fee:	$65	$71	$6
	Plus $20 / Sq Ft	$18	$20	$2
	or $70/ Hour (Whichever is Less)	$64	$70	$6
Driveways and Curbs	Driveways and Curb Base Fee:	$64	$71	$6
	plus $65 per Hour	$59	$65	$6
Trees, Utility Boxes	Per Permit Base Fee:	$64	$71	$6
	Plus $107 Per Hour (1 Hour Minimum)	$97	$107	$10
Miscellaneous Encroachment Permit	Miscellaneous Encroachment Permit, Plus Hourly Personnel Rate for Inspection and Engineering Review	$130	$143	$13
OVERSIZE LOAD PERMIT	Single Permit Base Fee:	$19	$21	$2
	Annual or Blanket Permit (fix route)	$106	$117	$11
BUILDING MOVING OR OVERSIZED LOAD				
Permit fee	Per Permit	$675	$742	$67
Other	Hourly Rate for City Personnel			
REPRODUCTION, MAP AND Document SALES:				
Standard Plans, Standard Specs, and Design Standards	Per Document	$18	$19	$2
Parks Manual	Per Document	$88	$97	$9
Storm Drainage Master Plans	Per Document	$24	$26	$2
Subdivision Maps	Per Document	$6	$6	$1
Reproduction Fees	Per Sheet	$2	$2	$0
CONSTRUCTION WATER METERS				
Deposit for Use of City-owned meter	Per Meter	$885	$972	$88
Service reinstatement fee	Per Meter	$59	$65	$6
Winter Rates (Nov - Apr)				
(100 cubic feet or 748 gal)				
0 - 12 CCF	Per Cubic Feet	$1	$1	$0
13 - 19 CCF	Per Cubic Feet	$2	$2	$0
20 - 191 CCF	Per Cubic Feet	$2	$2	$0
191+ CCF	Per Cubic Feet	$2	$2	$0
Summer Rates per ccf (May - Oct)				
0 - 18 CCF	Per Cubic Feet	$1	$1	$0
19 - 29 CCF	Per Cubic Feet	$2	$2	$0
30 - 287 CCF	Per Cubic Feet	$2	$2	$0
288+ CCF	Per Cubic Feet	$2	$2	$0
Service Charge	Monthly	$12	$13	$1
(Meter code and size)				
LL (LIRA) – 1"	Meter Size and Type	$10	$11	$1
WL (LIRA) – varies	Meter Size and Type			$0
W1 - 5/8" or ¾"	Meter Size and Type	$14	$15	$1
W2 – 1"	Meter Size and Type	$24	$26	$2
W3 – 1 ½"	Meter Size and Type	$55	$60	$5
W4 – 2"	Meter Size and Type	$98	$107	$10
W5 – 3"	Meter Size and Type	$220	$241	$22
W6 – 4"	Meter Size and Type	$391	$429	$39
W7 – 6"	Meter Size and Type	$879	$966	$87
W8 – 8"	Meter Size and Type	$1,563	$1,718	$155
W9 – 10"	Meter Size and Type	$2,442	$2,684	$242
NEW ADDRESS MAPPING FEES				
Single-family	Per Lot	$75	$83	$7
Multi-family projects, Plus dwelling unit cost	Per Lot Plus Dwelling Unit Cost in Buildings with 5 or More Units	$75	$83	$7
In buildings with 5 or more units	Dwelling Unit Cost	$38	$41	$4

Development Services Department

Planning Division

Department Contact: William Dean, Assistant Director of Development Services

The Planning Division fees represent application processing fees only, and do not reflect capital improvement in lieu fees, school fees, or any other fees.

Regarding building permit fees, plan check fees and inspection fees, see Building Division.

Regarding encroachment permit fees, see Engineering Division.

Note: The City may require the applicant to enter into a cost recovery agreement (CRA) to pay actual costs instead of the fixed processing fee when (1) the anticipated costs of the project's environmental review or CEQA Documentation is likely to exceed the project's fixed fee or (2) the DS Director and the applicant mutually agree that a cost recovery agreement will be appropriate for the project in order to hire City consultants to work on the project. In such cases, the CRA may be used to pay for staff time and other City costs.

Symbol Key

□ Plus Actual Costs Incurred: including fees for consultant services, environmental Documentation filing fees, other agency fees, etc.

● Environmental Assessment Fee not applicable.

[a] **Conditional Use Permit - Classification by type of project:**

	Residential	Commercial	Industrial
Class A:	4+ lots	+3,000 Sq Ft or 4+ lots	+10,000 Sq Ft or 4+ lots
Class B:	1-3 lots	-3,000 Sq Ft or 1-3 lots	-10,000 Sq Ft or 1-2 lots

[b] **Development Review Permit -** Classification by type of project:

	Residential	Commercial	Industrial
Class A:	4+ units	+3,000 Sq Ft	+10,000 Sq Ft
Class B:	1-3 units	-3,000 Sq. Ft.	-10,000 Sq Ft

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
PLANNING DIVISION APPLICATION PROCESSING FEES				
Adult Business Use Permit	**Per Cost Recovery Agreement**			
Annexation		$12,386	$13,613	$1,226
● Appeal to City Council	Per Appeal	$326	$358	$32
● Appeal to Planning Commission	Per Appeal	$326	$358	$32
Cannabis (Fees Effective 7/8/20 Per Reso #20-XXX)				
Business Permit Application Fee	Per Application		$10,800	$0
Background Investigation Fee	Per Owner		$300	$0
Business Permit Fee	Per Year		$3,900	$0
Business Permit Renewal Application Fee	Per Application		$13,100	$0
Renewal Background Investigation Fee	Per Owner		$100	$0
Employee Permit Fee (Initial)	Per Employee		$300	$0
Employee Permit Renewal Fee	Per Employee		$100	$0
Conditional Use Permit [a]				
Class A	Per Permit	$6,252	$6,871	$619
Class B	Per Permit	$3,981	$4,375	$394
Conditional Use Permit (Non-Profit Organizations)				
Class A	Per Permit	$644	$708	$64
Class B	Per Permit	$413	$454	$41
Development Review [b]				
Class A	Per Application	$4,617	$5,074	$457
Class B	Per Application	$3,281	$3,605	$325
Ellis Specific Plan Pattern Book Certification	Per Ellis Specific Plan, Section 6.3	$3,281	$3,605	$325

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
ENVIRONMENTAL				
Environmental Assessment	Charged for all Projects Not Requiring a Negative Declaration or EIR, Except as Noted by "●"	$118	$130	$12
Environmental Initial Study / Negative Declaration	Per Study / Negative Declaration	$1,675	$1,841	$166
Environment Impact Report	Per Cost Recovery Agreement	**Per Cost Recovery Agreement**		
Environmental Consistency Analysis	Per Cost Recovery Agreement	**Per Cost Recovery Agreement**		
General Plan Amendment	Per Cost Recovery Agreement	**Per Cost Recovery Agreement**		
Lot Line Adjustment	Per Lot Line Adjustment	$481	$529	$48
Micro-Imaging Fees:				
[1](+ 2% of invoice total for pick-up and delivery):				
▪ 11" x 17" and smaller, black & white or gray scale Document with 2" field index	Each	$.08 + 2%[1]	$.09 + 2%[1]	$0.01
▪ Anything larger than 11" x 17", black & white or gray scale Document with a two field index	Each	$0.88 + 2%[1]	$0.97 + 2%[1]	$0.09
▪ 11" x 17" and smaller, color Document, with a two-field index	Each	$0.15+ 2%[1]	$0.17+ 2%[1]	$0.02
▪ 18" x 24" color document, with a two-field index	Each	$0.53+ 2%[1]	$0.58 + 2%[1]	$0.05
▪ 24" x 36" color document, with a two field index	Each	$2	$2	$0.15
Noise Ordinance Variation	Per Variation	$4,719	$5,186	$467
Planned Unit Development	Per PUD	$9,260	$10,177	$917
Planned Unit Development Amendment	Per Amendment	$5,308	$5,834	$526
Planning Commission Determination	Per Commission Determination	$1,186	$1,303	$117
• Residential Growth Allotment	Per RGA	$1,969	$2,164	$195
• Sign Permit				
Master Sign Program	Master Sign Program	$1,194	$1,312	$118
Sign Permit	Per Permit	$538	$591	$53
Specific Plan	Per Cost Recovery Agreement	Per Cost Recovery Agreement		
Specific Plan Amendment	Per Amendment	$6,016	$6,612	$596
Specific Plan Minor Variation	Per Application	Same as Development Review Class B		
• Temporary Use Permit	Per Permit	$85	$93	$8
Tentative Map				
Parcel map	Map	$8,611	$9,464	$853
5 – 100 lots	Lot Number	$11,796	$12,964	$1,168
100 & over lots	Lot Number	$18,402	$20,224	$1,822
• Time Extension	Per Extension Request	$495	$545	$49
Variance	Per Variance	$793	$871	$78
Zoning				
Zone Change	Per Change	$3,008	$3,306	$298
Zone Text Amendment	Per Amendment	$2,949	$3,241	$292
• Zoning Research Letter	Per Letter	$94	$104	$9

PARKS AND RECREATION DEPARTMENT
Brian MacDonald, Director

Parks and Recreation Department

Facilities Division

Division Contact: Thien Nguyen, Recreation Services Supervisor

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	NON-PROFIT (OR PRIVATE AS INDICATED)			COMMERCIAL		
		Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
Administration							
Special Event Permit Application & Review Fee (To be charged for every permitted reservation requiring "further review," per published list)	Per Application	$75	$82	$7	$150	$165	$15
Community Center Rentals							
Main Hall (5,300 Sq Ft)							
Non-Profit Classification	Week Day Only - Per Hour (4 Hour Minimum)	$40	$44	$4			
Private Classification		$68	$75	$7	$97	$107	$10
Conference Room A or B (250 Sq Ft)							
Non-Profit Classification	Week Day Only - Per Hour (4 Hour Minimum)	$8	$9	$1			
Private Classification		$13	$14	$1	$18	$19	$2
Entire Facility (6,200 Sq Ft)							
Non-Profit Classification	Week Day Only - Per Hour (4 Hour Minimum)	$45	$49	$4			
Private Classification		$79	$87	$8	$112	$123	$11
Non-Profit Classification	Weekend Only - Per Hour (4 Hour Minimum)	$66	$73	$7			
Private Classification		$113	$125	$7	$161	$177	$16
Additional Fees							
Extra Dumpster Disposal Fee (Required for Crab-Feeds and Other Rentals as Deemed Necessary by Staff)	Per Rental, Per Dumpster	$100	$110	$10	$100	$110	$10
Deposits							
An additional Deposit is Required for all Activities where Alcohol is Sold or Served.							
Main Hall	Per Rental	$472	$519	$47	$472	$519	$47
Conference Room A or B	Per Rental	$236	$259	$23	$236	$259	$23
Entire Facility	Per Rental	$472	$519	$47	$472	$519	$47
Alcohol Deposit	Per Rental	$472	$519	$47	$472	$519	$47
TRACY SPORTS COMPLEX MEETING ROOM RENTAL							
TSC Meeting Room (700 Sq Ft)							
Non-Profit Classification	Per Hour	$17	$18	$2			
Private Classification		$29	$32	$3	$41	$45	$4
Deposits							
An additional Deposit is required for all activities where alcohol is sold or served.	Per Rental						
Meeting Room		$236	$259	$23	$236	$259	$23
Alcohol Deposit		$236	$259	$23	$236	$259	$23
TRACY TRANSIT STATION							
Room 103 or 104 (590 Sq Ft)							
Non-Profit Classification	Week Day Per Hour (2 Hour Minimum)	$20	$22	$2			
Private Classification		$36	$39	$4	$50	$55	$5
Non-Profit Classification	Weekend Per Hour (2 Hour Minimum)	$30	$33	$3			
Private Classification		$53	$58	$5	$0	$0	$0
Room 103 and 104 (Combined 1,180 Sq Ft)							
Non-Profit Classification	Week Day Per Hour (2 Hour Minimum)	$39	$43	$4			
Private Classification		$36	$39	$4	$101	$111	$10
Non-Profit Classification	Weekend Per Hour (2 Hour Minimum)	$59	$65	$6			
Private Classification		$106	$117	$11	$151	$166	$15
Room 105 (913 Sq Ft)							
Includes Projector and Screen Use							
Non-Profit Classification	Week Day - Per Hour (2 Hour Minimum)	$31	$34	$3			
Private Classification		$55	$60	$5	$78	$86	$8
Non-Profit Classification	Weekend Per Hour (2 Hour Minimum)	$47	$52	$5			
Private Classification		$83	$91	$8	$117	$129	$12

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	NON-PROFIT (OR PRIVATE AS INDICATED)			COMMERCIAL		
		Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
Entire Facility (4,445 Sq Ft)							
Non-Profit Classification	Week Day - Per Hour (4 Hour	$92	$101	$9			
Private Classification	Minimum)	$161	$177	$16	$229	$252	$23
Non-Profit Classification	Weekend Per Hour (4 Hour	$138	$151	$14			
Private Classification	Minimum)	$242	$266	$24	$344	$379	$34
Deposit							
An additional deposit is required for all activities where alcohol is sold or served.							
All Conference Rooms	Per Rental	$236	$259	$23	$236	$259	$23
Lobby or Entire Facility	Per Rental	$472	$519	$47	$472	$519	$47
Alcohol Deposit	Per Rental	$472	$519	$47	$472	$519	$47
TRACY CIVIC CENTER RENTAL							
Council Chambers (3,500 Sq Ft)							
Non-Profit Classification	Week Day - Per Hour (4 Hour	$22	$25	$2			
Private Classification	Minimum)	$52	$57	$5	$89	$98	$9
Non-Profit Classification	Weekend Per Hour (4 Hour	$39	$43	$4			
Private Classification	Minimum)	$94	$103	$9	$134	$148	$13
Conference Room #109 (500 Sq Ft)							
Non-Profit Classification	Week Day - Per Hour (2 Hour	$17	$18	$2			
Private Classification	Minimum)	$29	$32	$3	$43	$47	$4
Non-Profit Classification	Weekend Per Hour (2 Hour	$26	$28	$3			
Private Classification	Minimum)	$44	$48	$4	$63	$69	$6
Conference Room #203 (825 sf)							
Non-Profit Classification	Week Day - Per Hour (2 Hour	$28	$31	$3			
Private Classification	Minimum)	$49	$54	$5	$70	$77	$7
Non-Profit Classification	Weekend Per Hour (2 Hour	$43	$47	$4			
Private Classification	Minimum)	$74	$81	$7	$105	$116	$10
Lobby and Both Conference Rooms							
Non-Profit Classification	Week Day - Per Hour (4 Hour	$45	$49	$4			
Private Classification	Minimum)	$78	$86	$8	$112	$123	$11
Non-Profit Classification	Weekend Per Hour (4 Hour	$46	$50	$5			
Private Classification	Minimum)	$81	$89	$8	$168	$184	$17
Special Events in Civic Center Park							
(May through October)							
Full Service Event Coordination	Flat Fee	$1,678	$1,844	$166	$1,678	$1,844	$166
Deposit							
An additional deposit is required for all activities where alcohol is sold or served.							
All Conference Rooms	Per Rental	$236	$259	$23	$236	$259	$23
Lobby or Entire Facility	Per Rental	$472	$519	$47	$472	$519	$47
Alcohol Deposit	Per Rental	$472	$519	$47	$472	$519	$47
Park and Picnic Areas							
Park/Picnic ~ 1 to 50 people							
Non-Profit Classification	Per Hour (4 Hours Minimum)	$15	$16	$1	$15	$16	$1
Private Classification	Per Hour (4 Hours Minimum)	$26	$28	$3	$37	$41	$4
Park/Picnic ~ 51 to 100 people							
Non-Profit Classification	Per Hour (4 Hours Minimum)	$21	$23	$2			
Private Classification	Per Hour (4 Hours Minimum)	$37	$41	$4	$54	$59	$5
Park/Picnic ~ 101 + people							
Non-Profit Classification	Per Hour (4 Hours Minimum)	$28	$31	$3			
Private Classification	Per Hour (4 Hours Minimum)	$49	$54	$5	$70	$77	$7
Inflatable Structures Administrative Fee							
All Classifications: Fee is Applied to all Approved Inflatable Requests to Accompany a Park Rental.	Per Day, Per Structure	$50	$55	$5	$50	$55	$5
Non-Profit Org ~ $100 Max	Per Rental	$112	$123	$11	**Not Applicable**		

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	NON-PROFIT (OR PRIVATE AS INDICATED)			COMMERCIAL		
		Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
Deposits							
Less than 50, Traditional Activity	Per Rental	$0	$0	$0	$0	$0	$0
50-100; or Less than 5 Non-traditional	Per Rental	$112	$124	$11	$112	$124	$11
101-200 Attendees	Per Rental	$224	$246	$22	$224	$246	$22
201-300 attendees	Per Rental	$336	$369	$33	$336	$369	$33
301 and above attendees	Per Rental	$559	$615	$55	$559	$615	$55
Parking Lot Rental (Locations and Availability at City Discretion)							
Base Fee	10 Hour Maximum	$110	$121	$11	$110	$121	$11
Plus Use Fee							
Non-Profit Classification	Per Parking Lot Space	$2	$2	$0			
Private Classification	Per Parking Lot Space	$4	$5	$0	$6	$6	$0
Mobile Stage Rental							
"A" Set Up (36' X 14') Non-Profit	Per Rental	$350	$384	$35	**Not Applicable**		
Deposits All Stage Rentals	Per Rental	$472	$519	$47			

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	NON-PROFIT (OR PRIVATE AS INDICATED)			COMMERCIAL		
		Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
Tennis Court Rental							
Non-Profit Youth - League	Per Hour Per Court	$5	$6	$1			
Non-Profit Youth - Tournament	Per Hour Per Court	$11	$12	$1			
Non-Profit Adult League	Per Hour Per Court	$5	$6	$1	**Not Applicable**		
Non-Profit Adult Tournament	Per Hour Per Court	$12	$14	$1			
Private	Per Hour Per Court	$5	$6	$1			
Private League	Per Hour Per Court	$8	$8	$1			
Private Tournament	Per Hour Per Court	$16	$18	$2			
Commercial - Private Use	Per Hour Per Court				$11	$12	$1
Commercial League	Per Hour Per Court				$11	$12	$1
Commercial Tournament	Per Hour Per Court				$16	$18	$2
Lights							
Non-Profit Youth - League	Per Hour Per Court	$5	$6	$1			
Non-Profit Youth - Tournament	Per Hour Per Court	$8	$8	$1			
Non-Profit Adult League	Per Hour Per Court	$5	$6	$1	Not Applicable		
Non-Profit Adult Tournament	Per Hour Per Court	$11	$12	$1			
Private	Per Hour Per Court	$5	$6	$1			
Private League	Per Hour Per Court	$11	$12	$1			
Private Tournament	Per Hour Per Court	$13	$14	$1			
Commercial - Private Use	Per Hour Per Court				$5	$6	$1
Commercial League	Per Hour Per Court				$11	$12	$1
Commercial Tournament	Per Hour Per Court				$13	$14	$1
Deposit							
Tennis Court Rental Deposit	Per Hour Per Court	$56	$61	$6	$56	$61	$6
Lolly Hansen Senior Center Rental							
Multi-Purpose Room (2,225 Sq Ft)							
Non-Profit Classification	Week Day & Weekend (4 Hour Minimum)	$15	$16	$1			
Private Classification		$26	$28	$3			
Arts and Crafts Room (675 Sq Ft)							
Non-Profit Classification	Week Day & Weekend (4 Hour Minimum)	$6	$6	$1	**Not Applicable**		
Private Classification		$10	$11	$1			
Entire Facility (4, 350 Sq Ft)							
Non-Profit Classification	Week Day & Weekend (4 Hour Minimum)	$29	$32	$3			
Private Classification		$51	$57	$5			
MOU – Hrs Provided to Non-Profits/Gov		$0	$0	$0			
Deposit							
An additional deposit is required for all activities where alcohol is sold or served.							
Multi-Purpose Room	Per Rental	$224	$246	$22	**Not Applicable**		
Arts and Crafts Room	Per Rental	$224	$246	$22			
Entire Facility	Per Rental	$472	$519	$47			
Alcohol Deposit	Per Rental	$472	$519	$47			

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	NON-PROFIT (OR PRIVATE AS INDICATED)			COMMERCIAL		
		Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
SPORT FACILITIES (TBP, TSC, Plasencia Fields, Tiago, Galli, & Bland, Veterans & Legacy Fields)							
League/Individual (TBP, Tiago, Galli, & Bland Fields)							
Non-Profit Youth Classification	Per Hour, Per Field	$8	$9	$1			
Non-Profit Adult Classification	Per Hour, Per Field	$12	$14	$1			
Private Classification	Per Hour, Per Field	$23	$25	$2	$32	$35	$3
Premium Field							
League/Individual (TSC, Plasencia Fields, Legacy Fields)							
Non-Profit Youth Classification	Per Hour, Per Field	$10	$11	$1			
Non-Profit Adult Classification	Per Hour, Per Field	$16	$17	$2			
Private Classification	Per Hour, Per Field	$23	$25	$2	$32	$35	$3
Lights Fee ~ League/Individual							
Non-Profit Youth Classification	Per Hour, Per Field	$8	$9	$1			
Non-Profit Adult Classification	Per Hour, Per Field	$11	$12	$1			
Private Classification	Per Hour, Per Field	$13	$15	$1	$20	$22	$2
Deposit for Baseball/Softball Bases	Per Rental	$250	$275	$25	$250	$275	$25
Storage Container License	Per Square Foot of Ground Space	$0.42	$0.46	$0.04	$0.42	$0.46	$0.04
Daily Fee ~ Tournaments - Standard Fields							
Non-Profit Youth Classification	Per Day Hour, Per Field	$67	$74	$7			
Non-Profit Adult Classification	Per Day Hour, Per Field	$108	$119	$11			
Private Classification	Per Day Hour, Per Field	$134	$148	$13	$134	$148	$13
Lights Fee ~ Tournaments							
Non-Profit Youth Classification	Per Hour, Per Field	$8	$9	$1			
Non-Profit Adult Classification	Per Hour, Per Field	$11	$12	$1			
Private Classification	Per Hour, Per Field	$11	$12	$1	$11	$12	$1
Gate Fee ~ Tournaments					$0	$0	$0
All Classifications	Per Tournament	$104	$114	$10	$104	$114	$10
On-site Staffing Fee for Sports Fields Use							
Non-Profit Youth Classification	Per Hour, Per Complex	$28	$31	$3			
Non-Profit Adult Classification	Per Hour, Per Complex	$28	$31	$3			
Private Classification	Per Hour, Per Complex	$28	$31	$3	$28	$31	$3
Softball Field Preparations							
A Prep – Light Watering	Per Preparation	$6	$6	$1	$6	$6	$1
B Prep – Light Watering, Minor Dragging	Per Preparation	$16	$18	$2	$16	$18	$2
C Prep – Full Field Preparation	Per Preparation	$44	$48	$4	$44	$48	$4
Use of Temporary Outfield Fencing	Per Field	$112	$124	$11	$112	$124	$11

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	NON-PROFIT (OR PRIVATE AS INDICATED)			COMMERCIAL		
		Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
Joe Wilson Community Pool Rentals							
Any Size Groups, When Organization Provides Own Lifeguards & Includes 1 Senior Lifeguard							
Non-Profit Classification	Per Hour (Minimum of Two Hours)	$72	$80	$7	$72	$80	$7
Up to 50 People, Includes 1 Senior Lifeguard & 1 Lifeguard							
Non-Profit Classification	Per Hour (Minimum of Two Hours)	$88	$97	$9			
Private Classification		$98	$108	$10	$109	$119	$11
Up to 75 People, Includes 1 Senior Lifeguard & 2 Lifeguards							
Non-Profit Classification	Per Hour (Minimum of Two Hours)	$104	$114	$10			
Private Classification		$114	$125	$11	$124	$136	$12
Up to 100 People Max, Includes 1 Senior Lifeguard & 3 Lifeguards							
Non-Profit Classification	Per Hour (Minimum of Two Hours)	$119	$131	$12			
Private Classification		$129	$142	$13	$140	$154	$14
Deposits							
All Classifications, All Group Sizes	Per Rental	$155	$171	$15	$155	$171	$15
Additional Joe Wilson Pool Rental Fees							
Extra lifeguard (as deemed necessary by staff, based on event)	Per Hour, Per Lifeguard	$16	$17	$2	$16	$17	$2
New Jerusalem Airport Rental							
Runway Area	Per Day	$1,218	$1,338	$121			
[1]PARADES ON DOWNTOWN STREETS							
Short Parade Route							
Non-Profit Classification	Per Parade	$1,035	$1,137	$102			
Standard Parade Route							
Non-Profit Classification	Per Parade	$1,294	$1,422	$128			
Long Parade Route							
Non-Profit Classification	Per Parade	$1,656	$1,820	$164			

[1]Exception: Until further notice, Parade Fees will not be charged for Public School District-sponsored parades.

Parks and Recreation Department

Recreation Division

Division Contact: Jolene Jauregui-Correll, Recreation Manager

**** Fees are set by this Department annually and are not subject to automatic CPI adjustments.***

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	PER RESIDENT			PER NONRESIDENT		
		Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
Administration							
Advertising Fee for Activity Guide[1]							
Full Page, Back Cover	Per Advertisement	$1,000	$1,099	$99	$1,000	$1,099	$99
Full Page, Inside Back Cover		$500	$550	$50	$500	$550	$50
½ Page, Inside		$350	$385	$35	$350	$385	$35
¼ Page, Inside		$200	$220	$20	$200	$220	$20
[1]Applied to all advertising in City's Activity Guide publications							
Program Transaction Fee							
▪Applied to withdrawal, refund, credit or transfer	Per Transaction	$5	$5	$0	$5	$5	$0
Fac. Rental Applic. Processing Fee							
▪Applied to all rental Request & special event permit Requests	Per Transaction	$35	$38	$3	$35	$38	$3
Early Registration Discount							
▪To be Used based on staff's assessment of need, and based on participant levels	Per Registration	(10)	(10)	$0	(10)	(10)	0
Online Registration Discount							
▪To be Used based on staff's assessment of need, and based on participant levels	Per Registration	(10)	(10)	$0	(10)	(10)	0
Sibling Registration Discount							
▪To be Used based on staff's assessment of need, and based on participant levels	Per Registration	10%	10%	$0	10%	10%	$0
Range of Fee Increase for Contract Classes							
▪To be Used based on Staff's Assessment of Need and Negotiations with Contract Instructors	Per Registration	20%	20%	$0	20%	20%	$0
Special Interest							
Baby Sitter Training	Per 2-Day Session	$77	$85	$8	$85	$93	$8
Cardio Kick Boxing	Per 6-Week Session	$50	$55	$5	$55	$55	$5
Cheer Prep	Per 4-Week Session	$45	$49	$4	$50	$55	$5
Cheer-Preschool	Per 4-Week Session	$45	$49	$4	$50	$55	$5
Dog Obedience-Advanced	Per 7-Week Session	$95	$104	$9	$105	$115	$10
Dog Obedience-Basic	Per 7-Week Session	$115	$126	$11	$127	$140	$13

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	PER RESIDENT			PER NONRESIDENT		
		Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
				+/-			+/-
Kidz Love Soccer Mommy/Daddy	Per 6-Week Session	$76	$84	$8	$84	$92	$8
Kids Love Soccer Pre-soccser	Per 6-Week Session	$76	$84	$8	$84	$92	$8
Kidz Love Soccer Soccer 1	Per 6-Week Session	$76	$84	$8	$84	$92	$8
Kidz Love Soccer Soccer 2	Per 6-Week Session	$76	$84	$8	$84	$92	$8
Tennis Camp - Teens	Per 1-Week Session	$150	$165	$15	$165	$181	$16
Zumba	Monthly Flat Rate Fee	$50	$55	$5	$55	$60	$5
Tae Kwon Do Teens	Per 10-Week Session; 1-Day Class Per Week	$81	$89	$8	$89	$98	$9
Tai Chi Beginning	Per 9-Week Session	$62	$68	$6	$68	$75	$7
Young Authors	Per 4-Week Session	$60	$66	$6	$66	$73	$7
Mother Goose	Per 4-Week Session	$60	$66	$6	$66	$73	$7
Athletic Perfection Rolls	Per 4-Week Session	$60	$66	$6	$66	$73	$7
On-Line Drivers Training	Per Class	$69	$75	$7	$76	$84	$8
PiYo	Monthly Flat Rate Fee	$48	$53	$5	$53	$58	$5
KidSAFE	Per 10-Week Session	$90	$99	$9	$99	$109	$10
LEGO Camp (Half Day)	Per Week	$172	$189	$17	$189	$208	$19
Tennis-Adult	Per 4-Week Session	$50	$55	$5	$55	$60	$5
Tennis-Tiny Tots	Per 4-Week Session	$44	$48	$4	$48	$53	$5
Tennis-Youth	Per 4-Week Session	$50	$55	$5	$55	$60	$5
Yoga-Adults	Per Calendar Month	$32	$35	$3	$35	$38	$3
Yoga-Seniors	Per Calendar Month	$30	$33	$3	$33	$36	$3
Action Gymnastics	Per 8-Week Session	$75	$82	$7	$83	$91	$8
Action Gymnastics Parent/Tot Beginner	Per 4-Week Session	$25	$27	$2	$28	$31	$3
Action Gymnastics Parent/Tot Advanced	Per 4-Week Session	$30	$33	$3	$33	$36	$3
Zumba	Per Calendar Month	$80	$88	$8	$88	$97	$9
Zumba Drop In for Seniors	Per Class	$5	$5	$0	$5	$5	$0
Tai Chi	Per Calendar Month	$40	$44	$4	$44	$48	$4
Tai Chi-Seniors	Per 4-Week Session	$20	$22	$2	$22	$24	$2
Basic Gardening	Per Class	$25	$27	$2	$28	$31	$3
Camps-Biology Camp	Per Week	$200	$220	$20	$220	$242	$22

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	PER RESIDENT			PER NONRESIDENT		
		Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
Camps-Build a Robot	Per Week	$180	$198	$18	$198	$218	$20
Camps-KidSAFE	Per 3-Week Session	$90	$99	$9	$99	$109	$10
Computer Tech Camp							
Minimum	Per 5-Day Session	$135	$148	$13	$149	$164	$15
Maximum	Per 5-Day Session	$185	$203	$18	$204	$224	$20
Tae Kwon Do Tots	Per 4 -Week Session	$43	$47	$4	$47	$52	$5
Beginners Tennis Summer Camp	Per 1-Week Session	$50	$55	$5	$55	$60	$5
Special Interest (Contractor)							
Camps - Fencing	Per 1-Week Session	$229	$252	$23	$252	$277	$25
Camps - Skyhawks Sports	Per Week	$159	$175	$16	$175	$192	$17
Camps - Tennis	Per Week	$150	$165	$15	$165	$181	$16
Fencing for Beginners	Per 4-Week Session	$90	$99	$9	$99	$109	$10
Leaders in Training: Jr Rec Leaders	Per 2-Day Session	$75	$82	$7	$83	$91	$8
Youth & Teens							
Teen Events							
Minimum	Per Person	$5	$5	$0	$5	$5	$0
Maximum	Per Person	$20	$22	$2	$20	$22	$2
Girls Retreat	Per Person	$10	$11	$1	$10	$11	$1
Girl Talk Camp	Per Week	$50	$55	$5	$55	$60	$5
Teen Camps	Per Week	$70	$77	$7	$77	$85	$8
Extreme Sports Day (competition registration)	Per Person	$10	$11	$1	$10	$11	$1
Fashion Show	Per Person	$10	$11	$1	$10	$11	$1

SERVICE OR APPLICATION		UNITS BY WHICH CHARGED	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
S.A.F.E. (Teen After School Program)	Minimum	Per Membership Per School Year	$50	$55	$5
	Maximum	Per Membership Per School Year	$100	$110	$10
		Fee Range Based on Direct Costs			
		Per Drop-in for Members	$0	$0	$0
		Per Scrapbooking Class	$5	$5	$0
		Per Cooking Class	$5	$5	$0
Mobile recreation (Roll'n Rec)		Per Person	$0	$0	$0
Youth Development					
Monthly ROC (Recreation on Campus After School)*		Fee Range Based on Direct Costs			
	Minimum	Per Regular, Per Month	$180	$198	$18
	Maximum	Per Regular, Per Month	$240	$264	$24
ROC (Recreation on Campus After School)					
Late Pick-Up		Fee Range Based on Direct Costs			
	Minimum	Per Minute	$1	$1	$0
	Maximum	Per Half Hour	$30	$33	$3
Daily ROC (Recreation on Campus After School)		Fee Range Based on Direct Costs			
	Minimum	Per-Day	$15	$16	$1
	Maximum	Per-Day	$24	$26	$2
Hourly ROC (Recreation on Campus After School)		Fee Range Based on Direct Costs			
	Minimum	Per Hour-per Month	$105	$115	$10
	Maximum	Per Hour-per Month	$144	$158	$14
Summer Camp (Full Day) 7am-6pm		Fee Range Based on Direct Costs			
	Minimum	Per Week	$140	$154	$14
	Maximum	Per Week	$192	$211	$19
Summer Camp Extended Care Fees (7am-9am, 3pm-6pm)		Per Week	$35	$38	$3
Summer Camp 9am-3pm ONLY		Fee Range Based on Direct Costs			
		Per Week	$150	$165	$15
Summer Camp (Half Day) 9am-12pm or 1pm-4pm*		Fee Range Based on Direct Costs			
	Minimum	Per Week	$65	$71	$6
	Maximum	Per Week	$90	$99	$9

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
Seniors				
Senior Health & Wellness				
Wii Jubilee Fitness	Per Class	$0	$0	$0
Power Walk	Per Class	$0	$0	$0
Senior Fitness				
Daily Drop-In	Per Class	$1		$0
25 - Visit Pass	Per Pass	$20	$22	$2
Senior Self Defense	Per Class	$1	$1	$0
Senior Indoor Tennis	Per Class	$1	$1	$0
5 Visit - Ballroom Dance Pass	Per Pass	$20	$22	$2
Senior Arts & Music				
12 Visit Drop-In Activities Card	Per Card	$20	$22	$2
Arts & Craft Class	Per Class	$0	$0	$0
Arts & Craft Project				
Minimum	Per Project	$5	$5	$0
Maximum		$10	$11	$1
Painting	Per Class	$0	$0	$0
Scrapbooking	Per Class	$0	$0	$0
Needle Art	Per Class	$0	$0	$0
Jewelry Making	Per Class	$10	$11	$1
Card Making	Per Class	$2	$2	$0
Line Dancing	Per Class	$2	$2	$0
Country Jams	Per Class	$2	$2	$0
Senior Recreation				
Tea Social	Per Class	$0	$0	$0
Bingo	Per Class	$0	$0	$0
Social Recreation Programs	Per Class	$0	$0	$0
Table Games	Per Class	$0	$0	$0
Ping Pong	Per Class	$0	$0	$0
Senior Special Events				
*Minimum	Per Event, Per Person (Includes Dances)	$5	$5	$0
*Maximum	Per Event, Per Person (Includes Dances)	$20	$22	$2
Booth for Special Events				
Non-Profit	Per Event	$25	$27	$2
For-Profit		$50	$55	$5
Fashion Show	Per Class	$0	$0	$0
Tea Social	Per Class	$0	$0	$0
Grandparents & Me Picnic	Per Person	$5	$5	$0
Halloween Bash	Per Person	$5	$5	$0
Lunch & a Movie	Per Person	$5	$5	$0
Spring Time in Paris	Per Person	$5	$5	$0
Senior Trips				
Bus Trips Resident	Per Person	$30	$33	$3
Non-Resident		$33	$36	$3
Senior Social Services				$0
Lunch Program	Per Month	$0	$0	$0
AARP Programs	Per Month	$0	$0	$0
Other Services	Per Month	$0	$0	$0
Clubs	Per Month	$0	$0	$0

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
Atheletics				
Adult Sports				
Adult Slow Pitch Leagues				
Minimum	Per Team	$280	$308	$28
Maximum		$520	$571	$51
League Fees Pending Format, Number of Games & Services				
Adult/Youth Fast Pitch Leagues				
Minimum	Per Team	$450	$495	$45
Maximum		$600	$659	$59
League Fees Pending Format, Number of Games & Services				
Adult/Youth Softball Tournament*				
Minimum	Per Team	$250	$275	$25
Maximum		$500	$550	$49.50
Tournaments vary based on type of tournament and awards provided				
Adult Softball Protest Fee	Per Protest	$25	$27	$2
Adult Flag Football League				
Minimum	Per Team	$400	$440	$40
Maximum		$600	$659	$59
League Fees Pending Format, Number of Games & Services				
Adult Kick Ball League				
Minimum	Per Team	$275	$302	$27
Maximum		$400	$440	$40
League Fees Pending Format, Number of Games & Services				
Youth Sports				
Youth Basketball League (Youth Hoops)				
Minimum - Resident	Per Player	$75	$82	$7
Maximum - Resident		$80	$88	$8
Minimum - Non-Resident	Per Player	$83	$91	$8
Maximum - Non-resident		$88	$97	$9
Jr. Giants Youth Baseball (Free Program)		$0	$0	$0
49er Prep Flag Football (Free Program)		$0	$0	$0
Youth Sports Camps				
Minimum - Resident	Per Player	$60	$66	$6
Maximum - Resident		$80	$88	$8
Minimum - Non-Resident	Per Player	$60	$66	$6
Maximum - Non-resident		$88	$97	$9
Flag Football League				$0
Minimum - Resident	Per Player	$75	$82	$7
Maximum - Resident		$90	$99	$9
Minimum - Non-Resident	Per Player	$75	$82	$7
Maximum - Non-resident		$99	$109	$10

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
AQUATICS				
General Recreation Swim				
Individual Entrance Fee				
Minimum	Per Person	$2	$2	$0
Maximum	Per Person	$5	$5	$0
10 Visit Pass				
Minimum	Per Pass	$15	$15	$1
Maximum	Per Pass	$45	$45	$4
Swim Lessons				
Fees vary based on number of instruction Days				
Parent/Tot	Per Parent, Per Tot	$55	$55	$5
Learn To Swim				
Minimum - Resident	Per Person	$26	$26	$3
Maximum - Resident	Per Person, Per 2-Week Session	$66	$66	$7
Minimum - Non-Resident	Per Person	$29	$29	$3
Maximum - Non-resident	Per Person, Per 2-Week Session	$66	$66	$7
Water Aerobics				
Drop-In				
Minimum	Per Person	$4	$4	$0
Maximum	Per Person	$8	$8	$1
10 Visit Pass				
Minimum	Per Pass	$35	$35	$3
Maximum	Per Pass	$75	$75	$7
Senior Water Exercise				
Drop-In	Per Person	$4	$4	$0
10-Visit Pass	Per Pass	$20	$22	$2
Lap Swimming				
Individual Entrance Fee				
Minimum	Per Person	$3	$3	$0
Maximum	Per Person	$5	$5	$0
10 Visit Pass				
Minimum	Per Pass	$25	$25	$0
Maximum	Per Pass	$45	$45	$0
Other Classes/Programs				
Introduction to Lifesaving				
Minimum - Resident	2 Week Session	$55	$55	$0
Maximum - Resident		$60	$60	$0
Minimum - Non-Resident	2 Week Session	$61	$61	$0
Maximum - Non-resident		$66	$66	$0
Swim Camp				
Minimum - Resident	2 Week Session	$75	$75	$0
Maximum - Resident		$100	$100	$0
Minimum - Non-Resident	2 Week Session	$83	$83	$0
Maximum - Non-resident		$110	$110	$0
Diving				
Minimum - Resident	2 Week Session	$55	$55	$0
Maximum - Resident		$60	$60	$0
Minimum - Non-Resident	2 Week Session	$61	$61	$0
Maximum - Non-resident		$66	$66	$0
Basic Water Polo				
Minimum - Resident	2 Week Session	$55	$55	$0
Maximum - Resident		$60	$60	$0
Minimum - Non-Resident	2 Week Session	$61	$61	$0
Maximum - Non-resident		$60	$66	$6
Life Guard Training				
Resident	1 Week Session	$230	$230	$0
Non-Resident		$253	$253	$0
Private Swim Lesson (one ½-hour session)				
Fees vary based on number of instruction Days				
Minimum - Resident	2 Week Session	$50	$50	$0
Maximum - Resident		$110	$110	$0
Minimum - Non-Resident	2 Week Session	$55	$55	$0
Maximum - Non-resident		$121	$121	$0

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
SPECIAL EVENTS				
Event Ticket				
Minimum	Per Person	$18	$18	$0
Maximum		$40	$40	$0
Event Booth Fee				
Minimum	Per Booth	$25	$25	$0
Maximum		$150	$150	$0
Contest Entry Fee				
Minimum	Per Entry	$25	$25	$0
Maximum		$40	$40	$0

POLICE DEPARTMENT
Sekou Millington, Police Chief

Police Department

Department Contact: Beth Lyons-McCarthy, Support Operations Manager

Asterisk "*" denotes fees established by Local, State or Federal Statute

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
Alarm Permit; False Alarms				
Alarm User permit	Per Permit	$24	$26	$2
False alarm costs:	4th Response	$34	$38	$3
	5th Response	$65	$71	$6
	6th Response	$83	$91	$8
	7th Response	$94	$104	$9
	(Plus penalties)			
Animal Services				
Animal adoption, Plus veterinary services	Per Animal	$6	$6	$1
Animal bite	Per Call	$35	$39	$4
Board and Care (Daily):				
For Impounded Dogs	Per Dog	$18	$19	$2
For Impounded Cats	Per Cat	$14	$16	$1
Cat carrier	Per Carrier	$6	$6	$1
Cat neuter	Per Cat	$59	$65	$6
Cat spay	Per Cat	$106	$117	$11
Collar identification	Per Animal	$3	$3	$0
Dog neuter	Per Dog	$118	$130	$12
Dog spay	Per Dog	$177	$194	$18
Impound: 1	Per Animal	$24	$26	$2
Impound: 2	Per Animal	$35	$39	$4
Impound: 3+	Per Animal	$47	$52	$5
* **Impound, additional State fee for unaltered, at large animals:**				
1st	Per Animal	$35	$35	$0
2nd	Per Animal	$50	$50	$0
3rd	Per Animal	$100	$100	$0
License fee: unaltered dogs	Per Dog, Per Year	$59	$65	$6
License fee: altered dogs	Per Dog, Per Year	$12	$13	$1
License fee: replacement for lost	Per License	$6	$6	$1
Low cost spay/neuter voucher	Per Animal	$24	$26	$2
Multiple pet permit application	Each	$29	$32	$3
Owner surrender:				
Live animal	Per Animal	$53	$58	$5
Deceased animal (not at shelter)	Per Animal	$24	$26	$2
Rabies vaccination voucher	Per Animal	$19	$21	$2
Vaccination	Per Animal	$6	$6	$1
Veterinary Costs	At Cost		At Cost	
Bicycles		FY1718	FY1617	
License and Registration	Per 3 Years	$7	$8	$1
Renewal	Per 3 Years	$4	$4	$0
Bingo				
License	Each	$59	$65	$6
Renewal	Each	$12	$13	$1
Cardrooms				
License and renewal	Each	$29	$32	$3
Dealer/work permit	Each	$71	$78	$7
***Department of Justice Fee**	Per Permit	$32	$32	$0
Citation Sign-off for Agencies outside the City	Per Citation	$18	$19	$2
Clearance Letter (for Immigration or Other Clearance Letter, Plus Fingerprint Fees)	Per Letter	$18	$19	$2
***Crime Report Copy**	Per Page	$0.15	$0.15	$0
	Per Page, Bulleton Entry	$0.15	$0.15	$0

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fee (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
DUI				
Accident Response and Investigation	Actual Personnel cost, up to $12,000			$0
Arrest and Report	Actual Personnel cost, up to $1,000			$0
***Concealed Weapons**				
Concealed Weapons Permit	Per Permit (20% at application; 80% at permit issuance)	$100	$100	$0
Department of Justice Live Scan Fee	Per Permit	$95	$95	$0
Renewal	Per Permit Renewal	$25	$25	$0
Department of Justice Fee - Payable to DOJ	Per Permit	$52	$52	$0
Amended License	Per Amendment	$10	$10	$0
Traffic collision report (for other than victim)	Per Report + .15 /Page after 25th Page	$10+	$10+	$0
***DOJ, FBI and Fingerprint**				
DOJ and FBI fee	Per Print	$32-$100	$32-$100	$0
Fingerprint (City's rolling fee)	Per Request	$20	$20	$0
***Firearms Sales Permit**	Per Permit	$35	$34	$1
Department of Justice fee		$32	$32	$0
Palmistry License Fee				
New	Per License	$649	$713	$64
Renewal	Per Renewal	$413	$454	$41
Police Photo (reproduction)	Per Photo Reproduction	$50	$54	$5
Plus traffic photo processing fee to insurance company	Per Photo	$0.34	$0.38	$0.03
Police Special Services (for school and other semi-public special events)	Actual Personnel costs	$0.33	$0.37	$0.03
***Repossession Release**	Per Vehicle	$18	$15	($3)
***Second-hand Dealer/Pawn Broker**				
New or Renewal (Check payable to DOJ)	Each	$300	$300	$0
Department of Justice Livescan (for new permits)		$32	$32	$0
Taxi Driver				
Permit	Per Permit	$130	$143	$13
Renewal	Per Renewal (Plus Permit)	$94	$104	$9
Background investigation	Each	$12	$13	$1
(*City fingerprint fee)	Each	$20	$20	$0
Tow Truck Driver/Attendant				
Permit	Per Permit	$71	$78	$7
Renewal	Per Renewal (Plus Permit)	$35	$39	$4
Vehicle Release	Per Vehicle	$127	$140	$13
VIN Verification	Per Request	$24	$26	$2
Storage of Firearms	Per Firearm, Per Day	$60	$66	$6
	Plus + Per Domestic Violence Protective Order Per Day	$2	$2	$0

PUBLIC WORKS DEPARTMENT
Don Scholl, Director

Public Works Department

Department Contact: Robin Kloepfer, Management Analyst II

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
Banner Installation and Removal				
For Each Over-the-Street Banner Location	Per Banner	$236	$259	$23
[1]For Each Street Light Banner Zone	Zone 1	$4,719	$5,186	$467
	Zone 2	$1,180	$1,296	$117
	Zone 3	$1,180	$1,296	$117

[1] Zone 1: Eleventh Street between Lammers Road and Corral Hollow Road

Zone 2: Tenth Street between A Street and East Street

Zone 3: Central Avenue between Eleventh Street and Sixth Street

CITY OF TRACY MASTER FEE SCHEDULE
APPENDICES

Appendix I

Finance Department

Finance Department

Legal Codes

Legal Codes

Tracy Municipal Code

6.04.130 - Duty of City to issue license certificates.

It shall be the duty of the City to prepare and issue a license certificate pursuant to the provisions of this chapter for every person liable to pay a business tax and to state in each license certificate the period of time covered thereby; the name of the person or business to whom issued; the business classification to which the license certificate is issued; the trade, calling, profession, or occupation to which the license certificate is issued; the number of the section of this chapter under which such license certificate is issued; and the location or place of business where such trade, calling, profession, or occupation is to be carried on.

No license certificate granted or issued under any provision of this chapter shall be in any manner transferred or assigned, nor shall such license certificate authorize any person, other than is therein mentioned or named, to not pay a business tax without the written authorization of the City endorsed thereon. At the time any such license certificate is assigned or transferred, the person applying for such transfer shall pay to the City a fee of Five and no/100ths ($5.00) Dollars for each such transfer or assignment.

The City shall make a charge of Five and no/100ths ($5.00) Dollars for each duplicate license certificate issued to replace any license certificate issued under the provisions of this chapter which has been lost or destroyed. In no case shall any mistake made by the City in stating the amount of a business tax prevent or prejudice the collection by the City of what shall be actually due from any one carrying on a trade, calling, profession, or occupation subject to business tax under this chapter.

STATE OF CALIFORNIA
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL

State of California

GOVERNMENT CODE

Section 4467

4467. (a) On and after January 1, 2013, and until December 31, 2018, any applicant for a local business license or equivalent instrument or permit, and from any applicant for the renewal of a business license or equivalent instrument or permit, shall pay an additional fee of one dollar ($1) for that license, instrument, or permit, which shall be collected by the city, county, or city and county that issued the license, instrument, or permit.

(b) The city, county, or city and county shall retain 70 percent of the fees collected under this section, of which up to 5 percent of the retained moneys may be used for related administrative costs of this chapter. The remaining moneys shall be used to fund increased certified access specialist (CASp) services in that jurisdiction for the public and to facilitate compliance with construction-related accessibility requirements. The highest priority shall be given to the training and retention of certified access specialists to meet the needs of the public in the jurisdiction as provided in Section 55.53 of the Civil Code.

(c) The remaining 30 percent of all fees collected under this section shall be transmitted on a quarterly basis to the Division of the State Architect for deposit in the Disability Access and Education Revolving Fund established under Sections 4465 and 4470. The funds shall be transmitted within 15 days of the last day of the fiscal quarter. The Division of the State Architect shall develop and post on its Internet Web site a standard reporting form for use by all local jurisdictions. Up to 75 percent of the collected funds in the Disability Access and Education Revolving Fund shall be used to establish and maintain oversight of the CASp program and to moderate the expense of CASp certification and testing.

(d) Each city, county, or city and county shall make an annual report, commencing March 1, 2014, to the Division of the State Architect of the total fees collected in the previous calendar year and of its distribution, including the moneys spent on administrative services, the activities undertaken and moneys spent to increase CASp services, the activities undertaken and moneys spent to fund programs to facilitate accessibility compliance, and the moneys transmitted to the Disability Access and Education Revolving Fund.

(Amended by Stats. 2015, Ch. 25, Sec. 4. (SB 84) Effective June 24, 2015.)

Appendix II

City Manager's Office

City Manager's Office

Legal Codes

STATE OF CALIFORNIA
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL

State of California

GOVERNMENT CODE

Section 6253

6253. (a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

(b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

(c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

State of California

GOVERNMENT CODE

Section 8211

8211. Fees charged by a notary public for the following services shall not exceed the fees prescribed by this section.

(a) For taking an acknowledgment or proof of a deed, or other instrument, to include the seal and the writing of the certificate, the sum of ten dollars ($10) for each signature taken.

(b) For administering an oath or affirmation to one person and executing the jurat, including the seal, the sum of ten dollars ($10).

(c) For all services rendered in connection with the taking of any deposition, the sum of twenty dollars ($20), and in addition thereto, the sum of five dollars ($5) for administering the oath to the witness and the sum of five dollars ($5) for the certificate to the deposition.

(d) No fee may be charged to notarize signatures on vote by mail ballot identification envelopes or other voting materials.

(e) For certifying a copy of a power of attorney under Section 4307 of the Probate Code the sum of ten dollars ($10).

(f) In accordance with Section 6107, no fee may be charged to a United States military veteran for notarization of an application or a claim for a pension, allotment, allowance, compensation, insurance, or any other veteran's benefit.

(Amended by Stats. 2011, Ch. 269, Sec. 7. (AB 75) Effective January 1, 2012.)

(d) Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial.

(e) Except as otherwise prohibited by law, a state or local agency may adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in this chapter.

(Amended by Stats. 2001, Ch. 355, Sec. 2. Effective January 1, 2002.)

Legal Codes

Tracy Municipal Code

1.12.010 - Right to appeal to City Manager.

(a) Informal discussion with department head. A person aggrieved by an administrative action by an officer or employee under this Code should first attempt to discuss the matter with the department head of the department taking the action.

(b) Appeal to City Manager. A person aggrieved by an administrative action who is unable to resolve the matter with the department head under subsection (a) above may appeal the action to the City Manager, unless the procedure for appeal is otherwise specifically provided in this Code or State law. (See chapter 10.08 for most land use appeals.) The City Manager may, in his or her discretion, refer the matter directly to the City Council to hear the appeal.

(c) Waiver of rights. Without a timely appeal, a person or appellant waives his or her rights to challenge the decision by administrative process, judicial process or any other legal proceeding.

(d) Procedures.

(1) The person appealing shall file a written notice of appeal with the City Manager within ten (10) working days of the action appealed from. As used in this section, the term "City Manager" means the manager or his or her designee. The appeal shall be filed on a form provided by the City Manager's office. The ten (10) working days for filing the appeal is measured from the date written notice of the decision is sent (or personally delivered) to the person. If there is no written notice of decision, the time for appeal is twenty (20) working days from the date of the decision.

(2) The appeal must be accompanied by the appeal fee in the amount established by City Council resolution.

(3) Upon receiving the notice of appeal, the City Manager shall set the matter for hearing and shall give the person appealing written notice of the time and place of hearing at least ten (10) days before the hearing. The hearing shall be held within thirty (30) days of the date the notice of appeal is filed. The parties may extend this time by agreement. The hearing is not limited by technical rules of evidence. The City Manager may affirm, modify or reverse the decision appealed. The City Manager shall render a written decision within ten (10) days after the close of the hearing.

(4) The decision of the City Manager is final ten (10) days after the written notice of the decision is given to the appellant, unless an appeal to the City Council is authorized under section 1.12.020 below.

(e) First Amendment. If the appeal involves expressive conduct protected by the First Amendment under the State or Federal Constitution, the appeal process shall be expedited as

much as reasonably possible. The appellant must state the expressive conduct protected in the written appeal.

(f) Not a claim. The filing of an appeal under this or any section of this Code does not constitute the filing of a claim under chapter 1.24.

(Ord. 1111 § 4 Exh. A (part), 2007: prior code § 1-4.01)

1.12.020 - Appeal to City Council.

(a) When applicable. A matter is appealable to the City Council only under the following circumstances:

(1) If specifically authorized under this Code;

(2) If the City Manager refers an appeal to the Council under section 1.12.010(b); or

(3) If otherwise required by law.

(b) Procedures.

(1) If a matter is appealable to the City Council, the appellant may appeal the City Manager's decision by filing a written notice of appeal with the City Clerk within ten (10) working days of the City Manager's written determination. The appeal shall be filed on a form provided by the City Manager's office. The ten (10) working days for filing the appeal is measured from the date written notice of the decision is sent (or personally delivered) to the person. If there is no written notice of decision, the time for appeal is twenty (20) working days from the date of the decision.

(2) The appeal must be accompanied by the appeal fee in the amount established by City Council resolution.

(3) Upon receiving the notice of appeal, the City Clerk shall set the matter for hearing and shall give the person appealing written notice of the time and place of hearing at least ten (10) days before the hearing. The hearing shall be held within thirty (30) days of the date the notice of appeal is filed. The parties may extend this time by agreement. The hearing is not limited by technical rules of evidence. The Council may continue the hearing from time to time. The City Council may affirm, modify or reverse the decision appealed.

(4) The City Council shall adopt a resolution reflecting its decision by the time of the next regular City Council meeting after the close of the hearing.

(5) The decision of the city council is final.

(c) First Amendment. If the appeal involves expressive conduct protected by the First Amendment under the State or Federal Constitution, the appeal process shall be expedited as much as reasonably possible. The appellant must state the expressive conduct protected in the written appeal.

(Ord. 1111 § 4 Exh. A (part), 2007: prior code § 1-4.02)

1.12.030 - Hearing Officer.

When an impartial Hearing Officer is required by law (including under this Code), the City Manager shall designate the Hearing Officer. The designated Hearing Officer shall be an impartial person, such as (1) a city employee from a department which has no involvement in the matter, or (2) someone selected randomly from a panel of law students and/or local attorneys willing to volunteer as a Hearing Officer, or (3) someone hired from an organization which provides Hearing Officers, in which case the cost will be shared equally by the City and the person requesting the hearing.

(Ord. 1111 § 4 Exh. A (part), 2007: prior code § 1-4.03)

3.36.010 - Fee schedule.

The City Council shall by resolution action taken from time to time establish a fee schedule for services provided to the public by the departments of the City.

(Prior code § 3-9.01)

6.32.030 – Registration.

(a) Registration. Except as provided in subsection (b), each lobbyist must register with the City Clerk by filing a written statement under penalty of perjury. The written statement must be submitted on the form provided by the City Clerk, and will include:
    (1) The lobbyist's full name, business address, telephone number, and email address. If the lobbyist is a firm, the information must include the information for the firm, and for each firm member who may be involved in the lobbying activity;
    (2) The client's name, business address, telephone number and email address; and
    (3) The governmental decision(s) that may be affected.

If there is a change to the written information, the lobbyist must submit an amended registration within 15 days of the change.

(b) Timing. The registration must be filed or renewed on an annual basis during January of each year, or within 15 days of the initial employment, whichever occurs first. The initial registration period begins 30 days after this chapter takes effect.
(c) Fees. When registering or renewing, the applicant must pay the registration or renewal fee in the amount established by City Council resolution.
(d) Public information. The City will make registration information available to the public on its website.

City Manager's Office

Resolutions

RESOLUTION 2016-025

A RESOLUTION OF THE CITY OF TRACY APPROVING AN AMENDMENT TO THE MASTER FEE SCHEDULE REGARDING LOBBYIST REGISTRATION AND RENEWAL FEES

WHEREAS, on May 19, 2015, the City Council adopted the amended, City-wide Master Fee Schedule (Resolution No. 2015-075); and

WHEREAS, at the same meeting as it considered this resolution, the City Council introduced an ordinance adding a new Chapter 6.32, Lobbying, to the Tracy Municipal Code; and

WHEREAS, Section 6.32.030 of the Lobbying ordinance requires lobbyists to register with the City and to renew their registration annually, and these requirements are subject to fees established by the City Council; and

WHEREAS, the adoption of this amendment to the Master Fee Schedule is not subject to the California Environmental Quality Act because it is not a project which has the potential for causing a significant effect on the environment. (CEQA Guidelines, 14 Cal. Code of Regs. §15061(b)(3).). Further, the adoption on this amendment is state-mandated and not subject to the notice requirements of Government Code section 66018.

NOW, THEREFORE, the Tracy City Council resolves as follows:

1. The Master Fee Schedule is amended as follows:

   Page 9 of the 2015 Master Fee Schedule, City Clerk and City Manager's Departments, is amended by adding a new Lobbyist Registration fee, to read as follows:

SERVICE OR APPLICATION	FEE	LEGAL AUTHORITY
Lobbyist Registration	$70.00	TMC §6.32.030 (c)
Annual Renewal	$35.00	
Late fee	$10 per week, to maximum of $500	

2. This Resolution takes effect 30 days after the Lobbying regulations ordinance is adopted.

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

The foregoing Resolution 2016-025 was passed and adopted by the Tracy City Council on February 2, 2016 by the following vote:

AYES: COUNCIL MEMBERS: MITRACOS, VARGAS, YOUNG, RICKMAN, MACIEL
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: NONE
ABSTAIN: COUNCIL MEMBERS: NONE

MAYOR

ATTEST:

CITY CLERK

RESOLUTION 2009-003

ADOPTING RECOMMENDED GENERAL FUND SUBSIDY LIMIT GOALS AND ASSOCIATED FEES FOR PROGRAMS AND FACILITY USE PROVIDED THROUGH THE PARKS AND COMMUNITY SERVICES DEPARTMENT AND THE CULTURAL ARTS DIVISION

WHEREAS, The City of Tracy charges certain fees for public use of City buildings and rooms, park facilities, and sports fields; and

WHEREAS, The City of Tracy also charges fees for public participation in City cultural arts and recreation programs and for admission to events and facilities; and

WHEREAS, The Parks and Community Services Commission has recommended adoption of the facility rental and recreation program fees.

NOW, THEREFORE, BE IT RESOLVED, That the City Council hereby adopts the Facility Rental and Recreation and Cultural Arts Program Fee Schedules attached to the staff report accompanying this agenda item, the Cultural Arts Admission fee calculation methodology set forth in the staff report accompanying this agenda item, and the Interim Program Fee Calculation Policy attached to the staff report accompanying this agenda item.

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

The foregoing Resolution 2009-003 was passed and adopted by the Tracy City Council on the 6th day of January, 2009, by the following vote:

AYES: COUNCIL MEMBERS: ABERCROMBIE, MACIEL, TOLBERT, TUCKER, IVES

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: NONE

Mayor

ATTEST:

City Clerk

CULTURAL ARTS DIVISION
RECOMMENDED FEE SCHEDULE

EXHIBIT "D"

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEE +/-	ANNUAL REVENUE +/-
ARTS EDUCATION CLASSES (class prices are set within a range negotiated with the instructor)					$10,570
Dance - Preschool Combo	Per Session	$55	$60	$5	$550
Dance - Tap for Tots	Per Session	$25	$30	$5	$400
Dance - Kindergarten Combo	Per Session	$46	$51	$5	$475
Dance - Ballet I/II	Per Session	$46	$51	$5	$425
Dance - Hip-Hop Kids	Per Session	$55	$60	$5	$525
Dance - Hip-Hop Teens	Per Session	$55	$60	$5	$450
Dance - Hip-Hop Adults	Per Session	$55	$60	$5	$325
Dance - Ballroom Troupe	Per Session	$90	$95	$5	$140
Dance - Ballroom Troupe Rehearsal	Per Session	$40	$45	$5	$110
Dance - Private Ballroom Dance	Per Session	$120	$125	$5	$90
Dance - Social Dance Sampler	Per Session	$40	$45	$5	$775
Dance - Beyond the Basics	Per Session	$20	$25	$5	$300
Dance - Ballet Folklorico	Per Session	$45	$50	$5	$150
Dance - Beginning Belly Dance	Per Session	$55	$60	$5	$250
Dance - Parent & Child Hula	Per Session	$50	$55	$5	$100
Dance - Wedding Dance Prep	Per Session	$30	$35	$5	$150
Dance - Swing	Per Session	$55	$60	$5	$440
Dance - Tahitian	Per Session	$55	$60	$5	$125
Dance - Ballet/Tap Camp for Youth	5 Days	$60	$65	$5	$75
Dance - Hip-Hop Camp for Youth	5 Days	$70	$75	$5	$100
Dance - Hula/Tahitian Camp for Youth	5 Days	$65	$70	$5	$75
Drama - Beg. Acting for Youth	Per Session	$75	$80	$5	$400
Drama - Beg. Acting for Teens	Per Session	$75	$80	$5	$340
Drama - Intmd. Acting for Youth	Per Session	$75	$80	$5	$225
Drama - Intmd. Acting for Teens	Per Session	$75	$80	$5	$170
Drama - Private Audition Technique	Per Session	$100	$105	$5	$75
Drama - Adult Acting Workshop	Per Workshop	$72	$77	$5	$60
Drama - Adult Acting Technique	Per Session	$120	$125	$5	$40
Drama - Auditioning for TV/Film	Per Session	$120	$125	$5	$85
Drama - Auditioning for TV/Film II	Per Session	$120	$125	$5	$60
Drama - Audition for TV/Film Workshop	Per Workshop	$72	$77	$5	$60
Drama - Audition for TV/Film Workshop II	Per Workshop	$72	$77	$5	$60
Drama - Youth Drama Camp	2.5 Weeks	$150	$155	$5	$150
Drama - Teen Drama Camp	2.5 Weeks	$150	$155	$5	$125
Drama - Adult Theatre Production	Per Session	$200	$205	$5	$45
Music - Group Voice	Per Session	$80	$85	$5	$90
Music - Music Together	Per Session	$150	$155	$5	$175
Music - Music Together Camp	5 Days	$60	$65	$5	$60
Music - Private Voice	Per Session	$120	$125	$5	$225
Music - Private Guitar	Per Session	$120	$125	$5	$225
Music - Private Piano	Per Session	$120	$125	$5	$225
Music - Private Drums	Per Session	$120	$125	$5	$85
Music - Private Flute	Per Session	$120	$125	$5	$50
Music - Private Violin	Per Session	$120	$125	$5	$50
Music - Private Cello	Per Session	$120	$125	$5	$40
Music - Private Saxophone	Per Session	$120	$125	$5	$40
Music - Private Guitar Spanish	Per Session	$145	$150	$5	$80
Music - Group Guitar Spanish	Per Session	$145	$150	$5	$80
Music - Group Guitar Seniors	Per Session	$145	$150	$5	$75
Music - Mommy & Me Piano	Per Session	$100	$105	$5	$85
Music - Rock Band	Per Session	$300	$305	$5	$75
Music - Concert Band	Per Session	$240	$245	$5	$90
Music - Jazz Improv	Per Session	$145	$150	$5	$75
Ceramics - Beg. Wheel Throwing 8 weeks 2 x week	Per Session	$200	$205	$5	$90
Ceramics - Beg. Wheel Throwing 1 x week	Per Session	$180	$185	$5	$75

CULTURAL ARTS DIVISION
RECOMMENDED FEE SCHEDULE

EXHIBIT "D"

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEE +/-	ANNUAL REVENUE +/-
Ceramics - Youth Hand Building	Per Session	$45	$50	$5	$40
Ceramics - Hand Building Workshop	Per Workshop	$50	$55	$5	$60
Ceramics - Studio Time 1 Month	1 Month	$100	$105	$5	$60
Ceramics - Studio Time 2 Months	2 Months	$180	$185	$5	$60
Ceramics - Studio Time 3 Months	3 Months	$300	$305	$5	$45
Ceramics - Parent & Child Hand Building	Per Session	$25	$30	$5	$70
Ceramics - Pottery Decorating	Per Workshop	$12	$17	$5	$175
Ceramics - Pottery Camp for Kids	Per Week	$75	$80	$5	$35
Ceramics - Pottery Camp for Teens	Per Week	$75	$80	$5	$35
Visual Arts - Parent & Child Painting	Per Session	$45	$50	$5	$75
Visual Arts - Intro to Art I	Per Session	$75	$80	$5	$140
Visual Arts - Intro to Art II	Per Session	$75	$80	$5	$140
Visual Arts - Preschool Drawing	Per Session	$57	$62	$5	$145
Visual Arts - Youth Cartoon Drawing	Per Session	$57	$62	$5	$250
Visual Arts - Elementary Drawing	Per Session	$57	$62	$5	$295
Visual Arts - Creative Writing & Illustrating	Per Session	$50	$55	$5	$100
Visual Arts - Intro to Art for Adults	Per Session	$95	$100	$5	$95
Visual Arts - Beginning Drawing I	Per Session	$75	$80	$5	$110
Visual Arts - Beginning Drawing II	Per Session	$75	$80	$5	$90
Visual Arts - Landscape Painting	Per Session	$80	$85	$5	$125
Visual Arts - Landscape Painting II	Per Session	$80	$85	$5	$125
Visual Arts - Intro to Oil/Acrylic Painting	Per Session	$80	$85	$5	$170
Visual Arts - Intmd. Oil/Acrylic Painting	Per Session	$80	$85	$5	$140
Visual Arts - Acrylic Painting Workshop	Per Workshop	$40	$45	$5	$60
Visual Arts - Glass Fusing	Per Session	$65	$70	$5	$90
Visual Arts - Glass Fusing for Couples	Per Session	$70	$75	$5	$90
Visual Arts - Glass Fusing Studio	Per Day	$10	$15	$5	$120
Visual Arts - Family Series Workshops	Per Workshop	$5	$10	$5	$225
Visual Arts - 3 Day Drawing Camp	3 Days	$53	$58	$5	$60
Visual Arts - 4 Day Drawing Camp	4 Days	$70	$75	$5	$95
Visual Arts - 4 Day Painting Camp	4 Days	$60	$65	$5	$60
Visual Arts - 5 Day Painting Camp	Per Week	$75	$80	$5	$60
Visual Arts - Writing & Illustrating Camp	Per Week	$55	$60	$5	$60
Visual Arts - Digital Photography	Per Session	$100	$105	$5	$85
Visual Arts - Photography for Travel Workshop	Per Workshop	$40	$45	$5	$70
Visual Arts - Studio Time 1 Month	1 Month	$50	$55	$5	$60
Visual Arts - Studio Time 2 Months	2 Months	$100	$105	$5	$60
Visual Arts - Studio Time 3 Months	3 Months	$150	$155	$5	$60
Visual Arts - Beginning Watercolor	Per Session	$45	$50	$5	$220
Visual Arts - Intermediate Watercolor	Per Session	$45	$50	$5	$375
Visual Arts - Watercolor Studio 1 Month	Per Month	$30	$35	$5	$90
Visual Arts - Multi-Media for Adults	Per Session	$65	$70	$5	$60
Visual Arts - Multi-Media for Children	Per Session	$55	$60	$5	$60
Visual Arts - Life Drawing for Adults	Per Session	$75	$80	$5	$50
Special Events - Music First Concert	Per Workshop	$0	$5	$5	$525
Special Events - Artist in Residency Workshop	Per Workshop	$0	$5	$5	$150
TOTALS					**$10,570**

CULTURAL ARTS DIVISION
RECOMMENDED FEE SCHEDULE

EXHIBIT "D"

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEE +/-	ANNUAL REVENUE +/-
CITY PRESENTING SEASON					**$0.00**
ETK THEATRE	Per Ticket	$37.42	$37.42	$0	$0.00
11 performances @ 250 person attendance					
STUDIO THEATRE	Per Ticket	$24.49	$24.49	$0	$0.00
2 Performances@ 75 persons attendance					
(Based on average ticket admission and average attendance per performance)					
RENTALS					
ETK THEATRE (Revenue amounts reflect the minimum that are expected to come in)					$1,456
Prime Time Rental - Non-Profit (Performance) *Fees may be adjusted to a percentage based on gross revenues	8 hours	$560	$574	$14	$280
Prime Time Rental - Commercial (Performance) *Fees may be adjusted to a percentage based on gross revenues	8 hours	$1,680	$1,722	$42	$252
Each Additional Hour - Non-Profit (Performance)	Hourly	$100	$100	$0	$0
Each Additional Hour - Commercial (Performance)	Hourly	$300	$300	$0	$0
Non-Prime Time Rental - Non-Profit (Performance)	8 hours	$250	$287	$37	$888
Non-Prime Time Rental - Commercial (Performance)	8 hours	$750	$750	$0	$0
Each Additional Hour - Non-Profit (Performance)	Hourly	$100	$100	$0	$0
Each Additional Hour - Commercial (Performance)	Hourly	$300	$300	$0	$0
Non-Prime Time Rental - Non-Profit (Rehearsal)	8 hours	$125	$143	$18	$36
Non-Prime Time Rental - Commercial (Rehearsal)	8 hours	$375	$375	$0	$0
Each Additional Hour - Non-Profit (Rehearsal)	Hourly	$100	$100	$0	$0
Each Additional Hour - Commercial (Rehearsal)	Hourly	$300	$300	$0	$0
*Rental fees are a minimum flat rate listed above or 10% of gross sales for non-profit and 15% for commercial whichever is greater.					
STUDIO THEATRE (Revenue amounts reflect the minimum that are expected to come in)					($1,030)
Prime Time Rental - Non-Profit (Performance) (*Fees may be adjusted to a percentage based on gross revenues)	4 hours	$120	$110	($10)	($300)
Prime Time Rental - Commercial (Performance) (*Fees may be adjusted to a percentage based on gross revenues)	4 hours	$360	$330	($30)	($180)
Each Additional Hour - Non-Profit (Performance)	Hourly	$60	$60	$0	$0
Each Additional Hour - Commercial (Performance)	Hourly	$180	$180	$0	$0
Non-Prime Time Rental - Non-Profit (Performance)	4 hours	$90	$80	($10)	$0
Non-Prime Time Rental - Commercial (Performance)	4 hours		$240	$240	$0
Each Additional Hour - Non-Profit (Performance)	Hourly	$60	$60	$0	$0
Each Additional Hour - Commercial (Performance)	Hourly		$180	$180	$0
Non-Prime Time Rental - Non-Profit (Rehearsal)	4 hours	$90	$80	($10)	($550)
Non-Prime Time Rental - Commercial (Rehearsal)	4 hours		$240	$240	$0
Each Additional Hour - Non-Profit (Rehearsal)	Hourly	$60	$60	$0	$0
Each Additional Hour - Commercial (Rehearsal)	Hourly		$180	$180	$0
*Rental fees are a minimum flat rate listed above or 10% of gross sales for non-profit and 15% for commercial whichever is greater.					
DANCE STUDIO					$0
Class/Meeting - Non-Profit	2 hours	$75	$75	$0	$0
Class/Meeting - Commercial	2 hours	$225	$225	$0	$0
Each Additional Hour - Non-Profit	Hourly	$40	$40	$0	$0
Each Additional Hour - Commercial	Hourly	$115	$115	$0	$0
VISUAL ARTS STUDIO I & II					$0
Class/Meeting - Non-Profit	2 hours	$75	$75	$0	$0
Class/Meeting - Commercial	2 hours	$225	$225	$0	$0
Each Additional Hour - Non-Profit	Hourly	$40	$40	$0	$0
Each Additional Hour - Commercial	Hourly	$115	$115	$0	$0

CULTURAL ARTS DIVISION
RECOMMENDED FEE SCHEDULE

EXHIBIT "D"

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEE +/-	ANNUAL REVENUE +/-
CHILDREN'S ART STUDIO - Includes any room set up and tear down					$0
Class/Meeting - Non-Profit	2 hours	$75	$75	$0	$0
Class/Meeting - Commercial	2 hours	$225	$225	$0	$0
Each Additional Hour - Non-Profit	Hourly	$40	$40	$0	$0
Each Additional Hour - Commercial	Hourly	$115	$115	$0	$0
LARGE MUSIC ROOM - Includes any room set up and tear down					$0
Class/Meeting - Non-Profit	2 hours	$25	$25	$0	$0
Class/Meeting - Commercial	2 hours	$100	$100	$0	$0
Each Additional Hour - Non-Profit	Hourly	$35	$35	$0	$0
Each Additional Hour - Commercial	Hourly	$125	$125	$0	$0
MUSIC ROOM - Includes any room set up and tear down					$0
Class (Medium) - Non-Profit	2 hours	$25	$25	$0	$0
Class (Medium) - Commercial	2 hours	$100	$100	$0	$0
Practice & Each Additional Hour - Non-Profit	Hourly	$35	$35	$0	$0
Practice & Each Additional Hour - Commercial	Hourly	$125	$125	$0	$0
CERAMICS STUDIO - Not available to rent at this time					
LOBBY AREA - Only available to rent in conjunction with another rental; must remain open to the public during public hours.					$900
*Rental fees are based on the capacity of standing person in the lobby areas.					
Lobby Area Upstairs - Non-Profit	4 hours	$0	$250	$250	$500
Lobby Area Upstairs - Commercial	4 hours		$500	$500	$0
Lobby Area Downstairs - Non-Profit	4 hours	$0	$200	$200	$400
Lobby Area Downstairs- Commerical	4 hours		$400	$400	$0
LOGGIA/GALLERY - Gallery must remain open to the public during public hours; no altering of the exhibitio					$3,200
Loggia Reception - Non-Profit	Hourly	$50	$50	$0	$0
Loggia Reception - Commercial	Hourly	$150	$150	$0	$0
*Gallery - Non-Profit	Hourly	$0	$100	$100	$3,200
*Gallery - Commercial	Hourly	$0	$300	$300	$0
BOX OFFICE SERVICES					$2,800
Per Performance - Non-Profit	Each	$100	$100	$0	$0.00
Per Performance - Commercial	Each	$100	$300	$200	$1,200
Per Ticket Charge to Patron	Each	$3	$3	$0	$1,500
Marquee Listing - Non-Profit	Daily	$50	$50	$0	$0
Marquee Listing - Commercial	Daily	$50	$100	$50	$100
EQUIPMENT RENTALS					$2,000
Grand Piano	Use	$900	$1,400	$500	$0
Baby Grand Piano	Use	$500	$900	$400	$0
Piano Tuning at Renters Expense	Each	$150	$150	$0	$0
Installation/Removal of Apron for Orchestra Pit	Use	$200	$250	$50	$0
Wireless Microphones	Daily	$25	$25	$0	$0
Microphone Stands	Use	$10	$0	($10)	$0
Follow Spot	Use	$100	$350	$250	$2,000
Video Projector	Daily	$100	$100	$0	$0
Laptop Computer	Use	$50	$50	$0	$0

CULTURAL ARTS DIVISION
RECOMMENDED FEE SCHEDULE

EXHIBIT "D"

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEE +/-	ANNUAL REVENUE +/-
Screen - Non-Profit	Use	$30	$30	$0	$0
Screen - Commercial	Use	$30	$90	$60	$0
6' Mitey Light Tables	Use	$0	$5	$5	$0
3' Round Tables	Use	$0	$10	$10	$0
Cocktail Tables	Use	$0	$15	$15	$0
Wooden Classroom Chairs	Use	$0	$5	$5	$0
Louvre Easels	Use	$0	$7	$7	$0
Cocktail Barstools	Use	$0	$10	$10	$0
LCD Projector Per Day/Event	Use	$100	$100	$0	$0
STAFF FEES					$0
Technical Theatre Supervisor	Hourly	$56	$56	$0	$0
Theatre Technicians	Hourly	$40	$40	$0	$0
General Stagehands	Hourly	$20	$20	$0	$0
Follow Spot Operator	Hourly	$15	$15	$0	$0
Merchandise Salesperson	Hourly	$15	$15	$0	$0
Gallery Supervisor	Hourly	$40	$40	$0	$0
Gallery Docents	Hourly	$15	$15	$0	$0
ADDITIONAL FEES					$0
Facility Rental Application Processing Fee (New)	Use	$0	$35	$35	$3,000
Janitorial Fees	Day	$150	$150	$0	$0
Security Fee	Hourly	At Cost		$0	$0
TOTALS					**$12,326**

City Manager's Office

Special Studies

CITY OF TRACY

PARKS & COMMUNITY SERVICES DEPARTMENT

PRELIMINARY FINDINGS

CULTURAL ARTS

COST OF SERVICES STUDY FINDINGS

MAY, 2008

MGT
OF AMERICA, INC.

455 Capitol Mall
Suite 600
Sacramento, CA 95814
p: (916) 443-3411
f: (916) 443-1766
www.mgtofamerica.com

EXECUTIVE SUMMARY

INTRODUCTION

MGT of America (MGT) is pleased to present the City of Tracy (City) with this summary of findings for the cost of services study for the Parks and Community Services Department, Cultural Arts Division.

The Cultural Arts Division is a new program within the Parks and Community Services Department and is in the first year of offering services to the public. The initial fee level that was established was based on market surveys and comparisons to similar entities. The services offered by Cultural Arts include individual art classes, facility rentals, an art gallery and live performances.

The City is interested in accurately reporting the true cost of providing various fee-related services, and exploring the possibilities of modifying current fees to better reflect the increasing cost of providing services over time. In January 2008, the City contracted with MGT to perform this cost analysis using the adopted 2007-2008 fiscal year budget, staffing and operational information. Additionally, all information was provided through the period ending April 2008. Fees should be reviewed on a regular basis and adjusted in accordance with established City policies on user fee cost recovery.

This report is the culmination of the past three months of work between MGT and Cultural Arts staff. MGT would like to take this opportunity to acknowledge all P&CS management and staff who participated on this project for their efforts and coordination. Their responsiveness and continued interest in the outcome of this study contributed greatly to the success of this study.

PRELIMINARY DRAFT

STUDY SCOPE AND OBJECTIVES

The study was performed under the general direction of the Parks and Community Services Director with the participation of representatives from each program division. The primary goals of the study were to:

- Define what it costs the city to provide various fee-related services.
- Determine whether there are any opportunities to implement new fees, based on city cost recovery percentage policies.
- Identify service areas where the City might adjust fees based on the full cost of services and other economic or policy considerations.

The information summarized in this report addresses each of these issues and provides the City with the tools necessary to make informed decisions about any proposed fee adjustments and the resulting impact on general fund revenues.

ECONOMIC & POLICY CONSIDERATIONS

Calculating the true cost of providing city services is a critical step in the process of establishing user fees and corresponding cost recovery levels. Although it is an important factor, other factors must also be given consideration. City decision-makers must also consider the effects that establishing fees for services will have on the individuals purchasing those services, as well as the community as a whole. The following economic and policy issues help illustrate these considerations.

- It may be a desired policy to establish fees at a level that permits lower income groups to use services that they might not otherwise be able to afford.

- A consideration of community-wide benefit versus individual benefit might be of concern for certain services.

- Elasticity of demand is a factor in pricing certain city services; increasing the price of some services results in a reduction of demand for those services, and vice versa.

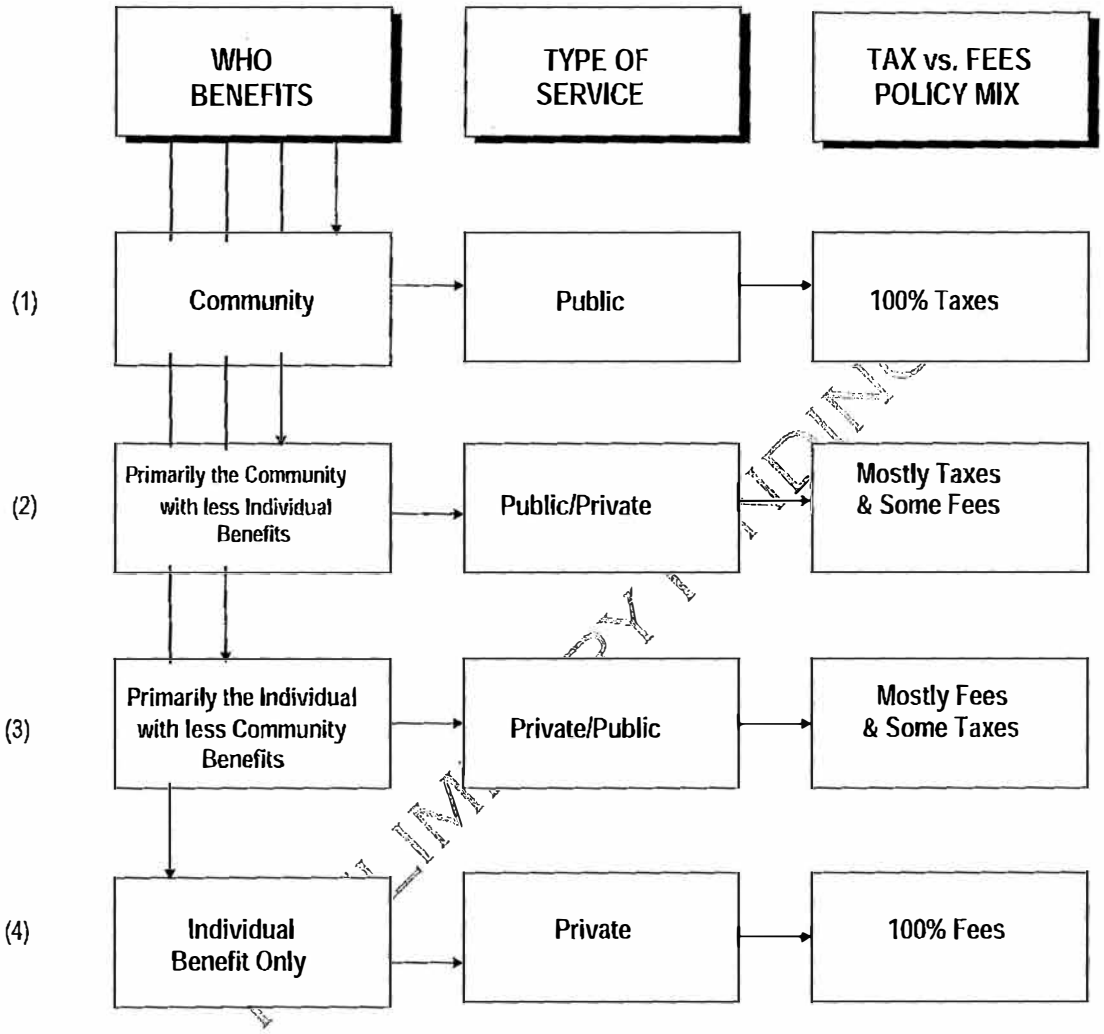
- Public sector agencies have a monopoly on providing certain services within its boundaries, such as development-related services. However, other services, such as recreation classes, may be provided by neighboring communities or the private sector, and therefore demand for these services can be highly dependent on what else may be available at lower prices.

The flow chart on the following page helps illustrate the economic and policy considerations listed above.

PRELIMINARY FINDINGS

General Fund Subsidy vs. User Fees

Decision-making Flow Chart



Examples of service that fall under each category:

(1) –Recreational Swim, Community Events, Drop In programs
(2)- Senior Activities, Pre-school & Teen Activities
(3)- Camps, Youth Team Sports
(4)- Adult Sports, Specialty Classes, Tournaments

STUDY FINDINGS

The exhibit below shows that the Cultural Arts Division is projecting an overall recovery of 19% for its fee-related services. Within each recovery category, current cost recovery levels range from 1% for Gallery activities to 39% for Rentals. Because these are new programs and services, a few thoughts should be considered while reviewing the results:

- All revenues displayed are estimated – a full year has not yet been completed.
- Costs displayed include some initial (start-up) costs that will not be required every year.
- Even though the Gallery is listed as fee related, the revenue generated is directly related to purchases during art shows. Therefore, the annual amount of revenue generated will vary greatly.
- A more detailed analysis of services will be possible once staff has completed and performed a few years of program activity.

PRELIMINARY FINDINGS

Source of Funds
~ User Fee Activites ~

Source - Fiscal Year 2007-2008

Program Area	Costs, User Fee Services	Funded by User Fees		Subsidy	
Arts Education	$612,059	$137,500	22%	$474,559	78%
Gallery	$161,091	$1,500	1%	$159,591	99%
Grand Theatre - Presentation Season	$958,990	$148,940	16%	$810,050	84%
Rentals	$218,831	$86,223	39%	$132,608	61%
Total:	**$1,950,971**	**$374,163**	**19%**	**$1,576,808**	**81%**

The exhibit indicates that user fees recover $374,163 (19%) of full cost, leaving 81% or $1,576,808 to be funded by other funding sources. This $1.6 million represents a "window of opportunity" for Cultural Arts to increase fees and general fund revenues, with a corresponding decrease in the subsidization of services. While it is not likely (nor would MGT recommend) that the City completely recover all costs through increased or new fees, it is possible for Cultural Arts to implement moderate increases to current fees.

The study's primary objective is to provide the City's decision-makers with basic data needed for setting fees. This report details the full cost of services, and presents opportunities for adjusted fee levels in certain activities. Recommendations for fee changes should be based upon careful consideration of the results of the cost analysis, historical cost recovery levels, the elasticity of demand unique to each department's services, and market comparisons.

METHODOLOGY

A cost of service study analyzes two components of costs: the direct costs associated with providing each fee-for-service activity, and the indirect costs that support these activities. A brief discussion of each of these components follows.

Direct Costs. The direct costs associated with fee-for-service activities were analyzed in great detail in this study. MGT worked directly with staff to develop the analysis that is summarized in the following sections of this report. The fiscal year 2007-2008 adopted budget was used to identify direct costs.

The first step in the process was to identify staff time spent directly on each of the user fee activities. Each staff person involved in the user fee services identified time spent to staff and provide all program areas. Salary and benefit dollars were assigned to the time estimates to come up with the direct staff costs.

Indirect Costs. A proportionate share of other operating expenses and internal department administrative costs were layered onto the direct costs as a departmental overhead. (Note: Citywide internal service charges are already directly budgeted into program budgets). The three components of the indirect costs: 1) departmental overhead, 2) program administration, and 3) citywide budgeted indirect allocations are combined with the direct costs of each activity and then compared to the revenue recovered, and the extent of cost recovery is identified.

Department Administration. Many of the costs that support *all* divisions and programs are budgeted in a centralized division such as 1) Parks and Community Services Administration, which provides budgeting, personnel, reception, customer outreach and general oversight, 2) Activity guide preparation/review, which is budgeted in various programs, but provides support to all Parks and Community Services programs. The costs of these activities and other centralized services are considered indirect overhead that support fee-for-service activities, as well as other programs and functions within the department.

As part of this study, MGT developed an indirect cost allocation plan that identifies and distributes these indirect costs to all operating divisions and activities within the Parks and Community Service's organizational structure. The Community Services cost allocation plan takes a methodological approach to analyzing indirect costs.

The end result of this analysis is the allocation of all indirect costs to all operating divisions and activities. The indirect costs are then added to the direct costs to determine the full cost of *all* department operations – whether fee-related or not. This accounting exercise is important in that it can result in an increase in general fund revenues for reimbursement of support for user fee services and state or federally funded programs.

PRELIMINARY REPORT

PROGRAM SUMMARY CHART

The subsequent page displays program results and individual activity analysis. The various subtotals on this page directly tie to the exhibit chart discussed earlier in this report.

PRELIMINARY FINDINGS

User Fee Study Summary Sheet

- Total Program Information -

Agency: **City of Tracy**
Fund: **Theatre & Cultural Arts**
Fiscal Year: **2007/2008**

	Service Name	Service Type	Revenue @ Current Fee	*Direct Costs*	*Indirect Costs*	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy
1	Arts Education	Fee	$137,500	*$540,935*	*$71,124*	22%	$612,059	$474,559
2	Gallery	Fee	$1,500	*$148,428*	*$12,663*	1%	$161,091	$159,591
3	Grand Theatre - Presenting Season	Fee	$148,940	*$871,826*	*$87,164*	16%	$958,990	$810,050
4	Rentals	Fee	$86,223	*$199,651*	*$19,180*	39%	$218,831	$132,608
	Total User Fees		$374,163	*$1,760,840*	*$190,131*		$1,950,971	$1,576,808
	% of Full Cost		19%	*90%*	*10%*		100%	81%
	Total Other Services		$0	*$0*	*$0*		$0	$0
	% of Full Cost		0%	*0%*	*0%*		0%	0%
	Fund Totals		$374,163	*$1,760,840*	*$190,131*		$1,950,971	$1,576,808
	% of Full Cost		19%	*90%*	*10%*		100%	81%

DRAFT
LIMITED OFFERINGS

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CULTURAL ARTS DIVISION
RECOMMENDED FEE SCHEDULE

EXHIBIT "D"

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEE +/-	ANNUAL REVENUE +/-
ARTS EDUCATION CLASSES (class prices are set within a range negotiated with the instructor)					$10,570
Dance - Preschool Combo	Per Session	$55	$60	$5	$550
Dance - Tap for Tots	Per Session	$25	$30	$5	$400
Dance - Kindergarten Combo	Per Session	$46	$51	$5	$475
Dance - Ballet I/II	Per Session	$46	$51	$5	$425
Dance - Hip-Hop Kids	Per Session	$55	$60	$5	$525
Dance - Hip-Hop Teens	Per Session	$55	$60	$5	$450
Dance - Hip-Hop Adults	Per Session	$55	$60	$5	$325
Dance - Ballroom Troupe	Per Session	$90	$95	$5	$140
Dance - Ballroom Troupe Rehearsal	Per Session	$40	$45	$5	$110
Dance - Private Ballroom Dance	Per Session	$120	$125	$5	$90
Dance - Social Dance Sampler	Per Session	$40	$45	$5	$775
Dance - Beyond the Basics	Per Session	$20	$25	$5	$300
Dance - Ballet Folklorico	Per Session	$45	$50	$5	$150
Dance - Beginning Belly Dance	Per Session	$55	$60	$5	$250
Dance - Parent & Child Hula	Per Session	$50	$55	$5	$100
Dance - Wedding Dance Prep	Per Session	$30	$35	$5	$150
Dance - Swing	Per Session	$55	$60	$5	$440
Dance - Tahitian	Per Session	$55	$60	$5	$125
Dance - Ballet/Tap Camp for Youth	5 Days	$60	$65	$5	$75
Dance - Hip-Hop Camp for Youth	5 Days	$70	$75	$5	$100
Dance - Hula/Tahitian Camp for Youth	5 Days	$65	$70	$5	$75
Drama - Beg. Acting for Youth	Per Session	$75	$80	$5	$400
Drama - Beg. Acting for Teens	Per Session	$75	$80	$5	$340
Drama - Intmd. Acting for Youth	Per Session	$75	$80	$5	$225
Drama - Intmd. Acting for Teens	Per Session	$75	$80	$5	$170
Drama - Private Audition Technique	Per Session	$100	$105	$5	$75
Drama - Adult Acting Workshop	Per Workshop	$72	$77	$5	$60
Drama - Adult Acting Technique	Per Session	$120	$125	$5	$40
Drama - Auditioning for TV/Film	Per Session	$120	$125	$5	$85
Drama - Auditioning for TV/Film II	Per Session	$120	$125	$5	$60
Drama - Audition for TV/Film Workshop	Per Workshop	$72	$77	$5	$60
Drama - Audition for TV/Film Workshop II	Per Workshop	$72	$77	$5	$60
Drama - Youth Drama Camp	2.5 Weeks	$150	$155	$5	$150
Drama - Teen Drama Camp	2.5 Weeks	$150	$155	$5	$125
Drama - Adult Theatre Production	Per Session	$200	$205	$5	$45
Music - Group Voice	Per Session	$80	$85	$5	$90
Music - Music Together	Per Session	$150	$155	$5	$175
Music - Music Together Camp	5 Days	$60	$65	$5	$60
Music - Private Voice	Per Session	$120	$125	$5	$225
Music - Private Guitar	Per Session	$120	$125	$5	$225
Music - Private Piano	Per Session	$120	$125	$5	$225
Music - Private Drums	Per Session	$120	$125	$5	$85
Music - Private Flute	Per Session	$120	$125	$5	$50
Music - Private Violin	Per Session	$120	$125	$5	$50
Music - Private Cello	Per Session	$120	$125	$5	$40
Music - Private Saxophone	Per Session	$120	$125	$5	$40
Music - Private Guitar Spanish	Per Session	$145	$150	$5	$80
Music - Group Guitar Spanish	Per Session	$145	$150	$5	$80
Music - Group Guitar Seniors	Per Session	$145	$150	$5	$75
Music - Mommy & Me Piano	Per Session	$100	$105	$5	$85
Music - Rock Band	Per Session	$300	$305	$5	$75
Music - Concert Band	Per Session	$240	$245	$5	$90
Music - Jazz Improv	Per Session	$145	$150	$5	$75
Ceramics - Beg. Wheel Throwing 8 weeks 2 x week	Per Session	$200	$205	$5	$90
Ceramics - Beg. Wheel Throwing 1 x week	Per Session	$180	$185	$5	$75

CULTURAL ARTS DIVISION
RECOMMENDED FEE SCHEDULE

EXHIBIT "D"

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEE +/-	ANNUAL REVENUE +/-
Ceramics - Youth Hand Building	Per Session	$45	$50	$5	$40
Ceramics - Hand Building Workshop	Per Workshop	$50	$55	$5	$60
Ceramics - Studio Time 1 Month	1 Month	$100	$105	$5	$60
Ceramics - Studio Time 2 Months	2 Months	$180	$185	$5	$60
Ceramics - Studio Time 3 Months	3 Months	$300	$305	$5	$45
Ceramics - Parent & Child Hand Building	Per Session	$25	$30	$5	$70
Ceramics - Pottery Decorating	Per Workshop	$12	$17	$5	$175
Ceramics - Pottery Camp for Kids	Per Week	$75	$80	$5	$35
Ceramics - Pottery Camp for Teens	Per Week	$75	$80	$5	$35
Visual Arts - Parent & Child Painting	Per Session	$45	$50	$5	$75
Visual Arts - Intro to Art I	Per Session	$75	$80	$5	$140
Visual Arts - Intro to Art II	Per Session	$75	$80	$5	$140
Visual Arts - Preschool Drawing	Per Session	$57	$62	$5	$145
Visual Arts - Youth Cartoon Drawing	Per Session	$57	$62	$5	$250
Visual Arts - Elementary Drawing	Per Session	$57	$62	$5	$295
Visual Arts - Creative Writing & Illustrating	Per Session	$50	$55	$5	$100
Visual Arts - Intro to Art for Adults	Per Session	$95	$100	$5	$95
Visual Arts - Beginning Drawing I	Per Session	$75	$80	$5	$110
Visual Arts - Beginning Drawing II	Per Session	$75	$80	$5	$90
Visual Arts - Landscape Painting	Per Session	$80	$85	$5	$125
Visual Arts - Landscape Painting II	Per Session	$80	$85	$5	$125
Visual Arts - Intro to Oil/Acrylic Painting	Per Session	$80	$85	$5	$170
Visual Arts - Intmd. Oil/Acrylic Painting	Per Session	$80	$85	$5	$140
Visual Arts - Acrylic Painting Workshop	Per Workshop	$40	$45	$5	$60
Visual Arts - Glass Fusing	Per Session	$65	$70	$5	$90
Visual Arts - Glass Fusing for Couples	Per Session	$70	$75	$5	$90
Visual Arts - Glass Fusing Studio	Per Day	$10	$15	$5	$120
Visual Arts - Family Series Workshops	Per Workshop	$5	$10	$5	$225
Visual Arts - 3 Day Drawing Camp	3 Days	$53	$58	$5	$60
Visual Arts - 4 Day Drawing Camp	4 Days	$70	$75	$5	$95
Visual Arts - 4 Day Painting Camp	4 Days	$60	$65	$5	$60
Visual Arts - 5 Day Painting Camp	Per Week	$75	$80	$5	$60
Visual Arts - Writing & Illustrating Camp	Per Week	$55	$60	$5	$60
Visual Arts - Digital Photography	Per Session	$100	$105	$5	$85
Visual Arts - Photography for Travel Workshop	Per Workshop	$40	$45	$5	$70
Visual Arts - Studio Time 1 Month	1 Month	$50	$55	$5	$60
Visual Arts - Studio Time 2 Months	2 Months	$100	$105	$5	$60
Visual Arts - Studio Time 3 Months	3 Months	$150	$155	$5	$60
Visual Arts - Beginning Watercolor	Per Session	$45	$50	$5	$220
Visual Arts - Intermediate Watercolor	Per Session	$45	$50	$5	$375
Visual Arts - Watercolor Studio 1 Month	Per Month	$30	$35	$5	$90
Visual Arts - Multi-Media for Adults	Per Session	$65	$70	$5	$60
Visual Arts - Multi-Media for Children	Per Session	$55	$60	$5	$60
Visual Arts - Life Drawing for Adults	Per Session	$75	$80	$5	$50
Special Events - Music First Concert	Per Workshop	$0	$5	$5	$525
Special Events - Artist in Residency Workshop	Per Workshop	$0	$5	$5	$150
TOTALS					**$10,570**

CULTURAL ARTS DIVISION
RECOMMENDED FEE SCHEDULE

EXHIBIT "D"

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEE +/-	ANNUAL REVENUE +/-
CITY PRESENTING SEASON					**$0.00**
ETK THEATRE	Per Ticket	$37.42	$37.42	$0	$0.00
11 performances @ 250 person attendance					
STUDIO THEATRE	Per Ticket	$24.49	$24.49	$0	$0.00
2 Performances@ 75 persons attendance					
(Based on average ticket admission and average attendance per performance)					
RENTALS					
ETK THEATRE (Revenue amounts reflect the minimum that are expected to come in)					$1,456
Prime Time Rental - Non-Profit (Performance) *Fees may be adjusted to a percentage based on gross revenues	8 hours	$560	$574	$14	$280
Prime Time Rental - Commercial (Performance) *Fees may be adjusted to a percentage based on gross revenues	8 hours	$1,680	$1,722	$42	$252
Each Additional Hour - Non-Profit (Performance)	Hourly	$100	$100	$0	$0
Each Additional Hour - Commercial (Performance)	Hourly	$300	$300	$0	$0
Non-Prime Time Rental - Non-Profit (Performance)	8 hours	$250	$287	$37	$888
Non-Prime Time Rental - Commercial (Performance)	8 hours	$750	$750	$0	$0
Each Additional Hour - Non-Profit (Performance)	Hourly	$100	$100	$0	$0
Each Additional Hour - Commercial (Performance)	Hourly	$300	$300	$0	$0
Non-Prime Time Rental - Non-Profit (Rehearsal)	8 hours	$125	$143	$18	$36
Non-Prime Time Rental - Commercial (Rehearsal)	8 hours	$375	$375	$0	$0
Each Additional Hour - Non-Profit (Rehearsal)	Hourly	$100	$100	$0	$0
Each Additional Hour - Commercial (Rehearsal)	Hourly	$300	$300	$0	$0
*Rental fees are a minimum flat rate listed above or 10% of gross sales for non-profit and 15% for commercial whichever is greater.					
STUDIO THEATRE (Revenue amounts reflect the minimum that are expected to come in)					($1,030)
Prime Time Rental - Non-Profit (Performance) (*Fees may be adjusted to a percentage based on gross revenues)	4 hours	$120	$110	($10)	($300)
Prime Time Rental - Commercial (Performance) (*Fees may be adjusted to a percentage based on gross revenues)	4 hours	$360	$330	($30)	($180)
Each Additional Hour - Non-Profit (Performance)	Hourly	$60	$60	$0	$0
Each Additional Hour - Commercial (Performance)	Hourly	$180	$180	$0	$0
Non-Prime Time Rental - Non-Profit (Performance)	4 hours	$90	$80	($10)	$0
Non-Prime Time Rental - Commercial (Performance)	4 hours		$240	$240	$0
Each Additional Hour - Non-Profit (Performance)	Hourly	$60	$60	$0	$0
Each Additional Hour - Commercial (Performance)	Hourly		$180	$180	$0
Non-Prime Time Rental - Non-Profit (Rehearsal)	4 hours	$90	$80	($10)	($550)
Non-Prime Time Rental - Commercial (Rehearsal)	4 hours		$240	$240	$0
Each Additional Hour - Non-Profit (Rehearsal)	Hourly	$60	$60	$0	$0
Each Additional Hour - Commercial (Rehearsal)	Hourly		$180	$180	$0
*Rental fees are a minimum flat rate listed above or 10% of gross sales for non-profit and 15% for commercial whichever is greater.					
DANCE STUDIO					$0
Class/Meeting - Non-Profit	2 hours	$75	$75	$0	$0
Class/Meeting - Commercial	2 hours	$225	$225	$0	$0
Each Additional Hour - Non-Profit	Hourly	$40	$40	$0	$0
Each Additional Hour - Commercial	Hourly	$115	$115	$0	$0
VISUAL ARTS STUDIO I & II					$0
Class/Meeting - Non-Profit	2 hours	$75	$75	$0	$0
Class/Meeting - Commercial	2 hours	$225	$225	$0	$0
Each Additional Hour - Non-Profit	Hourly	$40	$40	$0	$0
Each Additional Hour - Commercial	Hourly	$115	$115	$0	$0

CULTURAL ARTS DIVISION
RECOMMENDED FEE SCHEDULE

EXHIBIT "D"

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEE +/-	ANNUAL REVENUE +/-
CHILDREN'S ART STUDIO - Includes any room set up and tear down					$0
Class/Meeting - Non-Profit	2 hours	$75	$75	$0	$0
Class/Meeting - Commercial	2 hours	$225	$225	$0	$0
Each Additional Hour - Non-Profit	Hourly	$40	$40	$0	$0
Each Additional Hour - Commercial	Hourly	$115	$115	$0	$0
LARGE MUSIC ROOM - Includes any room set up and tear down					$0
Class/Meeting - Non-Profit	2 hours	$25	$25	$0	$0
Class/Meeting - Commercial	2 hours	$100	$100	$0	$0
Each Additional Hour - Non-Profit	Hourly	$35	$35	$0	$0
Each Additional Hour - Commercial	Hourly	$125	$125	$0	$0
MUSIC ROOM - Includes any room set up and tear down					$0
Class (Medium) - Non-Profit	2 hours	$25	$25	$0	$0
Class (Medium) - Commercial	2 hours	$100	$100	$0	$0
Practice & Each Additional Hour - Non-Profit	Hourly	$35	$35	$0	$0
Practice & Each Additional Hour - Commercial	Hourly	$125	$125	$0	$0
CERAMICS STUDIO - Not available to rent at this time					
LOBBY AREA - Only available to rent in conjunction with another rental; must remain open to the public during public hours.					$900
*Rental fees are based on the capacity of standing person in the lobby areas.					
Lobby Area Upstairs - Non-Profit	4 hours	$0	$250	$250	$500
Lobby Area Upstairs - Commercial	4 hours		$500	$500	$0
Lobby Area Downstairs - Non-Profit	4 hours	$0	$200	$200	$400
Lobby Area Downstairs- Commerical	4 hours		$400	$400	$0
LOGGIA/GALLERY - Gallery must remain open to the public during public hours; no altering of the exhibitio					$3,200
Loggia Reception - Non-Profit	Hourly	$50	$50	$0	$0
Loggia Reception - Commercial	Hourly	$150	$150	$0	$0
*Gallery - Non-Profit	Hourly	$0	$100	$100	$3,200
*Gallery - Commercial	Hourly	$0	$300	$300	$0
BOX OFFICE SERVICES					$2,800
Per Performance - Non-Profit	Each	$100	$100	$0	$0.00
Per Performance - Commercial	Each	$100	$300	$200	$1,200
Per Ticket Charge to Patron	Each	$3	$3	$0	$1,500
Marquee Listing - Non-Profit	Daily	$50	$50	$0	$0
Marquee Listing - Commercial	Daily	$50	$100	$50	$100
EQUIPMENT RENTALS					$2,000
Grand Piano	Use	$900	$1,400	$500	$0
Baby Grand Piano	Use	$500	$900	$400	$0
Piano Tuning at Renters Expense	Each	$150	$150	$0	$0
Installation/Removal of Apron for Orchestra Pit	Use	$200	$250	$50	$0
Wireless Microphones	Daily	$25	$25	$0	$0
Microphone Stands	Use	$10	$0	($10)	$0
Follow Spot	Use	$100	$350	$250	$2,000
Video Projector	Daily	$100	$100	$0	$0
Laptop Computer	Use	$50	$50	$0	$0

CULTURAL ARTS DIVISION
RECOMMENDED FEE SCHEDULE

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEE +/-	ANNUAL REVENUE +/-
Screen - Non-Profit	Use	$30	$30	$0	$0
Screen - Commercial	Use	$30	$90	$60	$0
6' Mitey Light Tables	Use	$0	$5	$5	$0
3' Round Tables	Use	$0	$10	$10	$0
Cocktail Tables	Use	$0	$15	$15	$0
Wooden Classroom Chairs	Use	$0	$5	$5	$0
Louvre Easels	Use	$0	$7	$7	$0
Cocktail Barstools	Use	$0	$10	$10	$0
LCD Projector Per Day/Event	Use	$100	$100	$0	$0
STAFF FEES					$0
Technical Theatre Supervisor	Hourly	$56	$56	$0	$0
Theatre Technicians	Hourly	$40	$40	$0	$0
General Stagehands	Hourly	$20	$20	$0	$0
Follow Spot Operator	Hourly	$15	$15	$0	$0
Merchandise Salesperson	Hourly	$15	$15	$0	$0
Gallery Supervisor	Hourly	$40	$40	$0	$0
Gallery Docents	Hourly	$15	$15	$0	$0
ADDITIONAL FEES					$0
Facility Rental Application Processing Fee (New)	Use	$0	$35	$35	$3,000
Janitorial Fees	Day	$150	$150	$0	$0
Security Fee	Hourly	At Cost		$0	$0
TOTALS					**$12,326**

January 6, 2009

AGENDA ITEM 3

REQUEST

REVIEW AND ADOPT RECOMMENDED GENERAL FUND SUBSIDY LIMIT GOALS AND CONDUCT A PUBLIC HEARING TO REVIEW AND ADOPT ASSOCIATED FEES FOR PROGRAMS AND FACILITY USE PROVIDED THROUGH THE PARKS AND COMMUNITY SERVICES DEPARTMENT AND THE CULTURAL ARTS DIVISION

EXECUTIVE SUMMARY

Staff requests that Council review, and approve the recommended General Fund subsidy limit goals in the amount of $3,000,000 in Fiscal Year 2009/10 for the Parks and Community Services Department and $1,000,000 in Fiscal Year 2009/2010 for the Cultural Arts Division and adopt recommended fees to achieve General Fund subsidy limit goals.

DISCUSSION

On August 31, 1998, City Council reviewed a comprehensive fee study of the Parks and Community Services Department where cost recovery rates averaged 53% and an annual goal of achieving an overall 50% recovery rate for all programs was adopted. On January 21, 2003, City Council directed staff to make any necessary periodic adjustments to programs in order to maintain a 50% cost recovery rate.

In recent years, certain services, programs and special events have had a reduced recovery rate which has impacted the ability of the Parks and Community Services Department to meet the overall 50% cost recovery rate. Additionally, with the expansion of such programs, and in an effort to provide diverse programming, the General Fund subsidy has continued to increase.

On September 18, 2007, the Council approved temporary fees for the Parks and Community Services Department and the Cultural Arts Division while a cost recovery study was completed. Included were fees for recreation and art programs, facility rentals and admission to events.

MGT of America has completed the Cost of Services Study for the Parks and Community Services Department (Exhibit A) and Cultural Arts Division (Exhibit B) which includes an analysis of actual program expenditures (service charges, indirect internal and external costs). This analysis utilized budgeted allocations and projections included in the 2007-08 budget. This study included additional elements that were not included in the 1998 study, such as inclusion of the facility rental program costs, actual Public Works maintenance costs, and allocation of other Citywide overhead indirect costs, making it difficult to compare previous cost recovery estimates with these reports.

The Cost of Services Study Findings for the Cultural Arts Division (Exhibit B) was previously presented to City Council as part of the Cultural Arts Division Operational Plan workshop on August 5, 2008.

General Fund Impact

The table below illustrates a trend of increasing General Fund subsidy for the Parks and Community Services Department (PCS). Conversely, the Cultural Arts Division projects a decrease in General Fund subsidy for its second year of operations:

	FISCAL YEAR				
	ACTUAL 05-06	**ACTUAL 06-07**	**ACTUAL 07-08**	**PROJECTED 08-09**	**SUBSIDY GOAL 09-10**
PCS	$2,084,430	$2,615,095	$2,780,220	$3,286,130	$3,000,000
Cultural Arts	0	0	$1,508,340	$1,360,240	$1,000,000
			Totals:	**$4,646,370**	**$4,000,000**

The impact to the General Fund may not be fully controlled by virtue of a cost recovery model. For example, if a new program was added with a 50% cost recovery the General Fund subsidy would need to increase by the remaining 50%. Therefore, staff is recommending to City Council to establish annual General Fund subsidy limit goals for FY 2009/2010, and associated fees as proposed in Exhibits C and D, to meet the subsidy limit goals.

Besides the proposed fees, an ongoing evaluation of the revenue opportunities, alternative revenue sources such as sponsorships and advertising, programming and expenditure controls will also be required to meet the General Fund subsidy goals.

It is anticipated that not all fees will be able to be implemented at once due to current programs and published materials; however, all approved revenue increases will be in place by spring of 2009.

Fee Development/Revision

Several factors were considered and analyzed in the development of the attached staff recommended fees. These factors were:

Market Value: What other local public agencies charge for like or similar programs and facilities.

Community Versus Individual Benefit: MGT suggested a community versus individual pricing guideline. Generally, the higher the benefit of the program is to the community, the greater the program is subsidized. The more the program benefits the individual, the lower the amount of subsidy.

Affordability for Segments of the Public: As indicated in the MGT study, a fairly low percentage of recovery is projected for the senior and teen programs, community events and facility reservation functions. These are due to staff's understanding that the City desires to make programs affordable to seniors and teens; that community events are of high community benefit and therefore little or no revenue is required to present these events; and that the City desires that City facilities be made affordable for local non-profit organizations.

Subsidy Goal: The goal of reducing the Parks and Community Services Department's General Fund subsidy to less than $3,000,000 for FY 2009/2010 and the Cultural Arts

Division General Fund subsidy to less than $1,000,000 for FY 2009/2010 was set as an achievable goal with little or no impact to existing programs.

Commission Input

The Parks and Community Services Commission has reviewed the attached fees and provided the following advice to the City Council: That City Council approve the subsidy as recommended.

RECOMMENDATION

Review and adopt staff's recommended General Fund subsidy limit goals and conduct a public hearing to review and adopt associated fees for programs and facility use provided through the Parks and Community Services Department and the Cultural Arts Division.

FISCAL IMPACT

The City Council's adoption of these fees should assist in meeting the stated General Fund subsidy goal limits for the Parks and Community Services Department and Cultural Arts Division. The annual increase in revenue from these fee recommendations is estimated to be approximately $164,250 for the Parks and Community Services Department and $19,896 for the Cultural Arts Division in FY 09/10. Because the anticipated revenue increases will not achieve the entire subsidy goal, operational efficiencies will continue to be implemented and other revenue sources will continue to be explored.

ATTACHMENTS

Exhibit A: Parks and Community Services: General Fund Cost of Services Study Findings, prepared by MGT of America

Exhibit B: Cultural Arts Division: General Fund Cost of Services Study Findings, prepared by MGT of America

Exhibit C: Parks and Community Services Department Recommended Fee Schedule

Exhibit D: Cultural Arts Division Recommended Fee Schedule

Prepared by: Floyd Lewis, Recreation Services Supervisor
Reviewed by: Rod Buchanan, Interim Director of Parks and Community Services
Reviewed by: Zane Johnston, Director of Finance and Administrative Services
Approved by: Leon Churchill, Jr., City Manager

Appendix III

Development Services Department

Development Services Department

Legal Codes

Legal Codes

CEQA Guidelines link

http://ccr.oal.ca.gov/linkedslice/default.asp?SP=CCR-1000&Action=Welcome

Title 14. California Code of Regulations, Chapter 3 Guidelines for Implementation of the California Environmental Quality Act, Article 3. Authorities Granted to Public Agencies by CEQA

15045. Fees

(a) For a project to be carried out by any person or entity other than the lead agency, the lead agency may charge and collect a reasonable fee from the person or entity proposing the project in order to recover the estimated costs incurred in preparing environmental documents and for procedures necessary to comply with CEQA on the project. Litigation expenses, costs and fees incurred in actions alleging noncompliance with CEQA are not recoverable under this section.
(b) Public agencies may charge and collect a reasonable fee from members of the public for a copy of an environmental document not to exceed the actual cost of reproducing a copy.
Note: Authority: Section 21083, Public Resources Code. Reference: Section 21089 and 21105, Public Resources Code.
Discussion: The authority to charge fees is an essential part of any discussion of authorities granted by CEQA. This section brings together two separate statutory authorities. These are the authority to charge a fee for the preparation of an EIR or Negative Declaration and the authority to charge a fee to a person requesting a copy of an EIR or Negative Declaration. The Guideline section adds the interpretation that the authority to collect a fee for a copy shall be limited to the actual cost of reproducing a copy. This interpretation responds to an effort by some agencies to say that the cost of the copy which they were entitled to recover included a prorata share of the cost of all studies and writing efforts in addition to the cost of printing the EIR. The Resources Agency believed that such an interpretation would be contrary to the policy of CEQA encouraging public participation. Further, the interpretation would enable agencies to charge fees twice for their cost of preparing the EIR, once to the applicant and second to people wanting a copy of the EIR. Subsection (b) of this section is necessary to protect public participation and to prevent agencies from charging exorbitant fees for copies of EIRs and Negative Declarations.
Section 21089 of the Public Resources Code gives the lead agency express authority to charge fees to cover the cost of preparing an EIR or negative declaration, as well as for reporting program.

[A] 105.6.37 Pyroxylin plastics. An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics, and for the assembly or manufacture of articles involving pyroxylin plastics.

[A] 105.6.38 Refrigeration equipment. An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.

[A] 105.6.39 Repair garages and motor fuel-dispensing facilities. An operational permit is required for operation of repair garages, and automotive, marine and fleet motor fuel-dispensing facilities.

[A] 105.6.40 Rooftop heliports. An operational permit is required for the operation of a rooftop heliport.

[A] 105.6.41 Spraying or dipping. An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24.

[A] 105.6.42 Storage of scrap tires and tire byproducts. An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71 m^3) of total volume of scrap tires, and for indoor storage of tires and tire byproducts.

[A] 105.6.43 Temporary membrane structures and tents. An operational permit is required to operate an air-supported temporary membrane structure or a tent having an area in excess of 400 square feet (37 m^2).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Tents open on all sides, which comply with all of the following:
   - 2.1. Individual tents having a maximum size of 700 square feet (65 m^2).
   - 2.2. The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m^2) total.
   - 2.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.

[A] 105.6.44 Tire-rebuilding plants. An operational permit is required for the operation and maintenance of a tire-rebuilding plant.

[A] 105.6.45 Waste handling. An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.

[A] 105.6.46 Wood products. An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m^3).

105.6.47 Additional permits. *In addition to the permits required by Section 105.6, the following permits shall be obtained from the Bureau of Fire Prevention prior to engaging in the following activities, operations, practices or functions:*

1. ***Production facilities.*** *To change use or occupancy, or allow the attendance of a live audience, or for wrap parties.*
2. ***Pyrotechnics and special effects.*** *To use pyrotechnic special effects, open flame, use of flammable or combustible liquids and gases, welding, and the parking of motor vehicles in any building or location used for the purpose of motion picture, television and commercial production.*
3. ***Live audiences.*** *To install seating arrangements for live audiences in approved production facilities, production studios and sound stages. See Chapter 48.*

[A] 105.7 Required construction permits. The fire code official is authorized to issue construction permits for work as set forth in Sections 105.7.1 through 105.7.16.

[A] 105.7.1 Automatic fire-extinguishing systems. A construction permit is required for installation of or modification to an automatic fire-extinguishing system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

[A] 105.7.2 Battery systems. A permit is required to install stationary storage battery systems having a liquid capacity of more than 50 gallons (189 L).

[A] 105.7.3 Compressed gases. When the compressed gases in use or storage exceed the amounts listed in Table 105.6.8, a construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a compressed gas system.

Exceptions:

1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

[A] 105.7.4 Cryogenic fluids. A construction permit is required for installation of or alteration to outdoor stationary cryogenic fluid storage systems where the system capacity exceeds the amounts listed in Table 105.6.10. Maintenance performed in accordance with this code is not considered an alteration and does not require a construction permit.

[A] 105.7.5 Emergency responder radio coverage system. A construction permit is required for installation of or modification to emergency responder radio coverage systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

[A] 105.7.6 Fire alarm and detection systems and related equipment. A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in

SECTION 112
SERVICE UTILITIES

[A] 112.1 Authority to disconnect service utilities. The fire code official shall have the authority to authorize disconnection of utility service to the building, structure or system in order to safely execute emergency operations or to eliminate an immediate hazard. The fire code official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action if not notified prior to disconnection. The owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

SECTION 113
FEES

[A] 113.1 Fees. A permit shall not be issued until the fees have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

[A] 113.2 Schedule of permit fees. A fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

[A] 113.3 Work commencing before permit issuance. Any person who commences any work, activity or operation regulated by this code before obtaining the necessary permits shall be subject to an additional fee established by the applicable governing authority, which shall be in addition to the required permit fees.

[A] 113.4 Related fees. The payment of the fee for the construction, alteration, removal or demolition of work done in connection to or concurrently with the work or activity authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

[A] 113.5 Refunds. The applicable governing authority is authorized to establish a refund policy.

State of California

GOVERNMENT CODE

Section 66014

66014. (a) Notwithstanding any other provision of law, when a local agency charges fees for zoning variances; zoning changes; use permits; building inspections; building permits; filing and processing applications and petitions filed with the local agency formation commission or conducting preliminary proceedings or proceedings under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5; the processing of maps under the provisions of the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7; or planning services under the authority of Chapter 3 (commencing with Section 65100) of Division 1 of Title 7 or under any other authority; those fees may not exceed the estimated reasonable cost of providing the service for which the fee is charged, unless a question regarding the amount of the fee charged in excess of the estimated reasonable cost of providing the services or materials is submitted to, and approved by, a popular vote of two-thirds of those electors voting on the issue.

(b) The fees charged pursuant to subdivision (a) may include the costs reasonably necessary to prepare and revise the plans and policies that a local agency is required to adopt before it can make any necessary findings and determinations.

(c) Any judicial action or proceeding to attack, review, set aside, void, or annul the ordinance, resolution, or motion authorizing the charge of a fee subject to this section shall be brought pursuant to Section 66022.

(Amended by Stats. 2002, Ch. 963, Sec. 1. Effective January 1, 2003.)

State of California

HEALTH AND SAFETY CODE

Section 13235

13235. (a) Upon receipt of a request from a prospective licensee of a community care facility, as defined in Section 1502, of a residential care facility for the elderly, as defined in Section 1569.2, or of a child day care facility, as defined in Section 1596.750, the local fire enforcing agency, as defined in Section 13244, or State Fire Marshal, whichever has primary jurisdiction, shall conduct a preinspection of the facility prior to the final fire clearance approval. At the time of the preinspection, the primary fire enforcing agency shall provide consultation and interpretation of fire safety regulations, and shall notify the prospective licensee of the facility in writing of the specific fire safety regulations which shall be enforced in order to obtain fire clearance approval. A fee equal to, but not exceeding, the actual cost of the preinspection services may be charged for the preinspection of a facility with a capacity to serve 25 or fewer persons. A fee equal to, but not exceeding, the actual cost of the preinspection services may be charged for a preinspection of a facility with a capacity to serve 26 or more persons.

(b) The primary fire enforcing agency shall complete the final fire clearance inspection for a community care facility, residential care facility for the elderly, or child day care facility within 30 days of receipt of the request for the final inspection, or as of the date the prospective facility requests the final prelicensure inspection by the State Department of Social Services, whichever is later.

(Amended by Stats. 2009, 4th Ex. Sess., Ch. 12, Sec. 14. Effective July 28, 2009.)

17951. (a) The governing body of any county or city, including a charter city, may prescribe fees for permits, certificates, or other forms or documents required or authorized by this part or rules and regulations adopted pursuant to this part.

(b) The governing body of any county or city, including a charter city, or fire protection district, may prescribe fees to defray the costs of enforcement required by this part to be carried out by local enforcement agencies.

(c) The amount of the fees prescribed pursuant to subdivisions (a) and (b) shall not exceed the amount reasonably required to administer or process these permits, certificates, or other forms or documents, or to defray the costs of enforcement required by this part to be carried out by local enforcement agencies, and shall not be levied for general revenue purposes. The fees shall be imposed pursuant to Section 66016 of the Government Code.

(d) If the local enforcement agency fails to conduct an inspection of permitted work for which permit fees have been charged pursuant to this section within 60 days of receiving notice of the completion of the permitted work, the permittee shall be entitled to reimbursement of the permit fees. The local enforcement agency shall disclose in clear language on each permit or on a document that accompanies the permit that the permittee may be entitled to reimbursement of permit fees pursuant to this subdivision.

(e) (1) The provisions of this part are not intended to prevent the use of any manufactured home, mobilehome, multiunit manufactured home, material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by the California Building Standards Code or this part, provided that this alternate has been approved by the building department.

(2) The building department of any city or county may approve an alternate material, appliance, installation, device, arrangement, method, or work on a case-by-case basis if it finds that the proposed design is satisfactory and that each such material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the California Building Standards Code or this part in performance, safety, and for the protection of life and health.

(3) The building department of any city or county shall require evidence that any material, appliance, installation, device, arrangement, or method of construction conforms to, or that the proposed alternate is at least equivalent to, the requirements of this part, building standards published in the California Building Standards Code, or the other rules and regulations promulgated pursuant to this part and in order to

substantiate claims for alternates, the building department of any city or county may require tests as proof of compliance to be made at the expense of the owner or the owner's agent by an approved testing agency selected by the owner or the owner's agent.

(Amended by Stats. 2004, Ch. 144, Sec. 1. Effective January 1, 2005.)

Section 106 is amended by adding subsection 106.2.3 to read as follows:
106.2.3 Reinspection Fee. A reinspection fee may be assessed for each inspection, test, or reinspection when such portion of work for which an inspection is requested is not complete or when corrections requested to be inspected are not made. This section is not to be interpreted as requiring reinspection fees the first time an inspection or test is rejected for failure to comply with the requirements of the code, but as controlling the practice of requesting inspections/tests before the job is ready for such inspection or test. Reinspection fees may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which the inspection/test is requested, failure for those individuals conducting the test to show up at the scheduled time or deviating from the approved plans. The fee shall be equal to all incurred costs for inspection and administrative staff at the fully burdened rate.

State of California

PUBLIC RESOURCES CODE

Section 2705

2705. (a) A city, county, and city and county shall collect a fee from each applicant for a building permit. Each fee shall be equal to a specific amount of the proposed building construction for which the building permit is issued as determined by the local building officials. The fee amount shall be assessed in the following way:

(1) Group R occupancies, as defined in the California Building Code (Part 2 of Title 24 of the California Code of Regulations), one to three stories in height, except hotels and motels, shall be assessed at the rate of thirteen dollars ($13) per one hundred thousand dollars ($100,000), with appropriate fractions thereof.

(2) All other buildings shall be assessed at the rate of twenty-eight dollars ($28) per one hundred thousand dollars ($100,000), with appropriate fractions thereof.

(3) The fee shall be the amount assessed under paragraph (1) or (2), depending on building type, or fifty cents ($0.50), whichever is the higher.

(b) (1) In lieu of the requirements of subdivision (a), a city, county, and city and county may elect to include a rate of thirteen dollars ($13) per one hundred thousand dollars ($100,000), with appropriate fractions thereof, in its basic building permit fee for any Group R occupancy defined in paragraph (1) of subdivision (a), and a rate of twenty-eight dollars ($28) per one hundred thousand dollars ($100,000), with appropriate fractions thereof, for all other building types. A city, county, and city and county electing to collect the fee pursuant to this subdivision need not segregate the fees in a fund separate from any fund into which basic building permit fees are deposited.

(2) "Building," for the purpose of this chapter, is any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

(c) (1) A city, county, and city and county may retain up to 5 percent of the total amount it collects under subdivision (a) or (b) for data utilization, for seismic education incorporating data interpretations from data of the strong-motion instrumentation program and the seismic hazards mapping program, and, in accordance with paragraph (2), for improving the preparation for damage assessment after strong seismic motion events.

(2) A city, county, and city and county may use any funds retained pursuant to this subdivision to improve the preparation for damage assessment in its jurisdiction only after it provides the Department of Conservation with information indicating to the department that data utilization and seismic education activities have been adequately funded.

(d) Funds collected pursuant to subdivisions (a) and (b), less the amount retained pursuant to subdivision (c), shall be deposited in the Strong-Motion Instrumentation

and Seismic Hazards Mapping Fund, as created by Section 2699.5 to be used exclusively for purposes of this chapter, Chapter 7.5 (commencing with Section 2621), and Chapter 7.8 (commencing with Section 2690).

(Amended by Stats. 2014, Ch. 35, Sec. 129. (SB 861) Effective June 20, 2014.)

Tracy Municipal Code

3.36.010 - Fee schedule.

The City Council shall by resolution action taken from time to time establish a fee schedule for services provided to the public by the departments of the City.
(Prior code § 3-9.01)

4.12.780 - Noncompliance with sound level limits—Extensions—Variations.

(a) If the noise resulting from any activity, event, or enterprise in any base district zone shall exceed the applicable area sound level limit prescribed Section 4.12.750 on three (3) or more days during any thirty (30) day period, the Community Development Director shall serve a notice of noncompliance on the owner of the property which produces the noise. Service shall be in the manner prescribed by Section 4.12.910. Such notice shall indicate the applicable sound level limit for the area, identify when and where excessive sound level measurements were taken, and report the sound level measured during each such measurement.
(b) Within thirty (30) days of service of the notice of noncompliance, the owner of the property shall do one of the following:
(1) Reduce the level of noise produced on the property so as to conform to the applicable sound level limit referenced in the notice;
(2) Deliver a written application to the Community Development Director for an extension of time in which to bring the noise into conformance with the referenced sound level limit; such extension may be granted for a period not to exceed thirty (30) days;
(3) Deliver to the Community Development Director a written objection to any or all of the findings indicated, identified, or reported in the notice; the Community Development Director shall rule on the validity of such objections within fifteen (15) days of such delivery and, if found to be invalid, shall order the owner to comply with the applicable sound level limit; or
(4) Apply for a variation from the sound level limit otherwise applicable. The Planning Commission shall hear applications for a variation during a duly noticed public hearing. The notice requirements shall be the same as those required by the Tracy zoning regulations in connection with an application for a conditional use permit which requires that notice of the hearing be provided in the local newspaper at least ten days prior to the hearing, and that a mailer be provided regarding the hearing to property owners within 300 feet of the exterior boundary of the subject property, also ten (10) days prior to the hearing.
(Prior code § 4-3.1007)

7.04.020 - Fees.

In addition to the requirements set forth in this chapter, the applicant, at the time of filing the application, shall pay required fees determined by the Public Works Department in such amount as may be established from time to time by resolution of the City Council. No permit shall be issued until the fees have been paid.

Permit Fee. The permit fee shall be a standard administrative fee applicable to all permits and shall be in accordance with the prevailing fees as established from time to time by resolution of the City Council.
Inspection and engineering fees. In addition to the permit fees the applicant shall pay estimated inspection fees as determined by the Director of Public Works to monitor and inspect compliance of construction with the City Standards. Inspection fees shall be charged for the number of inspection hours estimated by the Public Works Department and the rates shall be in accordance with the prevailing rates established from time to time by resolution of the City Council.
The permittee shall also pay engineering fees as determined by the Director of Public Works in accordance with the fee schedule adopted by resolution by the City Council. The engineering fee shall be based upon the City services required for investigation, coordination, engineering review and compliance of other requirements for the requested application of the encroachment permit depending upon the size of the project.
(Prior code § 7-1.101.1)

9.02.030 - Adoption by reference of the Uniform Administrative Code.

The City hereby adopts by reference the code entitled "1997 Uniform Administrative Code," including all tables attached thereto, published by the International Conference of Building Officials (hereinafter "Uniform Administrative Code"), as amended by this chapter. The Uniform Administrative Code is on file with the City Clerk, and is available for inspection and copying in accordance with Government Code section 50022.6.
(Ord. 996 § 2 (part), 1999)

9.28.050 - Permit fees.

Each application for a sign for which a permit is required by this chapter shall be accompanied by a permit fee computed in accordance with the provisions of section 107 of the California Building Code as adopted by section 9.04.030 of this title.
(Ord. 1040 § 5 Exh. E (part), 2002: prior code § 9-7.05)

9.32.040 - Building moving permit—Application fee.

Before any application for a building moving permit is accepted, a fee of One Hundred and no/100ths ($100.00) Dollars, as revised from time to time by City Council resolution, shall be paid by the applicant to cover the cost to the City of the investigation of the building to be moved to determine whether a building moving permit should be issued, the applicable post-building moving conditions and the inspection of the proposed new location if such new location is located within the City. Such application fee shall be in addition to any other building permit and inspection fees. No part of the application fee shall be refunded.

10.08.3630 - Variances.

When practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this chapter result through the strict and literal interpretation and enforcement of the provisions of this chapter, the Community Development Director shall have the authority as an

administrative act, subject to the provisions of this article, to grant, upon such conditions as he may determine, such variances from the provisions of this chapter as may be in harmony with its general purpose and intent so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done.
(Prior code § 10-2.2801)

10.08.4150 - Filing fees.

The filing fees for all applications, appeals, requests for determinations, clarifications, and interpretations provided for in this chapter shall be set by resolution of the Council.
(Prior code § 10-2.3104)

10.08.4240 - Issuance of temporary use permits.

In order to assure the protection of the health, safety, and welfare of the citizens of the City, while still providing for their pleasure and convenience, the Community Development Director may issue a permit for the establishment of temporary uses within the City in accordance with the following procedure and conditions; however, at his discretion or at the request of the Commission, he may refer any application for a temporary use or structure to the Commission for consideration:

(a) Prior to the establishment of any temporary use on any lot or parcel in the City, a temporary use permit shall be obtained from the Community Development Department. Such permit may be issued for a maximum of thirty (30) days after the date of issue for any use which is deemed by the Community Development Director to be of a temporary nature upon making the following findings:

(1) That the temporary use will not be detrimental to the zoning district in which it is proposed to be located; and

(2) That the temporary use will not be detrimental to adjoining properties through the creation of excessive dust, noise, light, odor, or other objectionable characteristics.

(b) Temporary uses for which permits may be granted include, but are not limited to, carnivals, circuses, religious revivals, Christmas tree lots, promotions and sales in trucks or trailers, animal shows or displays, and food stands.

(c) Temporary uses conducted entirely within a structure that is occupied by an existing business or organization shall be exempt from the provisions of this section.

(d) Ingress and egress shall be limited to that designated by the Community Development Department. Appropriate directional signs, barricades, fences, or landscaping shall be provided where required. A security officer may be required for promotional events.

(e) Off-street parking facilities shall be provided on the site of each temporary use.

(f) Upon the termination of the temporary use permit or the abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to its original condition.

(g) The opening and closing time for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the Community Development Director.

(h) Applications for temporary use permits shall be made to the Community Development Department and shall be accompanied by the following:

(1) Five (5) copies of a dimensional plot plan showing the following:

(i) The subject property with the property lines and abutting properties;

(ii) The location of the temporary use related to the subject and adjoining properties;

(iii) The parking, driveways, and loading areas; and

(iv) The vehicular ingress. and egress; and

(2) One copy of the dimensioned elevations of any structure proposed for location.

(i) The Community Development Director shall have the authority to approve or disapprove the application, or to approve it subject to compliance with such conditions as may be deemed necessary to carry out the purposes of this chapter and to meet the requirements listed in subsection (a) of this section.

(j) In the event the applicant is not satisfied with the decision of the Community Development Director, the applicant may appeal in writing to the Commission within ten (10) days, and the Commission shall render a decision within thirty (30) days following such appeal. (Prior code § 10-2.3400)

10.08.4270 - Permits for conditional uses—Applications—Fees.

Applications for use permits shall be made to the Commission on a form which shall include the following data:

(a) The name and address of the applicant;

(b) A statement that the applicant is the owner of the property, or is the authorized agent of the owner, or the plaintiff in an action of eminent domain to acquire the property involved;

(c) The address or description of the property;

(d) A statement setting forth the precise circumstances or conditions applicable to the land, structure, or proposed use which makes the granting of a use permit necessary, together with any other data pertinent to the findings prerequisite to the granting of a use permit;

(e) A drawing of the site and the surrounding area, for a distance of at least 300 feet from each boundary of the site, showing the existing locations of streets and property lines and a list of the names and last known addresses of the recorded legal owners as shown on the latest adopted assessment roll of the County of all properties shown on the drawing. The County Assessor's maps, copies of which are available at cost in the Community Development Department, may be used for this purpose;

(f) Ten (10) prints of a site plan, drawn to scale, which shall indicate clearly and with full dimensions the following information:

(1) The lot or site dimensions;

(2) The buildings and structures; floor plan, front and side elevations; and location, size, and proposed use;

(3) The yards and space between buildings;

(4) The walls and fences, location and height;

(5) The off-street parking and off-street loading; the location, number of spaces, and dimensions of parking and loading areas; and the internal circulation pattern;

(6) The access, pedestrian, vehicular, and service; and the points of ingress and egress, including the internal circulation pattern;

(7) The signs, location, size, height, and type of illumination, if any, including hooding devices;

(8) The lighting, location, general nature, and hooding devices;
(9) The street dedications and improvements;
(10) The landscaping, location and type; and
(11) Such other data as may be required by the Commission to make the required findings;

(g) The site plan shall be so prepared by the applicant to enable the Commission to find that:

(1) All the applicable provisions of this chapter are complied with;
(2) The following are so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected and there will be no adverse effect on surrounding property:
(i) Facilities and improvements;
(ii) Vehicular ingress, egress, and internal circulation;
(iii) Setbacks;
(iv) Height of buildings;
(v) Location of service;
(vi) Walls and fences;
(vii) Landscaping; and
(viii) Drainage of site;
(3) The proposed lighting is so arranged as to deflect the light away from adjoining properties; and
(4) The proposed signs and outdoor advertising structures will comply with all of the applicable provisions of this chapter.

In making such findings, the Commission shall determine that approvals will be consistent with established legislative policies relating to traffic safety, street dedications, and street improvements; and

(h) The application shall be accompanied by the required filing fee.

(Prior code § 10-2.3403) 10.08.4270

10.12.070 - Application requirements for RGAs.

No RGA shall be allocated by the City unless the developer submits an application in accordance with the requirements of this chapter and the requirements of the GMO guidelines.

(Ord. No. 1136, § 1, 2009)

10.20.040 - Initiation procedures.

(a) General. The proposal to prepare a specific plan may be initiated either by the City or by another applicant.

(b) City-initiated specific plan. A City-initiated proposal shall be submitted to the City Council for consideration. A written staff report shall include:

(1) A description of the proposed project;
(2) The reasons for the use of the specific plan process;
(3) A vicinity map, drawn to scale, showing the proposed specific plan area and areas within one mile of the property;

(4) A description of the current use of the property, and the addresses and assessor's parcel numbers for the properties, listed from the latest assessor's roll;

(5) The planned land use designations for the properties shown on a map;

(6) Proposed amendments to other, existing plans or proposals to amend zoning regulations;

(7) A statement of how the specific plan implements the general plan and any anticipated general plan amendments; and

(8) Any additional information required by the Director of Development and Engineering Services.

If the City Council agrees with the proposal or a modification, it shall adopt a resolution of intention to adopt a specific plan and related environmental review.

(c) Application by another party.

(1) Complete application. A party wishing the City to adopt a specific plan shall first submit a complete application to the Development and Engineering Services Department and pay an application fee as established by the City Council under subsection 10.20.080(a). The applicant is not required to own or otherwise control a majority of the properties within the proposed specific plan area. The application shall include a City application form with accompanying diagrams and other pertinent information, including the information set forth in subsection (b) above.

(2) Meeting with DES. Within thirty (30) days of receipt of a complete application, the Development and Engineering Services Department shall schedule a meeting with the applicant to review the application. The department may propose modifications to the specific plan boundaries and scope in order to facilitate comprehensive planning. Due to the significant role an adopted specific plan plays in the implementation of the general plan, a project applicant should seek guidance from the Development and Engineering Services Department before submitting an application for a specific plan.

(Ord. No. 1126, § 1, 11-18-2008; Ord. No. 1144, § 2, 3-16-2010)

10.20.080 - Fees.

(a) Application and processing. An applicant other than the City shall pay the application and processing fees established by City Council resolution. This includes processing fees, through a cost recovery agreement, intended to cover the costs under subsection (b).

(b) Specific plan fee. The City Council may establish a specific plan fee for applicants seeking a land use entitlement within the area of a proposed or an already-adopted specific plan. (Government Code § 65456.) A specific plan fee shall only be established to reimburse the City for costs it incurs for preparation, adoption and administration of the specific plan (whether or not such costs are otherwise covered by a cost recovery agreement with a developer). It does not apply to a developer's own costs or its consultants' costs for a specific plan.

The purpose of the fee is to defray the cost of preparation, adoption and administration of the specific plan and to reimburse the City or other paying party for the costs of preparing the specific plan, including costs of consultants and environmental review. The fees charged shall be a prorated amount in accordance with the applicant's relative benefit derived from the specific plan. In the aggregate, the fees shall defray, but not exceed, the cost of preparation, administration and adoption of the specific plan.

(c) Infrastructure master plan costs. Because infrastructure master plans are a critical element of a workable specific plan, an applicant for a specific plan shall pay its fair share of the cost of the infrastructure master plans. The amount of the infrastructure master plan costs shall be established through one or more infrastructure master plan processing agreements and payment is a condition of proceeding with the specific plan application after the City Council direction to proceed. (The infrastructure master plan processing agreements are distinguished from the cost of implementing the infrastructure master plans through impact fees or other measures.)
(Ord. No. 1126, § 1, 11-18-2008; Ord. No. 1137, § 2, 2009; Ord. No. 1144, § 3, 3-16-2010)

10.28.808 - Adult business use permit requirement.

(a) No adult business may be established within the City by right. Each person wishing to establish an adult business within the City must apply for and receive an adult business use permit under this chapter.
(b) The applicant has the responsibility and the burden to supply evidence to justify the grant of an adult business use permit.
(c) A person who wishes to operate or establish an adult business within the City shall file with the Community Development Department an adult business use permit application on a standard application form supplied by the department.
(Ord. 982 § 4, 1998)

12.04.080 - Lot line adjustment procedure.

The procedure for request and approval of a lot line adjustment is as follows.
(a) The applicant shall submit a request to the Community Development Department (Planning Division) for a lot line adjustment, together with:
(1) A letter from the owner requesting the lot line adjustment;
(2) An original legal description and exhibit map for the lot line adjustment prepared by a registered civil engineer or licensed land surveyor;
(3) A sketch (eight and one-half by eleven (8½" x 11") inches) showing the proposed lot line adjustment, including: (1) all existing structures, utilities and utility easements which are within fifty (50') feet of an existing or proposed property line, and (2) the existing and proposed property lines;
(4) A preliminary title report prepared within ninety (90) days of the application; and
(5) Applicable processing fees, as established by City Council resolution.
(b) The Community Development Director shall transmit a copy of the application to the City Engineer, and shall coordinate review with that of the City Engineer.
(c) The Community Development Director shall review and determine whether or not the parcels resulting from the lot line adjustment will conform to local zoning and building ordinances, under Government Code section 66412(d). If the director determines that the parcels resulting from the lot line adjustment will conform to local zoning and building ordinances, he or she shall promptly notify the City Engineer.
The Community Development Director may determine that the parcels resulting from the lot line adjustment substantially conform to the zoning regulations if the lot line adjustment will

significantly reduce the degree of non-conformity regarding nonconforming lot coverage, yard setbacks, or distances between structures.

(d) The City Engineer may require revisions, and may require right-of-way dedication required to conform to local zoning and building ordinances, or to facilitate the relocation of existing utilities, infrastructure, or easements, in accordance with Government Code section 66412(d).

The City Engineer is authorized to approve or deny the request for a lot line adjustment and, if approved, to record the final documents with the County Recorder.

(e) The decision of the City Engineer may be appealed to the Planning Commission within ten (10) days of the decision, under section 12.04.060.

(Ord. 934 C.S. § 1 (part), 1996: prior code § 12-1.108)

12.12.070 - Fees and deposits.

An applicant requesting any service from the City under this title shall pay all processing fees and deposits established by resolution of the City Council. The fees may not exceed the amount reasonably required to administer this title.

(Ord. 934 C.S. § 1 (part), 1996: prior code § 12-3.107)

12.16.060 - Department review and referral.

The tentative subdivision map application shall be accepted as complete only when the map conforms to Section 12.16.020 and when all accompanying data or reports, as required by Section 12.16.030 and all fees and/or deposits as required by Section 12.16.070 have been submitted by the subdivider and reviewed and accepted by the Department. The Department shall consult with the engineering division before accepting an application as complete. The subdivider shall file with the Department the number of copies of tentative maps the Department deems necessary. The Department shall forward copies of the tentative map to the affected public agencies and utilities, and to those agencies described in Section 12.12.090, for their findings and recommendations.

(Ord. 934 C.S. § 1 (part), 1996: prior code § 12-4.106)

12.28.050 - Fees.

(a) Upon filing a vesting tentative map, the subdivider shall pay all required fees and/or deposits for checking and processing maps, plans and reports. Any additional fees required due to changes of the maps, plans and reports are due and payable by the subdivider upon request by the City.

(b) Unless the conditions of approval provide otherwise, the amount of all other fees required by this title for the development shall be determined at the time an application for the building permit is made (to the extent permitted by state law).

(Ord. 934 C.S. § 1 (part), 1996: prior code § 12-7.105)

ture or building service equipment have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the technical codes. The holder of a partial permit shall proceed without assurance that the permit for the entire building, structure or building service will be granted.

303.2 Retention of Plans. One set of approved plans, specifications and computations shall be retained by the building official for a period of not less than 90 days from the date of completion of the work covered therein; and one set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

303.3 Validity of Permit. The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or the technical codes, or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

The issuance of a permit based on plans, specifications and other data shall not prevent the building official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of these codes or of any other ordinances of this jurisdiction.

303.4 Expiration. Every permit issued by the building official under the provisions of the technical codes shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

A permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits shall not be extended more than once.

303.5 Suspension or Revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of this code and the technical codes when the permit is issued in error or on the basis of incorrect information supplied, or in violation of an ordinance or regulation or the provisions of these codes.

SECTION 304 — FEES

304.1 General. Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule adopted by this jurisdiction.

304.2 Permit Fees. The fee for each permit shall be as set forth in Tables 3-A through 3-H. Where a technical code has been adopted by the jurisdiction for which no fee schedule is shown in this code, the fee required shall be in accordance with the schedule established by the legislative body.

The determination of value or valuation under any of the provisions of these codes shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems and other permanent equipment.

304.3 Plan Review Fees. When submittal documents are required by Section 302.2, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent of the building permit fee as shown in Table 3-A.

The plan review fees for electrical, mechanical and plumbing work shall be equal to 25 percent of the total permit fee as set forth in Tables 3-B, 3-C and 3-D.

The plan review fee for grading work shall be as set forth in Table 3-G.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 304.2 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 302.4.2, an additional plan review fee shall be charged at the rate shown in Tables 3-A through 3-G.

304.4 Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. An application shall not be extended more than once. An application shall not be extended if this code or any other pertinent laws or ordinances have been amended subsequent to the date of application. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

304.5 Investigation Fees: Work without a Permit.

304.5.1 Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

304.5.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in Tables 3-A through 3-H. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this code or the technical codes nor from the penalty prescribed by law.

304.6 Fee Refunds. The building official may authorize refunding of a fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

SECTION 305 — INSPECTIONS

305.1 General. Construction or work for which a permit is required shall be subject to inspection by the building official and the construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection as specified in Section 306.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor this jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.

305.2 Inspection Record Card. Work requiring a permit shall not be commenced until the permit holder or the agent of the permit holder shall have posted or otherwise made available an inspection record card such as to allow the building official conveniently to make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the building official.

305.3 Inspection Requests. It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the building official.

It shall be the duty of the person requesting any inspections required either by this code or the technical codes to provide access to and means for inspection of the work.

305.4 Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate that that portion of the construction is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions which do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

305.5 Required Building Inspections. Reinforcing steel or structural framework of a part of a building or structure shall not be covered or concealed without first obtaining the approval of the building official. Protection of joints and penetrations in fire-resistive assemblies shall not be concealed from view until inspected and approved.

The building official, upon notification, shall make the following inspections:

1. **Foundation inspection.** To be made after excavations for footings are complete and required reinforcing steel is in place. For concrete foundations, required forms shall be in place prior to inspection. All materials for the foundation shall be on the job, except when concrete is ready-mixed in accordance with approved nationally recognized standards, the concrete need not be on the job. When the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official.

2. **Concrete slab or under-floor inspection.** To be made after in-slab or under-floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place but before any concrete is placed or floor sheathing installed, including the subfloor.

3. **Frame inspection.** To be made after the roof, framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and heating wires, pipes, and ducts are approved.

4. **Lath and/or wallboard inspection.** To be made after lathing and wallboard, interior and exterior, is in place but before plaster is applied or before wallboard joints and fasteners are taped and finished.

5. **Final inspection.** To be made after finish grading and the building is completed and ready for occupancy.

305.6 Required Building Service Equipment Inspections.

305.6.1 General. Building service equipment for which a permit is required by this code shall be inspected by the building official. Building service equipment intended to be concealed by a permanent portion of the building shall not be concealed until inspected and approved. When the installation of building service equipment is complete, an additional and final inspection shall be made. Building service equipment regulated by the technical codes shall not be connected to the water, fuel or power supply, or sewer system until authorized by the building official.

305.6.2 Operation of building service equipment. The requirements of this section shall not be considered to prohibit the operation of building service equipment installed to replace existing building service equipment serving an occupied portion of the building in the event a request for inspection of such building service equipment has been filed with the building official not more than 48 hours after the replacement work is completed, and before any portion of such building service equipment is concealed by permanent portions of the building.

305.7 Other Inspections. In addition to the called inspections specified above, the building official may make or require other inspections of construction work to ascertain compliance with the provisions of this code or technical codes and other laws which are enforced by the code enforcement agency.

305.8 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

TABLE 3-A—BUILDING PERMIT FEES

TOTAL VALUATION	FEE
$1.00 to $500.00	$23.50
$501.00 to $2,000.00	$23.50 for the first $500.00 plus $3.05 for each additional $100.00, or fraction thereof, to and including $2,000.00
$2,001.00 to $25,000.00	$69.25 for the first $2,000.00 plus $14.00 for each additional $1,000.00, or fraction thereof, to and including $25,000.00
$25,001.00 to $50,000.00	$391.75 for the first $25,000.00 plus $10.10 for each additional $1,000.00, or fraction thereof, to and including $50,000.00
$50,001.00 to $100,000.00	$643.75 for the first $50,000.00 plus $7.00 for each additional $1,000.00, or fraction thereof, to and including $100,000.00
$100,001.00 to $500,000.00	$993.75 for the first $100,000.00 plus $5.60 for each additional $1,000.00, or fraction thereof, to and including $500,000.00
$500,001.00 to $1,000,000.00	$3,233.75 for the first $500,000.00 plus $4.75 for each additional $1,000.00, or fraction thereof, to and including $1,000,000.00
$1,000,001.00 and up	$5,608.75 for the first $1,000,000.00 plus $3.65 for each additional $1,000.00, or fraction thereof

Other Inspections and Fees:

1. Inspections outside of normal business hours ..... $47.00 per hour* (minimum charge—two hours)
2. Reinspection fees assessed under provisions of Section 305.8 ..... $47.00 per hour*
3. Inspections for which no fee is specifically indicated ..... $47.00 per hour* (minimum charge—one-half hour)
4. Additional plan review required by changes, additions or revisions to plans ..... $47.00 per hour* (minimum charge—one-half hour)
5. For use of outside consultants for plan checking and inspections, or both ..... Actual costs**

*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

**Actual costs include administrative and overhead costs.

TABLE 3-B—ELECTRICAL PERMIT FEES

Permit Issuance

1. For the issuance of each electrical permit $23.50
2. For the issuing of each supplemental permit for which the original permit has not expired, been canceled, or finaled $7.25

System Fee Schedule

(Note: The following do not include permit-issuing fee.)

1. **New Residential Buildings**

The following fees shall include all wiring and electrical equipment in or on each building, or other electrical equipment on the same premises constructed at the same time.

Multifamily. For new multifamily buildings (apartments and condominiums) having three or more dwelling units constructed at the same time, not including the area of garages, carports and accessory buildings, per square foot (0.09 m^2) 0.050

Single- and two-family. For new single- and two-family residential buildings constructed at the same time and not including the area of garages, carports and accessory buildings, per square foot (0.09 m^2) 0.056

For other types of residential occupancies and for alterations, additions and modifications to existing residential buildings, use the Unit Fee Schedule.

2. **Private Swimming Pools**

For new private, in-ground swimming pools for single-family and multifamily occupancies, including a complete system of necessary branch circuit wiring, bonding, grounding, underwater lighting, water pumping and other similar electrical equipment directly related to the operation of a swimming pool, each pool 49.50

3. **Carnivals and Circuses**

Carnivals, circuses, or other traveling shows or exhibitions utilizing transportable-type rides, booths, displays and attractions.

For electrical generators and electrically driven rides, each 23.50
For mechanically driven rides and walk-through attractions or displays having electric lighting, each 7.25
For a system of area and booth lighting, each 7.25

For permanently installed rides, booths, displays and attractions, use the Unit Fee Schedule.

4. **Temporary Power Service**

For a temporary service pole or pedestal, including all pole or pedestal-mounted receptacle outlets and appurtenances, each 23.50
For a temporary distribution system and temporary lighting and receptacle outlets for construction sites, decorative lights, Christmas tree sales lots, fireworks stands, etc., each 12.30

Unit Fee Schedule

(Note: The following do not include permit-issuing fee.)

1. **Receptacle, Switch and Light Outlets**

For receptacle, switch, light or other outlets at which current is used or controlled, except services, feeders and meters:

First 20 fixtures, each 1.10
Additional fixtures, each 0.73

Note: For multioutlet assemblies, each 5 feet (1524 mm) or fraction thereof may be considered as one outlet.

2. **Lighting Fixtures**

For lighting fixtures, sockets or other lamp-holding devices:

First 20 fixtures, each 1.10
Additional fixtures, each ..... $ 0.73

For pole or platform-mounted lighting fixtures, each 1.10
For theatrical-type lighting fixtures or assemblies, each 1.10

3. **Residential Appliances**

For fixed residential appliances or receptacle outlets for same, including wall-mounted electric ovens; counter-mounted cooking tops; electric ranges; self-contained room, console or through-wall air conditioners; space heaters; food waste grinders; dishwashers; washing machines; water heaters; clothes dryers; or other motor-operated appliances not exceeding 1 horsepower (HP) (746 W) in rating, each 4.75

Note: For other types of air conditioners and other motor-driven appliances having larger electrical ratings, see Power Apparatus.

4. **Nonresidential Appliances**

For nonresidential appliances and self-contained factory-wired, nonresidential appliances not exceeding 1 horsepower (HP), kilowatt (kW) or kilovolt-ampere (kVA), in rating, including medical and dental devices; food, beverage and ice cream cabinets; illuminated show cases; drinking fountains; vending machines; laundry machines; or other similar types of equipment, each 4.75

Note: For other types of air conditioners and other motor-driven appliances having larger electrical ratings, see Power Apparatus.

5. **Power Apparatus**

For motors, generators, transformers, rectifiers, synchronous converters, capacitors, industrial heating, air conditioners and heat pumps, cooking or baking equipment and other apparatus, as follows:

Rating in horsepower (HP), kilowatts (kW), kilovolt-amperes (kVA) or kilovolt-amperes-reactive (kVAR):

Up to and including 1, each 4.75
Over 1 and not over 10, each 12.30
Over 10 and not over 50, each 24.60
Over 50 and not over 100, each 49.50
Over 100, each 74.50

Notes:

1. For equipment or appliances having more than one motor, transformer, heater, etc., the sum of the combined ratings may be used.
2. These fees include all switches, circuit breakers, contactors, thermostats, relays and other directly related control equipment.

6. **Busways**

For trolley and plug-in-type busways, each 100 feet (30 480 mm) or fraction thereof 7.25

Note: An additional fee is required for lighting fixtures, motors and other appliances that are connected to trolley and plug-in-type busways. A fee is not required for portable tools.

7. **Signs, Outline Lighting and Marquees**

For signs, outline lighting systems or marquees supplied from one branch circuit, each 24.60
For additional branch circuits within the same sign, outline lighting system or marquee, each 4.75

8. **Services**

For services of 600 volts or less and not over 200 amperes in rating, each 30.50
For services of 600 volts or less and over 200 amperes to 1,000 amperes, each 62.15
For services over 600 volts or over 1,000 amperes in rating, each 124.30

9. **Miscellaneous Apparatus, Conduits and Conductors**

For electrical apparatus, conduits and conductors for which a permit is required but for which no fee is herein set forth 18.20

Note: This fee is not applicable when a fee is paid for one or more services, outlets, fixtures, appliances, power apparatus, busways, signs or other equipment.

Other Inspections and Fees:

1. Inspections outside of normal business hours, per hour (minimum charge—two hours) $49.50*
2. Reinspection fees assessed under provisions of Section 305.8, per inspection $49.50*
3. Inspections for which no fee is specifically indicated, per hour (minimum charge—one-half hour) $49.50*
4. Additional plan review required by changes, additions or revisions to plans or to plans for which an initial review has been completed (minimum charge—one-half hour) $49.50*

*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

TABLE 3-C—MECHANICAL PERMIT FEES

Permit Issuance and Heaters

1. For the issuance of each mechanical permit $23.50
2. For issuing each supplemental permit for which the original permit has not expired, been canceled or finaled 7.25

Unit Fee Schedule

(Note: The following do not include permit-issuing fee.)

1. **Furnaces**

   For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, up to and including 100,000 Btu/h (29.3 kW) 14.80

   For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance over 100,000 Btu/h (29.3 kW) 18.20

   For the installation or relocation of each floor furnace, including vent 14.80

   For the installation or relocation of each suspended heater, recessed wall heater or floor-mounted unit heater 14.80

2. **Appliance Vents**

   For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit 7.25

3. **Repairs or Additions**

   For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption or evaporative cooling system, including installation of controls regulated by the Mechanical Code 13.70

4. **Boilers, Compressors and Absorption Systems**

   For the installation or relocation of each boiler or compressor to and including 3 horsepower (10.6 kW), or each absorption system to and including 100,000 Btu/h (29.3 kW) 14.70

   For the installation or relocation of each boiler or compressor over 3 horsepower (10.6 kW) to and including 15 horsepower (52.7 kW), or each absorption system over 100,000 Btu/h (29.3 kW) to and including 500,000 Btu/h (146.6 kW) 27.15

   For the installation or relocation of each boiler or compressor over 15 horsepower (52.7 kW) to and including 30 horsepower (105.5 kW), or each absorption system over 500,000 Btu/h (146.6 kW) to and including 1,000,000 Btu/h (293.1 kW) 37.25

   For the installation or relocation of each boiler or compressor over 30 horsepower (105.5 kW) to and including 50 horsepower (176 kW), or each absorption system over 1,000,000 Btu/h (293.1 kW) to and including 1,750,000 Btu/h (512.9 kW) 55.45

   For the installation or relocation of each boiler or compressor over 50 horsepower (176 kW), or each absorption system over 1,750,000 Btu/h (512.9 kW) 92.65

5. **Air Handlers**

   For each air-handling unit to and including 10,000 cubic feet per minute (cfm) (4719 L/s), including ducts attached thereto 10.65

   Note: This fee does not apply to an air-handling unit which is a portion of a factory-assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in the Mechanical Code.

   For each air-handling unit over 10,000 cfm (4719 L/s) 18.10

6. **Evaporative Coolers**

   For each evaporative cooler other than portable type 10.65

7. **Ventilation and Exhaust**

   For each ventilation fan connected to a single duct 7.25

   For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit 10.65

   For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood 10.65

8. **Incinerators**

   For the installation or relocation of each domestic-type incinerator 18.20

   For the installation or relocation of each commercial or industrial-type incinerator 14.50

9. **Miscellaneous**

   For each appliance or piece of equipment regulated by the Mechanical Code but not classed in other appliance categories, or for which ther fee is listed in the table 10.65

Other Inspections and Fees:

1. Inspections outside of normal business hours, per hour (minimum charge—two hours) $49.50*
2. Reinspection fees assessed under provisions of Section 305.8, per inspection $49.50*
3. Inspections for which no fee is specifically indicated, per hour (minimum charge—one-half hour) $49.50*
4. Additional plan review required by changes, additions or revisions to plans or to plans for which an initial review has been completed (minimum charge—one-half hour) $49.50*

*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

TABLE 3-D—PLUMBING PERMIT FEES

Permit Issuance

1. For the issuance of each plumbing permit $23.50
2. For issuing each supplemental permit for which the original permit has not expired, been canceled or finaled 7.25

Unit Fee Schedule

(Note: The following do not include permit-issuing fee.)

1. **Fixtures and Vents**
   - For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping and backflow protection thereof) 9.80
   - For repair or alteration of drainage or vent piping, each fixture 4.75
2. **Sewers, Disposal Systems and Interceptors**
   - For each building sewer and each trailer park sewer 24.65
   - For each cesspool 37.25
   - For each private sewage disposal system 74.50
   - For each industrial waste pretreatment interceptor, including its trap and vent, excepting kitchen-type grease interceptors functioning as fixture traps 19.90
   - Rainwater systems—per drain (inside building) 9.80
3. **Water Piping and Water Heaters**
   - For installation, alteration, or repair of water piping or water-treating equipment, or both, each 4.75
   - For each water heater including vent 12.30
   - For vents only, see Table 3-C.
4. **Gas Piping Systems**
   - For each gas piping system of one to five outlets 6.15
   - For each additional outlet over five, each 1.10
5. **Lawn Sprinklers, Vacuum Breakers and Backflow Protection Devices**
   - For each lawn sprinkler system on any one meter, including backflow protection devices thereof 14.80
   - For atmospheric-type vacuum breakers or backflow protection devices not included in Item 1:
     - 1 to 5 devices 12.30
     - Over 5 devices, each 2.25
   - For each backflow-protection device other than atmospheric-type vacuum breakers:
     - 2 inches (50.8 mm) and smaller 12.30
     - Over 2 inches (50.8 mm) 24.65
6. **Swimming Pools**
   - For each swimming pool or spa:
     - Public pool 91.25
     - Public spa 60.75
     - Private pool 60.75
     - Private spa 30.25
7. **Miscellaneous**
   - For each appliance or piece of equipment regulated by the Plumbing Code but not classed in other appliance categories, or for which no other fee is listed in this code 9.80

Other Inspections and Fees:

1. Inspections outside of normal business hours, per hour (minimum charge—two hours) $49.50*
2. Reinspection fees assessed under provisions of Section 305.8, per inspection $49.50*
3. Inspections for which no fee is specifically indicated, per hour (minimum charge—one-half hour) $49.50*
4. Additional plan review required by changes, additions or revisions to plans or to plans for which an initial review has been completed (minimum charge—one-half hour) $49.50*

*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

TABLE 3-E—ELEVATOR PERMIT FEES

New Installations:

Passenger or freight elevator, escalator, moving walk:

Up to and including $40,000.00 of valuation— $89.00

Over $40,000.00 of valuation— $89.00 plus $1.65 for each $1,000.00 or fraction thereof over $40,000.00

Dumbwaiter or private residence elevator:

Up to and including $10,000 of valuation— $25.00

Over $10,000.00 of valuation— $25.00 plus $1.65 for each $1,000.00 or fraction thereof over $10,000.00

Major Alterations:

Fees for major alterations shall be as set forth in Table 3-A. Installation fees include charges for the first year's annual inspection fee and charges for electrical equipment on the conveyance side of the disconnect switch.

TABLE 3-F—ELEVATOR ANNUAL CERTIFICATES OF INSPECTION FEES

For each elevator	$41.50
For each escalator or moving walk	24.65
For each commercial dumbwaiter	16.75

(Each escalator or moving walk unit powered by one motor shall be considered as a separate escalator or moving walk.)

TABLE 3-G—GRADING PLAN REVIEW FEES

50 cubic yards (38.2 m^3) or less	No fee
51 to 100 cubic yards (40 to 76.5 m^3)	$23.50
101 to 1,000 cubic yards (77.2 to 764.6 m^3)	37.00
1,001 to 10,000 cubic yards (765.3 to 7645.5 m^3)	49.25
10,001 to 100,000 cubic yards (7646.3 to 76 455 m^3)— $49.25 for the first 10,000 cubic yards (7645.5 m^3), plus $24.50 for each additional 10,000 cubic yards (7645.5 m^3) or fraction thereof.	
100,001 to 200,000 cubic yards (76 456 to 152 911 m^3)— $269.75 for the first 100,000 cubic yards (76 455 m^3), plus $13.25 for each additional 10,000 cubic yards (7645.5 m^3) or fraction thereof.	
200,001 cubic yards (152 912 m^3) or more— $402.25 for the first 200,000 cubic yards (152 911 m^3), plus $7.25 for each additional 10,000 cubic yards (7545.5 m^3) or fraction thereof.	

Other Fees:

Additional plan review required by changes, additions or revisions to plans or to plans for which an initial review has been completed $50.50*

*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

TABLE 3-H—GRADING PERMIT FEES[1]

50 cubic yards (38.2 m^3) or less	$23.50
51 to 100 cubic yards (40 to 76.5 m^3)	37.00
101 to 1,000 cubic yards (77.2 to 764.6 m^3)— $37.00 for the first 100 cubic yards (76.5 m^3) plus $17.50 for each additional 100 cubic yards (76.5 m^3) or fraction thereof.	
1,001 to 10,000 cubic yards (765.3 to 7645.5 m^3)— $194.50 for the first 1,000 cubic yards (764.6 m^3), plus $14.50 for each additional 1,000 cubic yards (764.6 m^3) or fraction thereof.	
10,001 to 100,000 cubic yards (7646.3 to 76 455 m^3)— $325.00 for the first 10,000 cubic yards (7645.5 m^3), plus $66.00 for each additional 10,000 cubic yards (7645.5 m^3) or fraction thereof.	
100,001 cubic yards (76 456 m^3) or more— $919.00 for the first 100,000 cubic yards (76 455 m^3), plus $36.50 for each additional 10,000 cubic yards (7645.5 m^3) or fraction thereof.	

Other Inspections and Fees:

1. Inspection outside of normal business hours, per hour (minimum charge—two hours)	$50.50[2]
2. Reinspections fees assessed under provisions of Section 305.8, per inspection	$50.50[2]
3. Inspections for which no fee is specifically indicated, per hour (minimum charge—one-half hour)	$50.50[2]

[1]The fee for a grading permit authorizing additional work to that under a valid permit shall be the difference between the fee paid for the original permit and the fee shown for the entire project.

[2]Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

Development Services Department

Resolutions

RESOLUTION 2014-141

APPROVING AN AMENDMENT TO THE MASTER FEE SCHEDULE TO MODIFY THE DEVELOPMENT SERVICES PUBLIC IMPROVEMENT PLAN CHECK FEES

WHEREAS, On April 18, 2000, City Council increased engineering services fees to recoup actual costs incurred by the City (Resolution 2000-131), and

WHEREAS, At that time, the plan check fee for public improvement plans was increased from a flat 3.5% to 5.78% of the value of the proposed improvements, and

WHEREAS, There have been recent requests by the development community to review and revise the plan check fees for larger projects, and

WHEREAS, Staff reviewed the plan check fees of several cities and determined that in the City of Tracy, the plan check fees for projects with improvements valued over $1 million are higher than the other communities that were surveyed, and

WHEREAS, Staff recommends modifying the plan check fee for public improvement plans for projects valued over $1 million, and

WHEREAS, Staff recommends amending the Master Fee Schedule to modify the public improvement plan check fee as shown on Exhibit A;

NOW, THEREFORE, BE IT RESOLVED, That City Council approves an amendment to the Master Fee Schedule to modify the Development Services public improvement plan check fee.

****

The foregoing Resolution 2014-141 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

SERVICE OR APPLICATION	PROPOSED FEE		LEGAL AUTHORITY
PUBLIC IMPROVEMENTS			TMC §3.36.010
Inspection improvement agreement (SIA, DIA, OIA, PIRA, any amendment)	$6,607		Reso. 2013-086
Plan check			
▪ for improvements valued between $0 and	5.78% x improvement constr cost		
▪ for improvements valued over $1,000,000	$57,800 + (3.6% x value of improvements over $1M)		
▪ for improvements valued over $5,000,000	Actual Cost, Deposit of $100,000 due upon submittal of plans		
Inspection (% of improvement constr cost)	3.50%		
As-builts, review after construction	$32		
Micro-Imaging Fees			
[1](+ 2% of invoice total for pick-up and delivery):			
▪ 11" x 17" and smaller, black & white or gray scale document with 2" field index	$0.08 each	+2%[1]	
▪ anything larger than 11" x 17", black and white or gray scale document with a two field index	$0.81 each	+2%[1]	
▪ 11" x 17" and smaller, color document with a two-field index	$0.14 each	+2%[1]	
▪ 18" x 24" color document, with a two-field index	$0.49 each	+2%[1]	
▪ 24" x 36" color document, with a two field index	$1 each	+2%[1]	
SEGREGATON OF ASSESSMEMT (Within any assessment districts)	$42 / lot		
RECORD OF SURVEY	$313		
STREET/EASEMENT ABANDONMENT	$1,521		
ENCROACHMENT PERMIT	$370 plus $16 / Sq Ft or $53 / hr		TMC §7.04.020
Sidewalks, plus whichever is less	$58 plus $16 / Sq Ft or $53 / hr		
Driveways, Curbs, plus whichever is less	$58 plus $53 / hr		
Trees, Utility Boxes/per hour (1 hour minimum)	$58 / permit plus $89 / hr		
Miscellaneous Encroachment Permit, plus hourly rate for inspection and engineering review.	$116		
OVERSIZE LOAD PERMIT			
Single Permit	$16		
Annual or Blanket Permit (fix route)	$95		
BUILDING MOVING OR OVERSIZED LOAD			TMC §9.32.040
Permit fee	$604		
Other	Hourly rate for City personnel		

Legend:			
* Not subject to CPI adjustment	CBC - CA Building Code	CFR - Code of Federal Regulations	B & P - CA Bus. & Professions Code
TMC - Tracy Municipal Code	PC - Penal Code	DOJ - CA Department of Justice	CCR - CA Code of Regulations
GC - CA Government Code	VC - Vehicle Code	H&S - CA Health and Safety Code	
PRC - CA Public Resources Code	CFC - CA Fire Code	FAC - CA Food & Agriculture Code	

RESOLUTION 98-373

ADOPTING REVISED FEES FOR PLANNING AND ENGINEERING SERVICES

WHEREAS, The City commissioned the Management Services Institute (MSI) to prepare a comprehensive cost allocation plan and fee study which identifies the City's cost to provide planning and engineering services and the corresponding fee revenue for these services, and

WHEREAS, If the cost of the service exceeds the current fee revenue, then a subsidy from general taxes is necessary and if the fee revenue exceeds the costs, then net revenue is received and no contribution from general taxes is necessary, and

WHEREAS, At the August 31, 1998 City Council workshop, Council indicated a desire to not increase those fees which would adversely impact homeowners or serve as a detriment for citizen compliance with zoning or building matters, and

WHEREAS, It is necessary to lower fees for four services for which the revenue exceeds the cost of service so that their cost equals the fee charged, and

WHEREAS, There are two services for which the City incurs significant costs but for which no fee is currently charged;

NOW, THEREFORE BE IT RESOLVED, That the City Council hereby adopt the attached fee schedule for Planning and Engineering services.

BE IT FURTHER RESOLVED, That this resolution and corresponding fee schedule shall become effective 60 days after adoption.

****

The foregoing Resolution 98-373 was adopted by the Tracy City Council on the 1st day of December, 1998 by the following vote:

AYES:	COUNCIL MEMBERS:	IVES, MATTHEWS, TUCKER, BILBREY
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	TOLBERT

Dan Bilbrey
Mayor

ATTEST

Sharon Smith
City Clerk

PLANNING & ENGINEERING FEES

PLANNING SERVICES:			
CONDITIONAL USE REVI	CLASS A	$7,100.00	PER APPLICATION
	CLASS B	$3,435.00	PER APPLICATION
	CLASS C	$2,325.00	PER APPLICATION
DEVELOPMENT REVIEW	CLASS A	$3,630.00	PER APPLICATION
	CLASS B	$2,510.00	PER APPLICATION
	CLASS C		
PLANNED UNIT DEVELOPMENT		$6,500.00	PER APPLICATION
PLANNED UNIT DEVELOPMENT AMENDMENT		$3,500.00	
TENTATIVE PARCEL MA	1-2 LOTS	$4,895.00	PER APPLICATION
	3-4 LOTS		
TENTATIVE SUBDIVISION MAP REVIEW		$8,600.00	per application
		$4,100.00	additional fee
ENVIRONMENTAL DETERMINATION		$75.00	PER APPLICATION
ENVIR.INITIAL STUDY/NEGATIVE DECL.		$1,260.00	PER APPLICATION PLUS ANY RECORDATION FEES FAND FEES FROM OTHER AGENCIES
ENVIR.IMPACT REPORT REVIEW AND/OR NEGATIVE DECLARATION		AMOUNT SET BY REIMBURSEMENT AGREEMENT	
SPECIFIC PLAN REVIEW		AMOUNT SET BY REIMBURSEMENT AGREEMENT	
SPECIFIC PLAN AMENDMENT		$4,000.00	Per application
GENERAL PLAN AMENDMENT		AMOUNT SET BY REIMBURSEMENT AGREEMENT	
ANNEXATION PROCESSING		$10,000.00	PER APPLICATION
ZONE TEXT AMENDMENT		$2,070.00	PER APPLICATION
ZONE CHANGE REVIEW		$2,400.00	PER APPLICATION
NOISE ORDINANCE VARIATION REVIEW		$3,500.00	PLUS ACTUAL CONSULTANT COST
VARIANCE REVIEW		$560.00	PER APPLICATION
LOT LINE ADJUSTMENT		$340.00	PER APPLICATION
SIGN PERMIT		$755.00	MASTER SIGN PROGRAM
		$55.00	INDIVIDUAL SIGNS COMPLYING WITH MSP
		$340.00	ALL OTHER SIGNS

PLANNING SERVICES (Cont.)		
FENCE PERMIT	$20.00	PER PERMIT
TIME EXTENSION REVIEW	$350.00	PER APPLICATION
PLANNING COMMISSION	$840.00	PER APPLICATION
TEMPORARY USE REVIEW	$60.00	PER APPLICATION
ZONING RESEARCH LETTER	$55.00	PER REQUEST
DEVELOPMENT RESEARCH LETTER	NO FEE	
SEWER ALLOCATION	$655.00	PER APPLICATION
GROWTH ALLOTMENT/CONVEY	$1,395.00	PER APPLICATION
REHABILITATION LOAN PROC.	COSTS TO BE ADDED ON TO LOAN PRICE	
APPEAL TO PLANNING COMMISION	$230.00	PER APPEAL
APPEAL TO CITY COUNCIL	$230.00	PER APPEAL
BUILDING PLAN CHECK/INSP.	UBC	CHARGES PER THE UBC ADOPTED
FOR ALL SERVICES		DUE TO THE SPECIFIC NATURE OF THE APPLICATION, IF COSTS ARE DETERMINED TO BE EXTRAORDINARY, THE FEE WILL BE A DEPOSIT DETERMINED BY STAFF

ENGINEERING SERVICES:			
GRADING PLAN CHECK	0-10,000 CY	$1,485.00	
	10,000-100,000 CY	$81.00	ADDITIONAL EACH 10,000 CY
	100,000-200,000 CY	$69.00	ADDITIONAL EACH 10,000 CY
	200,000+ CY	$54.00	ADDITIONAL EACH 10,000 CY
GRADING INSPECTION	5 OR LESS LOTS	$1,185.00	PER APPLICATION
	MORE THAN 5 LOTS	$3,000.00	
FINAL PARCEL MAP REVIEW		$1,375.00	PER APPLICATION
FINAL SUBDIVISION MAP REVIEW		$1,115.00	PER APPLICATION
PUBLIC IMPROVEMENT PLAN CHK		3.50%	OF IMPROVEMENT CONSTRUCTION COST
		$250.00	PER SHEET MINIMUM
PUBLIC IMPROVEMENT INSPECT.		$350.00	PERMIT FEE PLUS ACTUAL COSTS OF INSPECTION & MANAGMENT W/ A DEPOSIT OF 3.5% OF DEVELOPMENT CONSTRUCTION COSTS ($2,000 MINIMUM DEPOSIT)
INSPECTION IMPROVEMENT AGREEMENT		$3,790.00	PER APPLICATION
DEFER IMPROV./REIMBRS.AGRMT		$3,790.00	PER APPLICATION
MAP AMENDMENT REVIEW		$685.00	PER APPLICATION PLUS A PER HOUR CHARGE FOR THE ENGINEERING STAFF
SEGREGATION OF ASSESSMENT		$40.00	FOR EACH NEW LOT CREATED
RECORD OF SURVEY		$150.00	PER APPLICATION
CERTIFICATE OF COMPLIANCE		$1,665.00	PER APPLICATION
CERTIFICATE OF CORRECTION		$2,140.00	PER APPLICATION
STREET/EASEMENT ABANDONMENT		$1,200.00	PER APPLICATION
ENCROACHMENT PERMI	Sidewalks	$35.00	plus $10 per sq ft or $40 hr whichever is less
	Driveways, curbs	$35.00	plus $10 per lin fit or $40/hr whichever is less
	Trees, Utility Boxes	$40.00	per hour (1 hour minimum)
MISC.ENCROACHMENT PERMIT		$80.00	PER PERMIT PLUS $75 PER HOUR FOR THE INSPECTION AND ENGINEERING REVIEW
STREET USE PERMIT		$125.00	PER PERMIT
WIDE,OVERWEIGHT LOAD REV.		$16.00	SINGLE PERMIT
		$90.00	ANNUAL OR REPETITIVE PERMIT
			FEES ARE SET BY THE STATE
RECORD OF SURVEY		$150.00	PER APPLICATION
STREET EASMENT ABANDONMENT		$1,200.00	PER APPLICATION
FOR ALL SERVICES		DUE TO THE SPECIFIC NATURE OF THE APPLICATION, IF COSTS ARE DETERMINED TO BE EXTRAORDIANRY, THE FEE WILL BE A DEPOSIT DETERMINED BY STAFF	

Plan Review

6.1 ENTITLEMENT PROCESS

This Modified Specific Plan and accompanying approvals, including certification of the Revised Environmental Impact Report, provide the basic authority of the development of a minimum of 1,000 units and a maximum of 2,250 residential units (not including secondary residential units); up to 180,000 square feet of retail, office, and other commercial uses; neighborhood parks; and a proposed Family Swim Center serving as a Community Park.

6.2 SUBDIVISIONS

All subdivision maps processed within the Ellis Specific Plan Area shall follow the process set forth in the Tracy Municipal Code.

All streets, sidewalks, landscaping, and other public property improvements shall be consistent with regulations and guidelines of the ESP and Pattern Book. Each tentative map application shall demonstrate compliance with the street sections, lot sizes, and other standards of the ESP, to the extent applicable on the tentative map. Prior to approval of each final map, the final map and associated improvement plans shall demonstrate compliance with the street sections, lot sizes, and all other applicable standards of the ESP.

6.3 ELLIS PATTERN BOOK CERTIFICATION

The Ellis Pattern Book guides the development of structures on individual parcels within the Ellis community and works in conjunction with the ESP to create and implement the vision for Ellis. The Ellis Pattern Book is Appendix A of the ESP, and will be adopted by Resolution of the City Council.

Before a building permit may be obtained for any structure within Ellis, the applicant must first obtain a Pattern Book Certification (PBC) by the City to demonstrate that the proposal is in compliance with

the site development and architectural patterns set forth in the Pattern Book. Compliance with the ESP and Pattern Book is required for all improvements except as provided below. Pattern Book Certification is not required for (1) residential swimming pools, patio covers, shade structures, or similar residential accessory structures; (2) interior improvements such as plumbing, electrical or partition wall modifications where no modifications or improvements are made to or affect the appearance from the exterior of the structure; or (3) modifications to existing structures that have already received PBC and are in substantial compliance with the architecture, site plan, and other elements of the certified plans and the Pattern Book.

In order to obtain PBC, the applicant shall submit the following to the Development and Engineering Services (DES) Department:

1 Completed City of Tracy Development Application Form;

2 Application processing fee as established by Resolution of the City Council;

3 Five copies (15 for non-residential projects) of a detailed site plan showing all existing and proposed improvements on the site;

4 Five copies (15 for non-residential) (plus one color copy) of architectural elevations for all sides of proposed structures;

5 A check list (see pages 5–6 of this section) showing how the proposed site plan and architecture comply with the Pattern Book;

6 Five copies of a preliminary landscape plan for non-residential projects; and

7 For non-residential projects, all sewer, water, storm drainage and other utility plans and information as required by the City Engineer.

Upon receipt of a PBC application and checklist, the Department shall determine whether the application is complete for processing within 30 days. If the application is incomplete, the Department shall notify the applicant, in writing, of all specific items to complete the application. After receipt of a complete application, the DES Director shall approve, conditionally approve, or deny the application. The DES Director determination for residential projects shall be made within 10 days from receipt of a complete application and within 30 days for a mixed-use or non-residential project. The submittal shall be in compliance with the EPB Checklist. If the DES Director determines that the submittal is not in compliance with the EPB Checklist he/she shall have the option to refer the application to the Planning Commission for review of conformance with the Checklist.

The DES Director's, or Planning Commission's, determination for approval regarding PBC shall be based on the finding that the project application is consistent with the ESP and Pattern Book site design, architecture, and all other standards and guidelines as determined by conformance to EPB checklist.

6.4 INTERPRETATION OF THE MODIFIED ELLIS SPECIFIC PLAN

Every effort has been made with the Modified Ellis Specific Plan to provide policies and regulations that are clear; however, interpretations will be necessary when issues that were not anticipated arise. The DES Director is responsible for interpretation of the ESP.

If any situation arises in the implementation of the ESP that is not addressed by specific development regulations or if an issue, condition, or situation arises that is not clearly addressed in the ESP, the DES Director shall provide an interpretation based on such City codes, goals, policies, plans, and requirements as are most closely related to the subject matter of the issue or situation to be interpreted.

In all matters, if there is a conflict between the provisions of the ESP and the provisions of the Tracy Municipal Code, the ESP shall prevail. As to matters not categorically superseded and not otherwise specifically addressed by the ESP, the Tracy Municipal Code shall apply and shall be interpreted in a manner that is

6.36.200 - Fees and Charges.

No person may commence or continue any cannabis activity in the City, without timely paying in full all fees and charges required for the operation of a cannabis business. Fees and charges associated with regulation of a cannabis business shall be established by resolution of the City Council which may be amended from time to time.

(Ord. No. 1277 , § 2(Exh. A), 12-3-2019)

RESOLUTION _____

CONDUCT A PUBLIC HEARING TO ADOPT A RESOLUTION APPROVING THE AMENDMENT TO CITYWIDE MASTER FEE SCHEDULE FOR FISCAL YEAR 2020-2021 TO INCLUDE FEES ASSOCIATED WITH COMMERCIAL CANNABIS APPLICATIONS, PERMITS, AND BACKGROUNDS

WHEREAS, City departments have proposed, and the City Council has adopted, various fees relating to the work of City departments, and

WHEREAS, The City desires to adopt fees to capture the full costs of administering the regulations for permitting and operation of commercial cannabis businesses, and

WHEREAS, On June 16, 2020, the City Council adopted the most recent consolidated City-wide Master Fee Schedule to provide for a record of fees in a single document, improve public information, and provide consistent updating of the fees (Resolution 2020-110), and

WHEREAS, On July 7, 2020, the City Council held a public meeting where all interested parties were able to provide testimony;

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

1. The Master Fee Schedule is amended to include a Cannabis Application Fee, a Cannabis Permit Fee, a Cannabis Renewal Fee, and a Background Investigation Fee.

2. This Resolution takes effect on July 8, 2020.

3. Resolution 2020-110 is hereby amended by this Resolution.

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

The foregoing Resolution 2020- _____ was adopted by the Tracy City Council on the 7th day of July, 2020 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Attachment: Exhibit A - Master Fee Schedule

Appendix IV

Parks & Recreation Department

Parks & Recreation Department

Legal Codes

Parks & Recreation Department

Legal Codes

Legal Codes

Tracy Municipal Code

3.36.010 - Fee schedule.

The City Council shall by resolution action taken from time to time establish a fee schedule for services provided to the public by the departments of the City.
(Prior code § 3-9.01)

Parks & Recreation Department

Resolutions

RESOLUTION 2009-003

ADOPTING RECOMMENDED GENERAL FUND SUBSIDY LIMIT GOALS AND ASSOCIATED FEES FOR PROGRAMS AND FACILITY USE PROVIDED THROUGH THE PARKS AND COMMUNITY SERVICES DEPARTMENT AND THE CULTURAL ARTS DIVISION

WHEREAS, The City of Tracy charges certain fees for public use of City buildings and rooms, park facilities, and sports fields; and

WHEREAS, The City of Tracy also charges fees for public participation in City cultural arts and recreation programs and for admission to events and facilities; and

WHEREAS, The Parks and Community Services Commission has recommended adoption of the facility rental and recreation program fees.

NOW, THEREFORE, BE IT RESOLVED, That the City Council hereby adopts the Facility Rental and Recreation and Cultural Arts Program Fee Schedules attached to the staff report accompanying this agenda item, the Cultural Arts Admission fee calculation methodology set forth in the staff report accompanying this agenda item, and the Interim Program Fee Calculation Policy attached to the staff report accompanying this agenda item.

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

The foregoing Resolution 2009-003 was passed and adopted by the Tracy City Council on the 6th day of January, 2009, by the following vote:

AYES: COUNCIL MEMBERS: ABERCROMBIE, MACIEL, TOLBERT, TUCKER, IVES

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: NONE

Mayor

ATTEST:

City Clerk

PARKS AND COMMUNITY SERVICES DEPARTMENT
RECOMMENDED FEE SCHEDULE

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEES +/-	ANNUAL REVENUE +/-
ADMINISTRATION FEES/CHARGES/SERVICES					$18,130
Insurance Processing Fee Fee for public purchase of event insurance	Per Transaction	$30	$35	$5	$330
Program Transaction Fee (New) Administrative Fee for participants requesting a withdrawal, refund, credit, or transfer.	Per Transaction	$0	$5	$5	$8,500
Facility Rental and Event Permit Application Processing Fee (New fee for Facility and Park Rentals)	Per Transaction	$35	$35	$0	$7,000
Block Park Service Fee (New) Costs for Public Works to provide services for a one-block block party.	Per Event	$0	$575	$575	$2,300
TEEN PROGRAMS					$2,885
BBQ and Game Day	Per Person	$3	$3	$0	$0
Teen Swim Events	Per Person	$5	$5	$0	$0
Teen Dances (5 per year)					
In Advance	Per Person	$4	$4	$0	$0
At the Door	Per Person	$5	$5	$0	$0
Girls Retreat	Per Person	$10	$10	$0	$0
Teen Camps	Per Week	$70	$70	$0	$0
Movie and Popcorn Night	Per Person	$3	$3	$0	$0
Extreme Sports Day (competition registration)	Per Person	$10	$10	$0	$0
Ski/Snowboard Trip					
Lift ticket only	Per Person	$45	$90	$45	$270
Rentals and lift ticket	Per Person	$55	$125	$70	$770
Rentals, lift and lessons	Per Person	$60	$125	$65	$845
Transportation only	Per Person	$25	$55	$30	$0
Helmet rental	Per Helmet	$5	$5	$0	$0
S.A.F.E. (Teen After School Program)	Per School Year	$25	$50	$25	$1,000
S.A.F.E. Annual Membership	Per Day	$0	$0	$0	$0
S.A.F.E. Drop-In (for Members)	Per Person	$5	$5	$0	$0
Scrapbooking Class	Per Person	$5	$5	$0	$0
Cooking Classes					
YOUTH DEVELOPMENT					$25,574
ROC (Recreation on Campus After School)					
Regular Monthly Rate	Per Month	$170	$180	$10	$4,500
Daily Rate	Per Day	$12	$15	$3	$660
Hourly Rate (for 25 Hours) (After & Before)	Per Month	$100	$105	$5	$1,200
ROC (Recreation on Campus Before School)					
Regular Monthly Rate	Per Month	$85	$95	$10	$800
Daily Rate	Per Day	$12	$15	$3	$30
Summer Camp					
Day Camp Only (9am-3pm)	Per Week	$139	$149	$10	$2,480
Camp Extended Care	Per Week	$30	$45	$15	$2,100
Field Trip Only	Per Person	$49	$55	$6	$384
Alphabet Stew Preschool Program					
Ages 3-4 (9am-11am, 3days/wk)	Per hr	$6	$7	$1	$4,972
Ages 4-5 (11:30am-2:30pm, 3days/wk)	Per hr	$6	$7	$1	$7,458
* Monthly fees vary depending on actual number of days in the month					
Preschool Summer Day Camp					
Ages 3-4 (9am-11:30am)	Per 2-Week	$90	$105	$15	$450
Ages 4-5 (12pm-3pm)	Per 2-Week	$108	$126	$18	$540

PARKS AND COMMUNITY SERVICES DEPARTMENT
RECOMMENDED FEE SCHEDULE

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEES +/-	ANNUAL REVENUE +/-
					$0
MCYSN (MAYOR'S COMMUNITY YOUTH SUPPORT NETWORK)					$0
Mobile Recreation ("Roll'n Rec")	Per Person	$0	$0	$0	$0
Midnight Basketball	Per Person	$0	$0	$0	$0
					$64,334
SPECIAL INTEREST (CONTRACTOR) CLASSES					$60
Babysitter Training	Per Session	$75	$77	$2	$20
Challenger British Soccer Camp - First Kicks	Per Week	$86	$87	$1	$20
Challenger British Soccer Camp - Mini Soccer	Per Week	$121	$122	$1	$20
Challenger British Soccer Camp - 1/2-Day Camp	Per Week	$144	$145	$1	$3,060
Cheer Prep (New)	Per Session	$0	$51	$51	$5,940
Cheer - Pee Wee (New)	Per Session	$0	$45	$45	$2,916
Chess (New)	Per Session	$0	$36	$36	$0
Children's Safety Club	Per Session	$40	$40	$0	$17,550
Classic Gymnastics - Preschool (New)	Per Session	$0	$45	$45	$4,760
Classic Gymnastics - Youth (New)	Per Session	$0	$56	$56	$1,190
Computer Explorers Camps - Rockets (New)	Per Week	$0	$170	$170	$1,274
Computer Explorers Camps - Video (New)	Per Week	$0	$182	$182	$0
Dog Obedience - Advanced Obedience	Per Session	$95	$95	$0	$0
Dog Obedience - Basic Obedience	Per Session	$115	$115	$0	$30
First Aid/CPR	Per Session	$55	$56	$1	$576
Future Stars Tennis Lessons - Tots	Per Session	$24	$28	$4	$0
Future Stars Tennis Lessons - Youth	Per Session	$64	$64	$0	$0
Future Stars Tennis Lessons - Adults	Per Session	$32	$32	$0	$780
Future Stars Tennis Camps (New)	Per Session	$0	$60	$60	$8,330
Golf Lessons - Adult (New)	Per Session	$0	$49	$49	$7,200
Junior Golf Lessons (New)	Per Session	$0	$45	$45	$0
Junior Golf Camp - Learn-n-Pplay (New)	Per Week	$100	$100	$0	$0
Junior Golf Camp - Stripes (New)	Per Week	$185	$185	$0	$0
Just 4 Kicks Soccer					$0
Preschool (8 Weeks)	Per Session	$80	$80	$0	$0
Youth (8 Weeks)	Per Session	$80	$80	$0	$0
Special Needs (8 Weeks)	Per Session	$80	$80	$0	$120
Klndergym	Per Session	$45	$46	$1	$140
KidSAFE Self-Defense Workout - Youth	Per Session	$56	$57	$1	$0
Cardio Kick Boxing (8 Weeks)	Per Session	$64	$64	$0	$690
LEGO Engineering Camp	Per Week	$167	$177	$10	$0
Mad Science Camps	Per Week	$175	$175	$0	$190
Mom and Me Creative Play (New)	Per Session	$45	$46	$1	$3,168
Play & Learn	Per Session	$30	$48	$18	$5,712
Power Tumbling (New)	Per Session	$0	$51	$51	
Rhythmic Gymnastics					$0
Rhythmic Preschool (4 Weeks)	Per Session	$44	$44	$0	$0
Rhythmic School Age (4 Weeks)	Per Session	$44	$44	$0	$0
Sky Hawks - Flag Football	Per Week	$108	$108	$0	$0
Sky Hawks - Mini-Hawks	Per Week	$134	$134	$0	$0
Sky Hawks - Mini-Sports Camp	Per Week	$134	$134	$0	$0
Sky Hawks - Sports Sampler	Per Session	$99	$99	$0	$0
Tracy Online Learning	Per Session	$80	$80	$0	$0
Travel Smart (New)	Per Class	$0	$29	$29	$348
Yoga (4 Week)	Per Session	$40	$41	$1	$240

PARKS AND COMMUNITY SERVICES DEPARTMENT
RECOMMENDED FEE SCHEDULE

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEES +/-	ANNUAL REVENUE +/-
					$6,150
ATHLETICS					
Adult Slow Pitch Leagues					
Maximum	Per Team	$560	$560	$0	$0
Minimum	Per Team	$280	$280	$0	$0
*League fees pending format, number of games and services					
Adult/Youth Fast Pitch Leagues					
Minimum	Per Team	$480	$450	($30)	($2,550)
Maximum	Per Team	$480	$600	$120	$6,600
*League fees pending format, number of games and services					
Adult/Youth Softball Tournament					
Minimum	Per Team	$250	$250	$0	$0
Maximum	Per Team	$350	$400	$50	$100
*Tournaments vary based on type of tournament and awards provided					
Softball Field Preparations	Per Preparation	$5	$5	$0	$0
Light Watering	Per Preparation	$12	$12	$0	$0
Light Watering, Minor Dragging	Per Preparation	$25	$25	$0	$0
Full Field Preparation	Per Field	$100	$100	$0	$0
Use of Temporary Outfield Fencing	Per player	$60	$70	$10	$2,000
Youth Basketball League	Per player	No fee	No fee	$0	$0
Jr. Giants Youth Baseball					
					$11,872
AQUATICS					
General Recreation Swim	Per Person	$2	$2	$0	$0
10-Visit Pass	Per Pass	$15	$15	$0	$0
Swim Lessons	Per Parent/Tot	$25	$30	$5	$1,285
Parent/Tot					
Learn to Swim					
Minimum*	Per Person	$26	$28	$2	$634
Maximum*	Per Person	$47	$50	$3	$6,981
*Fees vary based on number of instruction days					
Junior Lifeguard	Per Student	$90	$100	$10	$250
Swim Camp	Per Person	$65	$100	$35	$1,400
Water Aerobics					
Drop-In	Per Person	$4	$4	$0	$0
10-Visit Pass	Per Pass	$30	$30	$0	$0
Diving	Per Person	$47	$50	$3	$72
Lap Swimming	Per Person	$3	$3	$0	$0
10-Visit Pass	Per Pass	$20	$20	$0	$0
Basic Water Polo	Per Person	$47	$62	$15	$525
Lifeguard Training	Per Person	$175	$200	$25	$625
Private Swim Lessons (one 1/2-hour session)	Per Person	$0	$20	$20	$100
					$72
SENIOR PROGRAMS/EVENTS					
Health & Wellness	Per Class	$0	$0	$0	$0
Wii Jubilee Fitness	Per Class	$0	$0	$0	$0
Virtues	Per Class	$0	$0	$0	$0
Power Walk	Per Class	$1	$1	$0	$0
Cardio and Core	Per Class	$1	$1	$0	$0
Cardio and Stretch	Per Class	$1	$1	$0	$0
Tone Your Body	Per Class	$1	$1	$0	$0
Abs, Backs and Gluts	Per Class	$1	$1	$0	$0
Cardio Drill	Per Class	$1	$1	$0	$0
25-Visit Senior Fitness Pass	Per Card	$20	$20	$0	$0

PARKS AND COMMUNITY SERVICES DEPARTMENT
RECOMMENDED FEE SCHEDULE

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEES +/-	ANNUAL REVENUE +/-
Arts & Music	Per Class	$0	$0	$0	$0
Senior Idol	Per Class	$0	$0	$0	$0
Wood Carving	Per Class	$0	$0	$0	$0
Painting	Per Class	$0	$0	$0	$0
Scrapbooking	Per Class	$0	$0	$0	$0
Sewing	Per Month	$7	$7	$0	$0
Beading	Per Class	$2	$2	$0	$0
Card Making (New)	Per Class	$2	$2	$0	$0
Tap Dancing	Per Class	$2	$2	$0	$0
Line Dancing	Per Class	$2	$2	$0	$0
Country Jams					
Recreation	Per Class	$0	$0	$0	$0
Bingo	Per Class	$0	$0	$0	$0
Social Recreation Programs (7)	Per Class	$0	$0	$0	$0
Table Games (6)					
Special Events	Per Person	$2	$2	$0	$0
St. Patty's Day & Octoberfest Lunch	Per Person	$5	$5	$0	$0
Winter/Spring Ball	Per Person	$3	$5	$2	$72
Country Summer Dance	Per Person	$5	$5	$0	$0
SNAP! Friday Night Dance	Per Card	$20	$20	$0	$0
20-Visit Drop-In Activities Card	Per Person	$30	$30	$0	$0
Golden Agers Bus Trips					
Social Services	Per Month	$0	$0	$0	$0
Lunch Program	Per Month	$0	$0	$0	$0
AARP Programs (2)	Per Month	$0	$0	$0	$0
Other Services (3)	Per Month	$0	$0	$0	$0
Clubs (2)					
Senior Special Events	Per Person	$0	$0	$0	$0
Older Americans Month (May)	Per Person	$0	$0	$0	$0
Health Fair (2)	Per Person	$0	$0	$0	$0
Craft Boutique (2)	Per Person	$0	$0	$0	$0
Thanksgiving Dinner	Per Person	$0	$0	$0	$0
Other Annual Events (4)					
					$0
SPECIAL EVENTS					
Park Dedications	Per Event	$0	$0	$0	$0
Downtown Halloween Parade	Per Event	$0	$0	$0	$0
Make a Difference Day	Per Event	$0	$0	$0	$0
Holiday Parade & Tree Lighting	Per Event	$0	$0	$0	$0
Volunteer Luncheon	Per Event	$0	$0	$0	$0
My Own Marathon	Per Event	$0	$0	$0	$0
Movies in the Plaza	Per Event	$0	$0	$0	$0
Park Clean Ups					
TOTALS					$129,017

PARKS AND COMMUNITY SERVICES DEPARTMENT
RECOMMENDED FEE SCHEDULE

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEES +/-	ANNUAL REVENUE +/-
TRACY COMMUNITY CENTER RENTAL					$20,690
Main Hall ~ Week Day Only (New: 4 hour minimum)	Per Hour	$20	$32	$12	$240
Non-Profit Classification	Per Hour	$35	$56	$21	$0
Private Classification	Per Hour	$50	$80	$30	$0
Commercial Classification	Per Hour	$0	$0	$0	$0
MOU - Hours Provided to Non-Profits/Gov					
Conference Room A or B ~ Week Day Only (New: 2 hour minimum)	Per Hour	$5	$5	$0	$0
Non-Profit Classification	Per Hour	$9	$9	$0	$0
Private Classification	Per Hour	$13	$13	$0	$0
Commercial Classification	Per Hour	$0	$0	$0	$0
MOU - Hours Provided to Non-Profits/Gov					
Entire Facility ~ Week Day (New: 4 hour minimum)	Per Hour	$25	$37	$12	$2,160
Non-Profit Classification	Per Hour	$44	$65	$21	$5,250
Private Classification	Per Hour	$63	$93	$30	$0
Commercial Classification	Per Hour	$0	$0	$0	$0
MOU - Hours Provided to Non-Profits/Gov					
Entire Facility ~ Week End (New: 4 hour minimum)	Per Hour	$38	$56	$18	$3,600
Non-Profit Classification	Per Hour	$67	$97	$30	$9,000
Private Classification	Per Hour	$95	$139	$44	$440
Commercial Classification	Per Hour	$0	$0	$0	$0
MOU - Hours Provided to Non-Profits/Gov					
Deposits*	Per Rental	$400	$400	$0	$0
Main Hall	Per Rental	$200	$200	$0	$0
Conference Room A or B	Per Rental	$400	$400	$0	$0
Entire Facility					
*An additional $400 Deposit is required for all activities where alcohol is sold					
TRACY SPORTS COMPLEX MEETING ROOM RENTAL					$2,280
TSC Meeting Room ~ Week Day & Week End (New: 2 hour minimum)	Per Hour	$7	$14	$7	$2,100
Non-Profit Classification	Per Hour	$12	$25	$13	$0
Private Classification	Per Hour	$17	$35	$18	$180
Commercial Classification	Per Hour	$0	$0	$0	$0
MOU - Hours Provided to Non-Profits/Gov					
Deposits*	Per Rental	$200	$200	$0	$0
Meeting Room					
*An additional $200 Deposit is required for all activities where alcohol is sold					
LOLLY HANSEN SENIOR CENTER RENTAL					$0
Multi-Purpose Room ~ Week Day & Week End (New: 4 hour minimum)	Per Hour	$13	$13	$0	$0
Non-Profit Classification	Per Hour	$23	$23	$0	$0
Private Classification	Per Hour	$0	$0	$0	$0
Commercial Classification					
Arts and Crafts Room ~ Week Day & Week End (New: 4 hour minimum)	Per Hour	$5	$5	$0	$0
Non-Profit Classification	Per Hour	$9	$9	$0	$0
Private Classification	Per Hour	$0	$0	$0	$0
Commercial Classification					
Entire Facility ~ Week Day & Week End (New: 4 hour minimum)	Per Hour	$26	$26	$0	$0
Non-Profit Classification	Per Hour	$46	$46	$0	$0
Private Classification	Per Hour	$0	$0	$0	$0
Commercial Classification	Per Hour	$0	$0	$0	$0
MOU - Hours Provided to Non-Profits/Gov					

PARKS AND COMMUNITY SERVICES DEPARTMENT
RECOMMENDED FEE SCHEDULE

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEES +/-	ANNUAL REVENUE +/-
Deposits*					
Multi-Purpose Room	Per Rental	$200	$200	$0	$0
Arts and Crafts Room	Per Rental	$200	$200	$0	$0
Entire Facility	Per Rental	$200	$200	$0	$0
*An additional $400 Deposit is required for all activities where alcohol is sold					
					$780
TRACY CIVIC CENTER RENTAL					
Council Chambers ~ Week Day & Week End (New: 4 hour minimum)	Per Hour	$20	$35	$15	$0
Non-Profit Classification	Per Hour	$0	$0	$0	$0
Private Classification	Per Hour	$0	$0	$0	$0
Commercial Classification	Per Hour	$0	$0	$0	$0
MOU - Hours Provided to Non-Profits/Gov					
Conference Room 109 ~ Week Day Only (New: 2 hour minimum)	Per Hour	$10	$15	$5	$0
Non-Profit Classification	Per Hour	$18	$26	$8	$0
Private Classification	Per Hour	$26	$38	$12	$300
Commercial Classification	Per Hour	$0	$0	$0	$0
MOU - Hours Provided to Non-Profits/Gov					
Conference Room 203 ~ Week Day Only (New: 2 hour minimum)	Per Hour	$15	$25	$10	$100
Non-Profit Classification	Per Hour	$26	$44	$18	$0
Private Classification	Per Hour	$37	$63	$26	$0
Commercial Classification	Per Hour	$0	$0	$0	$0
MOU - Hours Provided to Non-Profits/Gov					
Lobby and Both Conf Rooms ~ Week Day (New: 4 hour minimum)	Per Hour	$25	$40	$15	$0
Non-Profit Classification	Per Hour	$44	$70	$26	$0
Private Classification	Per Hour	$63	$100	$37	$0
Commercial Classification	Per Hour	$0	$0	$0	$0
MOU - Hours Provided to Non-Profits/Gov					
Lobby and Both Conf Rooms ~ Week End (New: 4 hour minimum)	Per Hour	$38	$60	$22	$0
Non-Profit Classification	Per Hour	$67	$105	$38	$380
Private Classification	Per Hour	$95	$150	$55	$0
Commercial Classification	Per Hour	$0	$0	$0	$0
MOU - Hours Provided to Non-Profits/Gov					
Deposits*					
Rental Deposit	Per Rental	$400	$400	$0	$0
*An additional $400 Deposit is required for all activities where alcohol is sold					
					$2,175
PARK AND PICNIC AREA RENTAL					
Park/Picnic ~ 1 to 50 people (New: 4 hour minimum)	Per Hour	$11	$13	$2	$160
Non-Profit Classification	Per Hour	$19	$23	$4	$863
Private Classification	Per Hour	$28	$33	$5	$338
Commercial Classification					
Park/Picnic ~ 51 to 100 people (New: 4 hour minimum)	Per Hour	$16	$19	$3	$195
Non-Profit Classification	Per Hour	$28	$33	$5	$394
Private Classification	Per Hour	$40	$48	$8	$38
Commercial Classification					
Park/Picnic ~ 101+ people (New: 4 hour minimum)	Per Hour	$21	$25	$4	$60
Non-Profit Classification	Per Hour	$37	$44	$7	$34
Private Classification	Per Hour	$53	$63	$10	$95
Commercial Classification					
Non-Profit Org ~ $100 Max	Per Rental	$100	$100	$0	$0

PARKS AND COMMUNITY SERVICES DEPARTMENT
RECOMMENDED FEE SCHEDULE

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEES +/-	ANNUAL REVENUE +/-
Deposits					
less than 50, traditional activity	Per Rental	$0	$0	$0	$0
50-100; or less than 5 non-traditional	Per Rental	$100	$100	$0	$0
101-200 attendees	Per Rental	$200	$200	$0	$0
201-300 attendees	Per Rental	$300	$300	$0	$0
301 and above attendees	Per Rental	$500	$500	$0	$0
SPORT FACILITIES (Tracy Ball Park, Sports Complex, Plasencia Fields, Tiago, Galli, & Bland Ball Fields)					$0
Hourly Fee ~ League/Individual					
Non-Profit Youth Classification	Per Hour, Per Fld	$5	$5	$0	$0
Non-Profit Adult Classification	Per Hour, Per Fld	$10	$10	$0	$0
Private Classification	Per Hour, Per Fld	$18	$18	$0	$0
Commercial Classification	Per Hour, Per Fld	$25	$25	$0	$0
Lights Fee ~ League/Individual					
Non-Profit Youth Classification	Per Hour, Per Fld	$7	$7	$0	$0
Non-Profit Adult Classification	Per Hour, Per Fld	$10	$10	$0	$0
Private Classification	Per Hour, Per Fld	$12	$12	$0	$0
Commercial Classification	Per Hour, Per Fld	$18	$18	$0	$0
Staff for Sports Complex ~ League Individual					
Non-Profit Youth Classification	Per Hour, Per Fld	$0	$0	$0	$0
Non-Profit Adult Classification	Per Hour, Per Fld	$25	$25	$0	$0
Private Classification	Per Hour, Per Fld	$25	$25	$0	$0
Commercial Classification	Per Hour, Per Fld	$25	$25	$0	$0
Hourly Fee ~ Tournaments					
Non-Profit Youth Classification	Per Hour, Per Fld	$60	$60	$0	$0
Non-Profit Adult Classification	Per Hour, Per Fld	$100	$100	$0	$0
Private Classification	Per Hour, Per Fld	$120	$120	$0	$0
Commercial Classification	Per Hour, Per Fld	$120	$120	$0	$0
Lights Fee ~ Tournaments					
Non-Profit Youth Classification	Per Hour, Per Fld	$10	$10	$0	$0
Non-Profit Adult Classification	Per Hour, Per Fld	$10	$10	$0	$0
Private Classification	Per Hour, Per Fld	$10	$10	$0	$0
Commercial Classification	Per Hour, Per Fld	$10	$10	$0	$0
Staff for Sports Complex ~ Tournaments					
Non-Profit Youth Classification	Per Hour, Per Fld	$25	$25	$0	$0
Non-Profit Adult Classification	Per Hour, Per Fld	$25	$25	$0	$0
Private Classification	Per Hour, Per Fld	$25	$25	$0	$0
Commercial Classification	Per Hour, Per Fld	$25	$25	$0	$0
Field Preparations (On Request)					
Light Watering	Per Prep	$5	$5	$0	$0
Light Watering & Minor Dragging	Per Prep	$12.50	$12.50	$0	$0
Complete Field Preparation	Per Prep	$25	$25	$0	$0
MOBILE STAGE RENTAL	The proposed fee includes an $80 application fee as well as actual City costs to setup, breakdown, and transport the stage.				$9,025
"A" Set Up (36' X 14')					
Staff at Regular Hours	Per Rental	$255	$765	$510	$510
Staff at Overtime Hours	Per Rental	$320	$795	$475	$2,375
MOU - Hours Provided to Non-Profits/Gov	Per Rental	$0	$0	$0	$0
"B" Set Up (36' X 18')					
Staff at Regular Hours	Per Rental	$390	$2,075	$1,685	$0
Staff at Overtime Hours	Per Rental	$500	$2,170	$1,670	$1,670
MOU - Hours Provided to Non-Profits/Gov	Per Rental	$0	$0	$0	$0
"C" Set Up (36' X 22')					
Staff at Regular Hours	Per Rental	$440	$2,670	$2,230	$0
Staff at Overtime Hours	Per Rental	$570	$2,805	$2,235	$4,470
MOU - Hours Provided to Non-Profits/Gov	Per Rental	$0	$0	$0	$0
Deposits					
All Stage Rentals	Per Rental	$400	$400	$0	$0

PARKS AND COMMUNITY SERVICES DEPARTMENT
RECOMMENDED FEE SCHEDULE

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEES +/-	ANNUAL REVENUE +/-
					$280
JOE WILSON COMMUNITY POOL RENTALS					
Any size groups, when organization provides own lifeguards (New)	Per Hour	$50	$50	$0	$0
Non-Profit Classification					
Up to 50 People, Includes 2 lifeguards					
Non-Profit Classification	Per Hour	$60	$70	$10	$70
Private Classification	Per Hour	$70	$80	$10	$60
Commercial Classification	Per Hour	$80	$90	$10	$0
Up to 75 People, Includes 3 lifeguards				$0	
Non-Profit Classification	Per Hour	$75	$85	$10	$70
Private Classification	Per Hour	$85	$95	$10	$0
Commercial Classification	Per Hour	$95	$105	$10	$0
Up to 100 People Max, Includes 4 lifeguards					
Non-Profit Classification	Per Hour	$90	$100	$10	$80
Private Classification	Per Hour	$100	$110	$10	$0
Commercial Classification	Per Hour	$110	$120	$10	$0
Deposits					
All Classifications, All Group Sizes	Per Rental	$100	$100	$0	$0
					$0
WEST HIGH SWIMMING POOL RENTALS (New)					
Any size groups, when organization provides own lifeguards (New)					
Non-Profit Classification (Half Pool)	Per Hour	$95	$95	$0	
Non-Profit Classification (Full Pool)	Per Hour	$185	$185	$0	$0
Up to 50 People, Includes 2 lifeguards					
Non-Profit Classification (Half Pool)	Per Hour	$105	$105	$0	$0
Private Classification (Half Pool)	Per Hour	$115	$115	$0	$0
Commercial Classification (Half Pool)	Per Hour	$230	$230	$0	$0
Non-Profit Classification (Full Pool)	Per Hour	$205	$205	$0	$0
Private Classification (Full Pool)	Per Hour	$225	$225	$0	$0
Commercial Classification (Full Pool)	Per Hour	$245	$245	$0	$0
Up to 75 People, Includes 3 lifeguards					
Non-Profit Classification (Half Pool)	Per Hour	$120	$120	$0	$0
Private Classification (Half Pool)	Per Hour	$130	$130	$0	$0
Commercial Classification (Half Pool)	Per Hour	$140	$140	$0	$0
Non-Profit Classification (Full Pool)	Per Hour	$235	$235	$0	$0
Private Classification (Full Pool)	Per Hour	$255	$255	$0	$0
Commercial Classification (Full Pool)	Per Hour	$275	$275	$0	$0
Up to 100 People, Includes 4 lifeguards					
Non-Profit Classification (Half Pool)	Per Hour	$135	$135	$0	$0
Private Classification (Half Pool)	Per Hour	$145	$145	$0	$0
Commercial Classification (Half Pool)	Per Hour	$155	$155	$0	$0
Non-Profit Classification (Full Pool)	Per Hour	$265	$265	$0	$0
Private Classification (Full Pool)	Per Hour	$285	$285	$0	$0
Commercial Classification (Full Pool)	Per Hour	$305	$305	$0	$0
100 to 150 People, Includes 5 lifeguards					
Non-Profit Classification (Half Pool)	Per Hour	$150	$150	$0	$0
Private Classification (Half Pool)	Per Hour	$160	$160	$0	$0
Commercial Classification (Half Pool)	Per Hour	$170	$170	$0	$0
Non-Profit Classification (Full Pool)	Per Hour	$295	$295	$0	$0
Private Classification (Full Pool)	Per Hour	$315	$315	$0	$0
Commercial Classification (Full Pool)	Per Hour	$335	$335	$0	$0
Over 150 People, Includes 6 lifeguards					
Non-Profit Classification (Half Pool)	Per Hour	$155	$155	$0	$0
Private Classification (Half Pool)	Per Hour	$175	$175	$0	$0
Commercial Classification (Half Pool)	Per Hour	$185	$185	$0	$0
Non-Profit Classification (Full Pool)	Per Hour	$310	$310	$0	$0
Private Classification (Full Pool)	Per Hour	$345	$345	$0	$0
Commercial Classification (Full Pool)	Per Hour	$365	$365	$0	$0
Deposits					
All Classifications, All Group Sizes	Per Rental	$100	$100	$0	$0
Additional Pool Rental Fees					
Restrooms (for non-pool rental events)	Per Hour	$40	$40	$0	$0
Restrooms (for non-pool rental events)	Per Day	$200	$200	$0	$0
Extra Lifeguard (as deemed necessary by staff, based on event)	Per Hr, Per Lfgd	$15	$15	$0	$0

PARKS AND COMMUNITY SERVICES DEPARTMENT
RECOMMENDED FEE SCHEDULE

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEES +/-	ANNUAL REVENUE +/-
TENNIS COURTS RENTAL					$0
Rental ~ Private Use				$0	
Non-Profit Youth Classification	Per Hour, Per Crt	$0	$0	$0	$0
Non-Profit Adult Classification	Per Hour, Per Crt	$0	$0	$0	$0
Private Classification	Per Hour, Per Crt	$5	$5	$0	$0
Commercial Classification	Per Hour, Per Crt	$0	$0	$0	$0
Rental ~ League Use				$0	
Non-Profit Youth Classification	Per Hour, Per Crt	$5	$5	$0	$0
Non-Profit Adult Classification	Per Hour, Per Crt	$5	$5	$0	$0
Private Classification	Per Hour, Per Crt	$7	$7	$0	$0
Commercial Classification	Per Hour, Per Crt	$10	$10	$0	$0
Rental ~ Tournaments				$0	
Non-Profit Youth Classification	Per Hour, Per Crt	$5	$5	$0	$0
Non-Profit Adult Classification	Per Hour, Per Crt	$10	$10	$0	$0
Private Classification	Per Hour, Per Crt	$15	$15	$0	$0
Commercial Classification	Per Hour, Per Crt	$15	$15	$0	$0
Lights Fee ~ Private Use				$0	
Non-Profit Youth Classification	Per Hour, Per Crt	$0	$0	$0	$0
Non-Profit Adult Classification	Per Hour, Per Crt	$0	$0	$0	$0
Private Classification	Per Hour, Per Crt	$5	$5	$0	$0
Commercial Classification	Per Hour, Per Crt	$0	$0	$0	$0
Lights Fee ~ Leauge Use				$0	
Non-Profit Youth Classification	Per Hour, Per Crt	$5	$5	$0	$0
Non-Profit Adult Classification	Per Hour, Per Crt	$5	$5	$0	$0
Private Classification	Per Hour, Per Crt	$10	$10	$0	$0
Commercial Classification	Per Hour, Per Crt	$10	$10	$0	$0
Lights Fee ~ Tournaments				$0	
Non-Profit Youth Classification	Per Hour, Per Crt	$7	$7	$0	$0
Non-Profit Adult Classification	Per Hour, Per Crt	$10	$10	$0	$0
Private Classification	Per Hour, Per Crt	$12	$12	$0	$0
Commercial Classification	Per Hour, Per Crt	$12	$12	$0	$0
Deposits				$0	
Tennis Court Rental Deposit	Per Day, Per Crt	$50	$50	$0	$0
TOTALS					**$35,230**

Parks & Recreation Department

Special Studies



CITY OF TRACY

PARKS & COMMUNITY SERVICES DEPARTMENT

PRELIMINARY FINDINGS

GENERAL FUND

COST OF SERVICES STUDY FINDINGS

JUNE, 2008

MGT
OF AMERICA, INC.

455 Capitol Mall
Suite 600
Sacramento, CA 95814
p: (916) 443-3411
f: (916) 443-1766
www.mgtofamerica.com

EXECUTIVE SUMMARY

INTRODUCTION

MGT of America (MGT) is pleased to present the City of Tracy (City) with this summary of findings for the cost of services study for the Parks and Community Services Department.

The Parks and Community Services Department has not undertaken a comprehensive cost of services study since the 1998-99 fiscal year. Since that time, the department has made some minor adjustments to the original fee levels, but has largely maintained the fee levels that had been previously adopted. The City is interested in accurately reporting the true cost of providing various fee-related services, and exploring the possibilities of modifying current fees to better reflect the increasing cost of providing services over time. In January 2008, the City contracted with MGT to perform this cost analysis using the adopted 2007-2008 fiscal year budget, staffing and operational information. Additionally, all information was provided through the period ending April 2008. Fees should be reviewed on a regular basis and adjusted in accordance with established City policies on user fee cost recovery.

This report is the culmination of the past three months of work between MGT and Parks and Community Services management and staff. MGT would like to take this opportunity to acknowledge all P&CS management and staff who participated on this project for their efforts and coordination. Their responsiveness and continued interest in the outcome of this study contributed greatly to the success of this study.

STUDY SCOPE AND OBJECTIVES

The study was performed under the general direction of the Parks and Community Services Director with the participation of representatives from each program division. The primary goals of the study were to:

- Define what it costs the city to provide various fee-related services.
- Determine whether there are any opportunities to implement new fees, based on city cost recovery policies.
- Identify service areas where the City might adjust fees based on the full cost of services and other economic or policy considerations.

The information summarized in this report addresses each of these issues and provides the City with the tools necessary to make informed decisions about any proposed fee adjustments and the resulting impact on general fund revenues.

PRELIMINARY FINDINGS

ECONOMIC & POLICY CONSIDERATIONS

Calculating the true cost of providing city services is a critical step in the process of establishing user fees and corresponding cost recovery levels. Although it is an important factor, other factors must also be given consideration. City decision-makers must also consider the effects that establishing fees for services will have on the individuals purchasing those services, as well as the community as a whole. The following economic and policy issues help illustrate these considerations.

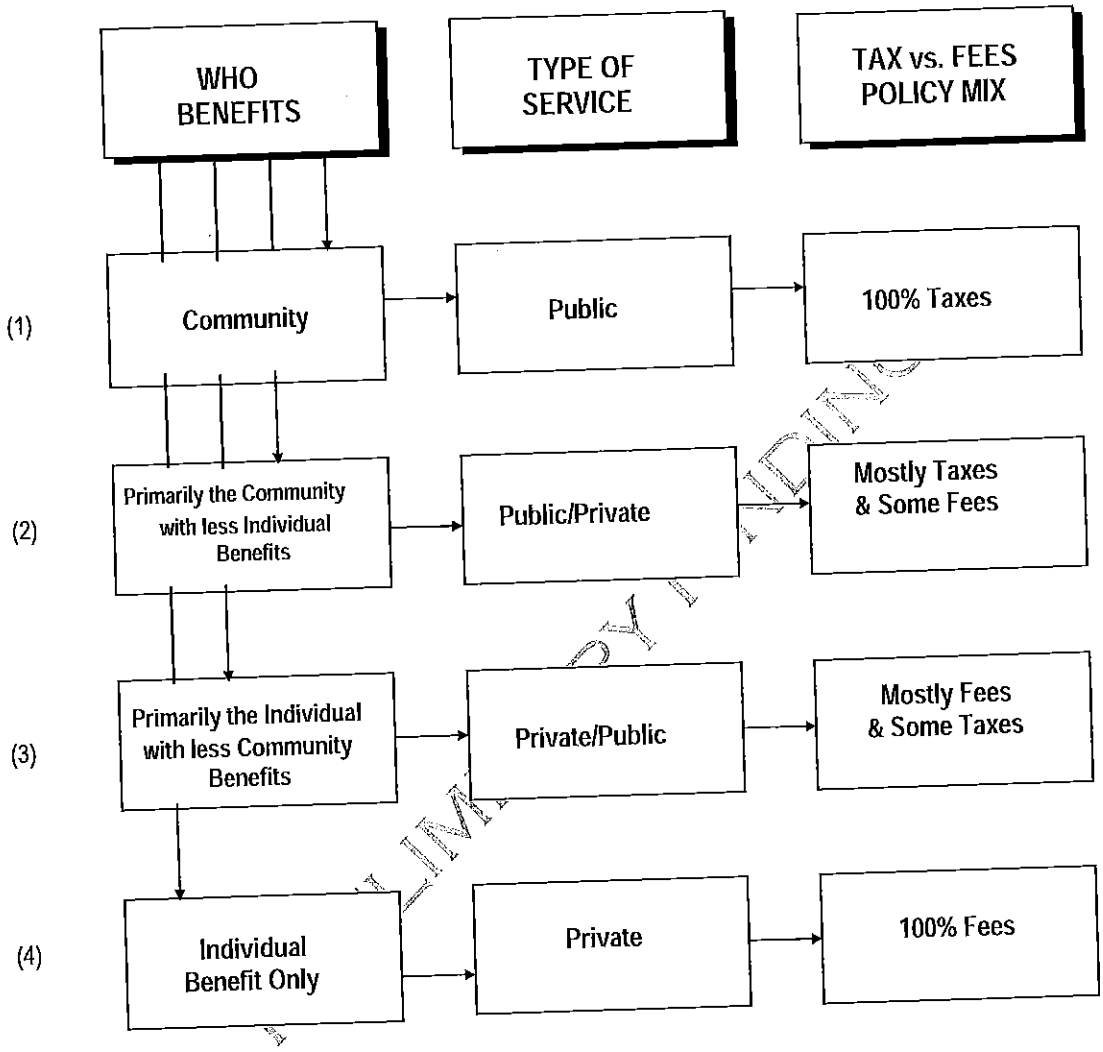
- It may be a desired policy to establish fees at a level that permits lower income groups to use services that they might not otherwise be able to afford.
- A consideration of community-wide benefit versus individual benefit might be of concern for certain services.
- Elasticity of demand is a factor in pricing certain city services; increasing the price of some services results in a reduction of demand for those services, and vice versa.
- Public sector agencies have a monopoly on providing certain services within its boundaries, such as development-related services. However, other services, such as recreation classes, may be provided by neighboring communities or the private sector, and therefore demand for these services can be highly dependent on what else may be available at lower prices.

The flow chart on the following page helps illustrate the economic and policy considerations listed above.

PRELIMINARY FIGURES

General Fund Subsidy vs. User Fees

Decision-making Flow Chart



Examples of service that fall under each category:

(1) –Recreational Swim, Community Events, Drop In programs
(2)- Senior Activities, Pre-school & Teen Activities
(3)- Camps, Youth Team Sports
(4)- Adult Sports, Specialty Classes, Tournaments

METHODOLOGY

A cost of service study analyzes two components of costs: the direct/internal costs associated with providing each fee-for-service activity, and the indirect/external costs that support these activities. A brief discussion of each of these components follows. (A complete, detailed report of calculations is provided as an attachment to this report).

Internal Costs. The internal costs associated with fee-for-service activities were analyzed in great detail in this study. MGT worked with staff within each of the nine divisions to develop the analysis that is summarized in the following sections of this report. The fiscal year 2007-2008 adopted budget was used to identify direct costs.

The first step in the process was to identify staff time spent directly on each of the user fee activities. Each staff person involved in the user fee services identified time spent to staff and provide all program areas. Salary and benefit dollars were assigned to the time estimates to come up with the direct staff costs. Material, supply, contract services and a proportionate share of division administration was then allocated to the program areas.

External Costs. A proportionate share of other operating expenses and internal department administrative costs were layered onto the direct costs as a departmental overhead. (Note: Citywide internal service charges are already directly budgeted into program budgets). The three components of the indirect costs: 1) departmental overhead, 2) Citywide budgeted indirect costs and 3) Public Works – Park Maintenance are combined with the direct costs of each activity and then compared to the revenue recovered, and the extent of cost recovery is identified.

Department Administration. Many of the costs that support *all* divisions and programs are budgeted in a centralized division, such as 1) Parks and Community Services Administration, which provides budgeting, personnel, reception, customer outreach and general oversight, 2) Activity guide preparation, which is budgeted in various programs, but provides support to all Parks and Community Services programs. The costs of these activities and other centralized services are considered indirect/external overhead that support fee-for-service activities, as well as other programs and functions within the department.

As part of this study, MGT developed an indirect cost allocation plan that identifies and distributes these indirect costs to all operating divisions and activities within the Parks and Community Service's organizational structure. The Community Services cost allocation plan takes a methodological approach to analyzing indirect costs.

The end result of this analysis is the allocation of all indirect costs to all operating divisions and activities. The external costs are then added to the internal costs to determine the full cost of *all* department operations – whether fee-related or not. This accounting exercise is important in that it can result in an increase in general fund revenues for reimbursement of support for user fee services and state or federally funded programs.

STUDY FINDINGS

While the purpose of this study is to identify the cost of fee-related activities, one of the outcomes of the analysis is to provide a complete picture of the full cost of all services offered. It is necessary to identify *all* costs, whether fee-related or not, so that there is a fair distribution of all departmental overhead costs (discussed in the following section of this report) across all activities, thereby ensuring a definitive relationship between the cost of the service and the fee that is charged. No service should be burdened with costs that cannot be directly or indirectly linked to that service. Certain non-fee related activities are appropriately funded by general fund monies (or other special revenue or impact fee sources), such as senior social services or capital improvement projects.

Overall, the Parks and Community Services Department is experiencing a 29% cost recovery level for its services. Within each recovery category, current cost recovery levels range from 4% for Administration fees to 79% for Classes. The information about individual activities within each program may be found in subsequent sections of this report. *Please note; all revenue numbers reflect budgeted numbers.*

The exhibit on the following page indicates that fees recover 29% of full cost, leaving 71% or $2,564,649 to be funded by other funding sources. This $2.6 million represents a "window of opportunity" for Parks and Community Services to increase fees and general fund revenues, with a corresponding decrease in the subsidization of services. While it is not likely (nor would MGT recommend) that the City completely recover all costs through increased or new fees, it is possible for the Parks and Community Services Department to implement moderate increases to current fees and new fees for some services.

The study's primary objective is to provide the City's decision-makers with basic data needed for setting fees. This report details the full cost of services, and presents opportunities for adjusted fee levels in certain activities. Recommendations for fee changes should be based upon careful consideration of the results of the cost analysis, historical cost recovery levels, and the elasticity of demand unique to each division's services. The chart below breaks down the cost components for each division area.

PRELIMINARY DRAFT

Full Cost Breakdown

Source - Fiscal Year 2007-2008

Program Area	Direct Costs	P&CS Admin	Public Works	Citywide Indirect	Other P&CS Division
	Internal	External	External	External	External
Teen Recreation	74%	20%	n/a	6%	n/a
Youth Development	77%	18%	n/a	5%	n/a
Special Interest Classes	85%	14%	n/a	1%	n/a
Facilities	41%	15%	42%	2%	n/a
Athletics	69%	10%	18%	3%	n/a
Aquatics	76%	19%	n/a	5%	n/a
Sr. Activities	85%	12%	n/a	3%	n/a
Community Events	80%	16%	n/a	4%	n/a
Administration	98%	n/a	n/a	n/a	2%

Direct costs include direct staffing, reservation processing, division administration and materials and supplies

P&CS administration costs include the Director's office and activity guide support

Public Works costs include Parks Maintenance support

Citywide indirect costs include central service department allocations from the budget

User Fee Revenue Analysis

Source - Fiscal Year 2007-2008

Program Area	Costs	Projected Revenue	Recovery Level	Subsidy	
Teen Recreation - internal	$186,033	$9,600	5%	$176,433	95%
Teen Recreation - external	$66,601	-	-	$66,601	-
TEEN RECREATION - TOTAL	$252,634	$9,600	4%	$243,034	96%
Youth Development - internal	$406,712	$208,280	51%	$198,432	49%
Youth Development - external	$117,738	-	-	$117,738	-
YOUTH DEVELOPMENT - TOTAL	$524,450	$208,280	40%	$316,170	60%
Spcl Intrst Classes - internal	$307,067	$285,800	93%	$21,267	7%
Spcl Intrst Classes - external	$52,805	-	-	$52,805	-
SPCL INTRST CLASSES - TOTAL	$359,872	$285,800	79%	$74,072	21%
Facilities - internal	$271,492	$75,480	28%	$196,012	72%
Facilities - external	$391,890	-	-	$391,890	-
FACILITIES - TOTAL	$663,382	$75,480	11%	$587,902	89%
Athletics - internal	$238,689	$168,150	70%	$70,539	30%
Athletics - external	$109,975	-	-	$109,975	-
ATHLETICS - TOTAL	$348,664	$168,150	48%	$180,514	52%
Aquatics - internal	$554,002	$268,400	48%	$285,602	52%
Aquatics - external	$169,766	-	-	$169,766	-
AQUATICS - TOTAL	$723,768	$268,400	37%	$455,368	63%
Sr. Activities - internal	$372,351	$25,600	7%	$346,751	93%
Sr. Activities - external	$69,820	-	-	$69,820	-
SR. ACTIVITES - TOTAL	$442,171	$25,600	6%	$416,571	94%
Community Events - internal	$212,909	$0	0%	$212,909	100%
Community Events - external	$52,199	-	-	$52,199	-
COMMUNITY EVENTS - TOTAL	$265,108	$0	0%	$265,108	100%
Administration* - internal	$6,788	$1,080	16%	$5,708	84%
Administration* - external	$20,202	-	-	$20,202	-
ADMINISTRATION* - TOTAL	$26,990	$1,080	4%	$25,910	96%
TOTAL:	$3,607,039	$1,042,390	29%	$2,564,649	71%

*all other P&CS administration costs were allocated to P&CS divisions as overhead

PROGRAM HIGHLIGHTS

The previous MSI study (1997/98) reported a cost recovery rate for user fee programs of 53.4%. In comparison, this current study reports a 29% recovery of fee related divisions. Since the MSI study, the Parks and Community Services Department has made numerous program and policy changes in accordance with MSI report recommendations which modified how program fees are set, with an overall goal of 50% cost recovery through program fees. The chart below lists desired, budgeted (current) and recommended individual program recovery rates.

Notes

- *Per the municipal code, facility rental and use fees are established by the Parks Commission.*
- *The recovery levels in the current (budgeted) column reflect recovery of full costs – internal and external.*
- *These recovery rates are used by staff to set individual program and activity fees within each program area taking into account the market demand, alignment of program with the Department's mission and direction, ability of participants to pay.*

Recovery Rates

Program	Desired (MSI)	Budgeted
Special Interest Classes	60%	79%
Aquatics	50%	37%
Athletics	65%	48%
After School/Youth Dev	75%	40%
Senior Services	10%	6%
Community Events	10%	0%
Teens	5%	4%

PRELIMINARY DRAFT

Department Considerations

1. A comprehensive recreation needs assessment and marketing study has recently been completed to provide the Department with information about programs to be offered in Tracy that meet the interests and needs of the community. Programs are then selected for their popularity in the community and how they align with overall community needs. The Department has evaluated which programs are being offered by other agencies, either private or non-profit, and moved towards reducing or eliminating those. Programs that are high value to the public are offered, and willingness to pay for these through competitive pricing is increased.

2. There was a facility fee review and update on all indoor and outdoor facilities completed by the Parks Commission in December 2001. New facility fees for the Tracy Sports Complex were approved in November 2002. This study reports that facility rentals are recovering 12% of costs. Many costs related to facility rentals are fixed and will be incurred whether a facility is rented or unused. Therefore, recovery levels are directly tied to use. A recommendation for the ability to

charge the direct costs of any required outside cleaning services is desired by the Parks and Community Services Department.

3. One new major program area has been added since the 1997/98 MSI study that has affected the Department's overall cost recovery ratio. This was the establishment of the Teen Center and teen programs. This program area has historically been difficult to recoup any significant portion of program fees to offset program costs.

4. A review of less costly ways to supply services has been undertaken on a regular basis as a part of the Department's budget preparation. As a result, several changes have been made.
   a. Special interest classes have been shifted to contract instructors versus city staff and thus increased the Department's ability to maintain appropriate fees for service based on market demand. Contracts are paid on a percentage of fees collected and therefore costs are increased only as participant enrollment increases.
   b. Concession services have been transferred through contract to a concessionaire thus reducing city personnel and product costs.
   c. Umpire services have been transferred to an umpire association through contract.
   d. Child care programs have been transitioned to non-profit providers.

5. Participant evaluations are routinely administered to determine level of interest for possible new programs.

6. The Department maintains a scholarship program through CDBG or general fund allocations to assist participants with program fees who could not otherwise afford those fees.

PRELIMINARY DRAFT

Resident Discount Program

The Parks Commission recently approved implementation of a resident discount of 10% for fees on recreation programs and activities. This discount will be reduced from the fee charged for enrollment in fee-based recreation programs to those participants who reside within the Tracy city limits. Participation is not excluded to non-residents, but the fee will be 10% higher. For example, a yoga class would be priced at $30 for a Tracy resident and $33 for a non-resident.

For purposes of this surcharge fee, "*Residents*" shall be defined as:

- Individuals who reside within Tracy city limits
- Individuals who do not reside within Tracy city limits, but are the owner of record for property in Tracy, and can show proof of such.

The resident discount fee will not be applied to programs where registration operates on a "drop-in" basis. Therefore the following types of programs that collect a drop-in fee would be excluded from the surcharge: Senior Programs, Teen Programs, SNAP! Program

The Department has been charged, by policy of the Commission and City Council, to strive for an overall 50% cost recovery for recreation programs. The analysis of this is done annually during the budget process in making revenue projections commensurate with costs to operate the programs. Staff routinely analyzes fees and charges to be certain that they are keeping pace with increases in expenditures. User fees are adjusted accordingly to meet the cost recovery ratios. A Resident discount will increase participation and therefore provide the Department with additional revenues towards the overall goal of 50% cost recovery.

The practice of imposing higher fees to non-residents is common practice for cities throughout the San Joaquin valley, Bay Area and entire state. Many times this is done through a non-resident fee surcharge which imposes an additional financial responsibility to a participant who is not contributing to the City's general fund through property tax, as the general fund is the source that funds the 50% operating subsidy for recreation programs. Residents receive an additional benefit of their Tracy residence through lower recreational program fees.

PRELIMINARY FINDINGS

PROGRAM SUMMARY CHARTS

Each subsequent page displays division results and individual activity analysis. These summaries reflect annual costs and the various subtotals on these pages directly tie to the exhibit charts discussed earlier in this report.

The summaries are in the following order:

- Athletics
- Aquatics
- Community Events
- Senior Activities
- Teens
- Youth Development
- Special Interest Classes
- Facilities
- Administration

PRELIMINARY FINDINGS

Agency: City of Tracy
Fund: Athletics - 5543
Fiscal Year: 2007/2008

Service Name	Service Type	Revenue @ Current Fee	*Internal Costs*	*External Costs*	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy
1 Sports Leagues	Fee	$128,200	*$124,548*	*$68,535*	66%	$193,082	$64,882
2 Youth Athletics	Fee	$18,590	*$62,437*	*$18,968*	23%	$81,405	$62,815
3 Tournaments	Fee	$16,360	*$35,488*	*$18,322*	30%	$53,811	$37,451
4 Outfield Fence setup	Fee	$5,000	*$6,727*	*$674*	68%	$7,401	$2,401
5 Sport/Park Facility Rentals	Support	$0	*$9,489*	*$3,476*	0%	$12,965	$12,965
Total Fee Related		$168,150	*$229,200*	*$106,499*		$335,699	$167,549
% of Full Cost		50%	68%	32%		100%	50%
Total Other Services		$0	*$9,489*	*$3,476*		$12,965	$12,965
% of Full Cost		0%	*73%*	*27%*		100%	100%
Fund Totals		$168,150	*$238,689*	*$109,975*		$348,664	$180,514
% of Full Cost		48%	*68%*	*32%*		100%	52%

Full Cost Breakdown

Direct Costs	P&CS Administration	Public Works	Citywide Indirect
Internal	External	External	External
68%	*10%*	*18%*	*3%*

Direct costs include direct staffing, division administration and materials and supplies
P&CS administration costs include the Director's office and activity guide support
Public Works costs include Parks Maintenance support
Citywide indirect costs include central service department allocations from the budget

PRELIMINARY FINDINGS

Agency: City of Tracy

Fund: Aquatics - 5542

Fiscal Year: 2007/2008

Service Name	Service Type	Revenue @ Current Fee	*Internal Costs*	*External Costs*	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy
1 General Recreation Swim	Fee	$12,000	*$57,092*	*$18,175*	16%	$75,267	$63,267
2 Swim Lessons	Fee	$160,000	*$218,930*	*$69,286*	56%	$288,216	$128,216
3 Special Aquatics Programs	Fee	$1,400	*$23,119*	*$6,781*	5%	$29,900	$28,500
4 West Pool General Rec Swim	New fee	$5,500	*$47,411*	*$14,050*	9%	$61,461	$55,961
5 West Pool Swim Lessons	New fee	$85,000	*$198,222*	*$58,740*	33%	$256,962	$171,962
6 West Pool Special Aquatics Prgn	New fee	$4,500	*$9,228*	*$2,735*	38%	$11,963	$7,463
Total Fee Related		$268,400	*$554,002*	*$169,766*		$723,768	$455,368
% of Full Cost		37%	*77%*	*23%*		100%	63%
Total Other Services		$0	*$0*	*$0*		$0	$0
% of Full Cost		0%	*0%*	*0%*		0%	0%
Fund Totals		$268,400	*$554,002*	*$169,766*		$723,768	$455,368
% of Full Cost		37%	*77%*	*23%*		100%	63%

Full Cost Breakdown

Direct Costs	P&CS Administration	Citywide Indirect
Internal	External	External
77%	*19%*	*5%*

Direct costs include direct staffing, division administration and materials and supplies

P&CS administration costs include the Director's office and activity guide support

Citywide indirect costs include central service department allocations from the budget

PRELIMINARY ETC.

Agency: City of Tracy

Fund: Community Events - 5548

Fiscal Year: 2007/2008

Service Name	Service Type	Revenue @ Current Fee	*Internal Costs*	*External Costs*	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy
1 My Own Marathon	Fee	$0	*$21,761*	*$6,250*	0%	$28,011	$28,011
2 Make a Difference Day	Fee	$0	*$17,300*	*$4,969*	0%	$22,270	$22,270
3 Volunteer Recognition Luncheon	Fee	$0	*$19,395*	*$5,571*	0%	$24,966	$24,966
4 V.I.T.A.L. Volunteer Program	Fee	$0	*$17,300*	*$4,969*	0%	$22,270	$22,270
5 Park Clean-up	Fee	$0	*$9,698*	*$2,785*	0%	$12,483	$12,483
6 Gus Maker event	Fee	$0	*$52,774*	*$7,978*	0%	$60,752	$60,752
7 Tree Lighting Celebration	Fee	$0	*$24,127*	*$6,930*	0%	$31,057	$31,057
8 Park Dedication & Ribbon Cutting	Fee	$0	*$15,206*	*$4,368*	0%	$19,573	$19,573
9 Movies on the Plaza	Fee	$0	*$20,443*	*$5,872*	0%	$26,314	$26,314
10 Activity Guide	Support	$0	*$7,619*	*$2,507*	0%	$10,126	$10,126
11 Library	Non Fee	$0	*$7,286*	*$0*	0%	$7,286	$7,286
Total Fee Related		$0	$198,004	$49,692		$247,696	$247,696
% of Full Cost		0%	*80%*	*20%*		100%	100%
Total Other Services		$0	*$14,905*	*$2,507*		$17,412	$17,412
% of Full Cost		0%	*86%*	*14%*		100%	100%
Fund Totals		$0	*$212,909*	*$52,199*		$265,108	$265,108
% of Full Cost		0%	*80%*	*20%*		100%	100%

PRELIMINARY FINDINGS

Full Cost Breakdown

Direct Costs	P&CS Administration	Citywide Indirect
Internal	External	External
80.3%	*15.5%*	*4.2%*

Direct costs include direct staffing, division administration and materials and supplies

P&CS administration costs include the Director's office and activity guide support

Citywide indirect costs include central service department allocations from the budget

Agency: City of Tracy

Fund: Senior Activities - 5545

Fiscal Year: 2007/2008

Service Name	Service Type	Revenue @ Current Fee	*Internal Costs*	*External Costs*	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy
1 Health & Wellness	Fee	$16,280	*$104,714*	*$15,208*	14%	$119,922	$103,642
2 Arts & Crafts	Fee	$1,000	*$36,746*	*$5,337*	2%	$42,083	$41,083
3 Drop in Cards	Fee	$4,600	*$36,746*	*$5,337*	11%	$42,083	$37,483
4 Trips	Fee	$2,200	*$24,037*	*$3,491*	8%	$27,528	$25,328
5 Senior Events	Fee	$1,520	*$45,312*	*$6,581*	3%	$51,892	$50,372
6 Non fee programs & social services	Non fee	$0	*$124,796*	*$33,867*	0%	$158,663	$158,663
Total Fee Related		$25,600	*$247,555*	*$35,953*		$283,508	$257,908
% of Full Cost		9%	*87%*	*13%*		100%	91%
Total Other Services		$0	*$124,796*	*$33,867*		$158,663	$158,663
% of Full Cost		0%	*79%*	*21%*		100%	100%
Fund Totals		$25,600	*$372,351*	*$69,820*		$442,171	$416,571
% of Full Cost		6%	*84%*	*16%*		100%	94%

Full Cost Breakdown

Direct Costs	P&CS Administration	Citywide Indirect
Internal	External	External
84%	*12%*	*3%*

Direct costs include direct staffing, division administration and materials and supplies

P&CS administration costs include the Director's office and activity guide support

Citywide indirect costs include central service department allocations from the budget

PRELIMINARY

Agency: City of Tracy

Fund: Teen Recreation - 5549

Fiscal Year: 2007/2008

Service Name	Service Type	Revenue @ Current Fee	*Internal Costs*	*External Costs*	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy
1 Teen Programs	Fee	$1,100	*$45,685*	*$15,528*	2%	$61,213	$60,113
2 Teen Special Events/Trips	Fee	$2,400	*$42,672*	*$15,528*	4%	$58,200	$55,800
3 Teen Dances	Fee	$6,100	*$48,838*	*$17,772*	9%	$66,611	$60,511
4 Youth Commission	Non fee	$0	*$18,170*	*$6,612*	0%	$24,782	$24,782
5 Teen non fee activities - Teen Center	Non fee	$0	*$30,668*	*$11,160*	0%	$41,829	$41,829
Total User Fees		$9,600	*$137,195*	*$48,829*		$186,023	$176,423
% of Full Cost		5%	*74%*	*26%*		100%	95%
Total Other Services		$0	*$48,838*	*$17,772*		$66,611	$66,611
% of Full Cost		0%	*73%*	*27%*		100%	100%
Fund Totals		$9,600	$186,033	$66,601		$252,634	$243,034
% of Full Cost		4%	*74%*	*26%*		100%	96%

Full Cost Breakdown

Direct Costs	P&CS Administration	Citywide Indirect
Internal	External	External
73.6%	*20.6%*	*5.8%*

Direct costs include direct staffing, division administration and materials and supplies

P&CS administration costs include the Director's office and activity guide support

Citywide indirect costs include central service department allocations from the budget

PRELIMINARY REVIEW

Agency: City of Tracy

Fund: Youth Development - 5544

Fiscal Year: 2007/2008

	Service Name	Service Type	Revenue @ Current Fee	*Internal Costs*	*External Costs*	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy
1	Youth Development ROC	Fee	$132,200	*$234,368*	*$68,653*	44%	$303,021	$170,821
2	Youth Development Camps	Fee	$30,000	*$100,443*	*$29,423*	23%	$129,866	$99,866
3	Preschool Programs	Fee	$46,080	*$71,901*	*$19,662*	50%	$91,563	$45,483
	Total User Fees		$208,280	*$406,712*	*$117,738*		$524,450	$316,170
	% of Full Cost		40%	*78%*	*22%*		100%	60%
	Total Other Services		$0	*$0*	*$0*		$0	$0
	% of Full Cost		0%	*0%*	*0%*		0%	0%
	Fund Totals		$208,280	*$406,712*	*$117,738*		$524,450	$316,170
	% of Full Cost		40%	*78%*	*22%*		100%	60%

Full Cost Breakdown

Direct Costs	P&CS Administration	Citywide Indirect
Internal	External	External
77.6%	*17.8%*	*4.6%*

Direct costs include direct staffing, division administration and materials and supplies

P&CS administration costs include the Director's office and activity guide support

Citywide indirect costs include central service department allocations from the budget

PRELIMINARY DRAFT

Agency: City of Tracy

Fund: Special Interest Classes - 5541

Fiscal Year: 2007/2008

	Service Name	Service Type	Revenue @ Current Fee	*Internal Costs*	*External Costs*	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy
1	Special Interest Classes	Fee	$285,800	*$280,634*	*$47,102*	87%	$327,737	$41,937
2	Recreation Brochure	Non fee	$0	*$8,679*	*$3,254*	0%	$11,933	$11,933
a) 3	Cancellation fee	Support	$0	*$17,754*	*$2,448*	0%	$20,202	$20,202
	Total User Fees		$285,800	*$280,634*	*$47,102*		$327,737	$41,937
	% of Full Cost		87%	*86%*	*14%*		100%	13%
	Total Other Services		$0	*$26,432*	*$5,702*		$32,135	$32,135
	% of Full Cost		0%	*82%*	*18%*		100%	100%
	Fund Totals		$285,800	*$307,067*	*$52,805*		$359,871	$74,071
	% of Full Cost		79%	*85%*	*15%*		100%	21%

a) The costs for this service were transferred and analyzed in the administration fund.

Full Cost Breakdown

Direct Costs	P&CS Administration	Citywide Indirect
Internal	External	External
85%	*14%*	*1%*

Direct costs include direct staffing, contract instructors, division administration and materials and supplies

P&CS administration costs include the Director's office and activity guide support

Citywide indirect costs include central service department allocations from the budget

PRELIMINARY ITEM

Agency: City of Tracy

Fund: Facilities - 5512

Fiscal Year: 2007/2008

Service Name	Service Type	Revenue @ Current Fee	*Internal Costs*	*External Costs*	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy
1 Community Center Rentals	Fee	$25,000	*$66,028*	*$7,377*	34%	$73,405	$48,405
2 Sr Center Rentals	Fee	$780	*$3,412*	*$1,844*	15%	$5,256	$4,476
3 Sports Complex Rentals	Fee	$24,300	*$22,686*	*$7,377*	81%	$30,063	$5,763
4 Mobile Stage Rentals	Fee	$2,000	*$3,412*	*$1,844*	38%	$5,256	$3,256
5 Civic Center Rentals	Fee	$0	*$3,412*	*$1,844*	0%	$5,256	$5,256
6 Special Event applications	Fee	$1,050	*$64,198*	*$34,703*	1%	$98,901	$97,851
7 Sports Fields Rentals	Fee	$18,350	*$94,696*	*$329,522*	4%	$424,218	$405,868
8 Park/Picnic Rentals	Fee	$4,000	*$13,648*	*$7,377*	19%	$21,025	$17,025
Total User Fees		$75,480	*$271,492*	*$391,890*		$663,382	$587,902
% of Full Cost		11%	*41%*	*59%*		100%	89%
Total Other Services		$0	*$0*	*$0*		$0	$0
% of Full Cost		0%	*0%*	*0%*		0%	0%
Fund Totals		$75,480	*$271,492*	*$391,890*		$663,382	$587,902
% of Full Cost		11%	*41%*	*59%*		100%	89%

PRELIMINARY

Full Cost Breakdown

Direct Costs	P&CS Administration	Public Works	Citywide Indirect
Internal	External	External	External
41%	*15%*	*42%*	*2%*

Direct costs include direct staffing, reservation processing, division administration and materials and supplies

P&CS administration costs include the Director's office and activity guide support

Public Works costs include Parks Maintenance support

Citywide indirect costs include central service department allocations from the budget

User Fee Study Summary Sheet

- Total Program Information -

City of Tracy
Parks Administration
2007/2008

Service Name	Service Type	Revenue @ Current Fee	Direct Costs	Indirect Costs	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy
1 Brochure	Non fee	$0	$52,329	$0	0%	$52,329	$52,329
2 Reservation processing	Support	$0	$68,982	$0	0%	$68,982	$68,982
3 Course withdrawal fee	New fee	$0	$6,381	$18,990	0%	$25,371	$25,371
4 Insurance certificate	Fee	$1,080	$407	$1,212	67%	$1,619	$539
5 All other activity	Support	$0	$733,810	$0	0%	$733,810	$733,810
Total User Fees		$1,080	$6,788	$20,202		$26,990	$25,910
% of Full Cost		4%	25%	75%		100%	96%
Total Other Services		$0	$855,120	$0		$855,120	$855,120
% of Full Cost		0%	100%	0%		100%	100%
Fund Totals		$1,080	$861,908	$20,202		$882,110	$881,030
% of Full Cost		0%	98%	2%		100%	100%

DRAFT FINAL TBD

Full Cost Breakdown

Direct Costs	Outside Division support
Internal	External
98%	*2%*

Direct costs include direct staffing, division administration and materials and supplies

Outside division support costs include staff support from another P&CS division

January 6, 2009

AGENDA ITEM 3

REQUEST

REVIEW AND ADOPT RECOMMENDED GENERAL FUND SUBSIDY LIMIT GOALS AND CONDUCT A PUBLIC HEARING TO REVIEW AND ADOPT ASSOCIATED FEES FOR PROGRAMS AND FACILITY USE PROVIDED THROUGH THE PARKS AND COMMUNITY SERVICES DEPARTMENT AND THE CULTURAL ARTS DIVISION

EXECUTIVE SUMMARY

Staff requests that Council review, and approve the recommended General Fund subsidy limit goals in the amount of $3,000,000 in Fiscal Year 2009/10 for the Parks and Community Services Department and $1,000,000 in Fiscal Year 2009/2010 for the Cultural Arts Division and adopt recommended fees to achieve General Fund subsidy limit goals.

DISCUSSION

On August 31, 1998, City Council reviewed a comprehensive fee study of the Parks and Community Services Department where cost recovery rates averaged 53% and an annual goal of achieving an overall 50% recovery rate for all programs was adopted. On January 21, 2003, City Council directed staff to make any necessary periodic adjustments to programs in order to maintain a 50% cost recovery rate.

In recent years, certain services, programs and special events have had a reduced recovery rate which has impacted the ability of the Parks and Community Services Department to meet the overall 50% cost recovery rate. Additionally, with the expansion of such programs, and in an effort to provide diverse programming, the General Fund subsidy has continued to increase.

On September 18, 2007, the Council approved temporary fees for the Parks and Community Services Department and the Cultural Arts Division while a cost recovery study was completed. Included were fees for recreation and art programs, facility rentals and admission to events.

MGT of America has completed the Cost of Services Study for the Parks and Community Services Department (Exhibit A) and Cultural Arts Division (Exhibit B) which includes an analysis of actual program expenditures (service charges, indirect internal and external costs). This analysis utilized budgeted allocations and projections included in the 2007-08 budget. This study included additional elements that were not included in the 1998 study, such as inclusion of the facility rental program costs, actual Public Works maintenance costs, and allocation of other Citywide overhead indirect costs, making it difficult to compare previous cost recovery estimates with these reports.

The Cost of Services Study Findings for the Cultural Arts Division (Exhibit B) was previously presented to City Council as part of the Cultural Arts Division Operational Plan workshop on August 5, 2008.

General Fund Impact

The table below illustrates a trend of increasing General Fund subsidy for the Parks and Community Services Department (PCS). Conversely, the Cultural Arts Division projects a decrease in General Fund subsidy for its second year of operations:

	FISCAL YEAR				
	ACTUAL 05-06	ACTUAL 06-07	ACTUAL 07-08	PROJECTED 08-09	SUBSIDY GOAL 09-10
PCS	$2,084,430	$2,615,095	$2,780,220	$3,286,130	$3,000,000
Cultural Arts	0	0	$1,508,340	$1,360,240	$1,000,000
			Totals:	**$4,646,370**	**$4,000,000**

The impact to the General Fund may not be fully controlled by virtue of a cost recovery model. For example, if a new program was added with a 50% cost recovery the General Fund subsidy would need to increase by the remaining 50%. Therefore, staff is recommending to City Council to establish annual General Fund subsidy limit goals for FY 2009/2010, and associated fees as proposed in Exhibits C and D, to meet the subsidy limit goals.

Besides the proposed fees, an ongoing evaluation of the revenue opportunities, alternative revenue sources such as sponsorships and advertising, programming and expenditure controls will also be required to meet the General Fund subsidy goals.

It is anticipated that not all fees will be able to be implemented at once due to current programs and published materials; however, all approved revenue increases will be in place by spring of 2009.

Fee Development/Revision

Several factors were considered and analyzed in the development of the attached staff recommended fees. These factors were:

Market Value: What other local public agencies charge for like or similar programs and facilities.

Community Versus Individual Benefit: MGT suggested a community versus individual pricing guideline. Generally, the higher the benefit of the program is to the community, the greater the program is subsidized. The more the program benefits the individual, the lower the amount of subsidy.

Affordability for Segments of the Public: As indicated in the MGT study, a fairly low percentage of recovery is projected for the senior and teen programs, community events and facility reservation functions. These are due to staff's understanding that the City desires to make programs affordable to seniors and teens; that community events are of high community benefit and therefore little or no revenue is required to present these events; and that the City desires that City facilities be made affordable for local non-profit organizations.

Subsidy Goal: The goal of reducing the Parks and Community Services Department's General Fund subsidy to less than $3,000,000 for FY 2009/2010 and the Cultural Arts

Division General Fund subsidy to less than $1,000,000 for FY 2009/2010 was set as an achievable goal with little or no impact to existing programs.

Commission Input

The Parks and Community Services Commission has reviewed the attached fees and provided the following advice to the City Council: That City Council approve the subsidy as recommended.

RECOMMENDATION

Review and adopt staff's recommended General Fund subsidy limit goals and conduct a public hearing to review and adopt associated fees for programs and facility use provided through the Parks and Community Services Department and the Cultural Arts Division.

FISCAL IMPACT

The City Council's adoption of these fees should assist in meeting the stated General Fund subsidy goal limits for the Parks and Community Services Department and Cultural Arts Division. The annual increase in revenue from these fee recommendations is estimated to be approximately $164,250 for the Parks and Community Services Department and $19,896 for the Cultural Arts Division in FY 09/10. Because the anticipated revenue increases will not achieve the entire subsidy goal, operational efficiencies will continue to be implemented and other revenue sources will continue to be explored.

ATTACHMENTS

Exhibit A: Parks and Community Services: General Fund Cost of Services Study Findings, prepared by MGT of America

Exhibit B: Cultural Arts Division: General Fund Cost of Services Study Findings, prepared by MGT of America

Exhibit C: Parks and Community Services Department Recommended Fee Schedule

Exhibit D: Cultural Arts Division Recommended Fee Schedule

Prepared by: Floyd Lewis, Recreation Services Supervisor
Reviewed by: Rod Buchanan, Interim Director of Parks and Community Services
Reviewed by: Zane Johnston, Director of Finance and Administrative Services
Approved by: Leon Churchill, Jr., City Manager

Appendix V

Police Department

Police Department

Legal Codes

State of California

BUSINESS AND PROFESSIONS CODE

Section 21642.5

21642.5. (a) The Department of Justice shall require each applicant for an initial license under Section 21641 of this code or Section 21300 of the Financial Code and each applicant for renewal of a license under Section 21642 of this code or Section 21301 of the Financial Code to pay a fee not to exceed three hundred dollars ($300), but in no event exceeding the costs described in subdivision (b), except that the fee may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations.

(b) The fees assessed pursuant to subdivision (a) shall be no more than necessary to cover the reasonable regulatory costs to the department of doing all of the following:

(1) Processing initial license applications under Section 21641 of this code and Section 21300 of the Financial Code.

(2) Processing renewal applications under Section 21642 of this code and Section 21301 of the Financial Code.

(3) Implementing, operating, and maintaining the single, statewide, uniform electronic reporting system described in subdivision (j) of Section 21628.

(c) All licensees holding a license issued before the effective date of the act adding this section pursuant to Section 21641 or 21642 of this code or Section 21300 or 21301 of the Financial Code shall, within 120 days after enactment of the act adding this section in the 2011–12 Regular Session, in addition to any fee required under subdivision (a), pay a fee not to exceed two hundred eighty-eight dollars ($288) to the Department of Justice.

(d) The fees paid pursuant to subdivisions (a) and (c) shall be deposited in the Secondhand Dealer and Pawnbroker Fund, which is hereby established in the State Treasury. The revenue in the fund shall, upon appropriation by the Legislature, be used by the Department of Justice for the purpose of paying for the costs described in paragraphs (1) to (3), inclusive, of subdivision (b), except that the revenue received pursuant to subdivision (c) shall, upon appropriation by the Legislature, be used by the Department of Justice for the purpose of paying for the costs described in paragraph (3) of subdivision (b).

(e) Applicants described in subdivision (a) shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice for the purposes of obtaining information as to the existence and contents of a record of state convictions and state arrests and information as to the existence and contents of a record of state arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance pending trial or appeal.

(1) The Department of Justice shall prepare a state-level response pursuant to paragraph (1) of subdivision (*l*) of Section 11105 of the Penal Code.

(2) The Department of Justice shall provide subsequent notification service pursuant to Section 11105.2 of the Penal Code for applicants described in this subdivision.

(3) The Department of Justice shall charge a fee sufficient to cover the cost of processing the request described in this subdivision. The fee revenues shall be deposited in the Fingerprint Fee Account and shall, upon appropriation by the Legislature, be used by the department for the purposes of paying the costs associated with this subdivision.

(Added by Stats. 2012, Ch. 172, Sec. 6. (AB 391) Effective August 17, 2012.)

State of California

FOOD AND AGRICULTURAL CODE

Section 30804.7

30804.7. (a) The owner of a nonspayed or unneutered dog that is impounded once by a city or county animal control agency or shelter, society for the prevention of cruelty to animals, or humane society, shall be fined thirty-five dollars ($35) on the first occurrence, fifty dollars ($50) on the second occurrence, and one hundred dollars ($100) for the third or subsequent occurrence. These fines are for unneutered impounded animals only, and are not in lieu of any fines or impound fees imposed by any individual city, county, public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter.

(b) An animal control officer, humane officer, police officer, peace officer, or any agency authorized to enforce the Penal Code may write citations with a civil penalty stated in an amount corresponding to the violation as provided in subdivision (a). The fines shall be paid to the local municipality or public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter. Any funds collected under this section shall be expended for the purpose of humane education, programs for low cost spaying and neutering of dogs, and any additional costs incurred by the public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group in the administration of the requirements of this division.

(c) This section applies to each county and cities within each county, regardless of population.

(d) No city or county, society for the prevention of cruelty to animals, or humane society is subject to any civil action by the owner of a dog that is spayed or neutered in accordance with this section.

(Amended by Stats. 2004, Ch. 253, Sec. 5. Effective January 1, 2005.)

State of California

GOVERNMENT CODE

Section 26746.1

26746.1. (a) A twenty-dollar ($20) fee shall be assessed by the sheriff or marshal for certification of correction on each citation that requires inspection for proof of correction of any violation pursuant to Section 40616 of the Vehicle Code.

(b) All proceeds of the fee shall be deposited in a special fund in the county treasury. A separate accounting of funds deposited shall be maintained for each depositor, and funds deposited shall be for the exclusive use of the sheriff's civil division or marshal.

(c) Ninety-five percent of the moneys in the special fund shall be expended to supplement the costs of the depositor for the implementation, maintenance, and purchase of auxiliary equipment and furnishings for automated systems or other nonautomated operational equipment and furnishings deemed necessary by the sheriff's civil division or marshal. Five percent of the moneys in the special fund shall be used to supplement the expenses of the sheriff's civil division or marshal in administering the funds.

(Amended by Stats. 2014, Ch. 470, Sec. 22. (AB 2256) Effective January 1, 2015.)

State of California

GOVERNMENT CODE

Section 53150

53150. Any person who is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, whose negligent operation of a motor vehicle caused by that influence proximately causes any incident resulting in an appropriate emergency response, and any person whose intentionally wrongful conduct proximately causes any incident resulting in an appropriate emergency response, is liable for the expense of an emergency response by a public agency to the incident.

(Added by Stats. 1985, Ch. 337, Sec. 1.)

11105. (a) (1) The Department of Justice shall maintain state summary criminal history information.

(2) As used in this section:

(A) "State summary criminal history information" means the master record of information compiled by the Attorney General pertaining to the identification and criminal history of any person, such as name, date of birth, physical description, fingerprints, photographs, dates of arrests, arresting agencies and booking numbers, charges, dispositions, and similar data about the person.

(B) "State summary criminal history information" does not refer to records and data compiled by criminal justice agencies other than the Attorney General, nor does it refer to records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice.

(b) The Attorney General shall furnish state summary criminal history information to any of the following, if needed in the course of their duties, provided that when information is furnished to assist an agency, officer, or official of state or local government, a public utility, or any other entity, in fulfilling employment, certification, or licensing duties, Chapter 1321 of the Statutes of 1974 and Section 432.7 of the Labor Code shall apply:

(1) The courts of the state.

(2) Peace officers of the state, as defined in Section 830.1, subdivisions (a) and (e) of Section 830.2, subdivision (a) of Section 830.3, subdivision (a) of Section 830.31, and subdivisions (a) and (b) of Section 830.5.

(3) District attorneys of the state.

(4) Prosecuting city attorneys of any city within the state.

(5) City attorneys pursuing civil gang injunctions pursuant to Section 186.22a, or drug abatement actions pursuant to Section 3479 or 3480 of the Civil Code, or Section 11571 of the Health and Safety Code.

(6) Probation officers of the state.

(7) Parole officers of the state.

(8) A public defender or attorney of record when representing a person in proceedings upon a petition for a certificate of rehabilitation and pardon pursuant to Section 4852.08.

(9) A public defender or attorney of record when representing a person in a criminal case, or a parole, mandatory supervision pursuant to paragraph (5) of subdivision (h)

of Section 1170, or postrelease community supervision revocation or revocation extension proceeding, and if authorized access by statutory or decisional law.

(10) Any agency, officer, or official of the state if the criminal history information is required to implement a statute or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct. The agency, officer, or official of the state authorized by this paragraph to receive state summary criminal history information may also transmit fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation.

(11) Any city or county, city and county, district, or any officer or official thereof if access is needed in order to assist that agency, officer, or official in fulfilling employment, certification, or licensing duties, and if the access is specifically authorized by the city council, board of supervisors, or governing board of the city, county, or district if the criminal history information is required to implement a statute, ordinance, or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct. The city or county, city and county, district, or the officer or official thereof authorized by this paragraph may also transmit fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation.

(12) The subject of the state summary criminal history information under procedures established under Article 5 (commencing with Section 11120).

(13) Any person or entity when access is expressly authorized by statute if the criminal history information is required to implement a statute or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct.

(14) Health officers of a city, county, city and county, or district when in the performance of their official duties enforcing Section 120175 of the Health and Safety Code.

(15) Any managing or supervising correctional officer of a county jail or other county correctional facility.

(16) Any humane society, or society for the prevention of cruelty to animals, for the specific purpose of complying with Section 14502 of the Corporations Code for the appointment of humane officers.

(17) Local child support agencies established by Section 17304 of the Family Code. When a local child support agency closes a support enforcement case containing summary criminal history information, the agency shall delete or purge from the file and destroy any documents or information concerning or arising from offenses for or of which the parent has been arrested, charged, or convicted, other than for offenses related to the parent's having failed to provide support for minor children, consistent with the requirements of Section 17531 of the Family Code.

(18) County child welfare agency personnel who have been delegated the authority of county probation officers to access state summary criminal history information pursuant to Section 272 of the Welfare and Institutions Code for the purposes specified in Section 16504.5 of the Welfare and Institutions Code. Information from criminal history records provided pursuant to this subdivision shall not be used for any purposes other than those specified in this section and Section 16504.5 of the Welfare and Institutions Code. When an agency obtains records obtained both on the basis of name checks and fingerprint checks, final placement decisions shall be based only on the records obtained pursuant to the fingerprint check.

(19) The court of a tribe, or court of a consortium of tribes, that has entered into an agreement with the state pursuant to Section 10553.1 of the Welfare and Institutions Code. This information may be used only for the purposes specified in Section 16504.5 of the Welfare and Institutions Code and for tribal approval or tribal licensing of foster care or adoptive homes. Article 6 (commencing with Section 11140) shall apply to officers, members, and employees of a tribal court receiving criminal record offender information pursuant to this section.

(20) Child welfare agency personnel of a tribe or consortium of tribes that has entered into an agreement with the state pursuant to Section 10553.1 of the Welfare and Institutions Code and to whom the state has delegated duties under paragraph (2) of subdivision (a) of Section 272 of the Welfare and Institutions Code. The purposes for use of the information shall be for the purposes specified in Section 16504.5 of the Welfare and Institutions Code and for tribal approval or tribal licensing of foster care or adoptive homes. When an agency obtains records on the basis of name checks and fingerprint checks, final placement decisions shall be based only on the records obtained pursuant to the fingerprint check. Article 6 (commencing with Section 11140) shall apply to child welfare agency personnel receiving criminal record offender information pursuant to this section.

(21) An officer providing conservatorship investigations pursuant to Sections 5351, 5354, and 5356 of the Welfare and Institutions Code.

(22) A court investigator providing investigations or reviews in conservatorships pursuant to Section 1826, 1850, 1851, or 2250.6 of the Probate Code.

(23) A person authorized to conduct a guardianship investigation pursuant to Section 1513 of the Probate Code.

(24) A humane officer pursuant to Section 14502 of the Corporations Code for the purposes of performing his or her duties.

(25) A public agency described in subdivision (b) of Section 15975 of the Government Code, for the purpose of oversight and enforcement policies with respect to its contracted providers.

(c) The Attorney General may furnish state summary criminal history information and, when specifically authorized by this subdivision, federal level criminal history information upon a showing of a compelling need to any of the following, provided that when information is furnished to assist an agency, officer, or official of state or local government, a public utility, or any other entity in fulfilling employment,

certification, or licensing duties, Chapter 1321 of the Statutes of 1974 and Section 432.7 of the Labor Code shall apply:

(1) Any public utility, as defined in Section 216 of the Public Utilities Code, that operates a nuclear energy facility when access is needed in order to assist in employing persons to work at the facility, provided that, if the Attorney General supplies the data, he or she shall furnish a copy of the data to the person to whom the data relates.

(2) To a peace officer of the state other than those included in subdivision (b).

(3) To an illegal dumping enforcement officer as defined in subdivision (j) of Section 830.7.

(4) To a peace officer of another country.

(5) To public officers, other than peace officers, of the United States, other states, or possessions or territories of the United States, provided that access to records similar to state summary criminal history information is expressly authorized by a statute of the United States, other states, or possessions or territories of the United States if the information is needed for the performance of their official duties.

(6) To any person when disclosure is requested by a probation, parole, or peace officer with the consent of the subject of the state summary criminal history information and for purposes of furthering the rehabilitation of the subject.

(7) The courts of the United States, other states, or territories or possessions of the United States.

(8) Peace officers of the United States, other states, or territories or possessions of the United States.

(9) To any individual who is the subject of the record requested if needed in conjunction with an application to enter the United States or any foreign nation.

(10) (A) (i) Any public utility, as defined in Section 216 of the Public Utilities Code, or any cable corporation as defined in subparagraph (B), if receipt of criminal history information is needed in order to assist in employing current or prospective employees, contract employees, or subcontract employees who, in the course of their employment, may be seeking entrance to private residences or adjacent grounds. The information provided shall be limited to the record of convictions and any arrest for which the person is released on bail or on his or her own recognizance pending trial.

(ii) If the Attorney General supplies the data pursuant to this paragraph, the Attorney General shall furnish a copy of the data to the current or prospective employee to whom the data relates.

(iii) Any information obtained from the state summary criminal history is confidential and the receiving public utility or cable corporation shall not disclose its contents, other than for the purpose for which it was acquired. The state summary criminal history information in the possession of the public utility or cable corporation and all copies made from it shall be destroyed not more than 30 days after employment or promotion or transfer is denied or granted, except for those cases where a current or prospective employee is out on bail or on his or her own recognizance pending trial, in which case the state summary criminal history information and all copies shall be destroyed not more than 30 days after the case is resolved.

(iv) A violation of this paragraph is a misdemeanor, and shall give the current or prospective employee who is injured by the violation a cause of action against the public utility or cable corporation to recover damages proximately caused by the violations. Any public utility's or cable corporation's request for state summary criminal history information for purposes of employing current or prospective employees who may be seeking entrance to private residences or adjacent grounds in the course of their employment shall be deemed a "compelling need" as required to be shown in this subdivision.

(v) This section shall not be construed as imposing any duty upon public utilities or cable corporations to request state summary criminal history information on any current or prospective employees.

(B) For purposes of this paragraph, "cable corporation" means any corporation or firm that transmits or provides television, computer, or telephone services by cable, digital, fiber optic, satellite, or comparable technology to subscribers for a fee.

(C) Requests for federal level criminal history information received by the Department of Justice from entities authorized pursuant to subparagraph (A) shall be forwarded to the Federal Bureau of Investigation by the Department of Justice. Federal level criminal history information received or compiled by the Department of Justice may then be disseminated to the entities referenced in subparagraph (A), as authorized by law.

(D) (i) Authority for a cable corporation to request state or federal level criminal history information under this paragraph shall commence July 1, 2005.

(ii) Authority for a public utility to request federal level criminal history information under this paragraph shall commence July 1, 2005.

(11) To any campus of the California State University or the University of California, or any four year college or university accredited by a regional accreditation organization approved by the United States Department of Education, if needed in conjunction with an application for admission by a convicted felon to any special education program for convicted felons, including, but not limited to, university alternatives and halfway houses. Only conviction information shall be furnished. The college or university may require the convicted felon to be fingerprinted, and any inquiry to the department under this section shall include the convicted felon's fingerprints and any other information specified by the department.

(12) To any foreign government, if requested by the individual who is the subject of the record requested, if needed in conjunction with the individual's application to adopt a minor child who is a citizen of that foreign nation. Requests for information pursuant to this paragraph shall be in accordance with the process described in Sections 11122 to 11124, inclusive. The response shall be provided to the foreign government or its designee and to the individual who requested the information.

(d) Whenever an authorized request for state summary criminal history information pertains to a person whose fingerprints are on file with the Department of Justice and the department has no criminal history of that person, and the information is to be used for employment, licensing, or certification purposes, the fingerprint card

accompanying the request for information, if any, may be stamped "no criminal record" and returned to the person or entity making the request.

(e) Whenever state summary criminal history information is furnished as the result of an application and is to be used for employment, licensing, or certification purposes, the Department of Justice may charge the person or entity making the request a fee that it determines to be sufficient to reimburse the department for the cost of furnishing the information. In addition, the Department of Justice may add a surcharge to the fee to fund maintenance and improvements to the systems from which the information is obtained. Notwithstanding any other law, any person or entity required to pay a fee to the department for information received under this section may charge the applicant a fee sufficient to reimburse the person or entity for this expense. All moneys received by the department pursuant to this section, Sections 11105.3 and 26190, and former Section 13588 of the Education Code shall be deposited in a special account in the General Fund to be available for expenditure by the department to offset costs incurred pursuant to those sections and for maintenance and improvements to the systems from which the information is obtained upon appropriation by the Legislature.

(f) Whenever there is a conflict, the processing of criminal fingerprints and fingerprints of applicants for security guard or alarm agent registrations or firearms qualification permits submitted pursuant to Section 7583.9, 7583.23, 7596.3, or 7598.4 of the Business and Professions Code shall take priority over the processing of other applicant fingerprints.

(g) It is not a violation of this section to disseminate statistical or research information obtained from a record, provided that the identity of the subject of the record is not disclosed.

(h) It is not a violation of this section to include information obtained from a record in (1) a transcript or record of a judicial or administrative proceeding or (2) any other public record if the inclusion of the information in the public record is authorized by a court, statute, or decisional law.

(i) Notwithstanding any other law, the Department of Justice or any state or local law enforcement agency may require the submission of fingerprints for the purpose of conducting summary criminal history information checks that are authorized by law.

(j) The state summary criminal history information shall include any finding of mental incompetence pursuant to Chapter 6 (commencing with Section 1367) of Title 10 of Part 2 arising out of a complaint charging a felony offense specified in Section 290.

(k) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization and the information is to be used for peace officer employment or certification purposes. As used in this subdivision, a peace officer is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(C) Every arrest or detention, except for an arrest or detention resulting in an exoneration, provided, however, that where the records of the Department of Justice do not contain a disposition for the arrest, the Department of Justice first makes a genuine effort to determine the disposition of the arrest.

(D) Every successful diversion.

(E) Every date and agency name associated with all retained peace officer or nonsworn law enforcement agency employee preemployment criminal offender record information search requests.

(F) Sex offender registration status of the applicant.

(*l*) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by a criminal justice agency or organization as defined in Section 13101, and the information is to be used for criminal justice employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(C) Every arrest for an offense for which the records of the Department of Justice do not contain a disposition or did not result in a conviction, provided that the Department of Justice first makes a genuine effort to determine the disposition of the arrest. However, information concerning an arrest shall not be disclosed if the records of the Department of Justice indicate or if the genuine effort reveals that the subject was exonerated, successfully completed a diversion or deferred entry of judgment program, or the arrest was deemed a detention.

(D) Every date and agency name associated with all retained peace officer or nonsworn law enforcement agency employee preemployment criminal offender record information search requests.

(E) Sex offender registration status of the applicant.

(m) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization pursuant to Section 1522, 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or any statute that incorporates

the criteria of any of those sections or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other provision of law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction of an offense rendered against the applicant, except a conviction for which relief has been granted pursuant to Section 1203.49.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(C) Every arrest for an offense for which the Department of Social Services is required by paragraph (1) of subdivision (a) of Section 1522 of the Health and Safety Code to determine if an applicant has been arrested. However, if the records of the Department of Justice do not contain a disposition for an arrest, the Department of Justice shall first make a genuine effort to determine the disposition of the arrest.

(D) Sex offender registration status of the applicant.

(3) Notwithstanding the requirements of the sections referenced in paragraph (1) of this subdivision, the Department of Justice shall not disseminate information about an arrest subsequently deemed a detention or an arrest that resulted in either the successful completion of a diversion program or exoneration.

(n) (1) This subdivision shall apply whenever state or federal summary criminal history information, to be used for employment, licensing, or certification purposes, is furnished by the Department of Justice as the result of an application by an authorized agency, organization, or individual pursuant to any of the following:

(A) Paragraph (10) of subdivision (c), when the information is to be used by a cable corporation.

(B) Section 11105.3 or 11105.4.

(C) Section 15660 of the Welfare and Institutions Code.

(D) Any statute that incorporates the criteria of any of the statutory provisions listed in subparagraph (A), (B), or (C), or of this subdivision, by reference.

(2) With the exception of applications submitted by transportation companies authorized pursuant to Section 11105.3, and notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction, except a conviction for which relief has been granted pursuant to Section 1203.49, rendered against the applicant for a violation or attempted violation of any offense specified in subdivision (a) of Section 15660 of the Welfare and Institutions Code. However, with the exception of those offenses for which registration is required pursuant to Section 290, the Department of Justice shall not disseminate information pursuant to this subdivision unless the conviction occurred within 10 years of the date of the agency's request for information or the conviction is over 10 years old but the subject of the request was incarcerated within 10 years of the agency's request for information.

(B) Every arrest for a violation or attempted violation of an offense specified in subdivision (a) of Section 15660 of the Welfare and Institutions Code for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(C) Sex offender registration status of the applicant.

(o) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization pursuant to Section 379 or 550 of the Financial Code, or any statute that incorporates the criteria of either of those sections or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant for a violation or attempted violation of any offense specified in Section 550 of the Financial Code, except a conviction for which relief has been granted pursuant to Section 1203.49.

(B) Every arrest for a violation or attempted violation of an offense specified in Section 550 of the Financial Code for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(p) (1) This subdivision shall apply whenever state or federal criminal history information is furnished by the Department of Justice as the result of an application by an agency, organization, or individual not defined in subdivision (k), (*l*), (m), (n), or (o), or by a transportation company authorized pursuant to Section 11105.3, or any statute that incorporates the criteria of that section or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant, except a conviction for which relief has been granted pursuant to Section 1203.49.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(C) Sex offender registration status of the applicant.

(q) All agencies, organizations, or individuals defined in subdivisions (k), (*l*), (m), (n), (o), and (p) may contract with the Department of Justice for subsequent notification pursuant to Section 11105.2. This subdivision shall not supersede sections that mandate an agency, organization, or individual to contract with the Department of Justice for subsequent notification pursuant to Section 11105.2.

(r) This section does not require the Department of Justice to cease compliance with any other statutory notification requirements.

(s) The provisions of Section 50.12 of Title 28 of the Code of Federal Regulations are to be followed in processing federal criminal history information.

(t) Whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency, organization, or individual defined in subdivisions (k) to (p), inclusive, and the information is to be used for employment, licensing, or certification purposes, the authorized agency, organization, or individual shall expeditiously furnish a copy of the information to the person to whom the information relates if the information is a basis for an adverse employment, licensing, or certification decision. When furnished other than in person, the copy shall be delivered to the last contact information provided by the applicant.

(Amended by Stats. 2014, Ch. 708, Sec. 5.5. (AB 1585) Effective January 1, 2015.)

State of California

PENAL CODE

Section 26150

26150. (a) When a person applies for a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person, the sheriff of a county may issue a license to that person upon proof of all of the following:

(1) The applicant is of good moral character.

(2) Good cause exists for issuance of the license.

(3) The applicant is a resident of the county or a city within the county, or the applicant's principal place of employment or business is in the county or a city within the county and the applicant spends a substantial period of time in that place of employment or business.

(4) The applicant has completed a course of training as described in Section 26165.

(b) The sheriff may issue a license under subdivision (a) in either of the following formats:

(1) A license to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person.

(2) Where the population of the county is less than 200,000 persons according to the most recent federal decennial census, a license to carry loaded and exposed in only that county a pistol, revolver, or other firearm capable of being concealed upon the person.

(c) (1) Nothing in this chapter shall preclude the sheriff of the county from entering into an agreement with the chief or other head of a municipal police department of a city to process all applications for licenses, renewals of licenses, or amendments to licenses pursuant to this chapter, in lieu of the sheriff.

(2) This subdivision shall only apply to applicants who reside within the city in which the chief or other head of the municipal police department has agreed to process applications for licenses, renewals of licenses, and amendments to licenses, pursuant to this chapter.

(Amended by Stats. 2015, Ch. 785, Sec. 2. (AB 1134) Effective January 1, 2016.)

26190. (a) (1) Each applicant for a new license or for the renewal of a license shall pay at the time of filing the application a fee determined by the Department of Justice. The fee shall not exceed the application processing costs of the Department of Justice for the direct costs of furnishing the report required by Section 26185.

(2) After the department establishes fees sufficient to reimburse the department for processing costs, fees charged shall increase at a rate not to exceed the legislatively approved annual cost-of-living adjustments for the department's budget.

(3) The officer receiving the application and the fee shall transmit the fee, with the fingerprints if required, to the Department of Justice.

(b) (1) The licensing authority of any city, city and county, or county may charge an additional fee in an amount equal to the actual costs for processing the application for a new license, including any required notices, excluding fingerprint and training costs, but in no case to exceed one hundred dollars ($100), and shall transmit the additional fee, if any, to the city, city and county, or county treasury.

(2) The first 20 percent of this additional local fee may be collected upon filing of the initial application. The balance of the fee shall be collected only upon issuance of the license.

(c) The licensing authority may charge an additional fee, not to exceed twenty-five dollars ($25), for processing the application for a license renewal, and shall transmit an additional fee, if any, to the city, city and county, or county treasury.

(d) These local fees may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations.

(e) (1) In the case of an amended license pursuant to Section 26215, the licensing authority of any city, city and county, or county may charge a fee, not to exceed ten dollars ($10), for processing the amended license.

(2) This fee may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations.

(3) The licensing authority shall transmit the fee to the city, city and county, or county treasury.

(f) (1) If psychological testing on the initial application is required by the licensing authority, the license applicant shall be referred to a licensed psychologist used by the licensing authority for the psychological testing of its own employees. The applicant may be charged for the actual cost of the testing in an amount not to exceed one hundred fifty dollars ($150).

(2) Additional psychological testing of an applicant seeking license renewal shall be required only if there is compelling evidence to indicate that a test is necessary. The cost to the applicant for this additional testing shall not exceed one hundred fifty dollars ($150).

(g) Except as authorized pursuant to this section, no requirement, charge, assessment, fee, or condition that requires the payment of any additional funds by the applicant, or requires the applicant to obtain liability insurance, may be imposed by any licensing authority as a condition of the application for a license.

(Amended by Stats. 2011, Ch. 741, Sec. 2. (SB 610) Effective January 1, 2012.)

State of California

PENAL CODE

Section 26705

26705. (a) The duly constituted licensing authority of a city, county, or a city and county shall accept applications for, and may grant licenses permitting, licensees to sell firearms at retail within the city, county, or city and county. The duly constituted licensing authority shall inform applicants who are denied licenses of the reasons for the denial in writing.

(b) No license shall be granted to any applicant who fails to provide a copy of the applicant's valid federal firearms license, valid seller's permit issued by the State Board of Equalization, and the certificate of eligibility described in Section 26710.

(c) A license granted by the duly constituted licensing authority of any city, county, or city and county, shall be valid for not more than one year from the date of issuance and shall be in one of the following forms:

(1) In the form prescribed by the Attorney General.

(2) A regulatory or business license that states on its face "Valid for Retail Sales of Firearms" and is endorsed by the signature of the issuing authority.

(3) A letter from the duly constituted licensing authority having primary jurisdiction for the applicant's intended business location stating that the jurisdiction does not require any form of regulatory or business license or does not otherwise restrict or regulate the sale of firearms.

(d) Local licensing authorities may assess fees to recover their full costs of processing applications for licenses.

(Added by Stats. 2010, Ch. 711, Sec. 6. (SB 1080) Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

33880. (a) A city, county, or city and county, or a state agency may adopt a regulation, ordinance, or resolution imposing a charge equal to its administrative costs relating to the seizure, impounding, storage, or release of a firearm or ammunition.

(b) The fee under subdivision (a) shall not exceed the actual costs incurred for the expenses directly related to taking possession of a firearm or ammunition, storing the firearm or ammunition, and surrendering possession of the firearm or ammunition to a licensed firearms dealer or to the owner.

(c) The administrative costs described in subdivisions (a) and (b) may be waived by the local or state agency upon verifiable proof that the firearm or ammunition was reported stolen at the time the firearm came into the custody or control of the law enforcement agency.

(d) The following apply to any charges imposed for administrative costs pursuant to this section:

(1) The charges shall only be imposed on the person claiming title to the firearm or ammunition.

(2) Any charges shall be collected by the local or state authority only from the person claiming title to the firearm or ammunition.

(3) The charges shall be in addition to any other charges authorized or imposed pursuant to this code.

(4) A charge may not be imposed for a hearing or appeal relating to the removal, impound, storage, or release of a firearm or ammunition, unless that hearing or appeal was requested in writing by the legal owner of the firearm or ammunition. In addition, the charge may be imposed only upon the person requesting that hearing or appeal.

(e) Costs for a hearing or appeal related to the release of a firearm or ammunition shall not be charged to the legal owner who redeems the firearm or ammunition, unless the legal owner voluntarily requests the post-storage hearing or appeal. A city, county, city and county, or state agency shall not require a legal owner to request a post-storage hearing as a requirement for release of the firearm or ammunition to the legal owner.

(Amended by Stats. 2015, Ch. 205, Sec. 3. (AB 950) Effective January 1, 2016.)

Legal Codes

Tracy Municipal Code

1.28.050 - Amount of fines.

(a) Maximum amount of fine. The maximum amount of the fine for each Code violation imposed under this chapter shall be established in a schedule of fines adopted by resolution of the City Council. The schedule of fines shall specify:
(1) Any increased fines for repeat violations of the same Code provision by the same person within a twelve (12) month period; and
(2) Any late payment charges imposed for the payment of a fine after its due date.
(b) Additional amounts. Administrative costs, interest, late payment charges, costs of compliance reinspections, and collection costs are in addition to the fines.
(c) Factors in establishing fine.
(1) Enforcement officer. When preparing the administrative citation, the enforcement officer shall set the fine at the maximum fine established by the City Council.
(2) Hearing officer. Upon request before or at the hearing held under section 1.28.090, the hearing officer may in his or her sole discretion reduce the amount of the fine based on the following factors: (A) the duration of the violation; (B) the frequency, recurrence and number of violations, related or unrelated, by the same violator; (C) the seriousness of the violation; (D) the good faith efforts of the violator to come into compliance; (E) the impact of the violation on the community; and (F) such other factors as justice requires.
(Ord. 1040 § 2 Exh. B (part), 2002)

3.16.030 - Limitations on number of permits.

(a) The City Council shall set by resolution the maximum number of vehicles for hire to be operated in the City and the maximum number of vehicles for hire for which each business owner may seek vehicle permits.
(b) Should the maximum number of taxicabs or vehicles for hire in the City be reached as stated by City Council resolution, the City shall create a waiting list for vehicles which shall be notified when permits become available. Existing permit holders in good standing have priority in renewal and vehicles on the waiting list shall receive annual permits only after existing vehicle permit holders have been given an opportunity to renew.
(Ord. No. 1160, § 1, 6-21-2011)

3.16.040 - Business owner's permits.

(a) Permit applications. Any person or entity seeking to operate as a business owner shall apply in the matter set forth in this chapter. The application shall be in writing, signed by the business owner, and shall set forth all information required, including, but not limited to, the following:
(1) Name and address of each business owner applying to operate taxicabs or other vehicles for hire;
(2) Fictitious business name of the applicant, if any;
(3) Mailing address and business telephone number of the applicant;

(4) Name, address, age and driver's license number of each employee who will be driving the owner's vehicles;
(5) Total number of vehicles to be operated in the City under the business owner's permit, including the numbering of said vehicles; legal and registered ownership of each of the vehicles to be used by the applicant; and the manufacturer, model year, vehicle type, vehicle identification number ("VIN") for each vehicle; license plate number; company identification number; passenger capacity and proof of commercial registration for each vehicle to be operated within the City; together with evidence satisfactory to the City that each taxicab or vehicle for hire proposed to be operated under the permit has been safety-inspected in accordance with the terms of this chapter, and otherwise complies in all respects with all applicable laws, rules and regulations;
(6) Description of the color scheme, insignia, trade style and/or any other unique characteristics of the taxicab design and placement of City required markings and company markings along with a color photograph of the vehicle;
(7) The street address(es) from which the applicant conducts or will conduct the taxicab or vehicle for hire business; where dispatch will be conducted; and each location at which the business's vehicles will be garaged;
(8) Prior experience of the applicant in a taxicab or vehicle for hire business, including the details of any prior permit denial, revocation or suspension by any public agency of any type of operator's or driver's permit, license or certificate;
(9) A certification by the business owner that no driver employed or to be employed by the operator has been convicted of driving under the influence of alcohol or drugs in any state within five (5) calendar years preceding the date of application;
(10) A copy of the business owner's maintenance program, including preventative maintenance. The program must be in accordance with the vehicle manufacturer's warranty specifications and any applicable state and federal laws;
(11) Rates to be charged to the public throughout the term of the business owner's permit;
(12) Federal taxpayer identification or social security number of the applicant;
(13) Satisfactory proof of insurance as provided in section 3.16.110 of this chapter for each driver and vehicle to be operated in the City under the permit;
(14) Satisfactory evidence establishing that the applicant has complied and currently complies with the provisions of California Government Code Section 53075.5(b)(3), or any successor provision, pertaining to pre-employment and periodic testing of drivers for controlled substances and alcohol, and with provisions pertaining to payment for drug and alcohol testing programs and related reporting requirements. The applicant must also provide satisfactory evidence from a City approved lab that each driver who will operate a taxicab or vehicle for hire within the City has tested negative for drugs and alcohol as required by section 53075.5;
(15) Unless otherwise provided by law, evidence that the applicant has procured worker's compensation insurance covering all drivers to be employed by the applicant;
(16) Acknowledgement that the taxicab service or vehicle for hire has the ability to provide service to persons utilizing the City's mandatory subsidized taxi service program within twenty-four (24) hours' notice;

(17) The history of the organization and the manner in which it is organized, including, without limitation, the date of formation, the business commencement date(s), and all business locations in California during the five (5) calendar years preceding the year of application;

(18) Submission of Department of Motor Vehicles (DMV) Pull Notice Program Requestor Code Number, as defined in Vehicle Code Section 1808.1, issued to the applicant. As a condition of accepting a business owner's permit, the business owner is required to notify the City immediately if it receives a DMV Pull Notice on one of its drivers that would affect that person's driver's permit. In the event a driver's DMV record indicates that a driver no longer qualifies for a driver's permit, the business owner must require the driver to surrender the driver's permit to the Chief of Police. DMV Pull Notice records must be made available for review by the City upon request;

(19) Submission of records of any convictions in any court of any state of the United States or in any United States court with respect to any business owner or driver identified in the business owner's permit application; including any such convictions following a plea of no contest (or nolo contendere). The City council specifically authorizes the Chief of Police or designee to receive state and local summary criminal history information in fulfilling his licensing duties under this chapter;

(20) Satisfactory proof that the business will be operated in compliance with all provisions of this chapter;

(21) Any additional information pertinent to the operation of the proposed taxicab or vehicle for hire service that the City may require.

(b) Disposition of business owner's application—Conditions.

(1) Such business owner's permit shall be granted unless:

(i) The applicant fails to submit a complete application; or

(ii) The applicant makes any omission, untrue statement or material misrepresentation in the application, or provides fraudulent documentation with the application; or

(iii) Any vehicle proposed to be operated lacks the required equipment, is improperly licensed or unsafe; or

(iv) Additional taxicab service or vehicle for hire will have a detrimental effect on traffic and parking within the City, or will otherwise be contrary to the public welfare; or

(v) The applicant has been convicted of any felony offense, or of any misdemeanor offense involving moral turpitude, theft or fraud, including any such convictions following a plea of no contest, taking into consideration the nature of the conviction, the age of the applicant at the time of the conviction, any evidence of rehabilitation, and the relationship of the conviction to the propriety of the applicant operating a vehicle for hire; or

(vi) The applicant's proposed schedule of rates conflicts with those set by resolution by the City Council, or are otherwise unjust, unreasonable, discriminatory or preferential; or

(vii) The applicant has not otherwise complied with this chapter.

(2) The issuance of a business owner's permit is conditional upon such owner ensuring that each vehicle for hire operated by such business owner has a vehicle permit issued by the City, and each driver of such vehicle for hire has a driver's permit issued by the City, within the limits and in the manner set forth in this chapter.

(3) The business owner shall notify the City immediately upon termination of employment of an employee hired to operate a taxicab or vehicle for hire in the City.

(Ord. No. 1160, § 1, 6-21-2011)

3.16.150 - Maintenance and inspection requirements.

Requirements for inspection of taxicabs and vehicles for hire.

(a) Initial inspection: Before a vehicle permit is issued to a business owner, each vehicle for which a vehicle permit is requested shall be inspected by the City or shall be delivered to a City-approved vehicle inspection station for inspection of such vehicle and its equipment to ascertain whether such vehicle and equipment comply with the provisions of this chapter. The City shall provide to the business owner a list of approved vehicle inspection stations. Any vehicle which is found after such inspection to be unsafe or in any way unsuitable for service will not be issued a vehicle permit and immediately may be ordered out of service. Before a vehicle permit is issued, or the vehicle is again placed in service, it shall be placed in a safe and sanitary condition, inspected, and a completed "certificate of safety" inspection certificate shall be filed with the City. Before a vehicle permit is issued, or the vehicle is again placed in service, the inspecting garage shall also issue an official smog certificate for each vehicle inspected to accompany the "certificate of safety" inspection certificate. The interior and exterior of any vehicle shall be clean and well maintained as determined by the City and meet California Vehicle Code requirements and the requirements of this chapter at all times when in operation.

(b) Annual reinspections: To ensure continued maintenance of safe operating conditions, each vehicle to be operated and its equipment shall be reinspected upon annual renewal of the vehicle permit by the City or at a City-approved garage as provided on the City's list of approved vehicle inspection stations. The City or garage shall, after such annual inspection, issue a "certificate of safety" inspection certificate stating that the vehicle and its equipment comply with the safety requirements of this chapter. The inspecting garage shall issue an official smog certificate for each vehicle inspected to accompany the "certificate of safety" inspection certificate. The owner of taxicabs shall also annually take the taxicabs to the County of San Joaquin, Division of Weights and Measures, for recertification of the taximeters. The cost of the inspections shall be paid by the owner of the vehicles.

(c) Authority of city to inspect taxicabs and vehicles for hire. Any City official charged by the Chief of Police with the authority to enforce this chapter shall have the right, after displaying the proper identification, to enter into or upon any permitted taxicab or vehicle for hire in the City for the purpose of ascertaining whether or not any of the provisions of this chapter are being violated. The last inspection form, a current commercial vehicle registration, a copy of the current Division of Weights and Measures certificate certifying the taximeter, and a copy of the current insurance policy shall be carried in the vehicle at all times and shall be made readily available to the City representative in the course of the inspection. The scope of this inspection is limited to determining compliance with the requirements of this chapter and may be done without notice, warrant, or individualized suspicion of wrongdoing.

(Ord. No. 1160, § 1, 6-21-2011)

3.20.060 - License fees.

License fees are hereby established for the purpose of issuing bicycle licenses and registration certificates, the transfer of registration certificates, the replacement of bicycle licenses and/or registration certificates, and the renewal stickers as required by the Vehicle Code of the State for the registration and licensing of bicycles. Revenues collected pursuant to this section from license fees shall be retained by the City and shall be used for the support of such bicycle licensing provisions as set forth in this section, for the enforcement of bicycle violations, and for bicycle education and safety. In addition, fees collected may be used to improve bicycle safety programs and establish bicycle facilities, including bicycle paths and lanes, within the City. The fees required to be paid under this article shall be in the amounts established by resolution of the City Council, for the following items, as follows:

(a) For each new bicycle license and registration certificate.

(b) For each transfer of a registration certificate.

(c) For each replacement of a bicycle license or registration certificate.

(d) For each bicycle license renewal. Any fraction thereof shall be considered a full year.

(Prior code § 3-5.106)
(Ord. No. 1159, § 3, 6-7-2011)

3.20.070 - Renewal of registrations—Fees.

A renewal sticker shall be in the amount established by resolution of the City Council and shall be renewed every three (3) years under Section 3.20.060 of this article.

(Prior code § 3-5.107)
(Ord. No. 1159, § 4, 6-7-2011)

3.36.010 - Fee schedule.

The City Council shall by resolution action taken from time to time establish a fee schedule for services provided to the public by the departments of the City.

(Prior code § 3-9.01)

3.40.060 - Alarm user permit required.

(a) It shall be unlawful for any person to install or use an alarm system without first obtaining, and maintaining as valid, an alarm permit issued by the City in accordance with this chapter.

(1) The alarm user permittee shall pay an alarm use permit issuance fee in an amount determined by City Council resolution. Any alarm system which is connected directly to the Tracy Police Department will be subject to special permits and additional service fees to be determined by resolution.

(2) New construction alarm system permit. An alarm system permit must be obtained for all alarm systems installed as a part of the construction of a structure where the system will not be activated until the alarm area is sold, leased, or rented to another.

(3) Alarm user. Prior to activation of an alarm system installed as described in subsection (1) of this subsection, or prior to installation of an alarm system not covered in subsection (1) of this subsection, an alarm user permit shall be obtained.

(b) Alarm user permits shall be invalid unless renewed yearly on or before July 1 of each year.

(c) When emergency message signals or notices are received by the Police Department that evidence a failure to obtain a permit, the Police Chief or his representative is authorized to demand that the owner or lessee of the alarm system initiating such message signals or notice disconnect the alarm system until it is made to comply with said requirements.

(Ord. 1099 § 1, 2006: prior code § 3-10.06)

3.40.150 - False alarms—Costs recoverable.

All false alarms per permit shall be tabulated on a fiscal year, July 1 through June 30.

(a) Alarms within the first fifteen (15) days of operation of a new system or first ten (10) days of a substantially modified system will not be counted as false alarms.

(b) No recoverable costs shall be assessed for the first two (2) false alarms activations per alarm system during said fiscal year.

(c) The second false alarm activation during said fiscal year shall result in notification by the Police Department of the required provisions of this chapter and outline expected remedial action.

(d) Upon the fourth and subsequent false alarms in said fiscal year, the alarm business or permittee shall be required to pay a fee in an amount determined to recover the City's costs of response to such false alarms as specifically set forth and specified by resolution of the City Council pursuant to section 3.36.010 of the Tracy Municipal Code.

(Ord. 1099 § 4, 2006: prior code § 3-10.15)

3.44.140 - Attendant—Permit.

(a) Application. An application for attendant's permit shall be made upon forms furnished by the City, signed by the applicant under penalty of perjury, and shall contain:

(1) The applicant's full name, present residence address, and any other residence address during the past year;

(2) Age, date of birth, weight, height, color of eyes and hair and drivers license number;

(3) A statement of all felonies and misdemeanors (including moving traffic violations and excluding parking violations) for which the applicant has been convicted with the five (5) years immediately preceding application for the permit; and

(4) A statement of past experiences as a tow car or tow truck operator or attendant, including the name and address of each employment as a towing service operator or attendant within the five (5) years immediately preceding applicant for the permit.

(b) Application fee; fingerprints. Applicants for attendant's permits shall pay to the City a fee as set by resolution of the City Council. When the application is processed, fingerprints shall be submitted as required by the Bureau of Identification, State of California. The applicant shall pay the fingerprint fee in addition to the City fee.

(c) Investigation. The Chief of Police shall cause to be conducted an investigation of each application for an attendant's permit; and a report of such investigation, including a copy of the traffic and police record of the applicant, if any, shall be attached to the application.

(d) Approval or rejection of application; findings.

(1) The Chief of Police, upon consideration of an application for an attendant's permit, and the investigation reports and documents attached thereto, shall approve or reject the application in accordance with the provisions of this chapter.

(2) The Chief of Police shall issue an attendant's permit if he/she finds that the applicant:

(i) Is the age of eighteen (18) years or over;

(ii) Is able to speak, read and write the English language;

(iii) Has a safe driving record. Applicant must possess a valid California Driver's License;

(iv) Has met all of the requirements of this chapter and all other applicable laws and regulations;

(v) Has not been convicted within the five (5) years immediately preceding application for a permit of a crime involving honesty or veracity, violence, dangerous or deadly weapons, or more than once during the five (5) year period has been convicted of the use or possession of narcotics, or for operating a vehicle under the influence of intoxicating liquor.

(3) Applicant shall be rejected if:

(i) Applicant has more than two (2) convictions for hazardous traffic violations in the prior twelve (12) months; or

(ii) Applicant has been involved in more than two (2) accidents in which the applicant was the primary cause of the accident or significantly contributed to the cause of the accident in the prior twelve (12) months; or

(iii) Applicant has more than one conviction for a hazardous misdemeanor traffic violation in the past twelve (12) months; or

(iv) Applicant has three (3) or more convictions or accidents in any of the above listed categories.

(Prior code § 3-11.14)

3.52.030 - Fee imposed.

The Police Department shall charge a fee to cover its costs in taking possession, storing and surrendering a firearm under a domestic violence protective order (Family Code § 6389). The amount of the fee shall be established by City Council resolution. The fee shall not exceed the actual costs.

The portion of the fee for processing is payable when the Police Department takes possession of the firearm. The portion of the fee for storage is payable when the Police Department surrenders the firearm to the owner or a firearms dealer.

(Ord. No. 1128, § 1, 11-18-2008)

3.52.040 - Limitations.

The fee shall be imposed and collected only from the person claiming title to the firearm. No charge may be imposed for any hearing or appeal relating to the firearm, unless that the owner of the firearm requested that hearing or appeal.
(Ord. No. 1128, § 1, 11-18-2008)

4.04.030 - Card room license: application, fee and investigation.

(a) Application. An applicant for a card room license shall submit his/her application to the Chief. The application shall be under oath and shall include the following information for the applicant and for each person financially interested in the business. "Financially interested" includes sharing in the profits of the business on the basis of gross or net revenue.

1. The true names and addresses.
2. The past criminal record, if any.
3. Fingerprints.

(b) Fee. At the time the application is submitted, the applicant shall pay to the City an application fee as established by resolution of the City Council. This fee is exclusive of any other fees charged by other agencies.

(c) Investigation. The Chief shall investigate the applicant and those financially interested. The Chief of Police shall act as an investigation officer and submit his/her report to the Council stating his/her approval or disapproval for the issuance of such license.
(Ord. No. 1134, § 1, 5-5-2009)

4.04.050 - Card room license; annual renewal.

Licenses shall be issued on an annual basis. The annual license fee, payable each fiscal year beginning July 1, shall be established by resolution of the City Council. The fees shall be payable to the City after the Council has approved the issuance of the license but prior to the issuance of the license. The operator of a card room shall pay the license fee set forth in this section regardless of the license fees he/she might pay for other businesses.
(Ord. No. 1134, § 1, 5-5-2009)

4.04.070 - Card room work permits.

(a) Application. Card room employees shall obtain a work permit from the Chief. Applications for such work permits shall be submitted under oath and contain the name, address, and past criminal record, if any, of the applicant and such other information as may be deemed necessary by the Chief to determine whether the applicant is a proper person to be issued a card room work permit. The application shall be accompanied by the fingerprints of the applicant. The work permit shall be issued only to citizens of the United States who have resided in the State for at least one year immediately preceding the issuance of such work permit.

(b) Grounds for denial. The Chief shall deny a work permit if the applicant has previously been convicted of a felony or a misdemeanor crime involving moral turpitude, or if the applicant has been convicted of a felony or misdemeanor involving:

(1) Force or violence;
(2) Fraud;
(3) Embezzlement;

(4) Theft; or

(5) Uniform Controlled Substance Act.

(c) Fee. Each application for a work permit shall be accompanied by a nonrefundable fee as established by resolution of the City Council. The work permit shall be valid for a period of one year. Only one such work permit is required each year, even though the permit holder may change his/her place of employment within the City.

(d) Temporary permit. A temporary card room work permit may be obtained from the Chief in accordance with the following:

(1) A completed "card room dealer work permit application" accompanied by the appropriate fees as established by resolution of the City Council;

(2) Presentation of California Driver's License or Picture Identification card;

(3) Completion by the Police Department of a local record check and check of the "state wanted person system"; and

(4) Fingerprints to be taken, submitted to and cleared the Department of Justice.

Upon review of the application, in accordance with the card room work permit provisions set forth in this chapter, the temporary permit may be issued for a period of ninety (90) days. If the fingerprint clearance is not completed within that time, a thirty-day extension may be granted. If the card room work permit is granted in accordance with this section, the one year term shall be from the date of the issuance of the temporary permit.

(e) Appeal. The action of the Chief in denying a work permit on the basis of subsections (a) or (b) of this section is subject to an appeal to the City Manager. An appeal must be filed with the City Clerk within ten (10) days after the denial, after which time the decision of the Chief is final. On appeal, a decision of the City Manager is final.

(f) An application for a work permit may be denied or revoked based upon the objection of the State Division of Gambling Control.

(Ord. No. 1134, § 1, 5-5-2009)Resolutions

4.12.190 - Payment of license fees.

The applicant shall, with his application for a new license or transfer of any existing license, deposit with the City Clerk a license fee of Five Hundred Fifty and no/100ths ($550.00) Dollars for the first year, and in the event the license is granted, it shall be renewed for periods of one year at a time until revoked upon the payment of a license fee for each successive year of Three Hundred Fifty and no/100ths ($350.00) Dollars per year, payable in advance. In the event the application is not granted, the applicant shall have refunded to him the license fee paid for the first year, except for the costs of the investigation hereinbefore referred to, including the costs of publishing the notice of application.

(Prior code § 4-3.513)

4.24.050 - Licenses—Applications.

Applications for licenses shall be made to the Chief of Police on forms prescribed by the Police Department and shall be filed not less than thirty (30) days prior to the proposed date of the bingo game or games. Such application form shall require from the applicant the following:

(a) The name of the applicant organization and written proof that the applicant is an eligible organization under section 4.24.040 of this chapter;

(b) A list of the names and residence addresses of members of the applicant organization who will, from time to time, operate and staff bingo games;
(c) The particular property within the City, including the street number, owned or leased by the applicant and used by such applicant for an office or for the performance of the purposes for which the applicant is organized, on which property bingo games will be conducted, together with the occupancy capacity of such place;
(d) The proposed days of the week and hours of the day for the conduct of bingo games;
(e) The annual license fee, as set forth in section 4.24.060 of this chapter shall accompany the application;
(f) A statement that the applicant agrees to conduct bingo games in strict accordance with the provisions of Section 326.5 of the Penal Code of the State and this chapter, as they may be amended from time to time, and agrees that the license to conduct bingo games may be revoked by the Chief of Police upon the violation of any of such provisions; and
(g) Such application shall be signed for the applicant by the presiding officer and one other officer of the applicant under penalty of perjury.
(Prior code § 4-6.05)

5.08.130 - License tags for dogs.

(a) Licenses required. It is hereby declared unlawful for any dog, not duly vaccinated, licensed, and registered in accordance with the provisions of this section, to be in the City or to be owned, kept, or possessed in the City by any person.
(b) Vaccinations required. Any person desiring to keep a dog in the City, within ten (10) days after the dog attains the age of four (4) months and prior to licensing the dog, shall have the dog vaccinated by a licensed veterinarian with a canine anti-rabies vaccine.
(c) License fees. Any person desiring to keep a dog over the age of four (4) months in the City, shall pay the City a license fee within thirty (30) days after acquiring such a dog or within thirty (30) days of an owned dog attaining the age of four (4) months. The license fee shall be established by resolution of the Council. Such fee shall be reduced by one-half (½) or more if a certificate is presented from a licensed veterinarian that the dog is spayed or neutered. Licenses of dogs over the age of four (4) months shall be renewed before or upon expiration of the current license. The license fee shall be delinquent if not paid on or before the due date. A penalty determined by resolution of the Council shall be added to the fee when the license is delinquent. All license terms issued shall not exceed the expiration date of the anti-rabies vaccination.
Two and 50/100ths ($2.50) Dollars for each unneutered female dog and One and 50/100ths ($1.50) Dollars for each male or neutered dog of the fees collected pursuant to the provisions of this subsection shall be deposited to the credit of the Rabies Treatment and Eradication Fund until an order has been issued by the Department of Public Health of the State declaring that the County is free from rabies or further danger of its spread. Thereafter such fees shall be paid into the City Treasury and placed in the General Fund. The remaining amount of such fees shall be paid into the City Treasury and constitute a fund to be known as the Livestock Indemnity Fund.
(1) At the end of each fiscal year, any surplus in the Livestock Indemnity Fund may be transferred by order of the Council to the General Fund provided sufficient funds

remain to adequately carry out the administration of the fund, including the indemnifying of owners of livestock killed by dogs.

(2) Licenses shall not be transferable on a change of ownership, nor from one dog to another.

(3) Licenses may be issued for a term of three (3) months to one year for dogs under one year of age and for three (3) months to three (3) years for dogs over one year of age. Licenses shall be issued from time to time and expire at the end of their term. Such license terms shall be quarterly or multiples thereof up to the maximum term.

(d) Certificates of vaccination. A dog license shall not be issued unless the applicant shows the License Clerk a valid certificate of canine anti-rabies vaccination, which certificate adequately describes the physical features of the dog, the date of vaccination, the type of vaccine used, and bears the signature of a licensed veterinarian.

(e) Type and frequency of vaccinations. The type of vaccine acceptable and the frequency of vaccination shall be determined by the Department of Public Health of the State.

(f) House-to-house checks. A house-to-house check may be conducted to locate dogs which are not vaccinated or licensed according to the provisions of this section to cause licenses to be taken and vaccinations to be given for such dogs.

(g) License tags. A suitable tag shall be furnished by the City, at the expense of the City, to each owner who shall pay such license fee, which tag the owner shall attach and keep attached to a collar around the neck of such dog at all times. Such tag shall have legibly stamped thereon the registered number of the dog.

(h) Registration records. The City shall keep a record in which it shall register the number of such tags supplied to each of the owners of such dogs, a description of the dog, the period for which such tag was purchased, the amount received therefor, and the residence address of the owner thereof.

(i) Dogs not allowed at large. Such license shall entitle the owner of the dog for which such license is issued to keep such dog in the City during the term for which the license was issued; provided, however, such owner at all times shall keep such dog securely enclosed in a room, pen, or enclosure or shall keep such dog securely tethered or on a leash, and it shall be unlawful for any person at any time to have, own, or possess any dog within the City, whether the dog shall be licensed or not, unless such dog shall be kept so enclosed, tethered, or on a leash.

(j) Impoundment of dogs at large. It is hereby made the duty of the Tracy Police Department to take and impound any dog so licensed and registered which may be found in the City, and also to take and impound any dog, whether licensed and registered or not, which may be found in the City if such dog is not enclosed or tethered or is not on a leash as provided in this section.

(k) Notices of impoundment. If any dog so taken or impounded shall be licensed or registered, and if such tag and number shall be upon the collar of such dog, the Tracy Police Department shall give a notice to the owner thereof within forty-eight (48) hours after such dog shall have been taken. Such notice shall state that the dog has been taken and impounded and that such dog will be disposed of or killed as provided in this section. Such notice shall be served upon the owner by delivering the notice to such owner personally, or by leaving the notice with any person at the place of residence of the owner, as stated in the records of the

City, or by posting the notice in a conspicuous place at the address of such owner, or by United States mail.

(l) Redemption of impounded dogs and cats. At any time within five (5) days after such notice shall have been so given, the owner or possessor of such licensed dog may redeem the dog by paying to the City a redemption fee and a boarding fee established by resolution of the Council. The owner or possessor of an unlicensed dog may redeem the dog by purchasing a license and paying to the City the same charges and fees set forth in this subsection. The owner or possessor of a cat may redeem the cat by paying to the City the same charges and fees set forth in this subsection. All dogs and cats not redeemed, as provided in this section, may be assigned to a third party provided the third party agrees to indemnify the City for incurred costs of care, and for the proper license fees, and for assignment fees, and further agrees to carry out the other provisions of this section, or the dog or cat may be humanely killed by the Animal Service Officer after five (5) business days of the impoundment of cat and unlicensed dogs and five (5) business days after proper notification of impoundment to the owners of licensed dogs.

(m) Impoundment of cats at large. It is hereby the duty of the Tracy Police Department to take and impound any cat which is found running at large and causing a public nuisance.

(n) Prohibition against assigning unaltered dogs or cats. Deposits for costs of spaying or neutering.

(1) The small animal shelter shall not assign any dog or cat which has not been spayed or neutered, unless a deposit for spaying or neutering has been tendered to the shelter. The deposit shall be in the amount determined by resolution of the Council to be comparable to the lowest fee charged by veterinarians in the locale. The deposit shall be held in trust and accounted for in a manner consistent with City policies. The deposit may be paid directly to a veterinarian for altering the assigned animal or returned to the person receiving the assigned animal upon the presentation of a certificate of alteration from a veterinarian to the Finance Department.

(2) Any dog or cat six (6) months of age or younger at the time of assignment shall be spayed or neutered within six (6) months, or the deposit shall be deemed unclaimed. Any dog or cat over six (6) months of age at the time of assignment shall be spayed or neutered within sixty (60) days, or the deposit shall be deemed unclaimed. Any deposit not claimed shall be used only for the following purposes:

(i) A public education program to prevent the overpopulation of cats and dogs;

(ii) A program to spay or neuter cats and dogs;

(iii) A follow-up program to assure that animals assigned by the shelter are spayed or neutered; or

(iv) Any additional costs incurred pursuant to this section.

(o) Prohibition against assigning dogs which have not been vaccinated for rabies: Deposits for costs of rabies vaccination.

(1) The small animal shelter shall not assign any dog which has not been vaccinated for rabies, unless a deposit for rabies vaccination has been tendered to the shelter. The deposit shall be in the amount determined by resolution of the Council. The deposit shall be held in trust and accounted for in a manner consistent with City standards. The deposit may be paid directly to a veterinarian for vaccinating the assigned animal or

returned to the person receiving the assigned animal upon the presentation of a certificate of vaccination from a veterinarian to the Finance Department. Any deposit not claimed may be transferred by resolution of the Council to the General Fund.

(2) Any dog four (4) months of age or younger at the time of assignment shall be vaccinated for rabies within ten (10) days after attaining the age of four (4) months and prior to licensing, or the deposit shall be deemed unclaimed. Any dog over four (4) months of age at the time of assignment shall be vaccinated for rabies and licensed within ten (10) days, or the deposit shall be deemed unclaimed. Any deposit not claimed shall be used only for the following purposes:

(i) A public education program to prevent the over-population of cats and dogs;

(ii) A program to spay or neuter cats and dogs;

(iii) A follow-up program to assure that animals assigned by the shelter are spayed or neutered; or

(iv) Any additional costs incurred pursuant to this section.

(Ord. 1040 § 5 Exh. E (part), 2002; prior code § 5-2.203)
(Ord. No. 1159, § 12, 6-7-2011)

5.08.170 - Burial of deceased animals.

It is the duty of all persons having dead animals upon their premises to bury the dead animals at least one foot underground, either upon their own premises or in some place outside City, with the property owner's permission, within twenty-four (24) hours after they shall have died or convey the dead animals to the animal shelter or to a licensed veterinary facility for disposal.
(Ord. 1040 § 5 Exh. E (part), 2002: prior code § 5-2.207)

5.08.180 - Failure or refusal of owner to bury deceased animal.

If any person fails or neglects to bury or otherwise dispose of any animal as provided for in this article, then in such case it shall be the duty of the Animal Service Officer to proceed forthwith to have the same disposed of, and it shall be lawful for the City to charge to and recover from the owner or possessor of such dead animals the cost of disposal thereof; and such person who shall neglect or refuse to bury or dispose, or cause the burial or disposal of, any dead animal as provided for in this article upon his premises or in any public place of which he is the owner or possessor, or pay the City the cost incurred in burying such dead animal, shall be guilty of a misdemeanor. In case the Animal Service Officer, after diligent search, cannot find the owner or possessor of any dead animal, in this article referred to, the Animal Service Officer shall cause the same to be disposed of and the cost thereof shall be paid by the City.
(Ord. 1040 § 5 Exh. E (part), 2002: prior code § 5-2.208)

5.08.240 - Impounding.

The Chief of Police and all police officers and other persons employed to perform any of such duties are hereby authorized and empowered to take up and impound any animals or poultry running at large in violation of the provisions of this article, and to keep such animals or poultry confined at the public pound or at such other place as the Chief of Police may provide, for not less than three (3) days unless such animals or poultry be redeemed by the payment in the

amount established by resolution of the City Council. Notices containing a description of the animals or poultry impounded shall be posted on the bulletin board near the entrance of the City Hall for at least three (3) days. The Chief of Police may, in his discretion, publish notices of the impounding of such animals or poultry in an attempt to locate the owner, in which event the cost of so doing shall be added to the costs of the care of such animals or poultry.
At expiration of the three (3) days, if the animals or poultry are not redeemed, the Chief of Police shall be deemed to have acquired jurisdiction over the animals or poultry and is hereby authorized to destroy, or to sell, or to otherwise dispose of them, and any proceeds derived therefrom shall accrue to the City, to be deposited in its general fund.
(Prior code § 5-2.305)
(Ord. No. 1159, § 14, 6-7-2011)

5.08.420 - Application for multiple pet permit; fee, investigation.

(a) Any person who desires to keep more than two (2) dogs and/or three (3) cats at any single residence in the City may apply to the Animal Services Department for a multiple pet permit.
(b) The application must be made on a form provided by the Animal Services Department and there shall be paid a nonrefundable application fee, the amount of which shall be set by Council resolution, and revised from time to time, in an amount sufficient to recover the costs of administering the multiple pet permit program.
(c) The application shall identify the owner by name, address and telephone number, the animals by name, breed, age, sex and for dogs, City of Tracy License Number.
(d) Upon receipt of the application, Animal Services shall serve notice of application and comment cards to neighboring property owners within a 100-foot radius of the applicant's residence.
(e) An Animal Services Officer shall inspect the applicant's property to determine if the size and condition of the property is adequate for keeping additional animals, and whether the manner of keeping the additional animals may violate any of the provisions of this chapter or of State or Federal law.
(Ord. No. 1133, I § 1, 3-3-2009)

State of California

VEHICLE CODE

Section 9255

9255. Upon application for the transfer of the title or any interest of an owner or legal owner in or to a vehicle registered under this code, or for which a certificate of ownership has been issued without registration under Section 4452, other than upon a transfer to a chattel mortgagee and other than upon a transfer to a transferee not required under this code to obtain the issuance to the owner of a new certificate of ownership and registration card, there shall be paid the following fees:

(1) For a transfer by the owner of an automobile or motorcycle	$15
(2) For a transfer by the owner of a trailer coach or commercial vehicle	$15
(3) For a transfer by the legal owner	$15
(4) When an application is presented showing a transfer by both the owner and legal owner of an automobile or motorcycle	$15
(5) When an application is presented showing a transfer by both the owner and legal owner of a trailer coach or commercial vehicle	$15

(Amended by Stats. 2002, Ch. 758, Sec. 7. Effective January 1, 2003.)

State of California

VEHICLE CODE

Section 20012

20012. All required accident reports, and supplemental reports, shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department of Motor Vehicles and the Department of the California Highway Patrol, except that the Department of the California Highway Patrol or the law enforcement agency to whom the accident was reported shall disclose the entire contents of the reports, including, but not limited to, the names and addresses of persons involved or injured in, or witnesses to, an accident, the registration numbers and descriptions of vehicles involved, the date, time and location of an accident, all diagrams, statements of the drivers involved or occupants injured in the accident and the statements of all witnesses, to any person who may have a proper interest therein, including, but not limited to, the driver or drivers involved, or the guardian or conservator thereof, the parent of a minor driver, the authorized representative of a driver, or to any named person injured therein, the owners of vehicles or property damaged thereby, persons who may incur civil liability, including liability based upon a breach of warranty arising out of the accident, and any attorney who declares under penalty of perjury that he or she represents any of the above persons.

A request for a copy of an accident report shall be accompanied by payment of a fee, provided such fee shall not exceed the actual cost of providing the copy.

(Amended by Stats. 1994, Ch. 1247, Sec. 10. Effective January 1, 1995.)

State of California

VEHICLE CODE

Section 22850.5

22850.5. (a) A city, county, or city and county, or a state agency may adopt a regulation, ordinance, or resolution establishing procedures for the release of properly impounded vehicles to the registered owner or the agent of the registered owner and for the imposition of a charge equal to its administrative costs relating to the removal, impound, storage, or release of the vehicles to the registered owner or to the agent of the registered owner. Those administrative costs may be waived by the local or state authority upon verifiable proof that the vehicle was reported stolen at the time the vehicle was removed.

(b) The following apply to any charges imposed for administrative costs pursuant to subdivision (a):

(1) The charges shall only be imposed on the registered owner or the agents of that owner and shall not include any vehicle towed under an abatement program or sold at a lien sale pursuant to Sections 3068.1 to 3074, inclusive, of, and Section 22851 of, the Civil Code unless the sale is sufficient in amount to pay the lienholder's total charges and proper administrative costs.

(2) Any charges shall be collected by the local or state authority only from the registered owner or an agent of the registered owner.

(3) The charges shall be in addition to any other charges authorized or imposed pursuant to this code.

(4) No charge may be imposed for any hearing or appeal relating to the removal, impound, storage, or release of a vehicle unless that hearing or appeal was requested in writing by the registered or legal owner of the vehicle or an agent of that registered or legal owner. In addition, the charge may be imposed only upon the person requesting that hearing or appeal.

No administrative costs authorized under subdivision (a) shall be charged to the legal owner who redeems the vehicle unless the legal owner voluntarily requests a poststorage hearing. No city, county, city and county, or state agency shall require a legal owner or a legal owner's agent to request a poststorage hearing as a requirement for release of the vehicle to the legal owner or the legal owner's agent. The impounding agency, or any person acting on behalf of the agency, shall not require the legal owner or the legal owner's agent to produce any documents other than those specified in paragraph (3) of subdivision (f) of Section 14602.6 or paragraph (3) of subdivision (e) of Section 14602.7. The impounding agency, or any person acting on behalf of the agency, shall not require any documents to be notarized.

(Amended by Stats. 2015, Ch. 740, Sec. 17. (AB 281) Effective January 1, 2016.)

State of California

VEHICLE CODE

Section 20012

20012. All required accident reports, and supplemental reports, shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department of Motor Vehicles and the Department of the California Highway Patrol, except that the Department of the California Highway Patrol or the law enforcement agency to whom the accident was reported shall disclose the entire contents of the reports, including, but not limited to, the names and addresses of persons involved or injured in, or witnesses to, an accident, the registration numbers and descriptions of vehicles involved, the date, time and location of an accident, all diagrams, statements of the drivers involved or occupants injured in the accident and the statements of all witnesses, to any person who may have a proper interest therein, including, but not limited to, the driver or drivers involved, or the guardian or conservator thereof, the parent of a minor driver, the authorized representative of a driver, or to any named person injured therein, the owners of vehicles or property damaged thereby, persons who may incur civil liability, including liability based upon a breach of warranty arising out of the accident, and any attorney who declares under penalty of perjury that he or she represents any of the above persons.

A request for a copy of an accident report shall be accompanied by payment of a fee, provided such fee shall not exceed the actual cost of providing the copy.

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(Amended by Stats. 2015, Ch. 740, Sec. 17. (AB 281) Effective January 1, 2016.)

Police Department

Resolutions

RESOLUTION 2016-045

INCREASE FEES CHARGED BY TOWING SERVICE OPERATORS FOR SERVICES RENDERED, EFFECTIVE MARCH 16, 2016, TO REFLECT INCREASED OPERATING COSTS

WHEREAS, The towing and vehicle storage fees tow companies on the Tracy Police Department rotation list charge to customers have not been increased since September 2005, and

WHEREAS, Representatives from the tow companies have indicated that the cost of doing business for the City of Tracy has increased significantly since 2005, and

WHEREAS, In accepting this fee schedule there will be no fiscal impact on the City of Tracy, and

WHEREAS, The increase will be effective March 16, 2016, and will be reviewed annually beginning on July 1, 2017 to adjust for cost increases;

NOW, THEREFORE, BE IT RESOLVED, That City Council does hereby approve the increase of fees tow truck operators charge, effective March 16, 2016, as set forth in Attachment A to the staff report accompanying this agenda item.

****

The foregoing Resolution 2016-045 was passed and adopted by the Tracy City Council on the 15th day of March, 2016, by the following vote:

AYES: COUNCIL MEMBERS: MITRACOS, VARGAS, YOUNG, MACIEL

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: RICKMAN

MAYOR

ATTEST:

CITY CLERK

RESOLUTION 2009-178

ADOPTING ANIMAL SERVICES FEES FOR CERTAIN SERVICES

WHEREAS, Many Animal Services fees have not been increased for quite some time, and

WHEREAS, A gradual tiered increase over three years will help to bring Animal Services fees more in line with those charged by surrounding jurisdictions.

NOW, THEREFORE, BE IT RESOLVED, That the City Council hereby adopts the following Animal Services fees:

2010 Fees (to be effective January 1, 2010)

$6.00 for License Fee for Altered Dogs
$20.00 for License Fee for Unaltered Dogs
$10.00 for Late License Fee
$5.00 for Lost License Replacement
$6.00 for Daily Board and Care for Impounded Dogs
$3.00 for Daily Board and Care for Impounded Cats
$20.00 for Multiple Pet Permit Application Fee
$25.00 for Owner Surrender of Live Animals

2011 Fees (to be effective January 1, 2011)

$8.00 for License Fee for Altered Dogs
$30.00 for License Fee for Unaltered Dogs
$15.00 for Late License Fee
$5.00 for Lost License Replacement
$8.00 for Daily Board and Care for Impounded Dogs
$4.00 for Daily Board and Care for Impounded Cats
$25.00 for Multiple Pet Permit Application Fee
$30.00 for Owner Surrender of Live Animals

2012 Fees (to be effective January 1, 2012)

$10.00 for License Fee for Altered Dogs
$50.00 for License Fee for Unaltered Dogs
$20.00 for Late License Fee
$5.00 for Lost License Replacement
$10.00 for Daily Board and Care for Impounded Dogs
$10.00 for Daily Board and Care for Impounded Cats
$30.00 for Multiple Pet Permit Application Fee
$40.00 for Owner Surrender of Live Animals

RESOLUTION 2008-234

A RESOLUTION OF THE CITY OF TRACY AMENDING RESOLUTION 2003-059 BY ADDING A NEW FEE FOR STORAGE OF FIREARMS EFFECTIVE ON THE EFFECTIVE DATE OF PROPOSED TRACY MUNICIPAL CODE CHAPTER 3.52

WHEREAS, In 1998, the City undertook a Cost of Service Study and adopted fees for various City departments, and

WHEREAS, In 2003, the City updated those fees by Resolution No. 2003-059, and

WHEREAS, proposed Tracy Municipal Code Chapter 3.52, when effective, will allow for collection of a fee for the storage of certain firearms by the Police Department, and

WHEREAS, the City Council wishes to amend Resolution No. 2003-059 to add a fee for the storage of firearms effective on the effective date of proposed Tracy Municipal Code Chapter 3.52, and

WHEREAS, pursuant to Government Code section 66018, a duly noticed public hearing was held on November 5th, 2008, and notice of the meeting published at least 10 days before the meeting.

NOW, THEREFORE, the Tracy City Council does resolve, declare, determine and order as follows:

Resolution No. 2003-059 is amended, effective on effective date of proposed Tracy Municipal Code Chapter 3.52, by adding the following to the Police Department Fees:

Storage of firearms (TMC Chapter 3.52): $51, plus $1.90/day of firearm storage.

****

The foregoing Resolution 2008-234 was passed and adopted by the Tracy City Council on the 5th day of November, 2008, by the following vote:

AYES: COUNCIL MEMBERS: ABERCROMBIE, SUNDBERG, TOLBERT, TUCKER, IVES

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: NONE

Mayor

ATTEST:

RESOLUTION 2006-209

ADOPTING A TWENTY DOLLAR ANNUAL FEE FOR REQUIRED ALARM PERMITS

WHEREAS, The City of Tracy has identified the need to reduce the number of false burglar alarms police officers respond to in order to more effectively utilize police resources; and

WHEREAS, The Tracy Police Department has identified false alarm reduction strategies that will be incorporated into policies and procedures; and

WHEREAS, Required alarm permits have proven to be a viable false alarm reduction strategy; and

WHEREAS, The City of Tracy incurs, and will continue to incur, expenses by virtue of Tracy Police Department staff processing alarm permit applications and administering the alarm permit program; and

WHEREAS, such costs exceed, and will exceed, on average, $20.00 to process each alarm user permit application and to administer the alarm permit program, and

NOW, THEREFORE, BE IT RESOLVED, That effective October 1, 2006, the City Council does set the fee for alarm user permits to be $20.00 annually.

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

The foregoing Resolution 2006-209 is hereby passed and adopted by the Tracy City Council this 15th day of August, 2006, by the following vote:

AYES: COUNCIL MEMBERS: IVES, SUNDBERG, TOLBERT, TUCKER, BILBREY

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: NONE

Mayor

ATTEST:

City Clerk

RESOLUTION 2003-059

REPEALING RESOLUTION 99-094 AND ADOPTING UPDATED FEES FOR POLICE, FIRE, AND ADMINISTRATIVE SERVICES AS IDENTIFIED IN THE COST OF SERVICES STUDY PREPARED BY THE FINANCE DEPARTMENT

WHEREAS, Resolution 99-094 set certain of the City's current fees for providing Police, Fire, and Administrative Services, and

WHEREAS, The purpose of the 1998 Cost of Service Study was to identify the costs of certain services and the corresponding fee revenue so that City Council has the information necessary to review those fees and update those for which the City's costs have increased, and

WHEREAS, The City's Cost Of Services update prepared by the Finance Department indicates that a number of the Police, Fire, and Administrative Services fees adopted pursuant to Resolution 99-094 are no longer sufficient to cover the cost of providing those services, and

WHEREAS, The City's Costs of Services Study supports the increased fees shown in the attached fee schedule;

NOW, THEREFORE, The City Council of the City of Tracy resolves as follows:

1. The foregoing recitals are true and correct and incorporated herein as findings.
2. Resolution 99-094 is repealed effective March 1, 2003.
3. The attached fee schedule for Police, Fire, and Administrative services shall be in effect on March 1, 2003.

****

The foregoing Resolution 2003-059 was adopted by the Tracy City Council on the 18th day of February, 2003, by the following vote:

AYES: COUNCIL MEMBERS: HUFFMAN, IVES, TOLBERT, TUCKER, BILBREY

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: NONE

Mayor

ATTEST

City Clerk

CITY OF TRACY
POLICE DEPARTMENT FEES

SERVICE	CURRENT FEE	PROPOSED FEE
False Alarm Response	$25 - 4th Response $50 - 5th Response $65 - 6th Response $75 - 7th Response	$30 - 4th Response $55 - 5th Response $70 - 6th Response $80 - 7th Response
Vehicle Release	$40 per vehicle	$45 per vehicle
Records Check/Clearance Letter	$10 per letter	$10 per letter
Immigration Card	$14 per applicant	$15 per applicant
Examination of Local Record	$45 per request	$50 per request
Concealed Weapon Permit	$3 permit	$3 permit
Solicitor Permit	$15 per permit	$15 per permit
Taxi Driver Permit	$90 per permit, plus DOJ fee	$110 per permit, plus DOJ fee
Taxi Driver Renewal Permit	$65 per permit	$80 per permit
Tow Truck Driver Permit	$50 per permit,plus DOJ fee	$60 per permit, plus DOJ fee
Tow Truck Driver Renewal Permit	$25 per permit	$30 per permit
Card Room Dealer Permit	$50 per permit, plus DOJ fee	$60 per permit, plus DOJ fee
Card Room Dealer Permit Renewal	$25 per permit	$25 per permit
Fingerprint Request	$10 per card	$10 per card
Police Photo Reproduction	$33 per request, plus contracted reproduction costs	$42 per request, plus contracted reproduction costs
Video/Audio Tape Reproduction	$25 per tape requested plus $3 for tape	$30 per tape requested plus $3 for tape
Vehicle Equipment Correction Inspection	$10 per vehicle for citations not issued by Tracy PD	$15 per vehicle for citations not issued by Tracy PD
DUI Arrest and Report	Actual personnel costs, up to a state imposed maxium of $1,000	Actual personnel costs, up to a state imposed maxium of $1,000
DUI Accident Response and Investigation	Actual personnel costs, up to a state imposed maxium of $1,000	Actual personnel costs, up to a state imposed maxium of $1,000
VIN Verification	$15 per request	$20 per request
Crime Report Copy	$10 first page $0.25 per additional page $4 bulletin entries and citations	$10 first page $0.25 per additional page $4 bulletin entries and citations
Police Special Services	Actual personnel costs	Actual personnel costs
Fire Arms Sales Permit	$30 per permit, plus DOJ fee	$30 per permit, plus DOJ fee

CITY OF TRACY
FIRE DEPARTMENT FEES

SERVICE	CURRENT FEE	PROPOSED FEE
Fire Arms Sales Permit	$30 per permit, plus DOJ fee	$30 per permit, plus DOJ fee
Sprinkler Plan Check	$0-$5,000 $55	$0-$5,000 $80
	$5,001-$20,000 $170	$5,001-420,000 $240
	$20,000+ $225	$20,000+ $330
Sprinkler Inspection	$0-$5,000 $170	$0-$5,000 $245
	$5,001-$20,000 $310	$5,001-$20,000 $455
	$20,000+ $560	$20,000+ $825
Alarm Plan Check	$0-$20,000 $225	$0-$20,000 $330
	$20,000+ $335	$20,000+ $495
Alarm Inspection	$0-$20,000 $110	$0-420,000 $165
	$20,000+ $335	$20,000+ $495
Hood Plan Check	$30 per application	$40 per application
Hood Inspection	$85 per application	$125 per application
New Address Mapping	$64, multifamily $64 + $32 per unit (5 or more)	$80, multifamily $80 + $40 per unit (5 or more)
Underground Tank Installations	$110 per application	$165 per application
Underground Tank Removal	$170 per application	$245 per application
Annual Fire Permit Inspection	Type A $20, Type B $28, Type C $37, Type D $56, Type E $75, Type F $112, Type G $170, Type H $225, Type I $337	Type A $30, Type B $40, Type C $55, Type D $80, Type E $110, Type F $165, Type G $245, Type H $330, Type I $490
State Mandated Inspection	Day Care <= 14 $55, Day Care > 14 $85, Conv Home $170	Day Care <= 14 $80, Day Care > 14 $125, Conv Home $245
Illegal Burn Response	None	$110 per hour per engine responding with a half hour minimum.
Hazardous Materials Clean-up	Cost recovery	Actual costs charged for all responding personnel.
Special Even Fire Prot. Stand-by	Cost recovery	Actual costs charged for all responding personnel.
Hydrant System Flow Testing	None	These costs should be charged to the water utility.
Water Flow Test	None	$110 per test.
Fire Incident Report Copy	$6 per report	$8 per report.
Weed Abatement	Contract costs plus 25% overhead charge	No change.
New Fire Permit	None	$95 per permit
Renewal of Fire Permit	None	$95 per permit

CITY OF TRACY
ADMINISTRATION FEES

SERVICE	CURRENT FEE	PROPOSED FEE
Water Delinquent Turn Off\On	$20 reconnect	$35 reconnect
Business License Applications	$50 processing fee	$75 processing fee
Business License Renewal	$10 processing fee	$15 processing fee
Returned Check Processing Fees	$10 per NSF fee	$15 per NSF fee
Document Certification	$10 per document	$15 per document
Agenda\Meeting Mailing Service	$25 per subscriber per year	$35 per subscriber per year + $1 per meeting
Audio/Video Tape Per Meeting	$20 per audio/video tape	$20 per audio/Video tape

Appendix VI

Public Works Department
Maintenance & Operations Divisions

Public Works Department

Legal Codes

Legal Codes

Tracy Municipal Code

10.08.4465 - Banner signs on public property.

(a) Purpose. The purpose of this section is to establish the manner by which banners may be displayed on public property to promote the City of Tracy, to promote co-sponsored, community-wide public events, and for beautification of the City.

(b) Definitions. For the purpose of this section:

"Banner" means either of the following two (2) types:

(1) "Street light banner" means a banner on a City street light pole, including a light pole on any City-owned property, and which is affixed by brackets.

(2) "Over-the-street banner" means a banner traversing the public right-of-way at one of three (3) locations as set forth in subsection (d)(2) below.

"City-sponsored" means the City alone (including a City Board or Commission) is sponsoring the public event.

"Co-sponsor" means the City is co-sponsoring a public event in one of the following ways:

(1) The City has entered into a memorandum of understanding (MOU) with an organization to cooperate in putting on the event (pursuant to Council Resolution No. 2005-076, or the successor co-sponsorship guidelines); or

(2) The City has made a substantial contribution of money and or City services toward the event.

"Director" means the Director of Development and Engineering Services or his or her designee, unless stated otherwise.

(c) City banners to promote or beautify the City. The City may install street light banners throughout the City to promote the City or for beautification of the City. No sign permit is necessary.

(d) Banners for City-sponsored or co-sponsored, community-wide events. The City may install banners to advertise an upcoming community-wide event for which the City is a sponsor or co-sponsor. No sign permit is necessary. However, the applicant must obtain a special events permit from the Parks and Community Services Department, and the Parks and Community Services Director is authorized to approve the placement of banners and their conformance to the banner guidelines.

(1) Street light banners for City-sponsored or co-sponsored, community-wide events may be placed in any one or more of the following zones:

(A) Zone 1: Eleventh Street between Lammers Road and Corral Hollow Road;

(B) Zone 2: Tenth Street between A and East Streets;

(C) Zone 3: Central Avenue between Eleventh and Sixth Streets.

These three (3) zones do not include the four (4) street corners at Tenth Street and Central Avenue, which are reserved for City banners.

(2) Over-the-street banners for City-sponsored or co-sponsored, community-wide events may be placed in any one or more of the following locations, once the City has installed appropriate pole structures:

(A) In the center median of Eleventh Street between Lammers Road and Crossroads Drive;

(B) On Central Avenue between Eleventh Street and Tenth Street; and

(C) At Sixth Street and Central Avenue, upon completion of the Downtown Plaza.

(3) The Director shall establish banner guidelines, including banner specifications, length of time banners may be displayed, scheduling and utilization of the special event permit process. The Director may revise the banner guidelines as necessary, as long as they conform to this section.

(4) Banners shall be installed and removed by City staff.

(Ord. 1115 § 1, 2008: Ord. 1110 § 1, 2007)

(Ord. No. 1145, § 1, 3-16-2010)

Public Works Department

Resolutions

RESOLUTION 2010-025

ESTABLISHING FEES FOR INSTALLATION OF BANNERS AND REPEALING RESOLUTION NO. 2008-027

WHEREAS, Tracy Municipal Code section 10.08.4465 generally describes the manner in which banners may be placed on public property, and authorizes the Director of Development and Engineering Services to develop banner guidelines; and

WHEREAS, The City Council wishes to establish fees for the installation of banners to reflect the cost of City staff time to install and remove banners, for traffic control during installation and removal, and for the use of City vehicles required in the installation; and

WHEREAS, The fees were based on Public Works costs for installing the banners currently in place. In the case of Zone 1, this involves the use of lift trucks and traffic control on Eleventh Street; and

WHEREAS, The City Council wishes to clarify the status of Resolution No. 2008-027 regarding banners previously approved.

NOW, THEREFORE, The Tracy City Council does resolve as follows:

SECTION 1. The following fees for installation and removal of banners represent the estimated reasonable cost of providing this service and are here approved:

The fees are:

1. For each over-the-street banner location: $200 per banner.

2. For each street light banner zone:
   - Zone 1: $4,000
   - Zone 2: $1,000
   - Zone 3: $1,000

3. The fees reflect the cost of both installation and removal. If removal of a set of banners happens to occur simultaneously with installation of other non-City banners in the same location, then each of the applicants may apply to the Parks and Community Services Department for a 25% refund of the fees.

SECTION 2. Resolution No. 2008-027 authorized Tracy "Military Moms" to install banners on city light poles on Central Avenue between Eleventh Street and Sixth Street. Based on the current version of Tracy Municipal Code section 10.08.4465, those banners are no longer permitted and Resolution No. 2008-027 is repealed. However, the existing, now non-conforming banners, are permitted to remain in place (1) until the current wars have ended, or (2) until a City Council resolution ends their use. At that time the banners will be returned to "Military Moms" and replaced with City banners in compliance with TMC section 10.08.4465.

****

The foregoing Resolution 2010-025 was passed and adopted by the Tracy City Council on the 2nd day of March, 2010, by the following vote:

AYES: COUNCIL MEMBERS: ABERCROMBIE, MACIEL, TUCKER, IVES

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: TOLBERT

Mayor

ATTEST:

City Clerk

RESOLUTION _____

CONDUCT A PUBLIC HEARING TO ADOPT A RESOLUTION APPROVING THE AMENDMENT TO CITYWIDE MASTER FEE SCHEDULE FOR FISCAL YEAR 2020-2021 TO INCLUDE FEES ASSOCIATED WITH COMMERCIAL CANNABIS APPLICATIONS, PERMITS, AND BACKGROUNDS

WHEREAS, City departments have proposed, and the City Council has adopted, various fees relating to the work of City departments, and

WHEREAS, The City desires to adopt fees to capture the full costs of administering the regulations for permitting and operation of commercial cannabis businesses, and

WHEREAS, On June 16, 2020, the City Council adopted the most recent consolidated City-wide Master Fee Schedule to provide for a record of fees in a single document, improve public information, and provide consistent updating of the fees (Resolution 2020-110), and

WHEREAS, On July 7, 2020, the City Council held a public meeting where all interested parties were able to provide testimony;

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

1. The Master Fee Schedule is amended to include a Cannabis Application Fee, a Cannabis Permit Fee, a Cannabis Renewal Fee, and a Background Investigation Fee.

2. This Resolution takes effect on July 8, 2020.

3. Resolution 2020-110 is hereby amended by this Resolution.

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

The foregoing Resolution 2020- _____ was adopted by the Tracy City Council on the 7th day of July, 2020 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Attachment: Exhibit A - Master Fee Schedule

July 7, 2020

AGENDA ITEM 3.E

REQUEST

AUTHORIZE STAFF TO NEGOTIATE AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND AMONG THE CITY OF TRACY, THE TRACY HILLS PROJECT OWNER, LLC AND TRACY PHASE I, LLC FOR THE TRACY HILLS PROJECT LOCATED AT THE SOUTHWEST CORNER OF CORRAL HOLLOW ROAD AND TRACY HILLS DRIVE, APPLICATION DA20-0001

EXECUTIVE SUMMARY

Tracy Hills Project Owner, LLC and Tracy Phase I, LLC ("Tracy Hills") seeks City Council authorization to begin negotiating an amendment to the existing Development Agreement between the City and Tracy Hills. In 2016, the City entered into a Development Agreement ("DA") with Tracy Hills relating to development of the Tracy Hills Specific Plan area.

On February 20, 2020, Tracy Hills submitted a request to the City asking the City Council to authorize staff to negotiate an amendment to the DA for the purposes of amending and updating various terms and provisions. Staff is seeking Council authorization to begin negotiations of an amendment to the Tracy Hills DA.

DISCUSSION

Implementation and Status of Existing DA

The City and Tracy Hills entered into the current DA on April 19, 2016, via Ordinance 1213. In its current form, the DA applies only to the Tracy Hills Specific Plan (total of 2,732 acres) property owned by Integral, which covers approximately 1,843 acres generally at the southwest corner of Corral Hollow Road and Spine Road. Among other things, the existing DA requires Tracy Hills to (a) widen Corral Hollow Road to four lanes by the 1800 housing units, (b) pay the City $2 million to fund the design of the wastewater treatment plant (Phase 2B) and (c) design and construct a fire station within their project up to total dollar amount of $5.5 million dollars. To date, Tracy Hills has contributed $2 million dollars to design the Phase 2B wastewater treatment plant, and has completed design of the Tracy Hills Fire Station. Construction of the Fire Station is expected to begin around July 1, 2020. They have also contributed $5 million dollars towards their Community Benefit payment. Tracy Hills is current with all of the requirements on their current DA.

On February 20, 2020, Tracy Hills submitted a request to the City asking the City Council to authorize staff to negotiate an amendment to the DA for the purposes of amending and updating various terms and provisions. More specifically, they are requesting to amend and update provisions regarding the following:

- Timing of the construction of various Corral Hollow Road Improvements

- Clarify the provisions related to benefit districts to recover fair share costs of program and non-program public improvements

- Update the provisions for use of required traffic fees reserved for certain program improvements

- Add clarifications about perfecting Residential Growth Allotments (RGAs) and the life of building permits

Applicable Procedure

On June 7, 2016, via Resolution No. 2016-115, the City Council revised the City's DA procedures. These procedures establish a two-step process for evaluating DA and DA Amendment applications. The first step requires an application for a DA to include information such as property owner signatures, proposed term of the agreement, proposed public benefit, a description of the property and proposed land uses, among other information related to the property. The DA procedures also require the City Council to first authorize staff to enter into negotiations for the proposed DA Amendment, before staff can actually begin such negotiations.

The second step would involve negotiation between the applicant and staff and preparation of a proposed DA amendment, which would then be presented to both the Planning Commission and the City Council for review and consideration at public hearings. Oftentimes City staff will return to the City Council in the interim between steps one and two, after staff and the applicant has negotiated draft terms, to update Council and seek further direction based on the negotiated draft terms.

This agenda item is to implement the first step of the City's DA procedures. Tracy Hills has requested that City Council direct staff to begin negotiations for an amendment to the existing DA. A copy of the February 20, 2020 Tracy Hills request is attached to the staff report (Attachment A). Staff has not yet analyzed Tracy Hill's request; however, it should be noted that City Council is not being asked to approve these proposals at this time. Rather, the City Council is requested by the Developer to allow staff to negotiate with Tracy Hills on the amendment request. If the City Council so authorizes staff, staff will proceed to analyze the February 20, 2020 request, and to negotiate with Tracy Hills on the DA amendment. After such negotiations and the preparation of an actual DA amendment, staff would provide the Planning Commission and City Council with its analyses and recommendations regarding the February 20, 2020 request at a future date.

Next Steps in the DA Amendment Process

City Council must decide whether or not to authorize staff to begin DA amendment negotiations as requested in the Tracy Hill's letter. If the City Council approves authorization, staff would begin such negotiations, and staff and Tracy Hills would work

towards preparing an actual DA amendment for Planning Commission and City Council's consideration.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Quality of Life Strategic Priority, which is to provide an outstanding quality of life by enhancing the City's amenities, business mix and services and cultivating connections to promote positive change and progress in our community.

FISCAL IMPACT

Negotiating an amended DA is funded by the applicant in accordance with a City approved Cost Recovery Agreement.

Upon completing a draft DA amendment, City staff would return with an expanded fiscal impact discussion of what, if any, fiscal impacts may result from the negotiated DA amendment represents.

RECOMMENDATION

Staff recommends that the City Council authorize, by resolution, staff to begin DA amendment negotiations with Tracy Hills as outlined in their February 20, 2020 request.

Prepared by: Andrew Malik, Assistant City Manager

Reviewed by: Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS:

Attachment A – February 20, 2020 Letter from Tracy Hills requesting to begin negotiations of an Amendment to their Development Agreement
Attachment B – City Council Resolution No. 2016-115: DA Procedures

Attachment A

TRACY HILLS

Great Living Grows Here

February 20, 2020

Mr. Andrew Malik
Assistant City Manager, City of Tracy
333 Civic Center Drive
Tracy, CA, 95376

RE: Request for Amendment No. 1 to Development Agreement by and Among the City of Tracy, The Tracy Hills Project Owner, LLC and Tracy Phase I, LLC

Dear Mr. Malik:

This is a request to amend the Development Agreement by and among the City of Tracy, The Tracy Hills Project Owner, LLC and Tracy Phase I, LLC (the "Tracy Hills DA") to better reflect current timing and refinements as we proceed with developing Tracy Hills.

We would like to amend and update the terms and provisions of the Tracy Hills DA pertaining to:

- Refine timing of the construction of various Corral Hollow Road Improvements;
- Clarify the provisions related to benefit districts to recover fair share costs of program and non-program public improvements,
- Update the provisions for use of the 85% of traffic fees reserved for certain program improvements,
- Add clarifications about the perfecting of RGA's and the life of building permits

We believe these changes are non-controversial and look forward to discussing these amendments with Staff and Council.

Thank you.

Sincerely,

A. Michael Souza
Project Manager

ATTACHMENT B

RESOLUTION 2016-115

REPEALING RESOLUTION 2004-368 AND ESTABLISHING REVISED PROCEDURES AND REQUIREMENTS FOR THE CONSIDERATION OF DEVELOPMENT AGREEMENTS

WHEREAS, On November 16, 2004, pursuant to authorization granted in Government Code sections 65864 et seq., the City Council adopted Resolution 2004-368, establishing procedures and requirements for consideration of development agreements, and

WHEREAS, On June 16, 2015, the City Council discussed the development agreement procedures at a regular meeting and directed staff to prepare amendments to the existing procedures and requirements, including provisions related to required public benefits, and

WHEREAS, The City Council wishes to revise the procedures and requirements for future applications;

NOW, THEREFORE, the City Council of the City of Tracy resolves as follows:

1. Resolution 2004-368 is repealed in its entirety.

2. The Procedures and Requirements for Consideration of Development Agreements, set forth in the attached Exhibit "A", are adopted.

* *

This Resolution 2016-115 was passed and adopted by the Tracy City Council on June 7, 2016, by the following vote:

AYES:	COUNCIL MEMBERS:	MITRACOS, VARGAS, YOUNG, RICKMAN, MACIEL
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE

MAYOR

ATTEST:

CITY CLERK

EXHIBIT "A"

REGULATIONS AND REQUIREMENTS FOR CONSIDERATION OF DEVELOPMENT AGREEMENTS

PART I, APPLICATION
- A. Authority for Adoption; Purpose; consistency with State Law
- B. Application
- C. Public Benefit
- D. Qualified Applicants
- E. Qualified Property
- F. Staff Review of Application

PART II, CONTENTS, HEARINGS, AND OFFICIAL ACTIONS
- G. Contents
- H. Notice of Hearings; Environmental Review
- I. Planning Commission
- J. City Council
- K. Ordinance Approving the Development Agreement

PART III, DEVELOPMENT RIGHTS; PERIODIC REVIEW
- L. Development Rights
- M. Periodic Review

PART I – APPLICATION

A. Authority for Adoption; Purpose; Consistency with State Law

These regulations are adopted under the authority of Government Code Sections 65864 et seq. The City's consideration and approval of a development agreement is discretionary; there is no requirement to approve such an agreement. The purpose of a development agreement is to assure the developer certain vested rights to proceed with a development over time. In exchange, the developer proposes and the City accepts certain public benefits that would not otherwise be required for the project. In any conflict or interpretation issue between these provisions and requirements of state law, state law will control.

B. Application

1. An application for a development agreement must be submitted to the Development Services ("DS") Department. The minimum requirements for the application and the information and data are set forth in Section B.2 below.

2. The application shall include, for each development agreement requested:

a. signatures of all property owner(s);

b. the proposed duration of the agreement (Gov't. Code §65865.2.);

c. the proposed permitted uses, density or intensity of use, the maximum height and size of proposed buildings (Gov't. Code §65865.2.);

d. proposed public benefit offered to the city as an incentive for consideration of the application, based on the examples set forth in Section C below;

e. a map drawn to scale showing the property and the property lines for the properties within 300 feet of the exterior boundary lines of the subject property. This includes the names of all the streets and of the assessor's parcel numbers (APNs) of each parcel shown on the map;

f. the names and mailing addresses as listed on the latest assessment roll of the owners of the property shown on the map;

g. the legal description, the assessor's parcel number(s), and the street address(es) of the subject property;

h. a list of other applications filed concurrently with the development agreement application;

i. a signed City cost recovery agreement, under which the developer agrees to pay for staff and City consultant time in reviewing and processing the application(s) (Gov't. Code §; and

j. other information the DS Director considers necessary to process the application..

C. Additional Public Benefit

A development agreement shall obligate the developer to provide additional public benefits, beyond what is already required under existing codes and master plans, as the City may deem necessary or appropriate. The additional public benefits are in addition to any fees, exactions or conditions which the City otherwise requires of the applicant as a condition of project approval, (and may include those which otherwise would require compliance with the Mitigation Fee Act (Government code Section 66000 and following), if there were no development agreement. The additional public benefits may include, but are not limited to, the following (including monetary contributions to the City for these purposes):

1. Construction, installation, and/or ongoing maintenance of public facilities and/or public improvements (other than those required as a condition of approval of a project);

2. Construction or installation of a public facility or improvement on the CIP project list that:
   (a) benefits other property in addition to the subject property;
   (b) is in accordance with a schedule that requires completion of the infrastructure before it is needed for the project; and
   (c) is a condition of final map approval or the issuance of building permits for some or all components of the project.

   The developer’s cost may be subject to partial reimbursement over time as other properties develop;

3. Acquisition and/or transfer or dedication of land to the City (or other public agency) for public uses (other than as required as a condition of approval of a project); and

4. Other similar public benefits not specifically designated in this Policy.

D. Qualified Applicants

Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal or equitable interest in the real property which is the subject of the development agreement. The DS Director shall require an applicant to submit proof of his or her interest in the real property. The City may require an applicant or agent to submit a title report or other evidence to verify the applicant’s legal or equitable interests in the subject property.

E. Qualified Property

1. Within City limits. The property to be the subject of the development agreement shall be situated within the City limits and shall represent an appropriate parcel or parcels, as to ownership and parcel configuration, size and location, as determined by the DS Director, to assure the development of the property consistent with the policies, goals, standards and objectives of City’s General Plan, applicable specific plan, and City ordinances and policies pertaining to the property.

2. Outside City limits. Property not within the City limits but within the City’s sphere of influence may be the subject of a development agreement conditioned upon the annexation of the property to the City within a specified time.

For property not within the City limits and subject to an existing development agreement with the county, Government Code section 65863.5 will apply.

F. Preliminary Review of Application

1. The Staff will review the application and accept it for filing if it is complete and accurate.

2. For a completed application, Staff will prepare a report and recommendation to the City Council. The Council will consider the application and determine whether the proposed public benefits (beyond what is otherwise required for the project) warrant undertaking negotiations with the applicant. The Council shall either reject the request or authorize staff to negotiate and process the development agreement application.

PART II - HEARINGS AND OFFICIAL ACTIONS

G. Contents

1. General. In addition to the mandatory requirements of Government Code Section 65865.2, the development agreement must include the following:

a. the additional public benefit, as described in subsection C above.

b. a requirement that the applicant hold harmless, indemnify and defend the City from suits and actions arising in connection with the development agreement, to the satisfaction of the City Attorney.

c. that the City may impose a later condition if: (a) the condition is required to comply with state or federal law, or (b) a failure to do so would place the residents or the immediate community, or both, in a condition dangerous to their health or safety, or both. (Gov't. Code §66498.1.)

d. The development agreement may be amended, or canceled in whole or in part, by mutual consent of the parties or their successors. Notice of intention to amend or cancel any portion of the agreement shall be given in the manner provided by Government Code section 65867. An amendment is subject to Section 65867.5, Findings of consistency. (Gov't. Code §65868.)

2. Subdivision. If the development agreement includes a subdivision of 500 dwelling units or more, it may not be approved unless the agreement provides that any tentative map prepared for the subdivision comply with Government Code section 66473.7 regarding sufficient water supply. (Gov't. Code §65867.5.)

H. Notice of Hearings; Environmental Review

1. Notice of hearings before the Planning Commission and the City Council to consider a development agreement shall be given in the manner provided in Government Code Section 65864 et seq.

2. The notice and public hearing on the development agreement may be combined with the notice and public hearing for an application for rezoning, development

review permit, subdivision map or other land use entitlement pertaining to the same property.

3. If a development agreement qualifies as a project under the California Environmental Quality Act and implementing regulations, it is subject to environmental review as required by applicable law.

I. Planning Commission

The Staff will submit the proposed development agreement to the Planning Commission for a public hearing when all of the necessary reports and recommendations are complete. The development agreement may be considered concurrently with other discretionary permits or approvals for the project.

The Planning Commission shall serve as the planning agency on applications as required by Government Code Section 65867, including determining its consistency with the General Plan, any applicable specific plan, city ordinances and regulations.

After the public hearing, the Planning Commission shall render its decision in the form of a resolution with written recommendation to the City Council. The report and recommendation shall include proposed findings as required by Section J (4) below.

J. City Council

1. After its public hearing, the City Council in the exercise of its legislative discretion shall determine whether or not to approve, modify or disapprove the development agreement.

2. Approval of a development agreement is a legislative act. Even if the findings set forth in subsection (4) below can be made, the City Council, in its sole discretion, may deny approval of the development agreement on the grounds that the development agreement is not in the public interest.

3. After the Planning Commission has made a recommendation to the City Council, the City Council's action to modify the proposal may, but need not be, referred back to the Planning Commission for its review and recommendation, without the necessity for a further public hearing before the Planning Commission.

4. The Council shall not approve the development agreement unless it (a) includes all of the mandatory requirements of Government Code section 65865.2 and (b) the Council finds the agreement is consistent with the General Plan and any applicable specific plan (Gov't. Code §65867.5.).

K. Ordinance Approving the Development Agreement

1. If the City Council approves the development agreement, it shall do so by the adoption of an ordinance setting forth the required findings and authorizing the Mayor to execute the development agreement.

2. After the ordinance approving the development agreement takes effect (30 days after adoption), the Mayor shall execute the development agreement on behalf of the City. The effective date of the development agreement is the effective date of the ordinance approving the agreement.

3. Within ten days after the City enters into a development agreement, the City Clerk shall record a copy with the County Recorder. (Gov't. Code §65868.5.)

PART III- DEVELOPMENT RIGHTS; PERIODIC REVIEW

L. Development Rights.

The City's regulations and official policies governing the permitted uses of land, density, design, improvement and constructions standards and specifications applicable to development of the property shall be those regulations and official policies in effect at the time of the agreement, unless otherwise provided in the development agreement. However:

1. the development agreement may not authorize regulations not permitted under the City's zoning ordinance.

2. the City may impose a later condition if: (a) the condition is required to comply with state or federal law, or (b) a failure to do so would place the residents or the immediate community, or both, in a condition dangerous to their health or safety, or both. (Gov't. Code §66498.1.)

3. in subsequent actions applicable to the property, a development agreement does not prevent the City from applying new regulations and policies which do not conflict with those in effect at the time of the agreement. (Gov't. Code §65866.)

4. if state or federal laws or regulations enacted after a development agreement has been entered into prevent or preclude compliance with one or more provisions of the development agreement, those provisions shall be modified or suspended as may be necessary to comply with the state or federal laws or regulations. (Gov't. Code §65869.5.)

M. Periodic Review

The DS Director shall on an annual basis and at any other time that the he or she determines to be appropriate, review the extent of good faith substantial compliance by the developer with the terms and conditions of the development agreement. The periodic review shall be limited in scope to compliance with the terms and conditions of the development agreement. The costs of

notice and related costs incurred by the City for the annual review shall be borne by the developer. Failure of the City to conduct a periodic review shall not constitute a waiver by the City of its rights to enforce the provisions of a development agreement, nor shall a developer have or assert any defense to such enforcement by reason of such failure to conduct a periodic review.

RESOLUTION 2020-_____

AUTHORIZING STAFF TO NEGOTIATE AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND AMONG THE CITY OF TRACY, THE TRACY HILLS PROJECT OWNER, LLC AND TRACY PHASE I, LLC FOR THE TRACY HILLS PROJECT LOCATED AT THE SOUTHWEST CORNER OF CORRAL HOLLOW ROAD AND TRACY HILLS DRIVE, APPLICATION DA20-0001

WHEREAS, Tracy Hills Project Owner, LLC and Tracy Phase I, LLC ("Tracy Hills") seeks City Council authorization to begin the process to negotiate an amendment to the existing Development Agreement between the City and Tracy Hills, and

WHEREAS, In 2016, the City entered into a Development Agreement ("DA") with Tracy Hills relating to development of the Tracy Hills Specific Plan area, and

WHEREAS, On February 20, 2020, Tracy Hills submitted a request to the City asking the City Council to authorize staff to negotiate an amendment to the Development Agreement for the purposes of amending and updating various terms and provisions, and

WHEREAS, More specifically, Tracy Hills is requesting to amend and update provisions pertaining to:

- Timing of the construction of various Corral Hollow Road Improvements
- Clarify the provisions related to benefit districts to recover fair share costs of program and non-program public improvements
- Update the provisions for use of required traffic fees reserved for certain program improvements
- Add clarifications about perfecting Residential Growth Allotments (RGAs) and the life of building permits, and

WHEREAS, Negotiating an amended DA is funded by the applicant in accordance with a City approved Cost Recovery Agreement, thus there is no impact to the General Fund;

NOW, THEREFORE BE IT RESOLVED, That the City Council of the City of Tracy hereby authorizes staff to negotiate an Amendment to the Development Agreement by and among the City of Tracy, the Tracy Hills Project Owner, LLC and Tracy Phase I, LLC for the Tracy Hills Project located at the southwest corner of Corral Hollow Road and Tracy Hills Drive, Application DA20-0001.

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

The foregoing Resolution 2020-_____ was passed and adopted by the City Council of the City of Tracy on the 7th day of July 2020, by the following vote:

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

_____
MAYOR

ATTEST:

_____
CITY CLERK

July 7, 2020

AGENDA ITEM 3.F

REQUEST

RECEIVE UPDATE ABOUT THE JUNE 30, 2020 COMMUNITY FORUM ON RACIAL INJUSTICE, POLICING, AND YOUTH, PROVIDE DIRECTION REGARDING FUTURE COMMUNITY FORUMS, AND CONSIDER RESOLUTION IN SUPPORT OF RACIAL JUSTICE AND DECLARING BLACK LIVES MATTER

EXECUTIVE SUMMARY

Creating and sustaining a welcoming and inclusive environment for all people, regardless of their race, ethnicity, or place of origin is a core value of the City of Tracy. On June 2, 2020, in the wake of recent tragedies that sparked nationwide demonstrations and protests for police reform, Mayor Pro Tem Nancy Young seconded by Council Member Rhodesia Ransom requested that the concept of a community forum be agendized to discuss a collective conversation on racial injustice, policing, and impacts to local youth. Due to timing constraints, this item was not brought back to Council for further direction, but initiated by the City Manager given that there was Council consensus to host a community dialogue. A virtual Town Hall was subsequently scheduled for Tuesday, June 30, 2020. This staff report provides an update about the forum and seeks direction from Council regarding future community discussions.

Additionally, on June 16, 2020, Council Member Rhodesia Random seconded by Council Member Dan Arriola requested that a resolution condemning racial injustice and declaring Black lives matter be brought forward to Council for consideration.

DISCUSSION

The City of Tracy is committed to ensuring that its residents prosper as they live, work and play in Tracy, and that commitment extends to all residents regardless of race. The tragic death of George Floyd in Minneapolis on May 25, 2020 sparked a national conversation about race and the lack of equality and justice for Black Americans and many people of color. In response to protests and concerns expressed by the Tracy community, Mayor Pro Tem Nancy Young seconded by Council Member Rhodesia Ransom requested that the City engage the community in a conversation about race-police relations, reform opportunities, and resource allocation. On June 30, 2020, the City of Tracy brought together community leaders for the first in a series of conversations to discuss race, equity, and policing. The town hall titled, "A Conversation on Racial Injustice, Policing and our Youth" provided an opportunity for residents to voice their concerns and perspectives, and featured seven local community leaders as panelists.

Roughly 50 individuals participated in the Virtual Town Hall meeting via WebEx, and roughly 120 viewers tuned in to the City's Facebook Live stream. Discussion topics ranged from whether or not racism exists in our community, what "Defunding the Police" means, declaring racism as a public health crisis, clarifying the meaning of Black lives matter, holding individuals accountable for acts of racism, and providing recreation and mental health programs for local youth. The panel encouraged this important

conversation to continue with the hope for meaningful change. Staff is requesting Council's feedback and direction on future community forums related to the topics of race, equity, and policing.

Last, on June 16, 2020, Council Member Rhodesia Ransom seconded by Council Member Dan Arriola requested that a resolution condemning racial injustice and declaring Black lives matter be agendized for Council consideration. The attached resolution reflects this direction and was developed using language from various resolution samples across the nation.

Council is being asked this evening to discuss and take action on the following items:

1. Receive update about the June 30, 2020 community forum on racial injustice, policing, and youth, and provide direction to staff regarding future forums.

2. Consider a resolution in support of racial justice and declaring that Black lives matter.

FISCAL IMPACT

There is no fiscal impact related to this update.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Quality of Life Strategic Priority, which is to provide an outstanding quality of life by enhancing the City's amenities, business mix and services and cultivating connections to promote positive change and progress in our community.

RECOMMENDATION

It is recommended that the Council receive an update about the June 30, 2020 community forum on racial injustice, policing and youth, provide direction regarding future community forums, and consider resolution in support of racial justice and declaring Black lives matter.

Prepared and Approved by: Jennifer D. Haruyama, City Manager

RESOLUTION 2020-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRACY IN SUPPORT OF RACIAL JUSTICE AND DECLARING BLACK LIVES MATTER

WHEREAS, the City of Tracy is committed to ensuring that its residents prosper as they live, work and play in Tracy, and

WHEREAS, that commitment extends to all residents regardless of race, and

WHEREAS, the tragic death of George Floyd in Minneapolis on May 25, 2020 at the hands of police officers ignited protests across the country including the City of Tracy in which demonstrators demanded justice for the deaths of Mr. Floyd, Breonna Taylor, Ahmaud Arbery, and far too many other Black Americans during encounters with police, and

WHEREAS, these deaths have sparked a national conversation about policing, race and a recognition that that our country's promise of equality and justice remains unfulfilled for Black Americans, and

WHEREAS, the City of Tracy is listening to the demands of protestors and residents who are demanding that the City take action to change policies to reduce violent encounters with the police and modify practices to strengthen relationships between police and Black Americans, as well as all people of color in Tracy, and

WHEREAS, the City of Tracy recognizes that racism, not race, causes disproportionately high rates of homelessness, incarceration, poor education, health issues, including mental health, and economic hardship for Black Americans, and

WHEREAS, the City is actively reflecting and identifying how it can promote racial justice through concrete actions, policies and practices that dismantle systemic racism in order to bridge the gap between our values and reality, and

WHEREAS, the City of Tracy believes in holding elected officials, public safety officers, and community leaders accountable for their actions to promote racial justice and ensure the promise of public safety and prosperity is accessible for all, and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tracy does hereby affirm its support of racial justice, stands in solidarity with the Black community, and do all things necessary to resolve as follows:

1. The City of Tracy supports racial justice and condemns racism and the use of excessive force by the police; and
2. The City of Tracy declares that Black lives matter.

* * * * * * * * * * *

The foregoing Resolution 2020-_____ was passed and adopted by the Tracy City Council on the 7th day of July, 2020 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____

MAYOR

ATTEST:

_____

CITY CLERK

July 7, 2020

AGENDA ITEM 3.G

REQUEST

DISCUSS AND CONSIDER TRACY EQUITY & EMPOWERMENT INITIATIVE AND PROVIDE DIRECTION TO STAFF

EXECUTIVE SUMMARY

On June 16, 2020, Council Member Dan Arriola seconded by Council Member Rhodesia Ransom requested that an equity initiative be brought before the City Council for consideration. The purpose of the initiative is to establish a framework that will promote racial and social equity within the City of Tracy. The Tracy Equity & Empowerment Initiative (Attachment A) was drafted by Council Members Arriola and Ransom and contains policy proposals to address police policy reform and establish an equity framework for local governance.

DISCUSSION

In the wake of recent tragedies that have sparked nationwide demonstrations and calls for police reform and racial equity, Council Member Dan Arriola seconded by Council Member Rhodesia Ransom requested that an equity initiative be brought before the City Council for consideration. The proposed Tracy Equity & Empowerment Initiative, co-authored by Council Member Arriola and Council Member Ransom, recommends that the Council adopt policies to prevent police violence and implement an equity-based framework for local governance. The two authors will present the initiative and guide the Council through the discussion.

FISCAL IMPACT

There is no fiscal impact related to this staff report.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Quality of Life Strategic Priority, which is to provide an outstanding quality of life by enhancing the City's amenities, business mix and services and cultivating connections to promote positive change and progress in our community.

RECOMMENDATION

It is recommended that the Council discuss and consider the Tracy Equity & Empowerment Initiative and provide direction to staff.

Prepared and Approved by: Jennifer D. Haruyama, City Manager

ATTACHMENTS

Attachment A - Tracy Equity & Empowerment Initiative

TRACY EQUITY & EMPOWERMENT INITIATIVE

POLICY PROPOSALS FOR EQUITY & JUSTICE REFORM IN THE CITY OF TRACY

JUNE 2020

SUBMITTED BY:

DAN TAVARES ARRIOLA
COUNCILMEMBER, CITY OF TRACY

RHODESIA RANSOM
COUNCILMEMBER, CITY OF TRACY

DAN TAVARES
ARRIOLA
COUNCILMEMBER

Rhodesia
RANSOM
COUNCILMEMBER

TRACY EQUITY & EMPOWERMENT INITIATIVE:
POLICY PROPOSALS FOR EQUITY & JUSTICE REFORM IN THE CITY OF TRACY

I. INTRODUCTION

"From the beginning of the formation of the United States, government played an instrumental role in creating and maintaining racial inequities."[1] Despite progress, "many overtly discriminatory policies became illegal, but racial inequity nevertheless became embedded in policy that did not name race explicitly, yet still perpetuated racial inequities… Now, with a growing movement of government leaders examining the racial impacts of public policy on their communities, there is tremendous opportunity for the development of active policies, practices, and procedures that advance racial equity."[2]

Failing to address this issue and take action now increases the risk that injustices and inequality may occur for the most disproportionately affected groups in our community. The policies proposed herein will address the historical factors that contribute to systemic racism and recommend strategies for dismantling such institutions and securing justice and equality for all in our community.

The City of Tracy is not immune to the existence of racism or the expression of anti-Black sentiments. Tracy was formerly one of two headquarters for the NSWPP (National Socialist White Peoples Party), a neo-Nazi group believed to have been active up until the 1980s. [3]

The purpose of this proposal is to establish a framework that will promote racial and social equity in the City of Tracy—across its organization, departments, projects, and programs. Equity should be accessible to anyone who works or engages with the City of Tracy, including—but not limited to— partner institutions, local schools, and beneficiaries of local funds. Injustice of all forms shall be purposefully eradicated through the administration of strategies, policies, and procedures affecting constituents and staff alike.

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[1] Julie Nelson & Lauren Spokane, "Advancing Racial Equity and Transforming Government," Local & Regional Government Alliance on Race & Equity, https://www.racialequityalliance.org/wp-content/uploads/2015/02/GARE-Resource_Guide.pdf.
[2] Ibid.
[3] Sam Matthews, "The Faded History of the Tracy Neofascists," *Tracy Press*, August 18, 2017, https://www.ttownmedia.com/tracy_press/our_town/the-faded-history-of-tracy-neofascists/article_7207338c-8387-11e7-b4f6-3f61a6846a65.html.

II. BACKGROUND

On May 25, 2020, George Floyd, an African-American man, was killed by police during an arrest in Minneapolis, Minnesota. A video recording of the killing, which showed one officer needlessly kneeling on Floyd's neck for 8 minutes and 46 seconds, quickly circulated around social media platforms and garnered international news coverage. In response to this killing, protests were held in cities throughout the country and the rest of the world.

Afterwards, public polls reported that 67% of Americans believe the criminal justice system favors white people over black people in the United States, an increase from 52% in 2016.[4] This massive shift in public opinion also enhanced engagement in our own community. On May 23, 2020, approximately 300 people—mostly young people—gathered at the intersection of 11th Street and Corral Hollow Road to protest the killing of George Floyd by Minneapolis police and to support the Black Lives Matter movement.[5]

To quote one organizer of this demonstration, Manuel Zapata: "People actually care about the issues and specifically how flagrantly wrong this one was… We even saw police officers across the country speaking up and some of them joining protests, so we knew that we had a lot of energy here in Tracy, and wanted to make sure that we could stand in solidarity, just against the negativity in the air, and then the constant stories of police brutality in the media. We just had to do something for our community to show our strength here."[6]

Similarly, on June 3, approximately 550 people marched from Corral Hollow Road along 11th Street to Tracy City Hall in 103 degree heat.[7] Two days later, nearly 100 gathered in front of Tracy City Hall to hold a vigil honoring the lives lost to police brutality, including George Floyd.[8] Finally, on June 12, approximately 150 individuals – most of whom were youth activists – marched approximately 2.1 miles from Tracy Sports Complex to City Hall. There, they expressed their frustration with the criminal justice system and its failure to protect Black lives. The speakers at all of these events emphasized the need for greater engagement with and accountability over local policies and elected officials. The activists urged that the demonstrations could not stop with mere marching and posting on social media, but that they must translate into policy proposals by elected officials at all levels.

While the murder of George Floyd prompted the recent protests, the calls to move towards more just and equitable systems extend beyond that single atrocity. His death was a reminder that government at all levels still has an obligation to ensure equal opportunities and protection under the law, regardless of race, religion, or other characteristics.

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[4] Jennifer Agiesta, "CNN Poll: Trump losing ground to Biden amid chaotic week," CNN.com, June 6, 2020, https://www.cnn.com/2020/06/08/politics/cnn-poll-trump-biden-chaotic-week/index.html.
[5] Bob Brownne, "Nonviolent Demonstration Echoes Protests Across Country," TRACY PRESS, June 1, 2020, https://www.ttownmedia.com/tracy_press/news/nonviolent-demonstration-echoes-protests-across-country/article_03f657fa-a45f-11ea-afe4-e36057339cf7.html.
[6] Ibid.
[7] Ibid.
[8] Ibid.

III. PROBLEM STATEMENT

Given the heightened public opposition to systemic inequality and governmental abuse, the City of Tracy has an opportunity and responsibility to acknowledge, address, and dismantle any structural racism or implicit inequalities that may inherently exist in the City's own policies, programs, and practices. While our local community may have only limited experiences with *overt* prejudice in recent years, it is important to acknowledge a historical record that includes both explicit and implicit racism. The City of Tracy must accept the public's call for action and act now to investigate the impacts of structural racism. The "Tracy Equity and Empowerment Initiative" is the first step towards truly promoting equity and justice in our city.

IV. SOLUTIONS

There is no simple, easy solution for dismantling systemic racism or achieving justice. However, through its central promotional strategy, the City of Tracy already positions itself as "a great place to live, work, and play." To this end, the City has been very intentional about efficiently responding to community concerns and continually engaging with residents through open events. Similarly, the Tracy Police Department has a record of fostering strong rapport with locals through its community policing strategy, which pushes officers to stay engaged with and visible in the neighborhoods they protect and serve.

Evaluating city strategies and policies and working together with community members and other stakeholders is integral to securing justice and equality for all in our Tracy community.

A. PUBLIC SAFETY POLICY

Modern police policies have substantially evolved over the history of our nation, and today's best practices are evolving to acknowledge and address historic systemic racism. Overwhelming statistical data demonstrates that People of Color, especially Black men, are arrested and convicted of crimes at disproportionately higher rates than other demographic groups. Police reform initiatives encourage law enforcement agencies to evaluate their own roles within the criminal justice system and the resources utilized to achieve such responsibilities, while seeking solutions to achieve justice and equality for all.

On June 10, 2020, the Tracy Police Department issued a press release in response to public demands for action, particularly regarding use of force policies. (*See* ATTACHMENT A.) It is important for the City Council to adapt and implement these demands in the time to come.

On June 24, 2020, a part-time Professional Standards Officer, responsible for conducting Internal Affairs investigations for the Tracy Police Department, was alleged to be involved in a private Facebook group in which he and others made comments about killing a Black

Lives Matter activist. The matter is currently being investigated by the FBI, and per the Tracy Police Chief, the individual is no longer serving with the department.

Given the current public sentiment, the City of Tracy has a unique opportunity and obligation to assume a leading role in the movement for greater equity and justice.

Therefore, Councilmembers Arriola & Ransom request the following policy proposals:

- **ADOPT POLICIES TO PREVENT POLICE VIOLENCE.**

    - Substantial research has evaluated how the adoption of various policing practices result in demographic disparities in criminal justice outcomes. Particularly, evidence-based strategies and policies should be adopted as "best practices" to ensure justice and equality for disenfranchised groups, especially African Americans. Given that research shows that "*Black people are three times more likely to be killed by police than their White counterparts*," these restrictions would go a long way towards minimizing systemic disparities and injustices.[9]

    - Moreover, research strongly indicates that adopting specific use-of-force standards *reduces police violence, increases police officer safety, and bears no negative impact on crime rates*.[10] These policies make officers *much less likely to be killed, assaulted, or injured in the line of duty.*[11]

    - Any policy reform proposals should be assessed with stakeholder input regarding the reasonableness, practicality, and impact of reform proposals.

- **EVALUATE AND CONSIDER COMMUNITY CAMPAIGNS CALLING FOR POLICE REFORM.**

    - Several initiatives and community campaigns seeking to address police reform have developed in the aftermath of the killing of George Floyd—including the #8CantWait campaign, the #8ToAbolition campaign, and the NAACP "Ten Point Action Plan," among others. Such initiatives have raised questions as to whether there are areas of policing that are detrimental to community trust or that are cost prohibitive. Key areas that have been considered by these community campaigns include funding reallocations, division of police services from non-criminal services; the elimination of qualified immunity; the separation of police from schools; the repeal of laws that criminalize survival—such as anti-homeless ordinances; and the development of a "care, not cops" doctrine.

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[9] Campaign Zero, "Policy Analysis."
[10] #8CantWait, "The Research Basis for More Restrictive Use of Force Standards," CAMPAIGN ZERO, June 3, 2020, https://docs.google.com/document/d/1XS-frPPH7cSDf5ovsj6RG4z4ukMlozPxLki7WjBnK_Q/.
[11] Campaign Zero, "Police Use of Force Policy Analysis," September 20, 2016, CAMPAIGN ZERO, https://static1.squarespace.com/static/56996151cbced68b170389f4/t/57e1b5cc2994ca4ac1d97700/1474409936835/Police+Use+of+Force+Report.pdf.

- Specifically, the community sentiment has generally expressed a call to action for adoption of the "#8CantWait" policy proposals:

  - Clarifying Duty to Intervene Standards
  - Requiring De-Escalation Training and Policies
  - Requiring a Clear Use-of-Force Continuum
  - Requiring All Force Be Reported
  - Requiring Warning Before Shooting
  - Exhausting All Alternatives Before Shooting
  - Prohibiting Shooting at Moving Vehicles
  - Prohibiting Chokeholds & Strangleholds

"POLICE DEPARTMENTS THAT PLACE CLEAR RESTRICTIONS ON WHEN AND HOW OFFICERS USE FORCE HAD **SIGNIFICANTLY FEWER** POLICE KILLINGS THAN THOSE THAT DID NOT HAVE THESE LIMITS IN PLACE ."[12]



- The Tracy Equity & Empowerment Initiative calls for a study and evaluation of these community campaigns with a response for their viability and effectiveness from the Tracy Police Department in the near future.

- **REVIEW TRAINING FOR TRACY POLICE OFFICERS & REQUIRE IMPLICIT BIAS AND CULTURAL COMPETENCY TRAINING.**

  - As policies change, it is imperative that officers receive the training necessary to actualize the goals behind these policies. Some "biases may occur at the *implicit level*, where people's subconscious biases guide their choices even when they're not fully aware of it."[13] This is critical because "Black people

[12] Ibid.
[13] German Lopez, "American Policing Is Broken. Here's How to Fix It," Vox, September 1, 2017, https://www.vox.com/policy-and-politics/2016/11/29/12989428/police-shooting-race-crime.

account for 31 percent of police killing victims, even though they make up just 13 percent of the US population."[14]

- Nonetheless, the optimistic part of all this grim research is that *implicit biases may be reduced* over time through practice, training, and experience.[15]

- Notably, EPIC Officers Helping Officers is a training program used in New Orleans, LA. The program—identified in *"Subject to Debate," Vol. 30, No. 2*, a publication of the Police Executive Research Forum—is said to protect officers from inadvertent misconduct by providing practical prevention tools.

- Suggested training should include: implicit bias training; cultural competency training; the benefits of intervention and the legal risks of non-intervention; helping officers identify when intervention is necessary; teaching effective intervention strategies; teaching officers how to accept intervention respectfully; and protecting officers who intervene or accept intervention.

- **REVIEW THE CITY OF TRACY'S BUDGET PRIORITIES & CONSIDER INCREASING FUNDING FOR PREVENTATIVE SUPPORT SERVICES.**

  - There are opportunities to more effectively deploy City resources to respond to community concerns, such as trauma inflicted by violence and addiction. Such opportunities could include protocols such as sending trauma clinicians as co-responders when police respond to shootings or violent acts. The City of Tracy has an opportunity to better coordinate local resources and institutions. The effective allocation of resources will lead to stronger and safer communities.

  - Police officers often "take the place of social workers, emergency medical personnel, and welfare caseworkers," handling homelessness, drug addiction, and other crises despite inadequate training with any of those societal ills.[16] "This moment in time and history gives us a lot of momentum to make everlasting changes within the department."[17] Notably, research indicates that "in a city of 100,000, each new nonprofit community organization leads to a 1.2 percent drop in the homicide rate, a 1 percent reduction in the violent crime rate, and a 0.7 percent reduction in the property crime rate."[18]

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[14] Lopez, "American Policing," Vox, September 1, 2017, https://www.vox.com/policy-and-politics/2016/11/29/12989428/police-shooting-race-crime.
[15] Ibid.
[16] Matthew Yglesias, "Growing Calls to 'Defund the Police' Explained," Vox, June 3, 2020, https://www.vox.com/2020/6/3/21276824/defund-police-divest-explainer.
[17] Abigail Savitch-Lew, "In New York City, Momentum Behind Cutting the NYPD Budget is Growing," Jacobin, June 5, 2020, https://www.jacobinmag.com/2020/06/nyc-nypd-city-council-brutality-racism-police-budget.
[18] Noah Atchison, *Community Organizations Have Important Role in Lowering Crime Rates*, Brennan Center for Justice, April 20, 2018, https://www.brennancenter.org/our-work/analysis-opinion/community-organizations-have-important-role-lowering-crime-rates.

"Expanding social and economic programs for under-resourced communities leads to *an overall decrease in crime."*[19] The City of Tracy has an opportunity to increase support for local organizations engaging in these types of services to further reduce crime and violence in our community.

- The Tracy Equity & Empowerment Initiative calls for a study and evaluation of the City of Tracy's budget priorities, and consideration of increasing funding towards preventative and support services in the near future.

- **ENHANCE TRANSPARENCY AND ACCESS TO PUBLIC SAFETY POLICIES AND STATISTICS.**

    - Enhanced transparency in public safety policies with comprehensive and regularly scheduled data and statistics should be made available for the public to review. Such data should include information related to complaints, findings, and other significant statistics.

B. SOCIAL EQUITY POLICY

"Current inequities are sustained by historical legacies, structures, and systems that repeat patterns of exclusion."[20] While progress has been made "in addressing explicit discrimination, racial inequities continue to be deep, pervasive, and persistent across the country. Racial inequities exist across all indicators of success, including in education, criminal justice, jobs, housing, public infrastructure, and health, regardless of region."[21]

Generally speaking, the systemic oppression of groups of individuals based on race, gender, sexual orientation, physical ability, age, and other features have resulted in prominent and pervasive inequities in our society. Nonetheless, racial equity can be achieved when "race can no longer be used to predict life outcomes, and outcomes for all groups are improved."[22]

Public policy is the mechanism through which governments have perpetuated racial disparities and injustices throughout the history of our country. As such, public policy has a role to play in reversing that harm and ensuring justice and equality for all in our City.

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[19] Justin Brooke, *Defund the Police Now*, The Appeal, June 01, 2020, https://theappeal.org/defund-police-george-floyd/.
[20] Julie Nelson & Lauren Spokane, *Advancing Racial Equity and Transforming Government*, Local & Regional Government Alliance on Race & Equity, https://www.racialequityalliance.org/wp-content/uploads/2015/02/GARE-Resource_Guide.pdf.
[21] Julie Nelson & Lauren Spokane, *Advancing Racial Equity and Transforming Government*, Local & Regional Government Alliance on Race & Equity, https://www.racialequityalliance.org/wp-content/uploads/2015/02/GARE-Resource_Guide.pdf.
[22] Julie Nelson & Lauren Spokane, *Advancing Racial Equity and Transforming Government*, Local & Regional Government Alliance on Race & Equity, https://www.racialequityalliance.org/wp-content/uploads/2015/02/GARE-Resource_Guide.pdf.

Doing so will require an entire rethinking, reevaluation, and recommitment to ensure that all members of the Tracy community are supported, invested in, and valued—a goal best achieved by *embedding an equity framework into every aspect of governance.*

Therefore, Councilmembers Arriola & Ransom request the following policy proposals:

- **ADOPT AN "EQUITY FRAMEWORK FOR GOVERNANCE" TO ADVANCE EQUITY & JUSTICE IN <u>ALL</u> AREAS OF GOVERNMENT.**

    - This consistent evaluative lens will ensure the equitable development and delivery of future policies, programs, and services.[23]

    - Such a commitment, in the form of a resolution, will affirm the City's vision towards achieving social equity. Making a long-term commitment to achieving equity begins with a "declaration that all residents deserve an equitable opportunity to succeed – regardless of their race, color, sex, nationality, sexual orientation, religion, disability, income, or where they live."[24]

    - This resolution shall require a *commitment to opposing racism and prejudice*. The language should also (1) express a commitment to equity in City contracts and MOUs; (2) promote a safe place for employees and citizens to express concerns regarding our City's response to issues related to race, sex, age, or sexual orientation or identity; (3) direct the City Manager to develop annual "equity plans," which would include mandatory training for City employees and department heads; and (4) commit to improving data collection and using equity tools to examine policy and service decisions.

- **REQUIRE "EQUITY IMPACT ASSESSMENT" FOR ALL CITY POLICIES, PROGRAMS, AND SERVICES.**

    - It will allow local "leaders to look intentionally, comprehensively, and systemically at barriers that may be creating gaps in opportunity."[25]

    - By requiring such analysis, the City Council will be better equipped to introduce and consider legislation to support all Tracy residents. The analysis will evaluate the proposed policy and offer recommendations or explore other policy options when appropriate. The analysis will be required to consider the impact of proposed legislation through an equity lens, including race and ethnicity, gender, sexual orientation and identity,

[23] Fairfax County, Virginia, *One Fairfax*, https://www.fairfaxcounty.gov/topics/one-fairfax.
[24] Fairfax County, Virginia, *One Fairfax*, https://www.fairfaxcounty.gov/topics/one-fairfax.
[25] Fairfax County, Virginia, *One Fairfax*, https://www.fairfaxcounty.gov/topics/one-fairfax.

socioeconomic status, and geographic location. This analysis should also include an examination of the historical context of the policy in question.

- This requirement will push all government agencies to rethink the way they create and implement policy, while also normalizing and prioritizing equitable outcomes in all public decision-making. Prior to voting on any local legislation, the City Council should know what the proposal will do, how much it will cost taxpayers, and how it will impact all demographics of Tracy residents.

- All municipal departments should also directly consider equity in their decisions. Many cities have initiated work to promote racial equity and social justice throughout their governmental structures. Cities that do not directly address such issues can inadvertently perpetuate harmful educational, health, and financial inequities.

- **ESTABLISH A "GOVERNMENT ACCOUNTABILITY COMMISSION" FOR THE CITY OF TRACY.**

  - This commission would make evidence-based recommendations for local reform and monitor outcomes, with special focus on racial equity and social justice. It would also identify existing government policies that could be changed to address historical and contemporary inequities.

  - The commission should be composed of individuals with policy-area expertise to study and provide recommendations on how to address the opportunities our City may have to enhance equity in all areas. Areas of interest may include housing fairness and accountability, landlord/tenant laws, environmental justice, and other socially responsible policy practices.

  - The commission should collect and use data and metrics, so the City of Tracy can develop equity plans while sharing information, tracking progress, and achieving results.

V. CONCLUSION

Ultimately, the proposed public safety and social equity policies must be prioritized by the City of Tracy to accomplish the goal of achieving justice and equality for all in our City.

Therefore, Councilmembers Arriola and Ransom request that all of these policy proposals be considered and adopted by the Tracy City Council to address the issue of systemic racism and prejudice in our community.

ATTACHMENT A

IMAGES: Where We Stand... (Image 1 of 4)

City of Tracy
Police Department

WHERE WE STAND

A comprehensive look at your Tracy Police Department...

June 2020



1000 Civic Center Drive • Tracy, Ca 95376 • Voice: 209-831-6650 • Fax: 209-831-4019

City of Tracy
Police Department

BAN CHOKEHOLDS & STRANGLEHOLDS

The use of "chokeholds" and "strangleholds" are not authorized for use by our Tracy Police Officers.

Effective June 8, 2020 the Tracy Police Department has prohibited the use of the carotid control hold.



"THE MEN AND WOMEN OF OUR TRACY POLICE DEPARTMENT ARE COMMITTED TO CONTINUING TO BUILD PARTNERSHIPS OF TRUST WITH OUR COMMUNITY."

Sekou Millington, Chief of Police



REQUIRE DE-ESCALATION

Your Tracy Police Department trains all of our officers in de-escalation techiniques

Officers are required to attend a four-hour Interpersonal Communication and De-escalation training certified by California POST (Commission of Peace Officer's Standards and Training). Every two years after that, officers attend a refresher course on the topic. The previously mentioned training is in addition to the training received in the academy and during their Field Training Program. Our Field Training Officers (FTO) attend an eight-hour Crisis Intervention and de-escalation course as well to assist in passing the information to new hires.

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City of Tracy
Police Department

REQUIRE WARNING BEFORE SHOOTING

AB 392 states: "where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts." This requirement is consistent with federal case law.



REQUIRE TO EXHAUST ALL ALTERNATIVES BEFORE SHOOTING

Tracy Police Officers are bound by Subdivision (a)(2) of Section 835a California Penal Code, which conveys that peace officers may use deadly force "only when necessary in defense of human life."

In determining whether deadly force is necessary, Officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer." As such, this section incorporates the "objectively reasonable officer" standard and tacitly acknowledges that an officer is only required to use less-lethal force if it is reasonably safe and feasible for the officer to do so without endangering the officer's life or the lives of others.



DUTY TO INTERVENE

The Tracy Police Department requires an officer who observes another officer using force that is clearly beyond that which is objectively reasonable under the circumstance shall intervene when in a position to do so.
The policy also requires the officer to report their observations to a supervisor promptly. The requirement is covered in our policy under section 300.2.1

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City of Tracy
Police Department

SHOOTING AT MOVING VEHICLES

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. or if deadly force other than the vehicle is directed at the officer or others. Policy 300.4.1

REQUIRE USE OF FORCE CONTINUUM

Officers are required to make decisions in rapidly-changing situations.

The Use of Force Continuum concept is an aged concept from previous decades and has given way to more knowledgeable, science-based use of force training and policies. Use of Force is covered in section 300 and the policy is consistent with California Penal Code section 835a.

REQUIRED REPORTING

The Tracy Police Department requires officers to document any use of force in a police report. Documentation requirements are covered in department policy.

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NON-EMERGENCY DISPATCH: (209) 831-6550

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July 7, 2020

AGENDA ITEM 3.H

REQUEST

DISCUSS THE COUNCIL POLICY FOR THE DISPLAY OF FLAGS AT CITY FACILITIES AND PROVIDE DIRECTION TO STAFF

EXECUTIVE SUMMARY

During the City Council meeting on May 19th, Council Member Veronica Vargas and Mayor Pro Tem Nancy Young requested agendizing a staff report to discuss and review the Council Policy for the Display of Flags at City Facilities ("Flag Policy").

DISCUSSION

On June 18, 2019, Council adopted a policy via Resolution No. 2019-138 on the display of flags at City facilities, including ceremonial or commemorative flags ("Flag Policy"). On October 20, 2019, Council amended the Flag Policy via Resolution No. 2019-199.

The Flag Policy outlines the City's practice of displaying flags in accordance with the federal and state law (Section 2.1) and allows the display of commemorative flags by Council request only (Section 2.3). The policy further declared that the City's flagpoles are not intended to serve as a forum for free expression by the public. As stated in Section 2.1, the City displays flags in front of public buildings in accordance with federal and state law which dictate, among other things, the positioning and placement of the United States, State and City flags; sizes of flags; and how flags should be handled. The Public Works Department is responsible for displaying flags in front of City buildings and follows the Flag Policy, as well as Standard Operating Procedures regarding flags (Attachment B).

This item requests Council discussion and review of the Flag Policy. Based on Council's direction, staff will amend the Flag Policy and return for further action.

FISCAL IMPACT

Costs associated with the purchase or storage of ceremonial or commemorative flags will be covered by the City Manager'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 discuss potential amendments to the Council's Flag Policy and provide direction to staff.

Prepared by: Leticia Ramirez, City Attorney

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

Approved by: Jenny Haruyama, City Manager

ATTACHMENT:

A- Policy for the Display of Flags at City Facilities, revised 2019
B- Public Works Department, Standard Operating Procedures Half-Staff Flag Procedures

ATTACHMENT A

RESOLUTION 2019-199

REPEALING RESOLUTION NO 2019-138 AND APPROVING AN AMENDED COUNCIL POLICY REGARDING THE DISPLAY OF FLAGS AT CITY FACILITIES

WHEREAS, The City of Tracy displays and handles all flags in accordance with Federal and State Law, and

WHEREAS, On June 18, 2019, Council adopted a policy via Resolution No. 2019-138 on the display of flags at City facilities, including ceremonial or commemorative flags (Flag Policy), and

WHEREAS, The City wishes to amend the Flag Policy to address implementation issues and ensure that the policy provides clear guidelines about the display of flags at City facilities that declares that the City's flagpoles are not intended to be a forum for free expression by the public.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Tracy hereby repeals Resolution No. 2019-138 and adopts the amended policy for the display of flags at City Facilities contained in Exhibit A.

The foregoing Resolution 2019-199 was passed and adopted by the Tracy City Council on the 15th day of October, 2019, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

POLICY FOR THE DISPLAY OF FLAGS AT CITY FACILTIES

(Exhibit "A" to Resolution No. 2019-199)

SECTION 1: PURPOSE

The purpose of this policy is to establish clear guidelines regarding the display of the flags at City facilities.

SECTION 2: POLICY

2.1 Conformance with Federal and State Flag Regulations. Flags shall be displayed in accordance with federal and state regulations, including Title 4, Chapter 1 of the United States Code, and Sections 430 through 439 of the California Government Code.

2.2 The City Manager is authorized to order that the City flag be lowered to half-staff in honor of a City employee killed in the line of duty.

2.3 Ceremonial or Commemorative Flags.

2.3.1 Non-Public Forum. The City's flagpoles are not intended to be a forum for free expression by the public. Ceremonial or commemorative flags shall be displayed as an expression of the City's official sentiments. A request to display a commemorative or ceremonial flag must be supported by two Council members in order to be agendized for Council consideration. All requests to display commemorative flags must be listed as a "Regular Item" on a Council agenda. Council must present requests to display a commemorative flag by May 1st of every year. A Council resolution authorizing the display of a commemorative flag must be approved by a supermajority vote (four-fifths) of the City Council.

2.3.2. Commemorative flags shall only be displayed at City Hall and on the flagpole designated to display the City's flag. Commemorative or ceremonial flags shall be displayed concurrently with the City flag at second position (below the City flag).

2.3.3 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.

2.3.4 The City will not display a commemorative or ceremonial flag based on a request from a third party, nor will the City use its flagpoles to sponsor the expression of a third party.

2.4 Implementation of Policy. The Public Works Director is responsible for ensuring the proper implementation of this Policy. The Public Works Director is further authorized to develop standard operating procedures consistent with this Policy.

ATTACHMENT B

City of Tracy
520 Tracy Blvd.
Tracy, CA 95304

PUBLIC WORKS DEPARTMENT

MAIN 209.831.6360
FAX 209.831.4472
www.ci.tracy.ca.us

Standard Operating Procedure

SUBJECT:	Half-staff Flag Procedures
INTENT:	Provide guidelines for the proper flying of U.S., California and City of Tracy flags on days designated for flying the flags at half mast
RESPONSIBLE PERSON(S):	Primary: Building Maintenance Superintendent Back-up: Any Public Works Superintendent
CRITICAL TIMING:	Days designated by President and/or Governor
INVOLVED INDIVIDUALS:	Robert Gravelle, Todd Rocha
OBJECTIVES:	To assure the proper display of U.S., California and City flags
PROCEDURES:	On Memorial Day and days designated by the President of the United States or the Governor of California for the flying of flags at half-staff, the U.S. flag is to be flown 6" higher than all other flags. If the flag pole does not accommodate the lowering of the flags, the California and City of Tracy flags are to be removed until such time as the order expires or is lifted.
NOTIFICATIONS	The Building Maintenance Superintendent shall notify staff via morning meeting, e-mail and/or telephone when a calendared and/or declared order is issued for the flying of flags at half-staff.
REVIEW:	Review annually in January or as required by order of the President of the United States or Congress

Locations: (Where flag pole is present and flags are flown on a daily basis)

- City owned and operated buildings, and street light poles
- City owned parks and/or sports facilities

Process:

- Upon issuance of an Executive Order by the President of the United States or the Governor of the State of California, all flags located at City owned and operated facilities shall be lowered to half-staff.
- When the flag is hoisted in the morning, it should be raised to the peak (top of the pole) for a few moments then lowered to the mid-way point on the staff.
- When the flag is removed at the end of the day, do not lower it from the half-staff position. First the person(s) detailed to lower the flag should raise it to the peak of the staff, then slowly lower it from that point.
- On Memorial Day the flag should be flown at half-staff. The following business day the flag will be raised to their original height.
- The flag should fly at half-staff for 30 days at after the death of the president or a former president.
- It is to fly 10 days at half-staff after the death of the vice president, the chief justice or a retired chief justice of the United States Supreme Court, or the speaker of the House of Representatives.
- For an associate justice of the Supreme Court, a member of the Cabinet, a former vice president, the president pro tempore of the Senate, the majority leader of the Senate, the minority leader of the Senate, the majority leader of the House of Representatives, or the minority leader of the House of Representatives the flag is to be displayed at half-staff from the day of death until interment.
- Upon the death of the governor of a state, territory or possession, the flag should be flown at half-staff on all federal facilities in that governor's state, territory or possession from the day of death until interment.
- The State and City of Tracy flags will be flown a minimum of 6" lower than the American flag.
- Flags will remain in this location until such time as the Order expires or is lifted.
- In cases where an Order is issued to begin outside of normal City work hours, or on black Fridays, weekends and/or holidays, flags will be lowered to half-staff the morning of the next regular work day if the Order is still in effect.
- In cases where an Order is lifted or expires outside of normal City work hours, or on black Fridays, weekends and/or holidays, flags will be raised to full-staff the morning of the next regular work day.
- NOTE: This S.O.P. does not apply to Fire Department facilities.

July 7, 2020

AGENDA ITEM 3.I

REQUEST

DISCUSS AND PROVIDE DIRECTION REGARDING CITY COUNCIL COMMUNITY MESSAGING ACTIVITIES

EXECUTIVE SUMMARY

On April 7, 2020, Council Member Veronica Vargas seconded by Council Member Rhodesia Ransom, requested that the topic of City Council participation in community messaging be agendized for discussion and direction. Currently, the City Council does not have a policy or policy language that provides guidance regarding the role of Council as it relates to participation in community communications.

DISCUSSION

Council Member Veronica Vargas second by Council Member Rhodesia Ransom requested a policy discussion about the role of City Council in community communications, including, but not limited to social media.

Chapter 2 of the City Council's Code of Conduct policy (Attachment A) speaks to the role of the Mayor as the presiding officer of the City Council, and his/her ceremonial, public relations, and legislative duties. In this context, the Code of Conduct also clarifies the role of the Mayor Pro Tem regarding the performance of Mayoral duties in the absence of the Mayor. While the Code of Conduct generally discusses the role of City Council, it does not speak directly to Council's participation in community communications (i.e. public relations) and other related activities. That being said, the City Council in recent months, has participated in several joint social messaging campaigns, including but not limited to COVID-19 (Coronavirus) safety, Tracy's 2020 Graduating Seniors, 2020 Census, Memorial Day, and 4th of July.

Council may want to consider updating its Code of Conduct to reflect its recent practice of joint community messaging under Chapter 2, Council Powers and Responsibilities: Section 2.1 – City Council Generally. This could be accomplished by including additional policy language in the Council Code of Conduct Policy about the Council's public relations or community messaging practices. Given the City's current fiscal constraints, it is recommended that any City Council joint messaging be predicated upon available resources as determined by the City Manager, unless directed by Council.

For purposes of discussion, Council may wish to consider the following policy language:

> "2.1.6: Based on available resources as determined by the City Manager, unless directed by the City Council, the Council as a body may participate in public relations activities regarding issues or topics pertaining to City business or that affect the community at-large. This may include, but is not limited to the dissemination of information via press release, video, social media, and/or other means of communication."

Based on Council's direction, staff will return to Council for further action as needed.

FISCAL IMPACT

There is no fiscal impact related to this update.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Governance Strategic Priority, which is to enhance fiscal stability, retain and attract new talent, improve the use of technology, and enhance transparency for the betterment of the Tracy community.

RECOMMENDATION

It is recommended that Council discuss and provide policy direction regarding City Council community messaging activities.

Prepared and Approved by: Jennifer D. Haruyama, City Manager

ATTACHMENTS

ATTACHMENT A - City Council Code of Conduct – Adopted October 15, 2019

ATTACHMENT A

RESOLUTION 2019-203

ADOPTING CITY OF TRACY CITY COUNCIL CODE OF CONDUCT

WHEREAS, It is a best practice for City Councils to develop governance policies around roles and responsibilities, and norms and behaviors to ensure a shared understanding of the City Manager's role and Council's expectations to optimize working relationships, and

WHEREAS, Over the past year, the Council has had several norms and values discussions with the goal of developing an ethics/conduct policy, and

WHEREAS, In June 2019, the San Joaquin County Civil Grand Jury issued a report on its investigation of the Tracy City Council and recommended the Council adopt an ethics policy to guide its conduct. The Grand Jury suggested having a Code of Conduct policy in place on or by October 31, 2019, and

WHEREAS, On July 16, 2019, Council unanimously agreed to develop and adopt an ethics/code of conduct policy, and

WHEREAS, On September 17, 2019, the Council discussed and provided policy direction to staff regarding a proposed Code of Conduct;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby adopts the attached Tracy City Council Code of Conduct.

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

The foregoing Resolution 2019-203 was passed and adopted by the Tracy City Council on the 15th day of October, 2019, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

CITY COUNCIL
CODE OF CONDUCT

Adopted on October 15, 2019 by Resolution No. 2019-203

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B. Council Appointed Committees

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D. City Personnel Rule 9.2 (d)

E. Resolution No. 2004-152 - Board, Commission, Committee Vacancy, Selection, and Defining Residency Requirements, for Appointee Bodies

F. Ordinance 1094

G. Resolution No. 2007-075 – Council Travel Procedures

ATTACHMENT 1 – City Council Code of Conduct Norms and Values Statement

ATTACHMENT 2 – Council Advisory Body Norms and Values Statement

CHAPTER 1
FORM OF GOVERNMENT

1.1 Preamble

The legal responsibilities of the Tracy City Council are set forth by applicable state and federal laws. In addition, the City Council has adopted regulations, including this Code of Conduct Policy, that hold Council Members to standards of conduct above and beyond what is required by law. This Policy is written with the assumption that Council Members, through training, are aware of their legal and ethical responsibilities as elected officials.

1.2 Form of Government

The City of Tracy operates under a Council-Manager form of government as prescribed by the Tracy Municipal Code ("TMC"). Accordingly, the Mayor and members of the Council are elected at-large, provide legislative direction, set City policy, and ultimately answer to the public.

1.3 City Manager Appointment, Power and Duties

The City Manager is appointed by a majority vote of the Council and serves as the City's chief administrative officer and is responsible for directing the day-to-day operations of the City and implementing policy direction per Section 2.08.060 of the TMC (Appendix A attached). Specifically, Section 2.08.070 of the TMC prohibits interference by either the City Council or any of its members with the City Manager's execution of their powers or duties:

- The Council nor a member shall interfere with the appointment by the City Manager of any of the department heads or any person to any office or employment.
- Additionally, the Council nor any of its members shall interfere with the City Manager's power to remove any of those persons.
- Neither the Council nor any of its members shall give orders to any subordinate of the City Manager, either publicly or privately.
- The City Council nor any of its members shall interfere with the administration of the City Attorney or give orders to the subordinates of the City Attorney.
- The City Manager and his/her senior staff shall conduct themselves in accordance with the International City Management Association (ICMA) Code of Ethics.

The Council and its members shall deal only with the City Manager with respect to the administrative services or operational matters of the City.

1.4 City Attorney Appointment and Responsibilities

The City Attorney is appointed by a majority vote of the Council. Per Section 12.08.40, the City Attorney is responsible for approving as to form all subdivision improvement agreements and security, deferred improvement agreements, liability agreements and insurance, and all governing documents for a community apartment project, condominium, stock cooperative, or conversion.

- The City Attorney and his/her senior staff shall at all times conduct themselves in accordance with the California Rules of Professional Conduct, established by the California State Bar, and the Ethical Principles for City Attorneys, adopted by the League of California Cities' City Attorneys Department.

CHAPTER 2
COUNCIL POWERS AND RESPONSIBILITIES

2.1 City Council Generally

2.1.1 The City Council has the power, in the name of the City, to do and perform all acts and things appropriate to a municipal entity and the general welfare of its inhabitants, which are not specifically prohibited by the constitution, and/or State or Federal laws.

2.1.2 The Council acts as a body. Council policy and directives are established by majority vote, unless otherwise required by state law. A decision of the majority binds the Council to a course of action.

2.1.3 No Council Member has extraordinary powers beyond those of other members (except as may otherwise be provided in State law). All members, including the Mayor, have equal powers.

2.1.4 No member of the Council is permitted to hold any other City office or City employment.

2.1.5 Council Members are appointed by the Council body to serve on various committees, including Council standing and ad hoc committees, and third agency member committees.

2.2 Mayor and Mayor Pro Tem - Appointment, Power, and Duties

2.2.1 The Mayor is directly elected by the voters to serve a two-year term. The selection of the Mayor Pro Tem occurs every two years in December after the City receives the certified results from the County Registrar of Voters electing a Mayor.

2.2.2 A Mayor Pro Tem is appointed by the Council and can be replaced at any time by a majority vote of the Council.

2.2.3 The Mayor is the presiding officer of the City Council. In the Mayor's absence, the Mayor Pro Tem shall perform the duties of the Mayor.

2.2.4 The Mayor is the official head of the City for all ceremonial purposes.

2.2.5 Per Government Code, the Mayor, with the approval of the City Council, shall (a) execute official documents (Section 40602b) and (b) make appointments to city boards, commissions, and committees unless otherwise specifically provided by statute (Section 40605).

2.2.6 The Mayor is authorized to send letters stating the City's official position to appropriate legislators as long as it is consistent with the Council's Legislative Policy.

2.2.7 The Mayor may perform other duties consistent with the mayoral office as prescribed by the Tracy Municipal Code, California Government Code, or as determined by the Council.

2.2.8 The Mayor does not possess any power of veto.

2.2.9 The Mayor coordinates with the City Manager in the development of agendas for meetings of the City Council. Once the agenda is published, the City Manager may withdraw an item. Additionally, the Mayor may rearrange the order of business on the agenda.

2.3 Council Actions

2.3.1 Legislative actions by the City Council can be taken by means of ordinance, resolution, or minute action (motion) duly made and passed by the majority (unless otherwise required).

2.3.2 Under Council protocols and procedures, an item may be placed on the agenda if requested by two Council Members. The request can be made during open session or outside of a Council meeting.

2.3.3 Public actions of the Council are recorded in the minutes of the City Council meeting. The City Clerk is required to make a record only of business actually passed upon by a vote of the Council and is not required to record any remarks of Council Members, except at the special request of a Council Member and with the consent of the Council.

2.3.4 Actions of the Council concerning confidential property, personnel, and/or legal matters of the City are to be reported consistent with State law.

2.4 Council Member Committees

2.4.1 The City Council may organize itself into standing and/or special/ ad hoc subcommittees to facilitate Council review of policy matters and action.

2.4.2 The Council may create or dissolve standing and/or special/ad hoc sub committees at any time by an affirmative vote of a majority of the Council. The Council will endeavor to rotate appointments to standing and ad hoc standing committees to ensure equitable participation.

2.4.3 The Council appoints and removes members to standing and ad hoc committees.

2.4.4 The Council also appoints and removes Council Members to third member agencies.

2.4.5 It is a best practice for non-appointed Council Members not to attend Council standing Committees to avoid the appearance of impropriety.

CHAPTER 3

LEGAL AND ETHICAL STANDARDS

3.1 Preamble

The residents and businesses of Tracy are entitled to have fair, ethical, and accountable local government. Such a government requires that public officials:

- Comply with both the letter and the spirit of the laws and policies affecting operations of the government;
- Be independent, impartial, and fair in their judgment and actions;
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Tracy City Council has adopted this Code of Conduct and the Norms and Values Statement (Attachment 1) to encourage public confidence in the integrity of local government and its fair and effective operation.

3.2 Public Interest

3.2.1 Recognizing that stewardship of the public interest must be their primary concern, Council Members shall work for the common good of the people of Tracy and not for any private or personal interest. Council Members must endeavor to treat all members of the public and issues before them in a fair and equitable manner.

3.2.2 Council Members shall comply with the laws of the nation, the State of California, and the City in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the Tracy Municipal Code; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

3.3 Conduct

3.3.1 Council Members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other members of the City Council, boards, commissions, committees, staff, or the public.

3.3.2 Council Member duties shall be performed in accordance with the processes and rules of order established by the City Council.

3.3.3 Council Members shall inform themselves on public issues, listen attentively to public discussions before the body, and focus on the business at hand.

3.3.4 Council decisions shall be based upon the merits and substance of the matter at hand.

3.3.5 It is the responsibility of Council Members to publicly share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decision-making process with all other Council Members and the public prior to taking action on the matter.

3.3.6 Council Members shall not attend internal staff meetings or meetings between City staff and third parties unless authorized by the City Manager.

3.3.7 Policy Role

3.3.7.1 Council Members shall respect and adhere to the Council-Manager structure of the Tracy City government as provided in State law and Tracy Municipal Code.

3.3.7.2 Council Members shall support the maintenance of a positive and constructive environment for residents, businesses, and City employees.

3.3.8 Implementation

3.3.8.1 This Code of Conduct shall be included in the regular orientations for City Council candidates. Current Council Members, including those entering office upon election shall sign a City Council Norms and Values Statement **(Attachment 1)** affirming they have read and understand this Tracy City Council Code of Conduct.

3.4 Conflict of Interest

3.4.1 In order to assure their independence and impartiality on behalf of the public good, Council Members are prohibited from using their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a conflict of interest under applicable State law.

3.4.2 In accordance with State law, Council Members must file an annual written disclosure (Form 700) of their economic interests.

3.4.3 Council Members shall not take advantage of services or opportunities for personal gain by virtue of their public office that are not available to the public in general.

3.4.4 Council Members shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They must neither disclose confidential information without proper legal authorization nor use such information to advance the personal, financial, or private interests of themselves or others.

3.4.5 City Council Members should avoid any action that could be construed as, or create the appearance of, using public office for personal gain, including use of City stationery or other City resources to obtain or promote personal business or political campaigns.

3.4.6 Public resources not available to the general public (e.g., City staff time, equipment, supplies, or facilities) shall not be used by Council Members for private gain and, personal and political purposes.

3.4.7 In keeping with their role as stewards of the public interest, Council Members shall not appear on behalf of the private interests of a third party before the City Council or any board, commission, or committee or proceeding of the City, except as permitted by law.

3.4.8 To the best of their ability, Council Members shall represent the official policies and positions of the City Council. When presenting their personal opinions or positions publicly, members shall explicitly state they do not represent the Council or the City.

3.4.9 Tracy City Municipal Code Provisions

3.4.9.1 Financial Interests in City Contracts Prohibited.

Section 2.04.050 of the Municipal Code prohibits members of the Council, appointed employees, the City Treasurer and members of City boards and commissions during their term of office, to contract or subcontract with the City.

Section 2.04.050 also requires a City Council Member to recuse (as defined by the Fair Political Practices Commission) themselves from any vote regarding any Memorandum of Understanding between the City and any lawfully recognized bargaining unit in which a City Council member has an immediate family member. "Immediate family member" is defined as "any and/or all spouses, partners or adult children, whether they live in a single household or not" under this section of the TMC.

3.4.9.2 Nepotism.

The City of Tracy's Nepotism Policy prohibits the initial appointment of an individual to a position within the City of Tracy who has a marital or familial relationship, as defined in Section 4 of the Policy, with any member the City Council, City Manager, or City Attorney.

3.4.9.3 Use of City Property for Private Purposes by City Official/ Employee.

The use for private gain or advantage of City time, facilities, equipment and supplies, prestige, influence, or information obtained through one's City office or employment. No City-owned facilities, equipment or supplies, including autos, trucks, instruments, tools, supplies, machines, badges, identification cards, or other items which are the property of the City shall be used by an employee for personal or non-City business reasons except upon prior written approval of the City Manager. (City Personnel Rule 9.2 (d))

3.4.9.4 Political Activities Prohibited; Discrimination.

For informational purposes, the following provisions apply to City and contract employees and consultants:

1. No employee shall, while in uniform or during the employee's working hours, take an active part in any municipal or other political campaign.

2. No employee shall, while in uniform or during the employee's work hours, seek or accept contributions for or against a candidate or issue.

3. An employee may not seek or accept signatures to any petition for or against any such candidate or issue during their work hours.

4. No person in the classified service shall be employed, promoted, demoted, or discharged or in any way favored or discriminated against because of political opinions or affiliations or on any other basis protected by state and/or federal law.

3.4.10 California State Law Regarding Conflicts

While not enforceable by the City, there are four key areas of California State law that regulate the ethics of public officials.

3.4.10.1 Constitutional prohibitions

State law strictly forbids elected and appointed public officials from accepting free or discounted travel from transportation companies. The penalty for a violation includes the forfeiture of office.

3.4.10.2 Contractual conflicts of interest

This prohibition, found in Government Code Section 1090, applies to elected and appointed officials as well as other City staff members. It prohibits the City from entering into a contract if one of its members (i.e., a Council Member) is financially interested in the contract. If the bar (or prohibition) applies, the agency is prohibited from entering into the contract whether or not the official with the conflict participates or not. In some limited circumstances, officials are allowed to disqualify themselves from participation and the agency may enter into the contract.

Financial interest has been defined to include employment, stock/ ownership interests, and certain membership on the board of directors of a for-profit or nonprofit corporation, among others. Violations can be charged as a felony. A person convicted of violating Section 1090 is prohibited from ever holding public office in the State.

3.4.10.3 Political Reform Act - Conflicts of Interest

The Political Reform Act (PRA) was adopted by the voters in 1974 and is the primary expression of the law relative to conflicts of interest (and campaign finance) in California. The Act created the Fair Political Practices Commission (FPPC), a five-member State board which administers the Act.

The Act and the regulations are complex and are continuously subjected to official interpretation. The following synopsis of key parts of the Act will be helpful in spotting issues; however, the FPPC and/or City Attorney should be consulted for further advice and clarification.

With respect to conflicts of interest, the FPPC has promulgated a regulation which establishes an analysis which assists in determining whether a public official is participating in a government decision in which they have a qualifying financial interest and whether it is reasonably foreseeable that the decision will have a material financial effect on the public official's financial interest, which is distinguishable from the effect the decision will have on the public generally.

3.4.10.3.1 Political Reform Act-Enforcement

The FPPC can assess administrative fines and penalties for violation of the Act. The District Attorney and the State Attorney General may prosecute violators as civil or criminal matters.

Violators may also be removed from office pursuant to Government Code Section 3060.

3.4.10.4 Common Law Conflicts of Interest

This is the judicial expression of the public policy against public officials using their official position for private benefit. An elected official bears a fiduciary duty to exercise the powers of office for the benefit of the public and is not permitted to use those powers or their office for the benefit of any private interest. This common law doctrine continues to survive the adoption of various statutory expressions of conflict law.

3.4.10.5 Appearance of Impropriety

When participation in action or decision-making as a public official does not implicate the specific statutory criteria for conflicts of interest; however, participation still does not "look" or "feel" right, that public official has probably encountered the appearance of impropriety.

For the public to have faith and confidence that government authority will be implemented in an even-handed and ethical manner, public officials may need to step aside even though no technical conflict exists. An example is where a long-term nonfinancial affiliation exists between the public official and an applicant or the applicant is related by blood or marriage to the official. For the good of the community, members who encounter the appearance of impropriety should step aside.

3.5 AB 1234-Required Ethics Training

AB 1234 requires elected or appointed officials who are compensated for their service or reimbursed for their expenses to take two hours of training in ethics principles and laws every two years. Those who enter office after January 1, 2006 must receive the training within a year of starting their service. They must then receive the training every two years after that.

The training must cover general ethics principles relating to public service and ethics laws including:

- Laws relating to personal financial gain by public officials (including bribery and conflict of interest laws);

- Laws relating to office-holder perks, including gifts and travel restrictions, personal and political use of public resources, and prohibitions against gifts of public funds;

- Governmental transparency laws, including financial disclosure requirements and open government laws (the Brown Act and Public Records Act); Laws relating to fair processes, including fair contracting requirements, common law bias requirements, and due process

> NOTE: State laws governing conflicts of interest are written to ensure that actions are taken in the public interest. These laws are very complex. Council Members should consult with the City Attorney, their own attorney, or the Fair Political Practices Commission for guidance in advance.

3.6 Code of Conduct Compliance and Enforcement

Consistent with this oath is the requirement of this Council policy to comply with the laws as well as report violations of the laws and policy of which they become aware.

3.6.1 A request for censure of a member of the Council may be submitted to the City Manager by any member of the Council ("Initiating Member"), with the support of another Council member ("Seconding Member"). Censure is a formal statement or resolution by the Council officially reprimanding a Council Member for conduct that may include sanctions. It is the intent of the Council that a request for censure be used only for significant and/or repeated violations of this Code of Conduct and not a means to address politically or personally motivated disagreements amongst Council.

The request shall contain the specific charges on which the proposed censure is based. The City Manager shall deliver a copy of the request for censure and the charges to each member of the Council at least 72 hours after receipt of the request. The request for censure shall first be considered by a neutral mediator selected by the Presiding Judge of the Superior Court of California of the County of San Joaquin. The neutral mediator shall conduct an investigation and prepare a written analysis of the allegation and their preliminary findings and recommendation. Said investigation shall, at a minimum, include interviews with the Initiating Member and the member who is the subject of the request. The neutral mediator's recommendation shall be to: (a) set the matter for a censure hearing and whether censure is warranted or (b) no further action should be taken with respect to the request. The neutral mediator shall present its recommendation to the Council for its consideration and action within thirty (30) days of completing their investigation.

3.6.1.1 The censure request shall be agendized at the next regular Council meeting following receipt of the neutral mediator's written findings and recommendation. Council shall determine whether or not to accept the neutral mediator's recommendation. If the Council decides to set the matter for a censure hearing, it shall schedule it no sooner than two weeks after its determination to hear the matter. It may not schedule the matter during any previously scheduled excused absence of the subject Council Member. Written notice of the hearing shall be delivered in person to the member of the Council subject to the censure hearing at least ten (10) days in advance of the scheduled hearing. If the Council decides that no further action is required, Council may also request the Initiating Member either reimburse the City the cost of the neutral mediator's services from personal funds (not campaign funds), not to exceed $2,500, or forgo a month's salary as Council Member. A report regarding the Initiating Member's compliance with that request shall be presented to Council within sixty (60) days of that request.

3.6.1.2 At the censure hearing, the member of the Council who is the subject of the request for censure shall be given the opportunity to make an opening and a closing statement, to call witnesses on their behalf and to question their accusers. The member subject to the charges may be represented by a person or persons of their choice whether or not an attorney at law and may have that representative speak or question witnesses on their behalf. The questioning or cross-questioning of witness may be reasonably limited by the person chairing the hearing.

3.6.1.3 Testimony shall be taken only from witnesses having direct knowledge of facts or circumstances relevant to the specific charges under consideration. However, the rules of evidence and judicial procedure applicable in courts of law shall not be applied to this hearing, and the procedures shall be generally informal.

3.6.2 At the discretion of the Council, sanctions may be imposed as a result of a censure. These sanctions may be applied individually or in combination. They include, but are not limited to:

3.6.2.1 Public Admonishment - —A reproof or verbal warning directed to a Council Member about a particular type of behavior that violates City policy.

3.6.2.2 Revocation of Special Privileges —A revocation of a Council Member's Council Committee assignments, such as standing and ad hoc committees, regional boards and commissions, and other board/ committee appointments. Other revocations may include temporary suspension of official travel, conference participation, and ceremonial titles.

3.6.3 Nothing in this Section shall limit Council's ability to informally address conduct considered to be not significant or a minor violation of this Code, which may include informal counseling from one Council member to another, and a Council member to a Council advisory body member.

CHAPTER 4
COMMUNICATIONS

4.1 Relationship/Communications with Staff

Staff serves the City Council as a whole, therefore:

4.1.1 A Council Member shall not direct staff in person or in writing to initiate any action, change a course of action, or prepare any report. A Council Member shall not initiate any project or study without the approval of the majority of the Council.

4.1.2 Requests for information and corresponding responses made by Council Members will be shared with the full Council.

4.1.3 Council Members shall not attempt to pressure or influence discussions, recommendations, workloads, schedules, or department priorities without first consulting with the City Manager and obtaining the approval of a majority of the Council.

4.1.4 When preparing for Council meetings, Council Members should direct questions ahead of time to the City Manager so that staff can provide the desired information at the Council meeting.

4.1.5 Any concerns by a member of the City Council regarding the behavior or work of a City employee should be directed to the City Manager privately to ensure the concern is resolved. Council Members shall not reprimand employees directly nor should they communicate their concerns to anyone other than the City Manager.

4.1.6 Council Members may direct routine inquiries to either the City Manager or appropriate department head.

4.1.7 Council Members serving on Council committees or as the City's representative to an outside agency may interact directly with City staff assigned to that effort as the City Manager's designee. The City

staff member so designated and assigned will keep the City Manager appropriately informed.

4.2 Council Relationship/Communication with Council Advisory Bodies

4.2.1 Council Members shall not attempt to pressure or influence board, commission, or committee decisions, recommendations, or priorities absent the approval of the majority of the Council.

4.2.2 It is a best practice that Council Members refrain from attending Board, Commission, and/or Committee meetings to avoid the appearance of impropriety.

4.3 Handling of Litigation and Other Confidential Information

4.3.1 All written materials and verbal information provided to Council Members on matters that are confidential and/or privileged under State law shall be kept in complete confidence to ensure that the City's position is not compromised. No disclosure or mention of any information in these materials may be made to anyone other than Council Members, the City Attorney, or City Manager.

4.3.1.1 Confidential materials provided in preparation for and during Closed Sessions shall not be retained and documents must be returned to staff at the conclusion of the Closed Session.

4.3.1.2 Council Members may not request confidential written information from staff that has not been provided to all Council Members.

4.4 Representing an Official City Position

4.4.1 City Council Members may use their title only when conducting official City business, for information purposes, or as an indication of background and expertise, carefully considering whether they are exceeding or appearing to exceed their authority.

4.4.2 Once the City Council has taken a position on an issue, all official City correspondence regarding that issue will reflect the Council's adopted position.

4.4.3 The Mayor is authorized to send letters on City letterhead stating the City's official position to appropriate legislators as long as it is consistent with the Council's Legislative Policy.

4.4.4 City letterhead may be used by Council Members only for official City business and/or to represent a policy action taken by the Council body.

4.4.5 If a member of the City Council appears before another governmental agency organization to give a statement on an issue affecting the City, the Council Member should indicate the majority position and opinion of the Council.

4.4.6 Personal opinions and comments may be expressed only if the Council Member clarifies that these statements do not reflect the official position of the City Council.

4.5 Quasi-Judicial Role/Ex *Parte* Contacts

The City Council has a number of roles. It legislates and makes administrative and executive decisions. The Council also acts in a quasi-judicial capacity or "like a judge" when it rules on various permits, licenses, and land use entitlements.

In this last capacity, quasi-judicial, the Council holds a hearing, takes evidence, determines what the evidence shows, and exercises its discretion in applying the facts to the law shown by the evidence. It is to these proceedings that the rule relative to *ex parte* contacts applies.

4.5.1 *Ex Parte* Contacts/Fair Hearings. The Council shall refrain from receiving information and evidence on any quasi-judicial matter while such matter is pending before the City Council or any agency, board, or commission thereof, except at the public hearing.

As an elected official, it is often impossible to avoid such contacts and exposure to information. Therefore, if any member is exposed to information or evidence about a pending matter outside of the public hearing, through contacts by constituents, the applicant or through site visits, the member shall disclose all such information and/or evidence acquired from such contacts, which is not otherwise included in the written or oral staff report, during the public hearing, and before the public comments period is opened.

Matters are "pending" when an application has been filed. Information and evidence gained by members via their attendance at noticed public hearings before subordinate boards and commissions are not subject to this rule.

4.6 No Attorney-Client Relationship

Council Members who consult the City Attorney, their staff, and/or attorney(s) contracted to work on behalf of the City cannot enjoy or establish an attorney-client relationship with said attorney(s) by consulting with or speaking to same. Any attorney-client relationship established belongs to the City, acting through the City Council, and as may be allowed in State law for purposes of defending the City and/or the City Council in the course of litigation and/or administrative procedures, etc.

CHAPTER 5
COUNCIL ADVISORY BODIES

5.1 Boards, Commissions, and Committees Generally

5.1.1 The Tracy Municipal Code establishes a Planning Commission to advise the Council on land use matters (Chapter 10.04) and a Parks and Community Services Commission (Chapter 7.16)

5.1.2 The rules of procedure and code of conduct that govern the City Council apply with equal force to all Council advisory boards and commissions.

5.1.3 The City Council may also establish by ordinance or resolution, boards, commissions, and committees to assist the Council in making its policy decisions. The City Council has the inherent power to create advisory bodies.

5.1.4 City boards, commissions, and committees (collectively "Council advisory bodies") provide policy recommendation to Council; they do not set or establish City policy or provide administrative direction to City staff.

5.1.5 City boards, commissions, and committees are advisory in nature and therefore do not represent City's official position on city matters.

5.1.6 Appointments to boards, commissions, and committees are made by a majority vote of the Council. Appointees to Council advisory bodies serve at the pleasure of the City Council.

5.1.7 The terms "board" and "commission" can be used interchangeably. Boards and commissions typically have broader policy and advisory responsibilities than committees which typically have much more focused advisory roles to the Council.

5.2 Board, Commission, and Committee Organization and Conduct

5.2.1 Annually, each board, commission, and committee elects one of their members to serve as the chair (presiding officer) and vice-chair.

5.2.2 Boards, commissions, and committees hold regular and special meetings as required. The conduct of board, commission, and committee meetings are governed by the same rules of policy and procedure as the City Council.

5.2.3 Boards, commissions, and committees should comply with all applicable open meeting and conflict-of-interest laws of the State.

5.2.4 Upon appointment or reappointment, Council advisory body members shall sign a Council Advisory Body Norms and Values statement (**Attachment 2**) affirming they have read and understand this City of Tracy City Council Code of Conduct.

5.3 Board, Commission, and Committee Appointments

5.3.1 Resolution No. 2004-152 establishes the board, commission, and committee appointment/selection process and requirements for residency.

5.3.2 The term of office for each board, commission, or committee member is 4 years, with the exception of the Measure V Residents' Oversight Committee which is 3 years.

5.3.3 The City Clerk provides application forms, maintains a listing of all applications received, and solicits applications when vacancies occur.

5.4 Boards, Commissions, and Committees- Vacancy and Selection/Appointment Processes

5.4.1 Resolution No. 2004-152 outlines procedures for filling a board, commission or committee vacancy and selection and appointment process. The Council appoints all City boards, commissions, and committee members.

5.4.2 Resignations may be submitted at any time to the City Council either directly or through the board, commission, or committee chair. Resignations are effective upon submittal.

5.5 Boards, Commissions, and Committees - Removal

A board member, commissioner, or committee member serves at the pleasure of the Council and may be removed at any time. The removal of a planning commission member must comply with TMC Section in accordance with the applicable procedure.

CHAPTER 6
COUNCIL FINANCIAL MATTERS

6.1 Compensation

6.1.1 Pursuant to Ordinance No. 1094, the Tracy Mayor and City Council receive a monthly salary. The amount is the salary limit established by the State Legislature for members of the City Council of general law cities having a population range within which the City of Tracy falls, as specified in California Government Code Section 36516(a).

6.1.2 The salary of the Mayor and City Council should be reviewed every two years.

6.2 Benefits

6.2.1 The California Government Code provides that Council Members may receive City-funded health, retirement, and other benefits. City-funded medical, dental, and life insurance plan benefits are provided. The Council Policy Providing City Paid Health Insurance for City Treasurer, City Clerk, and City Council, adopted by Resolution No. 2003-391, states that an elected official is not eligible for City-funded health benefits if the official or the official's spouse has employer-paid health insurance.

6.3 City Council Budget and Expenses

6.3.1 City Council Resolution No. 2007-075 provides policy guidance regarding Council expenditures for equipment, supplies and communications; travel; local expenses; and eligible reimbursements.

Tracy Municipal Code 2.08.060 - Duties and powers.

The City Manager shall be the administrative head of the government of the City under the direction and control of the Council except as otherwise provided in this chapter. He or she shall be responsible for the efficient administration of all the affairs of the City which are under his or her control. In addition to his or her general powers as administrative head, and not as a limitation thereon, it shall be his or her duty and he or she shall have the powers set forth in the following subsections:

(a) It shall be the duty of the City Manager and he or she shall have the power to see that all laws and ordinances of the City are duly enforced and that all franchises, permits, and privileges granted by the City are faithfully observed.

(b) It shall be the duty of the City Manager and he or she shall have the power to control, order, and give directions to all heads of departments and to subordinate officers and employees of the City through their department heads, to transfer employees from one department to another, and to consolidate or combine offices, positions, departments, or units under his or her direction.

(c) It shall be the duty of the City Manager and he or she shall have the power to appoint, remove and demote any and all officers and employees of the City, except the City Attorney and the City Treasurer.

(d) It shall be the duty of the City Manager and he or she shall have the power to exercise control over all departments of government of the City and over all appointive officers and employees thereof.

(e) It shall be the duty of the City Manager and he or she shall have the power to attend all the meetings of the Council unless excused therefrom by said Council.

(f) It shall be the duty of the City Manager and he or she shall have the power to recommend to the Council for adoption such measures and ordinances as he or she deems necessary or expedient.

(g) It shall be the duty of the City Manager and he or she shall have the power to keep the Council at all times fully advised as to the financial conditions and needs of the City.

(h) It shall be the duty of the City Manager and he or she shall have the power to prepare and submit the proposed annual budget and the proposed annual salary plan to the Council for its approval.

(i) It shall be the duty of the City Manager and he or she shall have the power to purchase all supplies for all of the departments or divisions of said City. No expenditure shall be submitted or recommended to the Council except on report or approval of the City Manager.

(j) It shall be the duty of the City Manager and he or she shall have the power to make investigations into the affairs of the City and any department or division thereof, and any contract or the proper performance of any obligations running to the City.

(k) It shall be the duty of the City Manager and he or she shall have the power to investigate all complaints in relation to matters concerning the administration of the City Government and in regard to the service maintained by public utilities in said City, and to see that all franchises, permits and privileges granted by the City are faithfully performed and observed.

(l) It shall be the duty of the City Manager and he or she shall have the power to exercise general supervision over all public buildings, public parks, and all other public property which are under the control and jurisdiction of the Council.

(m) It shall be the duty of the City Manager to devote full time to the duties of his or her office in the interests of the City.

(n) It shall be the duty of the City Manager and he or she shall have the power to perform such other duties and exercise such other powers as may be delegated to him or her from time to time, by ordinance or resolution or other action of the Council.

(o) The City Manager may attend any and all meetings of any other commissions or boards created by the Council, upon his or her own volition or upon direction of the Council. At any such meetings at which the City Manager attends, he or she shall be heard by such commissions and boards as to all matters upon which he or she wishes to address them.

(p) The City Manager shall at all times conduct himself or herself in accordance with the International City Management Association ("ICMA") Code of Ethics.

(Ord. 1114 § 1 (part), 2008: prior code § 2-2.106)

(Ord. No. 1175, § 1, 10-16-2012)

ATTACHMENT A

APPENDIX B

2019 - COUNCIL COMMITTEES/COMMISSIONS

Committee/Commission	Meetings Held	Council Members
City/Chamber Liaison	Quarterly	Council Member Arriola Council Member Ransom (Alternate)
City/Schools Liaison	Every other month	Mayor Rickman Council Member Arriola
Investment Review Committee	Quarterly	Council Member Vargas Council Member Ransom
South San Joaquin County Fire Authority	Monthly	Mayor Rickman Council Member Ransom Council Member Vargas (Alternate)
*Tracy Area Public Facilities Financing Agency	As needed, with an annual meeting in May	Council Member Vargas Mayor Pro Tem Young
**City Selection Committee	Annually, additional meetings as needed	Mayor Rickman
**Community Development Block Grant Policy Advisory Committee	As needed, in conjunction with the distribution of the CDBG grants.	Council Member Vargas
**Council of Governments	Monthly, in Stockton at 4:00 p.m. on the fourth Thursday of the month.	Mayor Rickman Council Member Ransom - Alternate
**Duel Vocational Institution, Citizen's Advisory Committee	Alternate Months	Council Member Ransom Mayor Pro Tem Young (Alternate)
**San Joaquin County Water Advisory Commission	Monthly	Kul Sharma Stephanie Reyna-Heinstand
**San Joaquin Partnership	Monthly, on the fourth Thursday of each month	Council Member Ransom
**San Joaquin Regional Rail Commission	Monthly	Mayor Pro Tem Young Council Member Vargas (Alternate)
**Solid Waste Management Plan Advisory Task Force	As needed	Mayor Pro Tem Young Don Scholl
**Special City Selection Committee, SJVAPCD	As needed	Council Member Vargas Mayor Pro Tem Young (Alternate)
**League of California Cities, Central Valley Division Executive Committee	Quarterly	Council Member Ransom Council Member Arriola (Alternate)
Joint City/County Criminal Justice Task Force	As needed	Mayor Pro Tem Young Council Member Vargas (Alternate)

2019 - COUNCIL COMMITTEES/COMMISSIONS CONTINUED

San Joaquin Council of Government's One Voice – Washington	Annual Delegation: May 5 – 9, 2019	All Council
Altamont Regional Traffic Authority (ARTA) JPA	As needed	Mayor Rickman
Tri-Valley- San Joaquin Valley Region Rail Authority	Monthly	Council Member Vargas
LAFCo		No appointment at this time
Tracy Chamber Governmental Affairs Committee		Council Member Vargas

*Ad Hoc Committee **Outside Agencies ***Third Agency Members

ATTACHMENT A

COUNCIL COMMITTEES - 2019

Following is a current list of both standing committees and ad hoc committees. Some of these appointments are City of Tracy appointments to a larger body, while others are City directed activities only.

I. STANDING COMMITTEES

A. City/Chamber Liaison Committee

1. Dan Arriola, Council Member
2. Rhodesia Ransom, Council Member (Alternate)
3. City Manager

Meets quarterly, typically on the second Monday of the designated month at 4:00 p.m. at the Chamber to discuss issues of concern to both the City and the Chamber, i.e. Fourth of July activities, Downtown activities, etc.

B. City/Schools Liaison Committee

1. Robert Rickman, Mayor
2. Dan Arriola, Council Member
3. City Manager
4. Alex Neicu, Interim Police Chief
5. Assistant City Manager
6. Don Scholl, Public Works Director
7. Brian MacDonald, Parks & Recreation Director

Meets every other month with School District officials to discuss issues of mutual concern, i.e. school pedestrian routes, bus routes, facilities, crossing guards, etc.

C. Investment Review Committee

1. Veronica Vargas, Council Member
2. Rhodesia Ransom, Council Member
3. Ray McCray, Treasurer
4. Finance Director
5. City Manager

Meets on a quarterly basis to address issues involving investment of the City's funds and management of the City's portfolio. Meetings are usually held on the last Monday of the quarter at 5:30 p.m. in Room 109 at City Hall.

D. South San Joaquin County Fire Authority (SSJCFA)

1. Robert Rickman, Mayor
2. Rhodesia Ransom, Council Member
3. Veronica Vargas, Council Member (Alternate)

The SSJCFA consists of four members - two Council Members appointed annually by the City Council, and two Board Members of the Tracy Rural Fire Protection District appointed annually by the Board. The Board of Directors meets on a monthly basis, and has the responsibility to manage and administer the fire protection services provided to the jurisdictional area of the South San Joaquin County Fire Authority.

II. AD HOC COMMITTEES

A. Tracy Area Public Facilities Financing Agency (TAPFFA)

1. Nancy Young, Mayor Pro Tem
2. Veronica Vargas, Council Member
3. Finance Director

TAPFFA was formed as a Joint Power Authority between the City, Tracy School District, and Jefferson School District. The JPA was authorized to issue Mello-Roos bonds primarily to build new schools in the Residential Specific Plan area. With the ultimate build out of the TAPFFA area usually only a brief annual meeting of the TAPFFA Board of Directors is necessary in order to approve the budget and levy the necessary tax for the duration of the bonds. The annual meeting is normally held in May.

III. THIRD AGENCY MEMBER APPOINTMENTS

A. City Selection Committee

1. Robert Rickman, Mayor

This committee is composed of the Mayors of the cities in San Joaquin County and addresses issues related to membership and appointments to regional boards, such as LAFCO, Delta Protection Agency, and the San Joaquin Valley Unified Air Pollution Control District, etc.

B. Community Development Block Grant Policy Advisory Committee

1. Veronica Vargas, Council Member

Meets as needed in conjunction with the distribution of the CDBG grants.

C. Council of Governments (COG)

1. Robert Rickman, Mayor
2. Rhodesia Ransom, Council Member (Alternate)

The Council of Governments meets monthly and deals with regional issues, including transportation issues, habitat mitigation, regional rail issues, airport land use matters, etc. Meetings are held in Stockton at 4:00 p.m. on the fourth Thursday of the month.

D. Deuel Vocational Institution, Citizens Advisory Committee
Contact: Martina Virrey, Community Partnership Manager (209/830-3891) or martina.virrey@cdcr.ca.gov

1. Rhodesia Ransom, Council Member
2. Nancy Young, Mayor Pro Tem (Alternate)

This subcommittee serves in an advisory capacity to Deuel Vocational Institution, a state prison located to the southeast of Tracy. The subcommittee's primary objective is to promote effective communication between the Institution and the community at large. California Penal Code Section 5056 requires two persons shall be appointed for two year terms from nominations submitted by the local City Council in whose district the prison is located. Individuals nominated may be elected officials or involved residents of the City. Meetings are normally held on the second Thursday of odd numbered months from 9:00 a.m. to 10:00 a.m.

E. Local Transportation Authority Citizens Advisory Committee
(COG) Contact: COG (468-3913)

1. Eleassia Davis (Citizen appointed by Mayor)

F. San Joaquin County Water Advisory Commission
Contact: Mel Lytle, San Joaquin County Public Works Dept. (468-3000)

1. Kul Sharma, Director of Utilities
2. Stephanie Reyna-Heinstand, Water Resources Coordinator (Alternate)

Appointed by the Board of Supervisors, this Commission acts in an advisory capacity to the San Joaquin County Flood Control and Water Conservation District. Consists of 22 members from the various cities and water agencies in San Joaquin County. Meets monthly.

G. San Joaquin Partnership
Contact: Chris Youngsma, (956-3380)

1. Rhodesia Ransom, Council Member

The San Joaquin Partnership is a non-profit, private-public economic development corporation assisting business and industry to locate into San Joaquin County. Meets on the fourth Thursday of each month.

H. San Joaquin Regional Rail Commission
Contact: Rail Commission staff (468-3025)

1. Nancy Young, Mayor Pro Tem
2. Veronica Vargas, Council Member (Alternate)

The San Joaquin Regional Rail Commission oversees the development of rail services on a regional basis. Meets monthly.on the first Friday of each month in Stockton. (Appointed by Commission)

I. Solid Waste Management Plan Advisory Task Force
Contact: Tom Horton, SJC Public Works Department – (209/468-3066)

1. Nancy Young, Mayor Pro Tem
2. Don Scholl, Public Works Director

This task force is comprised of elected representatives of the governmental agencies responsible for preparing the County Integrated Waste Management Plan. The duties of the task force include: identifying solid waste management issues of County-wide or regional concern; facilitating the development of multi-jurisdictional arrangements for the marketing of recyclable materials; developing goals, policies and procedures consistent with guidelines and regulations adopted by the Department of Resources Recycling and Recovery, and advising the Board of Supervisors on matters pertaining to the County-wide Household Hazardous Waste Program. Meets as needed.

J. Special City Selection Committee, SJVAPCD
Contact: Seyed Sadredin, Executive Director – (559/230-6036)
Email: seyed.sadredin3@valleyair.org

1. Veronica Vargas, Council Member
2. Nancy Young, Mayor Pro Tem (Alternate)

The Committee is charged with making appointments of City representatives to the San Joaquin Valley Air Pollution Control District's Governing Board.

K. League of California Cities, Central Valley Division Executive Committee

1. Rhodesia Ransom, Council Member
2. Dan Arriola, Council Member (Alternate)

Meets Quarterly

L. Joint City/County Criminal Justice Task Force

1. Nancy Young, Mayor Pro Tem
2. Veronica Vargas, Council Member (Alternate)

Meets when needed.

N. San Joaquin Council of Government's One Voice Trip to Washington

1. All City Council will be attending in 2019

Annual trip to Washington, D.C. as part of SJCOG delegation.

O. Tri-Valley-San Joaquin Valley Regional Rail Authority

1. Veronica Vargas, Council Member

The Tri-Valley-San Joaquin Valley Regional Rail Authority was formed for purposes of planning, developing, and delivering cost-effective and responsive transit connectivity between the Bay Area Rapid Transit District's (BART) rapid transit system and the Altamont Corridor Express commuter rail service in the Tri-Valley region. Meets on second Wednesday of the month. Location rotates. Contact: Michael Tree

P. Altamont Regional Traffic Authority (ARTA) JPA

1. Robert Rickman, Mayor

JPA consists of Mayor of Tracy, Mayor of Livermore, and Supervisor from Alameda County BOS District 1. Meets as needed.

Q. LAFCo (Local Agency Formation Commission)

1. City of Tracy's next rotation will not be until 2025 as Alternate

LAFCo is responsible for coordinating logical and timely changes in local governmental boundaries, including: annexations and detachments of territory; incorporations of cities; formations of special districts; and consolidations, mergers, and dissolutions of districts. LAFCo Commission meets regularly on the 2nd Thursday of each month at 9:00 a.m.

R. Tracy Chamber Governmental Affairs Committee

1. Veronica Vargas, Council Member

The purpose of the Tracy Chamber Governmental Affairs Committee is to provide information and updates to Chamber membership on issues and legislation affecting businesses. Every month, the Chamber invites businesses to agenda the Governmental Affairs Committee to engage in dialogue about issues affecting the business community, as well as receive updates from local, county, state, and federal representatives. The committee meets on the third Wednesday of every month at 4:00 p.m. at the Chamber of Commerce office.

CITY OF TRACY
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: : NEPOTISM - *Policy*

DATE ISSUED: : November 1, 1997

SECTION: : N

SECTION 1: PURPOSE

The purpose of this policy is to provide guidance in its employment practices pertaining to the employment of relatives of City employees.

SECTION 2: POLICY STATEMENT

It is the policy of the City of Tracy not to discriminate in its employment and personnel actions with respect to its employees, prospective employees, and applicants on the basis of familial or marital status. No employee, prospective employee, or applicant shall be denied employment or benefits of employment on the basis of his or her familial or marital status. This policy applies to the selection of persons for a training program leading to employment in addition to the above-designated persons. The City of Tracy reserves the right to reasonably regulate for reasons of supervision, safety, security, or morale, the working of spouses and relatives in the same department division or facility.

SECTION 3: APPOINTMENT

The City of Tracy shall prohibit the initial appointment to a position within the City of Tracy of any person or employee who has a marital or familial relationship with the Tracy City Manager, City Attorney or members of the City Council.

SECTION 4: DEFINITIONS

A. Marital status is defined as an individual's state of marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment, or other marital state for the purpose of this anti-discrimination policy.

B. Spouse is a partner in marriage as defined in California Civil Code Section 4100.

C. Familial status is defined as the state of an individual's specific relatives working for the City of Tracy and shall include spouse, child, brother, sister, parent or parent-in-law.

SECTION 5: INITIAL APPOINTMENT/PROMOTION

The City of Tracy shall prohibit the initial appointment or advancement of any person or employee to any position within any department within the City of Tracy, wherein that person so appointed or advanced would or may in any manner or form, supervise, public safety dispatch, or evaluate; or wherein that person would or may be supervised, dispatched or evaluated by any person within the same department, where, in either event, there exists a marital or familial status factor between said persons. The provisions of this paragraph shall not apply to part time employees who may supervise, dispatch or evaluate other part time employees.

SECTION 6: EMPLOYEE MARRIAGES

In the event two persons employed in the same City department marry each other and would thereby fall within the prohibitions listed in this policy, one of such employees shall be transferred to a comparable vacant position, if any exists, in another division or City department.

If no comparable position is then vacant, the married employees may remain in their respective positions for up to six (6) months. If a conflict still exists at the end of six (6) months, the married employees may designate the one to be terminated, or the employee with less seniority will be terminated.

9. **OUTSIDE EMPLOYMENT AND USE OF CITY PROPERTY**

d. The use for private gain or advantage of City time, facilities, equipment and supplies, prestige, influence, or information obtained through one's City office or employment. No City-owned facilities, equipment or supplies, including autos, trucks, instruments, tools, supplies, machines, badges, identification cards, or other items which are the property of the City shall be used by an employee for personal or non-City business reasons except upon prior written approval of the City Manager;

RESOLUTION 2004-152

REVISING RESOLUTION NO. 2004-089 ESTABLISHING THE COUNCIL SELECTION PROCESS, AND DEFINING RESIDENCY REQUIREMENTS, FOR APPOINTEE BODIES (GOVERNMENT CODE §54970 ET SEQ. LOCAL APPOINTEE OFFICERS)

WHEREAS, Council Policy D-5 was adopted by Resolution 2002-434 on October 15, 2002, which established a selection process for appointee bodies, and

WHEREAS, A variety of terms are used to define residency for the purposes of eligibility for appointment to various Appointee bodies and a method to verify residency has not been established, and

WHEREAS, Council wishes to define the terms and identify methods by which to verify residency and to incorporate those definitions into the selection process, and

WHEREAS, The definitions established herein shall apply to all boards and commissions to which the City Council appoints members unless the Bylaws of the board or commission specifically define otherwise, and

WHEREAS, Revisions to Resolution No. 2004-089 were considered and approved by the City Council on May 18, 2004 as set forth below.

NOW, THEREFORE, the Tracy City Council hereby resolves as follows:

A. SELECTION PROCESS FOR APPOINTEE BODIES:

1. On or before December 31st of each year, the clerk shall prepare an appointment list of all regular and ongoing boards, commissions and committees that are appointed by the City Council of the City of Tracy. The list shall contain the following information:

   a. A list of all appointee terms which will expire during the next calendar year, with the name of the incumbent appointee, the date of the appointment, the date the term expires and the necessary qualifications for the position.

   b. A list of all boards, commissions and committees whose members serve at the pleasure of the Council and the necessary qualifications of each position.

   c. The list of appointments shall be made available to the public for a reasonable fee that shall not exceed actual cost of production. The Tracy Public Library shall receive a copy of the list.

2. Whenever a vacancy occurs in any board, commission or committee, whether due to expiration of an appointee's term, resignation, death, termination or other causes, a special notice shall be posted in the office of the City Clerk, The Tracy Public Library, the City website, and in other places as directed within twenty (20) days after the vacancy occurs. Final

appointment to the board, commission or committee shall not be made by the City Council for at least ten (10) working days after the posting of the notice in the Clerk's office. If Council finds an emergency exists, the Council may fill the unscheduled vacancy immediately.

3. Appointments shall be made for the remainder of the term created by the vacancy except as follows:

   a. If appointee will fill an un-expired term with six months or less remaining, the appointment shall be deemed to be for the new term.

   b. If the vacancy is filled by an emergency appointment the appointee shall serve only on an acting basis until the final appointment is made pursuant to section 3.

4. The council shall use the following selection process to provide an equal opportunity for appointment to a board, commission or committee:

   a. Mayor (or designee) and a selected Council member will review applications, interview applicants and recommend a candidate for appointment to the board, commission or committee.

   b. If the interview subcommittee determines there are multiple qualified candidates, the subcommittee can recommend the Council establish an eligibility list that can be used to fill vacancies that occur in the following twelve (12) months.

   c. At the interview subcommittee's discretion, the chair (or designee) of the board, committee or commission for which a member will be appointed, can participate in the interviews.

5. In the event there are not two or more applicants than vacancies on any board, commission or committee, the filing deadline may be extended by staff.

6. An individual already serving on a City of Tracy board, committee or commission may not be appointed to serve on an additional City of Tracy board, committee, or commission concurrently.

B. DEFINITION OF RESIDENCY REQUIREMENTS:

1. The following definitions shall be used to determine whether residency requirements are met for boards and commissions to which the Tracy City Council appoints members:

   a. Tracy Planning Area means the geographical area defined in the City of Tracy General Plan and any amendments thereto.

   b. City of Tracy means within the city limits of the City of Tracy.

ATTACHMENT A

c. Citizen means a resident of the City of Tracy.

d. Tracy School District means the geographical area served by the Tracy Unified School District.

e. Sphere of Influence shall be the geographical area approved by the Local Agency Formation Commission (LAFCo) of San Joaquin County and any amendments thereto.

2. Residency, as defined above and as set forth in the applicable bylaws for each board or commission, shall be verified annually by the City Clerk. The residency must be verifiable by any of the following means:

a. Voter registration,

b. Current California Driver's License or Identification,

c. Utility bill information (phone, water, cable, etc.),

d. Federal or State tax returns.

3. Members of boards or commissions shall notify the City Clerk in writing within thirty (30) days of any change in residency. If the change in residency results in the board member or commissioner no longer meeting the residency requirements, the member shall tender their resignation to the City Clerk who shall forward it to the City Council.

****

The foregoing Resolution 2004-152 was passed and adopted by the Tracy City Council on the 18th day of May, 2004, by the following vote:

AYES: COUNCIL MEMBERS: HUFFMAN, IVES, TOLBERT, TUCKER, BILBREY

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: NONE

Mayor

ATTEST:

City Clerk

ca:dec:general:Policy- Select, Appoint, Residency (Reso rev. 5-18-04)

ATTACHMENT A

APPENDIX F

ORDINANCE 1094

AN ORDINANCE OF THE CITY OF TRACY
AMENDING ORDINANCE NO. 1064
REGARDING COMPENSATION
FOR COUNCIL MEMBERS AND ELECTED MAYOR

WHEREAS, On June 15, 2004, pursuant to Government Code section 36516(a)(2), the City Council of the City of Tracy adopted Ordinance No. 1064 establishing the Council salary at Five Hundred Thirty Two Dollars ($532.00); and

WHEREAS, Pursuant to Government Code section 36516.1 which permits an elected Mayor to receive additional compensation, the salary for the Mayor was increased by One Hundred Dollars ($100.00) for a total of Six Hundred Thirty Two Dollars ($632.00); and

WHEREAS, Pursuant to Government Code section 36516(a)(4) the City Council may set the City Council salary at up to Six Hundred Dollars ($600.00) per month based on a population between 75,000 and 150,000; and

WHEREAS, As of January 1, 2005, the California Department of Finance determined the total population of the City of Tracy is 78,307; and

WHEREAS, Pursuant to Government Code section 36516(c) any adjustment to compensation may not exceed an amount equal to 5 percent for each calendar year from the operative date of the last adjustment; and

WHEREAS, the last adjustment was operative January 1, 2005, allowing for a maximum total adjustment of ten (10%) percent to the current $532.00 per month salary, to wit Fifty Three Dollars ($53.00).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TRACY DOES ORDAIN AS FOLLOWS:

SECTION 1: The salary of each Member of the City Council of the City of Tracy shall be set at Five Hundred Eighty Five Dollars ($585.00) per month.

SECTION 2: The Mayor of the City of Tracy shall receive additional compensation in the amount of One Hundred Dollars ($100.00) for a total of Six Hundred Eighty Five Dollars ($685.00) per month.

SECTION 3: This Ordinance shall take effect thirty (30) days after its final passage and adoption, however, pursuant to Government Code section 36516.5 this change in compensation shall be effective January 1, 2007, following certification of the results of the November 2006 City Council election.

SECTION 4: This Ordinance shall be published once in the Tracy Press, a newspaper of general circulation, within fifteen (15) days from and after its final passage and adoption.

* *

The foregoing Ordinance 1094 was introduced at a regular meeting of the Tracy City Council held on the 4th day of April, 2006, and was finally adopted by said Council at the regular meeting held on the 18th day of April, 2006, by the following vote:

AYES:	COUNCIL MEMBERS:	IVES, SUNDBERG, TOLBERT, BILBREY
NOES:	COUNCIL MEMBERS:	TUCKER
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE

Mayor

ATTEST:

City Clerk

ATTACHMENT A

APPENDIX G

Resolution No. 2007-075

REVISING THE POLICY AND PROCEDURES
FOR TRAVEL AND EXPENSES REIMBURSEMENT
FOR ELECTED AND APPOINTED OFFICIALS

WHEREAS, the City Council finds that it is in the best interests of the City that elected and appointed officials remain informed and trained in activities, developments and professional trends affecting the affairs of the City and that attendance at institutes, hearings, meetings, conferences, or other gatherings is of value to the City and its citizens; and

WHEREAS, appointed officials include Planning Commission, Parks and Recreation Commission members, and other non-employee members of boards, commissions, and committees; and

WHEREAS, the City of Tracy takes its stewardship over the use of its limited public resources seriously; and

WHEREAS, public resources should only be used when there is a substantial benefit to the City; and

WHEREAS, such benefits include:

a. The opportunity to discuss the community's concerns with state and federal officials;
b. Participating in regional, state and national organizations whose activities affect the City;
c. Attending educational seminars designed to improve officials' skill and information levels; and
d. Promoting public service and morale by recognizing such service; and

WHEREAS, a) legislative and other regional, state and federal agency business is frequently conducted over meals; b) sharing a meal with regional, state and federal officials is frequently the best opportunity for a more extensive, focused and uninterrupted communication about the City's policy concerns; and c) each meal expenditure must comply with the limits and reporting requirements of local, state and federal law; and

WHEREAS, this Policy provides guidance to elected and appointed officials on the use and expenditure of City resources, as well as the standards against which those expenditures will be measured; and

WHEREAS, Government Code section 36514.5 allows council members to be reimbursed for actual and necessary expenses incurred in the performance of their official duties; and

WHEREAS, On April 17, 2007, Council revised the policy to include a remedy for non-compliance by Board and Commission members; and

WHEREAS, this Policy satisfies the requirements of Government Code sections 53232.2 and 53233.3.

NOW, THEREFORE, the Tracy City Council does resolve, declare, determine and order as follows:

SECTION 1: Resolution No. 2007-023 is hereby repealed. The Travel and Expenses Reimbursement Policy and Procedures for Elected and Appointed Officials in the City of Tracy, attached hereto as Exhibit "A", is hereby adopted.

SECTION 2: This resolution shall take effect immediately upon adoption.

****

The foregoing Resolution 2007-075 was passed and adopted by the Tracy City Council on the 17th day of April, 2007, by the following vote:

AYES:	COUNCIL MEMBERS:	SUNDBERG, TOLBERT, TUCKER, IVES
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	ABERCROMBIE
ABSTAIN:	COUNCIL MEMBERS:	NONE

Mayor

ATTEST:

City Clerk

EXHIBIT "A" TO RESOLUTION NO. 2007-075

POLICY FOR REIMBURSEMENT FOR TRAVEL AND EXPENSES FOR ELECTED AND APPOINTED OFFICIALS

The City Council of the City of Tracy believes that it is important that elected and appointed officials (including Planning Commissioners, Parks and Recreation Commissioners, and other volunteer members of boards, commissions, and committees) remain informed and trained in issues affecting the affairs of the City and that attendance at institutes, hearings, meetings, conferences, or other gatherings is of value to the City and its citizens. The benefits include:

a. The opportunity to discuss the community's concerns with state and federal officials;
b. Participation in regional, state and national organizations whose activities affect the City;
c. Attending educational seminars improve officials' skill and information levels; and
d. Promoting public service and morale by recognizing such service.

In order to promote these endeavors, to protect public resources and foster public trust in the use of those resources, as well as comply with state law requirements regarding reimbursement of expenses, the City Council hereby sets forth the travel and expense reimbursement policies for the City of Tracy.

All anticipated conferences, conventions and professional meetings shall be budgeted for in the current operating budget. As the trip is being paid for with public funds, it shall be the responsibility of the official undertaking the trip to make every effort to attend the entire conference and/or as many sessions as possible.

All elected officials and appointed officials (including the City Manager and City Attorney) who receive compensation for their service or reimbursement for their expenses shall comply with this Policy. This shall include Planning Commissioners, Parks and Community Services Commissioners, and Cultural Arts Commissioners.

A. AUTHORIZED EXPENSES

City funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized City business. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this Policy are met:

1. Communicating with representatives of regional, state and national government on City adopted policy positions;

2. Attending educational seminars designed to improve officials' skill and information levels;

3. Participating in regional, state and national organizations whose activities affect the city's interests;

4. Recognizing service to the City (for example, thanking a longtime employee with a retirement gift or celebration of nominal value and cost);

5. Attending City events;

6. Implementing a City-approved strategy for attracting or retaining businesses to the City, which will typically involve at least one staff member;

7. Meetings such as those listed above for which a meeting stipend is expressly authorized under this Policy, and

8. City council members may be reimbursed for Internet and/or Cable TV expenses related to, and used in connection with, their official duties.

All other expenditures require prior approval by the City Council.

Expenses for international and out-of-state travel, other than the annual "One-Voice" trip to Washington D.C. coordinated through the San Joaquin County Council of Governments, require prior City Council approval.

For the purposes of this Policy, if the City pays directly for the expenses it is not considered a reimbursement (e.g. conference fees).

B. EXPENSES NOT ELIGIBLE FOR REIMBURSEMENT

Examples of personal expenses that the City will not reimburse include, but are not limited to:

1. The personal portion of any trip;

2. Political or charitable contributions or events;

3. Family expenses, including partner's expenses, when accompanying official on agency-related business[1], as well as children- or pet-related expenses;

4. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;

5. Alcohol/personal bar expenses;

6. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and

7. Personal losses incurred while on City business.

8. Any questions regarding the propriety of a particular type of expense should be resolved by the approving authority before the expense is incurred.

---

[1] If trip arrangements are made, as a convenience, for spouse or family members, reimbursement to the City for any advanced expenses must be received by the City prior to the trip.

C. COMPENSATION FOR ATTENDANCE AT MEETINGS

Compensation for meeting attendance, for elected and appointed members of city boards and commissions, shall be as follows:

1. City Council members' salaries shall be set and enacted as mandated by the California Government Code.
2. Compensation for meeting attendance for members of the Planning Commission, Parks and Community Services Commission, and the Community Cultural Arts Commission, shall be established by resolution of the City Council.

D. TRANSPORTATION

When attending conferences or meetings that are of such distance that it is more economical to take commercial transportation, if an official proposes to drive his/her car in those cases, commercial air fare will be paid and not automobile mileage. Government and group rates must be used when available.

1. Airfare. Airfares that are reasonable and economical shall be eligible for reimbursement.

2. Automobile. Automobile mileage is reimbursed at Internal Revenue Service ("IRS") rates in effect at the time of travel. These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable.

3. Car Rental. Rental rates that are reasonable and economical shall be eligible for reimbursement.

4. Taxis/Shuttles. Taxis or shuttles fares may be reimbursed, including a fifteen (15%) percent gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.

E. LODGING

Lodging expenses will be reimbursed, or paid for. when travel on official city business reasonably requires an overnight stay. If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. Travelers must request government rates, when available. If the group rate is not available, reimbursement at the IRS rate in effect at the time of travel shall apply (IRS Publication 463).

F. MEALS

A local expense reimbursement policy identifying a "per diem" of reasonable rates for meals is not adopted. Receipts for expenses for meals shall be required. Actual expenses shall be reimbursed subject to the maximum per diem for the meal as set by the IRS rate in effect at the time of travel. (See Cal. Gov't Code §53232.2(c) and Publication 1542 at www.irs.gov or www.policyworks.gov/perdiem.) The City will not pay for alcohol/personal bar expenses.

G. MISCELLANEOUS EXPENSES

Officials will be reimbursed for actual telephone, fax, and parking expenses incurred on City business. Telephone bills should identify which calls were made on City business.

H. CASH ADVANCE POLICY

From time to time, it may be necessary for an official to request a cash advance to cover anticipated expenses while traveling or doing business on the City's behalf. Such request for an advance should be submitted to the City Manager ten (10) working days prior to the need for the advance with the following information:

1. The purpose of the expenditure(s);
2. The benefits of such expenditure to the residents of City;
3. The anticipated amount of the expenditure(s) (for example, hotel rates, meal costs, and transportation expenses); and
4. The dates of the expenditure(s).

Any unused advance must be returned to the City within five (5) working days of the official's return, along with an expense report and receipts documenting how the advance was used. In the event the City Manager is uncertain as to whether a request complies with this Policy, such individual must seek resolution from the City Council.

I. CREDIT CARD USE POLICY

City does not issue credit cards to individual office holders but does have an agency credit card for selected City expenses. City office holders may use the city's credit card for such purposes as airline tickets and hotel reservations by following the same procedures for cash advances. Receipts documenting expenses incurred on the City credit card and compliance with this Policy must be submitted within five (5) working days of use. Except as allowed under Section B(3), city credit cards may not be used for personal expenses, even if the official subsequently reimburses the City.

J. EXPENSE REPORT CONTENT AND SUBMISSION DEADLINES

All cash advance expenditures, credit card expenses and expense reimbursement requests must be submitted on an expense report form provided by the city. This form shall include the following advisory:

> "All expenses reported on this form must comply with the city's policies relating to expenses and use of public resources. The information submitted on this form is a public record. Penalties for misusing public resources and violating the city's policies include loss of reimbursement privileges, restitution, civil and criminal penalties as well as additional income tax liability."

Expense reports must document that the expense in question met the requirements of this Policy. Officials must submit their expense reports within thirty (30) calendar days of an

expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation.

Inability to provide such documentation in a timely fashion may result in the expense being borne by the official.

In the event the official does not attend the trip and non-refundable expenses have been incurred for registration, lodging and/or travel, the non-attending official shall submit a written explanation of the reasons for non-attendance to the City Manager. The City Manager shall determine if the public funds advanced must be reimbursed to the City. Any decision of the City Manager may be appealed to the City Council.

All expenses are subject to verification that they comply with this Policy.

K. REPORTS TO CITY COUNCIL, BOARD OR COMMISSION

At the next regular City Council (or Board or Commission) meeting, each official shall make a brief report (written or oral) on meetings attended at City expense. If multiple officials attended, a joint report may be made.

L. COMPLIANCE WITH LAWS; VIOLATION

City officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act and other applicable laws. Use of public resources or falsifying expense reports in violation of this Policy may result in any or all of the following: 1) loss of reimbursement privileges, 2) a demand for restitution to the City, 3) the agency's reporting the expenses as income to the elected official to state and federal tax authorities, 4) civil penalties of up to $1,000 per day and three times the value of the resources used, and 5) prosecution for misuse of public resources.

Failure of an appointed Board or Commission member, after forty-five (45) days written notice, to complete the training required by AB1234 and this Policy shall result in the automatic removal of the member from their Board or Commission position.

CITY OF TRACY CITY COUNCIL

NORMS AND VALUES STATEMENT

PREAMBLE

The residents and businesses of Tracy are entitled to have fair, ethical, and accountable local government. Such a government requires that public officials:

- Comply with both the letter and the spirit of the laws and policies affecting operations of the government.
- Be independent, impartial and fair in their judgment and actions.
- Use their public office for the public good, not for personal gain.
- Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Tracy City Council has adopted a Code of Conduct to encourage public confidence in the integrity of local government and its fair and effective operation.

City Council Members shall sign this Norms and Values statement upon assuming office and upon reelection to office as a symbol of each Council Member's continuing commitment to abide by the principles of this code.

1. Act in the Public Interest

   Recognizing that stewardship of the public interest must be their primary concern, Council Members shall work for the common good of the people of Tracy and not for any private or personal interest, and they will endeavor to treat all persons, claims, and transactions in a fair and equitable manner.

2. Comply with the Law

   Council Members shall comply with the laws of the nation, the State of California, and the City in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions;

the Tracy City Municipal Code; laws pertaining to Council-Manager form of government, conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

3. Conduct of Members

Council Members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other members of the City Council, boards, commissions, committees, staff, or the public.

4 Respect for Process

Council Member duties shall be performed in accordance with the processes and rules of order established by the City Council.

5. Conduct of Public Meetings

Council Members shall inform themselves of public issues, listen attentively to public discussions before the body, and focus on the business at hand.

6. Decisions Based on Merit

Council decisions shall be based upon the merits and substance of the matter at hand.

7. Communication

It is the responsibility of Council Members to share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decision-making process with all other Council Members.

8. Coordination with City Staff

Appropriate City staff should be involved when Council Members meet with officials from other agencies and jurisdictions to ensure proper staff support as needed and to keep staff informed.

9. Disclosure of Corruption

All City officials shall take an oath upon assuming office, pledging to uphold the constitution and laws of the City, the State, and the Federal government. As part of this oath, officials commit to disclosing to the appropriate authorities and/or to the City Council any behavior or activity that may qualify as corruption, abuse, fraud, bribery, or other violation of the law.

10. Conflict of Interest

In order to assure their independence and impartiality on behalf of the public good, Council Members shall not use their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a conflict of interest under applicable State law.

In accordance with the law, members shall file written disclosures of their economic interests and if they have a conflict of interest regarding a particular decision, refrain from participating in that decision unless otherwise permitted by law.

11. Gifts and Favors

Council Members shall not take advantage of services or opportunities for personal gain by virtue of their public office that are not available to the public in general. They shall refrain from accepting gifts, favors, or promises of future benefits that might compromise their independence of judgment or action or give the appearance of being compromised.

12. Confidential Information

Council Members shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial, or private interests.

13. Use of Public Resources

Public resources not available to the general public (e.g., City staff time, equipment, supplies, or facilities) shall not be used by Council Members for private gain or personal and/or campaign purposes.

14. Representation of Private Interests

In keeping with their role as stewards of the public trust, Council Members shall not appear on behalf of the private interests of a third-party before the City Council or any board, commission, or committee or proceeding of the City.

15. Advocacy

To the best of their ability, Council Members shall represent the official policies and positions of the City Council. When presenting their personal opinions or positions, members shall explicitly state that they do not represent the Council or the City.

16. Improper Influence

Council Members shall refrain from using their position to improperly influence the deliberations or decisions of City staff, boards, commissions, or committees.

17. Policy Role of Members

Council Members shall respect and adhere to the Council-Manager structure of Tracy City government as provided in State law and the City Municipal Code.

18. Positive Work Environment

Council Members shall support the maintenance of a positive and constructive environment for residents, businesses, and City employees.

19. Implementation

Ethics standards shall be included in the regular orientations for City Council candidates. Council Members entering office shall sign a statement affirming they read and understood the City of Tracy's City Council Code of Conduct.

20. Compliance and Enforcement

Council Members themselves have the primary responsibility to assure that ethical standards are understood and met and that the public can continue to have **full** confidence in the integrity of City government.

This City Council Norms and Values statement shall be considered to be a summary of the longer City Council Code of Conduct document. The City Council Code of Conduct document shall be considered to be the definitive document relating to ethical conduct by Tracy City Council Members.

I affirm that I have read and understand the City of Tracy City Council Norms and Values statement.

_____ _____

Signature Date

Attachment 2 to City Council Code of Conduct

CITY OF TRACY
COUNCIL ADVISORY BODY
NORMS AND VALUES STATEMENT

PREAMBLE

The residents and businesses of Tracy are entitled to have fair, ethical, and accountable local government. Such a government requires that public officials, including Council advisory body members:

- Comply with both the letter and the spirit of the laws and policies affecting operations of the government.
- Be independent, impartial, and fair in their judgment and actions.
- Use their public office for the public good, not for personal gain.
- Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, Council advisory body members are expected to adhere to the Code of Conduct adopted by the Tracy City Council to encourage public confidence in the integrity of local government and its fair and effective operation.

Council advisory body members shall sign this Norms and Values statement at the first meeting of the board, commission, or committee upon assuming office and, if applicable, upon reappointment to the board, commission, or committee as a symbol of each Council advisory body member's commitment to abide by the principles of this code during their term.

1. Act in the Public Interest

   Recognizing that stewardship of the public interest must be their primary concern, Council advisory body members shall work for the common good of the people of Tracyand not for any private or personal interest, and they will endeavor to treat all persons, claims, and transactions in a fair and equitable manner.

2. Comply with the Law

   Council advisory body members shall comply with the laws of the nation, the State of California, and the City in the performance of their public duties. These laws include, but are not limited to: the United States and California Constitutions; the Tracy City Municipal Code; laws pertaining to the Council-

Manager form of government, conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

3. Conduct of Council Advisory Body Members

   Council advisory body members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of Council Members; other members of the Council advisory body; other boards, commissions, or committees; staff; or the public.

4. Respect for Process

   Council advisory body member duties shall be performed in accordance with the processes and rules of order established by the City Council.

5. Conduct of Public Meetings

   Council advisory body members shall inform themselves of public issues, listen attentively to public discussions before the body, and focus on the business at hand.

6. Decisions Based on Merit

   Council advisory body members shall base their decisions upon the merits and substance of the matter at hand.

7. Communication

   It is the responsibility of Council advisory body members to share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decision-making process with all other Council advisory body members.

8. Coordination with City Staff

   Appropriate City staff should be involved when Council advisory body members meet with officials from other agencies and jurisdictions to ensure proper staff support, as needed, and to keep staff informed.

9. Disclosure of Corruption

   All City officials shall take an oath upon assuming office, pledging to uphold the Constitution and laws of the City, the State, and the Federal government. As part of this oath, officials commit to disclosing to the appropriate authorities and/or to the City Council any behavior or activity that may qualify as corruption, abuse, fraud, bribery, or other violation of the law.

10. Conflict of Interest

    In order to assure their independence and impartiality on behalf of the public good, Council advisory body members shall not use their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a conflict of interest under applicable State law.

    In accordance with the law, members shall file written disclosures of their economic interests and if they have a conflict of interest regarding a particular decision, refrain from participating in that decision unless otherwise permitted by law.

11. Gifts and Favors

    Council advisory body members shall not take advantage of services or opportunities for personal gain by virtue of their public office that are not available to the public in general. They shall refrain from accepting gifts, favors, or promises of future benefits that might compromise their independence of judgment or action or give the appearance of being compromised.

12. Confidential Information

    Council advisory body members shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial, or private interests.

13. Use of Public Resources

    Public resources not available to the general public (e.g., City staff time, equipment, supplies, or facilities) shall not be used by Council advisory body members for private gain or personal and/or campaign purposes.

14. Representation of Private Interests

In keeping with their role as stewards of the public trust, Council advisory body members shall not appear on behalf of the private interests of a third party before the City Council or any board, commission, or committee, or proceeding of the City.

15. Advocacy

To the best of their ability, Council advisory body members shall represent the official policies and positions of the City of Tracy. When presenting their personal opinions or positions, members shall explicitly state that they represent neither the Council advisory body nor the City.

16. Improper Influence

Council advisory body members shall refrain from using their position to improperly influence the deliberations or decisions of City staff, boards, commissions, or committees.

17. Policy Role of Members

Council advisory body members shall respect and adhere to the Council-Manager structure of Tracy City government as provided in State law and the City Municipal Code.

18. Positive Work Environment

Council advisory body members shall support the maintenance of a positive and constructive environment for residents, businesses, and City employees. Attachment 2 to City Council Code of Conduct

19. Implementation

Ethics standards shall be included in the regular orientations for Council advisory body members. Upon entering office and upon reappointment, Council advisory body members shall sign a statement affirming they read and understood the City of Tracy's City Council Code of Conduct.

20. Compliance and Enforcement

Council advisory body members themselves have the responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of City government.

Attachment 2 to City Council
Code of Conduct

The Council Advisory Body Norms and Values statement shall be considered to be a summary of the longer City Council Code of Conduct document. The City Council Code of Conduct document shall be considered to be the definitive document relating to ethical conduct by Tracy City Council advisory body members.

I affirm that I have read and understand the City of Tracy City Council Code of Conduct.

_____ _____

Signature Date